

Updated: December 2020

What is the current situation?

General information

In Turkey, the first official announcement of a Covid-19 case was on 11 March and the first death took place on 18 March. As of 20 December, the number of cases reached 2,004,285 and the number of deaths reached 17,851. An amendment was made in the charts published by the Ministry of Health and starting on 5 November those whose PCR test are positive but have no symptoms are added to the daily number of cases. Similarly, cases without symptoms were added to the number of patients retroactively and the "total number of cases" was updated according to the cumulative sum.

With the weather getting colder the number of cases, similar to many other countries, showed a very rapid increase in Turkey. According to the Covid-19 Pandemic 8th Month Evaluation - Covid-19 in the World of Work report prepared by the Turkish Medical Association, it is estimated that in our country confirmed Covid-19 cases number more than one million and it has been emphasized that the number of cases stated by the Ministry is far below the reality.

With the "normalization" initiated in June, the restrictions were considerably repealed. However, the cases were rapidly increased by autumn, therefore new measures and restrictions were declared on 17 November. You can read the developments in Turkey since March when the first case was specified.

EDUCATION: Following the diagnosis of the first case, first measures were taken concerning schools. The Ministry of National Education announced that education was suspended from 16 March for one week in primary and secondary education schools, and for three weeks in universities. In the same announcement it was stated that from 23 March onwards, in primary and secondary education, distant education would be initiated on national channels. Distant education started on this date. Afterwards, considering the increased number of Covid-19 cases, the deadline for distant education was extended until 31 May. And finally, it was announced on 28 May that, the 2019-2020 school year is ended and the new school year will start in September. For a long time there was uncertainty as to when the new school year will begin. During summer it was first announced that the schools will open on 31 August. However, due to the rapid increase of Covid-19 cases, new measures were discussed and the Coronavirus Scientific Committee which met on 12 August recommended that face-to-face education should be postponed at least for a period of one month and should be introduced gradually. Following this recommendation, the Minister of Education announced that distance education will start on 31 August and gradual and reduced face-to-face education will start on 21 September. Following the re-evaluation of the increases of the cases, it was decided on 21 September to continue the face-to-face education in the pre-school education institutions which were open at that

time and in addition to include the students of the first class of primary school in face-to-face education with limited time intervals. On 12 October all classes in primary schools, in junior high school senior class, high school preparatory class and high school senior class face-to-face education in limited hours was started. Following this step, on 2 November, students enrolled in the first classes of junior high school and high school were included in face-to-face education for two days in a week. The students carried on online education for the remaining days of the week. Pursuant to the measures announced on 17 November, the schools were closed again, and it was decided that education would be carried online until 4th of January. Following that, on 17 December, it was announced that distant education will continue until the next semester which will start on 15 February.

GENERAL SITUATION: During the days following the diagnosis of the first case, the number of patients increased and measures such as the prevention of passenger transport to and from various countries, the payment of pensions at home, the termination of activities in places such as theatres, cinemas, cafeterias and restaurants, the prohibition of communion & praying in mosques and the termination of sports activities were taken. During this period, shops and shopping malls halted their activities one after the other.

As of 21 March, a curfew was announced for citizens over the age of 65 and those who have chronic health problems such as asthma, COPD and cardiovascular diseases.

According to the announcement by the President of the Republic on 27 March, intercity travel is only possible with the permission of the governors. As of an announcement on 27 March, all flights abroad were totally terminated. A decision was taken to order people practice sparse sitting (social distancing) in urban public transport.

While a considerable portion of the employees in public institutions started tele-working, it was stated that a minimum number of employees would continue to work to meet the basic needs. However, no similar measures were taken in the private sector.

Ministry of Interior circular of 3 April introduced a travel ban and with some exceptions banned entrance and exit for 30 metropolitan provinces and Zonguldak province for a period of 15 days. Those whose residence and workplace are located in different cities were exempt from the travel ban. The same circular extended the curfew to those born after 1 January 2000. Nevertheless, youngsters between 18-20 years of age who are working were exempted. The circular also introduced the obligation to wear masks in shops, marketplaces and those workplaces where workers are working together. The travel ban was extended many times and as of 4 May, the ban was removed for 7 metropolitan provinces. For the rest of the cities, the travel ban was extended until 2 June.

A curfew was announced on 11-12 April, 18-19 April, 23-26 April, 1-3 May, 8-9 May and 16-19 May in the 30 metropolitan provinces and Zonguldak province. However, most of the factories were exempted from the curfew. It was announced that, a curfew in all 81

provinces of Turkey will be implemented in 23-26 May, which covers the feast following Ramadan.

Measures regarding the Ramadan month which started on 24 April were also publicized. According to the Ministry of Interior's circular dated 22 April, events which bring together many people such as iftar and sahur will not be organised and iftar tents will not be set.

As of 11 May, some steps of "normalization" started to be implemented. The shopping malls which meet the necessary criteria started to open from 11 May onwards. The hygiene measures to be followed in these shopping malls have been announced by the Ministry of Health. It has been decided that barbers, coiffeurs and beauty centres, start their activities as of 11 May, on condition that they follow the rules announced by relevant ministries. It is also announced that the football league shall start on the second weekend of June.

Daily life "normalised" to a great extent as of 1 June. Travel restriction in 15 provinces was lifted on 31 May at 00.00 hours and some of the other restrictions that were abandoned as part of the normalisation are as follows:

- Places such as cafes, restaurants, parks and swimming pools started to give service between certain hours.
- Civil servants started to work with regular working hours.
- Restrictions in activities such as picnics, sports, fishing, etc. in recreation areas and shores were abandoned.
- Kindergartens and day care centres were opened.

The ban to quit the job which applied for health personnel was lifted as of 8 June.

Curfew covering those over age 65 and under 20 was first revised and on 9 June President Tayyip Erdogan announced that it was largely lifted. Accordingly, those over age 65 will be able to go out between 10.00-20.00 hours, whereas there is no time restriction for children and youngsters.

Together with normalisation the number of cases rapidly increased in some provinces. Accordingly, Governorships keep taking decisions for their provinces. Besides, going out without wearing a mask is forbidden in many provinces. It was announced that starting on 22 June those who are not wearing a mask will be charged a 900 TL fine in 54 provinces.

New measures were introduced as the number of cases began to increase again during August. Farewell ceremonies for those who are recruited for military service were banned. Quarantine was practiced following uncontrolled increase in the number of cases in many regions.

According to a decision adopted in September and October, obligation to have a HES code in inter-city busses, accommodation facilities and entrance to various public institutions was imposed.

In September, flexible work hours in the public sector were imposed. According to the decisions taken in November, the working hours in the private sector were also made flexible and the work hours in organized industrial zones and industrial enterprises to be between 07.00 - 16.00 effective as of 16 November.

Pursuant to a circular published at the beginning of October, all activities to be organized by NGOs, professional associations and cooperatives were postponed until after the 1st of December and then this date was extended until 1st of March 2021. Per the circular issued by the Ministry of Interior dated on 15 December, the activities of the trade unions including the general assembly are included in the scope of this regulation.

Circular issued by the Ministry of Health on 11 November was about smoking. According to this circular, ban on smoking was imposed from 12 November onwards in crowded locations such as avenues, streets, squares and bus stops in all provinces.

A circular issued by the Ministry of the Interior on 18 November announced comprehensive measures once again. The measures announced can be summarized as follows:

- There will be a curfew on the weekends except for 10.00-20.00 hours, but production, manufacturing and supply chains will be exempt from the curfew.
- During workdays and the weekend, people aged over 65 will be allowed to go out only from 10.00 to 13.00 hours and those who are under age 20 from 13.00 to 16.00 hours.
- Eating places such as restaurants, patisseries, cafes and cafeterias will be open between 10.00-20.00 hours but only for package service or take-away.
- Shopping malls, markets, barbers, hairdressers and beauty centres will give service only between 10.00-20.00 hours.
- Cinemas will be closed until 31 December and the activities of coffee houses, outdoor cafes, internet cafes/lounges, electronic game lounges, billiard saloons, locals and tea gardens as well as turf football fields will be stopped until a new decision is taken.

Due to the increase in the number of cases, the Ministry of Interior issued a circular on 1 December which imposed new restrictions. According to the circular:

- At national level, weekend curfew from 21.00 on Friday to 05.00 on Monday, covering the whole of Saturday and Sunday was announced. Production, manufacturing and supply chains will be exempt from the curfew.

- Workplaces such as markets, grocers are allowed to be open and it will be possible for individuals to shop only for their essential needs at the closest market. Eating places and restaurants may continue their package service.
- Curfew from Monday to Friday will be from 21.00 to 05.00 every day.
- A list of people and locations that are exempt from the curfew are attached to the circular.

On the same day a decree setting public servants' daily working hours to be from 10.00 to 16.00 was issued.

The Ministry of Health stated on 9 December that vaccination activities shall begin at the end of December, starting from health care employees. After health care employees are vaccinated, it is planned to extend vaccination gradually to the whole society.

The situation with factory production

The textile and garment sector faced a contraction in their production capacities during this period. However, in some factories, working for stock is continuing. Regarding enterprises concentrating on exports, some international brands began cancelling their orders shortly before the pandemic came to Turkey. In the provision of intermediary input materials – such as raw materials and accessories from Europe – the problems that emerged as a result of the devastating influence of Covid-19 in the European continent increased in the past months.

Some textile factories / workshops, in line with increased demand, started the production of masks. However, there is no data showing how much is legal production and how much is fake.

While some of the factories working for exporters have resorted to short-work allowance, in some others, using paid annual leave or imposing unpaid leave practices have been on the agenda. In medium-sized enterprises where a smaller number of workers are employed, dismissals have been common. The enterprises in the sector producing for the domestic market are also facing problems since retail sales have stopped.

The proposal of professional associations, trade unions and of some scientists to the government is the immediate termination of production for a 15 day period, without any cuts to workers' wages. In recent days, it is frequently stated that to prevent the further prolongation of the slowing down of production, and to prevent a further increase in the number of patients, the factories should be closed immediately. According to the "Covid-19 DISK Report", prepared by the Research Institute of DISK (DISK-AR) and published on 27

April, the percentage of Covid-19 positive cases among DISK members is 3.2 times the percentage of cases in Turkey.

Covid-19 Pandemic 8th Month Evaluation - Covid-19 in the World of Work report prepared by the Turkish Medical Association underlined the fact that workplaces and schools are in the forefront of spatial and time-wise conglomerations causing a rapid spread of the pandemic (except for localities providing health service). The report which drew attention to the fact that workplaces and mass transportation facilities used for commuting are the major places in the spread of the pandemic, emphasized the importance of monitoring systems in workplaces. It was also stated that in this context, following up the workplace conglomerations, sharing their data and the development of pandemic policy at the level of the workplace are the major shortcomings of the public health policy in this period.

What are the government policies to support local businesses?

An important section of the measures taken by the government in favour of employers declared by Tayyip Erdogan, President of the Republic on 18 March, 2020, is within the Economic Stabilization Shield package. In this package, there are additional credits as well as the postponement of payments to support various sectors of the economy. Some of the outstanding headings of this package are as follows:

- 'Credit Support for Continuation of Work', which can be used by all companies, is defined. The credit limits are defined as an annual 7.5% interest and 36 month term can be increased to 100 million TL, depending on the annual turnover of the company. The requests to benefit from this credit started to be accepted from 26 March, and the condition for this support is the preservation of the existing level of employment.
- In some sectors of the economy, including the textile and garment industry, the payment of quite a large number of taxes has been prolonged due to 'force majeure'.
- Additional credit opportunities were provided for the small and medium-sized enterprises which have been adversely affected by the developments and have liquidity deficit.
- Pursuant to the Labour Act, in case work in the workplace is stopped due to obligatory reasons or for the period not worked because of the leave request of the worker, compensatory work can be asked for. The period during which this compensatory work may be requested is two months by law. This period has been prolonged to four months in the package.

In addition to these, additional support will be provided to factories manufacturing products of urgent need such as masks, gloves, eyeglasses and protective garments.

President Tayyip Erdoğan, in its statement made on 27 April, expressed that the total amount of supports within the Economic Stability Shield has reached 200 billion liras.

Another incentive package recently introduced concerns firms which will decrease imports and increase exports. It was announced that the Central Bank with the 18 billion TL "Advance Loans against Investment Commitment" will provide the firms an investment support up to 400 million TL with a maximum maturity of 10 years.

Besides, according to a statement made by the Minister of Treasury and Finance, deduction at source for workplace rent was decreased, VAT rates were reduced and these reductions would continue till the end of the year. Some of the credit debt of tradesmen and artisans who suffered due to Covid-19 was postponed with certain conditions.

The legal regulations which were adopted at the plenary session of the Great National Assembly of Turkey on 23 July and came into effect by being published in the Official Gazette of 28 July led to changes in work life. The government had included in the agenda at the end of June this year a package called the Employment Shield. This package which was referred to by President Tayyip Erdogan in his speech included radical changes in work life and serious losses in worker's life. However, an important part of the changes mentioned in the Employment Shield were absent in the legal regulation adopted on 23 July by the parliament.

Briefly, the following rules were introduced by Law No. 7252 on The Establishment of Digital Media Commission and Amendment in Some Laws or widely known as the Mini Employment Package:

- The President was authorized to extend the short-term work allowance in general or at sectoral level until 31 December 2020. However if it is found out that short-term work is being misused, the amount of support will be collected from the employer together with delay fine and default interest.
- It was decided to introduce a normalization support to workplaces which restarted its activities after using short-term work or unpaid leave practices during Covid-19 period. For those workplaces which restart to work normally, the total amount of worker's and employer's share of social security premiums shall be covered by the Unemployment Insurance Fund for a maximum of three months. This amount will be deducted from the total amount of premiums to be paid by the employer to the Social Security Institution, on a monthly basis.
- Workplaces which benefit from the normalization support shall not benefit from other premium or employment supports. The President was authorized to extend the period of normalization support up to six months.
- The President was authorized to extend the dismissal ban till 30 June 2021. Accordingly, the President will have the power to extend the ban in three-month terms each, until 30 June.
- The exception of dismissal ban had been defined only for "contradicting rules of ethics and goodwill" stipulated in Article 25/2 of the Labour Law. With the recent

amendment, the expiry date of a definite-termed labour contract, closing down of the workplace, completion of the work with service procurement or construction work were also defined as conditions under which a labour contract of the worker could be terminated.

- The obligation of assigning an occupational safety specialist and workplace doctor in workplaces employing less than 50 employees and are classified as less dangerous, as well as in public workplaces, was postponed until 31 December 2023.

The Law Concerning the Restructuring of Some Receivables and Amendments in Some Laws was adopted in the Parliament on 11 November and came into effect by being published in the Official Gazette of 17 November, provided quite a large number of additional incentives to employers. The law which included restructuring of tax and social security premium debts also included, in summary, the following regulations concerning the world of work:

- Since 2015 when women, juveniles and workers having occupational competence documents were recruited in addition to the existing employment, the employer would receive premium support for each additional employment. This incentive was to come to an end on 31 December 2020. The new law prolonged this deadline by three years. Thus the incentives concerning additional employment were prolonged until 31 December 2023.
- The employers in the private sector received social security premium support for a period of 12 months for every additional employment over and above the average employment of the previous year for the period 1 January 2018 - 31 December 2020. This period has been prolonged for three years as well.
- Those workers who are receiving unemployment benefit, if they are employed within 90 days following their dismissal and continue to work for a period of 12 months under a labour contract without any interruption, their social security premiums for invalidity, old age and death insurance will be calculated for the period they received unemployment benefit and this amount will be financed by the Unemployment Insurance Fund.
- The President of the Republic was authorized to prolong the period of benefitting from the normalization support until 30 June 2021 on the sectoral level or as a whole.
- The President of the Republic was authorized to prolong the period of benefitting from the short-term work allowance until 31 December 2021.
- To ensure the reemployment of the unemployed and the formal employment of clandestinely employed, if the workers dismissed in the 1 January 2019 - 17 April 2020 period and the clandestinely employed apply to their last workplaces and they actively work, the employers shall be given 44.15 TL daily for every worker thus employed every month. Of those who have applied for work, those who have been recruited by the

employer but are on unpaid leave will receive daily 39.24 TL. Those workers who are within the scope as stated and whose application have not been accepted by the employer, will receive daily a support of 34.34 TL per household. This provision will come into force at the beginning of December.

- If the employer accepts that he/she had clandestinely employed workers without informing the Social Security Institution, these workers who are formally employed will be considered to have renounced their rights other than their wages and wage related receivables for the period they worked without being registered. The employers will not be required to pay the social security premiums for the period they employed the worker unregistered and no fine will be imposed. If the employer had benefitted in the past from the incentives provided, registering these workers will not lead to sanctions concerning these incentives and the employer will be able to benefit from incentives in the future as well.

- The employers will receive a daily support of 44.15 TL for each worker employed in addition to the lowest number of insured workers in the January 2019 - April 2020 period. This amount will be deducted from the employer's total premiums due to the Social Security Institution. This provision will come into force at the beginning of December.

With Presidential Decrees of 1 and 2 December, some amendments were made in the implementation periods of some of the incentives introduced with the above mentioned law:

- The deadline for the "Normalisation Support" already in effect was prolonged to 30 June 2021. In addition to this, the period of benefiting from this support was increased from three months to six months.
- The deadline for the "Additional Employment Incentive" which regulates premium and tax support to employers was prolonged to 31 December 2022. Under this incentive, premium support for additional employment over and above the average insured employment of the previous year will continue.
- The deadline for the incentive concerning the employment of women, youngsters and workers having occupational competence documents was prolonged until 31 December 2022.

What are the government policies and regulations to protect employees – the workers?

Even though of the public sector employees in Turkey those considered within the risk group are granted the right to be considered on administrative leave, no such practice was on the agenda for the private sector. In jobs which do not require people to be at the factory, flexible working arrangements such as tele-working and work-on-call have become common. Work has been slowed down in major parts of the private sector and has almost come to a stop in various sectors such as tourism. Furthermore, a great majority of shops, cafes and restaurants have been closed for a temporary period from the first days of the pandemic onwards. The textile sector, due to the decline of orders, is one of the sectors influenced by the pandemic.

In case the weekly hours of work is considerably reduced for a temporary period at the workplace, or in case the activity in the workplace is terminated partially or totally for a temporary period because of force majeure, it is possible to apply for the payment of short-work allowance. For the payment of short-work allowance, the employer has to lodge a written application to the official labour placement office (İŞKUR) and should pledge not to dismiss workers. During the pandemic period, an amendment of the law softened the necessary conditions to benefit from the short-work allowance. Pursuant to this amendment, those workers who have been working at the workplace during the 60 day period prior to the initiation of short-work have the right to receive this allowance on the condition that during the last three year period, they have worked within the insurance system for at least 450 days and paid unemployment insurance contributions. During this period the wages of the workers are financed from the Unemployment Insurance Fund. The daily short-work allowance is 60% of the daily average wage over the last 12 months' gross income of the worker. However, the monthly payment cannot exceed 150% of the monthly gross amount of the national minimum wage.

An important regulation within the scope of Covid-19 measures enacted on 16th of April, which introduced restrictions regarding dismissals. In accordance with this regulation, the labour contracts of the workers cannot be terminated for reasons other than "cases contradicting rules of ethics and goodwill" defined in Article 25/2 of the Labour Act (4857) for a period of three months. Within the context of this regulation, the obligation of getting workers approval for unpaid leave has been repealed. At the same time, during this period the worker will not be allowed to terminate his/her labour contract on just grounds, because of being sent on unpaid leave.

If the worker is sent on unpaid leave and cannot meet the conditions for receiving short work allowance, he/she may benefit from a daily cash payment of TL 39.24. Under the temporary arrangement made for a period of three months within Covid-19 measures, the application for this payment is made by the employer and the payment is made by the Unemployment Insurance Fund. The approval of the worker is not required, and the employer is the one to decide.

The President's Decision published in the Official Gazette on 30 June, extended short-term work for one month with the same conditions for those workers who had benefitted from short-term work in workplaces which had applied for short-term work or for which short-

term work is over. Also an important addition was made stipulating that the period of short-term work will not be deducted from the period for unemployment allowance. With another President's Decision issued in the same Official Gazette, unpaid leave without worker's approval and dismissal ban with some exceptions were extended for one month. These were extended again with the decisions published in the Official Gazette of 31 July, 4 September and 27 October. With these decisions, it was extended until 17 January 2021.

If the worker is Covid-19 positive, his/her labour contract will be suspended during the period of sick leave report, received from the medical institution. The employer is not under the obligation to pay wages for this period. The payment for this period will be made by the Social Security Institution (SGK).

During periods of reduced activity or total stoppage, the employer can also ask the workers to go on paid leave. This is not a legal obligation, but it is at the discretion of the employer. During the period of stoppage of work, it is possible for the worker to use his/her paid annual leave. Collective paid leave can be given by the employer between April and October.

Besides these, in some sectors including the textile and garment industries it is necessary to ask for overtime work due to the pandemic. An increase in production might be on the agenda because of the extra demand in some sectors such as medical, pharmaceutical production, mask production, hygienic commodities production and above all in healthcare/hospitals. Under these conditions, daily hours of work with overtime not exceeding 11 hours a day may be imposed without a need for the approval of the worker. This situation may arise in the textile and garment industries for enterprises manufacturing required items such as protective clothing and masks.

During this period, another regulation arose concerning industrial relations concerned freedom of association. A circular issued by the Ministry of Family, Labour and Social Services on 23 March restricted trade union rights considerably during the pandemic period. In the circular, it was stated that various procedures undertaken by the ministry – such as the issuance of certificate of competence for negotiating with employers, mediation procedures and strike ballot – were suspended.

Apart from these, various new regulations concerning pensioners were on the agenda. It was stated that the religious feast (Ramadan) bonus payment due in May would be paid in April and the lowest pension increased to 1,500 TL per month.

According to data released by the Ministry of Family, Labour and Social Services, the total amount of funds provided to workers during the Covid-19 period is 44.6 billion TL as of 10 December 2020. If we look at how this amount is distributed, we see that 23.3 billion TL is paid for short work allowance, 6.4 billion TL for wage support in cash, 4.5 billion TL for unemployment allowance, 1.9 billion TL for normalization support and 8.4 billion TL for social support program.

Regulations within the scope of OHS

According to the data provided by Health and Safety Labour Watch in our country in November at least 294 workers and during the first eleven months of 2020 at least 2032 workers lost their lives at work. Observing the reasons of death in the month of November, it is seen that the reason of the loss of life of 158 workers was Covid-19. Since March, at least 483 workers died because of Covid.

Deaths caused by Covid affected the health workers the most. Although Covid-19 is not considered an "occupational disease" in our country, according to the data of the Turkish Medical Association, in total 278 health workers lost their lives because of Covid-19.

According to the local laws, the employer has the obligation to inform the authorities in case Covid-19 is diagnosed at the workplace. Pursuant to the law, the employer is under the obligation to take all forms of measures to safeguard the health of the workers throughout the period they are in the workplace. It is the responsibility of the employer to take measures such as the provision of hygienic conditions in the workplace, the distribution of protective masks to the workers, regular fever measurement and provision of necessary material for hygiene in the lavatories during the period of the pandemic.

In the guide issued on the subject by the General Directorate of Work, Health and Safety affiliated with the Ministry of Family, Labour and Social Services, there is detailed information on subjects such as hygiene in commuting vehicles, quarantine practices, hygienic material to be used at the entrances and exits of workplaces, social distance rules, fever measurements and disinfecting of jointly-used materials and areas. Pursuant to the law, in case the necessary preventive measures are ignored in spite of the warnings of the workers, the workers have the right to refrain from work. In case these measures are not still not taken, the workers have the right to terminate their labour contracts Directorate General for Pension Services of the Social Security.

Institution issued a circular on 7 May 2020 which indicated that for workers who are infected with Covid-19, the sickness shall not be considered as work accident or occupational disease. The circular states that Covid-19 is a contagious disease and the treatment procedure for the insured person who is exposed to the virus should be the same the procedure followed for normal sickness. To be clearer, the circular of the Social Security Institution (SGK), considers Covid-19 not as a work accident or an occupational disease, but a normal sickness. Accordingly, even if the worker got infected at the workplace, the employers will not report the case to the SGK as work accident or occupational disease. Various trade unions and NGOs drew attention to the fact that the content of this circular contradicts with Social Insurance and General Health Insurance Law no. 5510 and the Occupational Health and Safety Law no. 6331, therefore cannot be implemented as it is. The Turkish Medical Association also states that this circular does

not cancel the obligation of employers to report Covid-19 positive cases as work accident on just cause.

Pursuant to the Occupational Health and Safety Law no. 6331, workplaces had been classified according to the degrees of risk and obligation to gradually employ occupational safety specialist, workplace doctor and other health personnel had been imposed. This obligation for workplaces classified as less dangerous enterprises and which employ less than 50 workers and for some public enterprises had been postponed to 1 July 2020. However this obligation has been postponed once again and is not being implemented. Pursuant to the Law No. 7252 on The Establishment of Digital Media Commission and Amendment in Some Laws or widely known as the Mini Employment Package published in Official Gazette dated 28 July 2020, the obligation of assigning an occupational safety specialist and workplace doctor in workplaces employing less than 50 employees and are classified as less dangerous as well as in public workplaces was postponed until 31 December 2023.

At the beginning of September, the Ministry of Health amended the "termination of isolation for Covid-19 patients" section of the Covid-19 guide and reduced the isolation period from 14 days to 10 days for cases with the PCR test positive who are either asymptomatic or light and monitored at home and stated that the patients could return to work without a PCR test following the termination of their isolation period. Quarantine period for close contacts of corona virus positive people was decreased from 14 days to 10 days with the 7 December announcement of the Ministry of Health. Besides, it was also stated that the quarantine for close contact persons without symptoms may be terminated at the end of the 7th day according to the result of the PCR test.

With the circular issued by the Ministry in November, the obligation to give a test to asymptomatic contact persons was repealed.

What are local stakeholders doing to lobby their government?

The ILO office in Turkey made a call on the trade unions and employers' associations which are parties in industrial relations to increase social dialogue.

The ILO called for the meeting of an international working group coordinated by the International Trade Union Confederation (ITUC) with the participation of the International Organisation of Employers (IOE), brands and producers, workers' and employers' organisations and governments on 22 April. In this invitation, the objective of the joint activity thus established is stated as work on minimising the damages caused by Covid-19 to the international garment sector and work on sustainable social protection systems for a just and durable garment industry. According to the information provided by the office in Turkey, the coordinated activity organised by the relevant agencies is continuing.

The ILO published the report *“Safe and healthy working environments free from violence and harassment”* on 24 July 2020. In the report it was emphasized that during the Covid-19 pandemic all populations have been exposed to high levels of stress which might have serious effects on their mental health. High mortality rates, the continuation of uncertainties concerning symptoms, the insufficiency of test kits and the fact that vaccination research has not been completed are shown as the most important factors leading to an increased level of stress. It has also been stated that in families in which violence is common the level of violence against women has also increased. It has also been emphasized that violence and mobbing in workplaces and at home have increased especially due to the increased unemployment among women, home working and the reduction in working hours especially more for women. It has been stated in the report that during the Centenary International Labour Conference of the ILO which took place last year, 187 ILO member states have adopted the Violence and Harassment Convention 190 and the accompanying Recommendation 206 and has underlined the necessity that the world of work, in order to prevent violence, should make use of local laws and regulations and thus should cooperate with the governments for the construction of “a better normal”.

“Practical Guide on Teleworking during the COVID-19 pandemic and beyond” prepared by the International Labour Office of the ILO based in Geneva has been published in Turkish on 28 October 2020. The purpose of the Guide is to provide practical and actionable recommendations for effective teleworking that are applicable to a broad range of actors; to support policymakers in updating existing policies; and to provide a flexible framework through which both private enterprises and public sector organizations can develop or update their own teleworking policies and practices. The Guide also includes a number of case examples regarding how employers and policymakers have been handling teleworking during the COVID-19 pandemic and addresses the lessons learned from the recent months that are relevant for the future of teleworking arrangements beyond the pandemic; and a list of available tools and resources. The Guide can be accessed via the internet page of the ILO Office in Turkey.

“Rapid Self-Assessment” tool designed by the United Nations Development Programme (UNDP) to help businesses in evaluating and managing human rights obligations in their operations has been adjusted to the Turkish context in cooperation with the International Labour Organization (ILO) Turkey, UNDP Turkey, Global Compact Network Turkey and Business for Goals Platform. The online webinar “Human Rights Due Diligence and COVID-19: Rapid Self Assessment for Business” to introduce this tool was held on 28 October 2020. Emphasizing the importance of the issue, Mr. Numan Özcan, Director of the ILO Office for Turkey, said: “We, first as human beings and then as workers, expect that our fundamental rights are respected. The COVID-19 pandemic has now turned into a process with deep impact not only on the continuity of human health and social conditions at global level but also on the world of work and human rights.”

The study emphasized that the socio-economic shocks due to the global spread of COVID-19 came at a time when inequalities and environmental problems are acute. The study aims

to support companies in considering the impact of their activities on human rights and managing accordingly.

The questionnaire is accessible via the following link:

<https://www.business4goals.org/covid-19-oz-degerlendirme/>

However, the trade unions were not invited to the nationwide meetings called by the government to discuss the urgent action plans. Therefore, the trade unions have stated that they are not in dialogue with the government on decisions to be taken at the national level, but have communicated their activities to the government through various channels.

DISK (Confederation of Progressive Trade Unions of Turkey), KESK (Confederation of Public Employees Trade Unions), TMMOB (Union of Chambers of Turkish Engineers and Architects), TTB (Turkish Medical Association) launched a signature campaign at the beginning of April to submit to the government their urgent demands, which comprises of seven articles. This text, opened for signatures, includes demands such as the temporary suspension of all economic activity except the essential and obligatory sectors, the nationalisation of private hospitals for the duration of the pandemic, the postponement of servicing consumers, housing and vehicle credits, the postponement of water, natural gas and electricity bills without the addition of interest.

DISK, one of the trade union confederations in Turkey, released a document on 14 May titled 'The Road Map for Working Life During and After Covid-19'. The government had not included professional associations and trade unions in the committees assigned for crisis management. Therefore, the document released by DISK on 14 May called for the government's approval approval that health associations and trade unions are involved in steps taken regarding working life.

An international e-panel on 'How do workers of the world fight COVID-19?' was organised on 16 May with the participation of DISK, IndustriAll, ITF (International Transport Workers' Federation), ETUI (European Trade Union Institute), IUF (International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations) and UNI Global Union. The Turkey side of the panel was coordinated by DISK. The participants shared their views on the socio-economic damage and effects of the pandemic at the international level.

The bill concerning the adoption of additional measures besides the measures already being implemented in working life due to Covid-19 has been presented to the parliament on 14 July 2020. Afterwards Arzu Cerkezoglu on behalf of the DISK Management Committee made a statement on 16 July. In this statement it was claimed that in the bill presented to the parliament, the demands of employers have been included whereas the demands of the workers were neglected. Since the views of trade unions have not yet been asked, the urgent needs of the workers were included in the statement. It was stated that the conditions required to benefit from the short-term work allowance were difficult to fulfil

(the payment of 450 days of premium during the last 3 year period and uninterrupted employment during the last 60 days). The conditions to benefit from the short-term work allowance should be repealed and the workers should be able to benefit without any condition from the short-term work allowance during the Covid-19 pandemic.

What are local organisations doing to support and protect workers?

The ILO office in Turkey has warned that in the struggle against Covid-19 the workers should abide by the protective regulations in order not to be victims of the pandemic, and discrimination against those who have been infected with the disease should be prevented. The Office made a statement to the attention of the employers concerning the training of the workers about hygiene, the protection of job security of infected workers, and advising that those employees who can work at home, should.

The worker's trade union confederations made a statement on this issue and voiced their demands. The demands included measures such as payment to the unemployed workers for a period of three months of a sum equal to the minimum wage and the financing of this payment from the unemployment insurance fund. The stoppage of production for a period of 15 days in all sectors which are not considered strategic and, instead of dismissals, short-work allowance from unemployment insurance fund should be used without any time limit, until the effects of the pandemic are over. Some trade unions on the other hand, by negotiating with the employers, secured some measures concerning their members within the scope of the concluded collective agreements. Amongst these measures are the following: The prevention of the dismissal of the worker without his/her demand; balancing of the paid annual leave and additional paid leave apart from the paid annual leave.

The trade union confederations are regularly presenting observation records on the working and safety conditions of the factories in which their members work. In case there are workers with positive Covid-19 test results, they try to carry out a dialogue with the relevant parties to secure the obligatory suspension of activity. Professional associations and organisations active in the area of workers' health and safety are publishing pamphlets including necessary technical measures for the prevention of the spread of the pandemic in working life.

In the 'working conditions' section within the document released on 14 May by DISK, 'The Road Map for Working Life During and After Covid-19', for protecting against Covid-19 and for increasing employment, shortening the working week to 37.5 hours was demanded. It is requested that enabling workers without facing any loss of wages and existing rights to work with a rotating system or working at home should be negotiated and resolved with the participation of trade unions. In the document, it is also demanded that workers who catch Covid-19 at work should be considered as having a work accident. Especially for health workers, workers in laboratories and similar places, that are directly involved in the

fight against the pandemic, Covid-19 should be accepted as occupational illness. It was also emphasised that collective bargaining that had been postponed due to the pandemic should restart in July. Stating that violence against women both at work and at home has increased during Covid-19 pandemic, the document called for effective implementation of the Istanbul Agreement, the Law no. 6284 on the Protection of the Family and Prevention of Violence against Women and the ratification of ILO Convention 190.

Research Center of the Confederation of Progressive Trade Unions of Turkey (DİSK-AR) published on 10 November 2020 the Unemployment and Employment Outlook Report. The report compares the August 2020 data of Labour Force Statistics of the Turkish Statistical Institute (TÜİK) with ILO's unemployment and decline in employment data calculated on the basis of the method defining decline in employment due to Covid-19.

As is known, the ILO had proposed in recent months a new method expressed as "full-time equivalent job loss" for measuring job losses due to Covid-19. DİSK-AR, in its report published on 10 November 2020, states that the number of unemployed is 4 million 194 thousand according to TÜİK, whereas it is 10 million 513 thousand if calculated with the ILO's method. According to DİSK-AR's report, of the 10 million 413 thousand people who are unemployed and who have lost a job, 4 million 603 thousand are women and 5 million 736 thousand are men. In its report DİSK also makes proposals for the reduction of unemployment and loss of employment. Some of these proposals are as follows:

- Dismissals should definitely be banned during the Covid-19 pandemic.
- The conditions for benefiting from the unemployment insurance fund should be eased and the unemployment benefit should be increased.
- There should be no preconditions for benefiting from unemployment and short-term working during the Covid-19 pandemic.
- In line with the principle of "everyone should work less for everyone to have a job", weekly working hours should be decreased to 37.5 hours without loss of income; the upper limit for annual overtime should be decreased from 270 hours to 90 hours.
- Every worker should be entitled to at least one month paid annual leave in line with international labour norms.

The full report is accessible via the following link:

<http://arastirma.disk.org.tr/wp-content/uploads/2020/11/D%C4%B0SK-AR-Kas%C4%B1m-2020-%C4%B0%C5%9Fsizlik-ve-%C4%B0stihdam%C4%B1n-G%C3%B6r%C3%BCn%C3%BCm%C3%BC-Raporu-1.pdf>

Occupational Health and Safety Department of DİSK published a brochure titled "*Rights of workers during Covid-19 pandemic: Legal provisions to be observed within the context of*

Occupational Health and Safety". DISK has stated that this guide had the objective of providing for the millions who have to work during the pandemic, what they can do protect themselves from the pandemic, what they can demand from their employers and the legal measures they can utilize in case of the continuation of the problems. DISK, mentions the importance of taking place in the supervisory mechanism in the provision collective protective measures within the necessity of an integrated system and with the understanding of having certain legal rights, to be involved in activities to demand, participate, protect and promote the protection of the health of workers in the area of occupational health and safety.

Confederation of Progressive Trade Unions of Turkey initiated a series of Occupational Health and Safety trainings on "Covid-19 Pandemic, Working Conditions and Measures which should be Taken" for shop stewards. The aim of these trainings is to inform workers about health and safety protection from Covid-19 at work.

Turkish Standards Institute (TSE) attached to the Ministry of Industry and Technology prepared a Covid-19 Hygiene, Infection Protection and Control Guide for the industrial and services sectors.

The guide also aims to meet the need of certifying firms' compliance of safe and hygienic production standards after the pandemic is over. The inspection of those who wish to get a certificate and the issuing of a Covid-19 Safe Production Certificate in the form of an international quality certificate to those who pass the inspection is being planned. TSE has started to accept applications for certification inspections also on its website.

What have been the responses and requests of business associations to support the industry?

Turkish Industry and Business Association (TUSIAD) organised a webinar together with its members on 17 March entitled, 'Coronavirus, Global Markets and the Economy of Turkey.' TUSIAD participated in the Coordination Meeting on the Struggle Against Coronavirus held on 18 March, at which the President of the Republic, Ministers and relevant organisations took part. TUSIAD created a portal under the name 'Covid-19'. They state that via their websites they receive proposals on various measures and support proposals to eradicate problems concerning supply and demand. They disclosed to the public on 27 March that they had presented a letter to the President of the Republic which included the information received through this channel. They state that it is necessary for the government to further expand measures to secure the integrity of the supply chain in sectors where production loss has occurred. They expressed that the 100 billion TL support package of the government should be increased. Aside from that, they also advised that in order for the economy to recovery rapidly, the implementation of an extensive curfew to slow down the contamination of the pandemic should be evaluated.

On 16 June, Simone Kaslowski, President of TUSIAD Board of Directors attended the inclusive sustainability platform, Leaders Summit of UN Global Compact, which is celebrating its 20th year. Kaslowski evaluated the sustainability agenda in the post-pandemic world and its possible risks and opportunities for Turkey. He spoke about the need to update the targets of the sustainable growth model to include Digital Single Market and Green Deal in EU-Turkey Customs Union. Emphasising EU-Turkey dialogue on carbon border adjustment and digital tax, Kaslowski also drew attention to the importance of expansionist policy for reaching sustainable development targets. On 4 April, 29 non-governmental organisations (the majority of which consisted of employers' associations and organisations) issued a joint statement on Covid-19. The signatories of this statement called member employers to action. The context of this statement reminded employers to utilise the current practices of the government facilitating the conditions of receiving the short work allowance.

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Turkish Clothing Manufacturers' Associations (TGSD) stated that it has established the TGSD Corona Liaison Desk, with which relevant institutions were in contact. It also formed a 24/7 accessible portal with which the affiliated enterprises could share the impact of Covid-19 on their activities.

The Chairperson of the Management Committee of the TGSD made a statement in line with the information supplied by the production companies to the Covid-19 portals which were active on 7 April 2020. In this statement there was mention of the damage inflicted on the supply chains by international brands that cancelled or postponed orders. It was also mentioned that some brands requested the postponement of the payment periods of the commodities which have been sent to the warehouses, which are being sold, or which have already been sold in the shops, and the international brands have been called to perpetuate healthy and sustainable supply chains on the basis of mutual understanding and respect. The TGSD which prepared a 'Covid-19 Customer Situation Form' accessible on the internet sites for the enterprises to fill, continues to monitor the activities of the local enterprises with the international brands and retailers. [Read the letter from the TGSD board here.](#)

Istanbul Textile and Raw Materials Exporters Association (ITHIB) evaluated the possible impacts of the pandemic on the sector at the management committee meeting that happened on 16 March. They stated that the capacity to produce medical masks and the supply of meltblown cloth - which is the raw material of the masks - were evaluated at this meeting. It was stated that Turkey has the raw material and production capacity for medical masks without a need for external sources. They also expressed that they will share the emergency action plans they have prepared with the ministries.

ITHIB stated on 24 March that they aim to produce protective clothing, gloves, one million masks a day and 40 million masks a month at the beginning, in line with the call of the ministry upon the decision taken at a joint meeting. It was also explained that a plan was drawn up in liaison with the ministries and in agreement with the enterprises to produce medical clothing, especially masks.

Following the call of ITHIB and TGSD, and as a result of the joint evaluations of the Ministry of Industry and Technology and the Ministry of Health, the enterprises for which medical mask production has been approved have started to produce one million masks daily.

Production standards for re-usable masks made of woven, knit, tricot and non-woven textiles was determined jointly by Ministry of Trade, Industry and Technology, TUBITAK, TSE, Istanbul Textile and Raw Materials Exporters' Association (ITHIB). The Chairperson of ITHIB Management Board stated that Turkey is the third country after France and Spain which determined and implemented these standards. In a report prepared by ITHIB, besides medical masks, monthly production of cloth masks meeting these standards may reach 650 million.

The Ministry of Trade permitted the export of cloth masks for which production standards have been determined without getting the approval of the Medicine and Medical Device Institution of Turkey (TITCK). With this decision, the textile and apparel industrialists have freedom for mask exports.

ITHIB, in order to analyse the effects of the Covid-19 pandemic on the sector and to establish the necessary contact amongst the parties, started a survey open to the accession of the producers in the sector. Apart from this initiative, it prepared a very comprehensive guide concerning the measures taken in the country for the employers, including the following main areas: 'Financial support', 'support concerning export procedures' and 'support concerning industrial relations'.

ITHIB made an announcement to its members that it has made an agreement with a law office for the settlement of disputes it faces with purchasing companies abroad. The law firm, with its own offices in seven countries and via contracted law offices in 56 countries, will provide assistance for commercial problems of the members.

A firm which is a subsidiary of Istanbul Apparels Exporters Association (İHKİB) and providing laboratory and monitoring services has been accredited by the European Accreditation Association for the analysis of masks, overalls and aprons. The firm with this characteristic is the first and the sole Turkey origin laboratory which has been included in the list of approved organisations EA EN 14683 Mask Tests of the European Accreditation Association.

Istanbul Textile and Apparel Exporters' Association (ITKİB) published a 'Back to Work Manual' on 8 May 2020 under 'Rules to be Observed During Back to Production Process within the Scope of Fight against the Covid-19 Pandemic'. The manual includes existing

laws, decisions and regulations issued by the central government during the fight against the pandemic. In the manual, the measures that should be taken are explained in detail and working rules which should be observed both at the workplace as well as for employees working at home are stipulated.

Ahmet Öksüz, Chairperson of Istanbul Textile and Raw Materials Exporters' Association (ITHIB), stated that together with the downward trend in the number of new Covid-19 cases, the business climate and exports have started to increase. During the first wave of the pandemic, the sector's exports decreased by 50% and it started to increase again only recently. Öksüz said, 'Short-term work allowances were of considerable support during this period. However we cannot stand a second wave. Therefore wearing a mask on the street should also be mandatory.'

Öksüz said that the textile and garments sector, following the global economic crises, a recovery period is expected and significant increases will be observed in export figures and added. He added, 'As the textile and raw materials sector we shall be continuing our exports with new rules and new measures.' He also stated that they are conducting projects for making improvements in many areas, from e-trade to alternative logistics channels, from virtual fairs to digitalisation.

ITHIB Management Committee in its statement made at the beginning of August concerning export data in the area of technical textiles observed that during the first half of 2020, 1.2 billion dollars exports during the January - June period has reached the highest value. According to this statement the technical textile exports increased in the month of June by 196 percent and reached 349 million dollars and it increased by 39 percent in the January-June period thus reaching the value of 1.2 billion dollars. It is stated that the exports which are planned to exceed the 2 billion dollar level by the end of the year will increase the share of Turkey in the world technical textiles market with the new technological investments to be made.

The findings of the research on "The Impact of Covid-19 Pandemic on Women Employees" prepared with the purpose of understanding the possible impact of Covid-19 in the private sector from a gender equality perspective was released on 13 November 2020. The research was prepared with the coordination of Turkish Industry and Business Association (TÜSİAD), Turkish Enterprise and Business Confederation (TÜRKONFED) and UN Women Turkey. The conclusions of the research on "The Impact of Covid-19 Pandemic on Women Employees" covering 339 companies, were explained in detail by Assoc.Prof.Dr. Emel Memiş of Ankara University, Faculty of Political Sciences. When we take a look at the three problems during Covid-19 stated by women and men workers, we see that 99 percent of women mentioned increased house work and care responsibilities, 97 percent mentioned increased work load due to teleworking/home working and 95 percent mentioned anxiety, psychological stress and exhaustion. Whereas, 74 percent of men mentioned wage/income insufficiency, 69 percent mentioned limited access to communication and information technologies and 65 percent mentioned psychological stress and exhaustion.

76 percent of the companies which participated in the research said that they introduced special measures for reducing the stress and improving the general welfare of employees since the beginning of Covid-19 pandemic and relevant restrictions. However, only 26 percent of the companies mentioned special measures aimed at women employees. Besides, companies which are collecting data on home and work balance constitute only 14 percent, companies which have internal communication is 13 percent and the number of companies which take a special measure on this issue is only three. Similarly, 1.5 percent of the companies collect data for domestic violence, 6 percent has internal communication and only one company has taken a special measure on this issue.

The study conducted by TÜSiAD, TÜRKKONFED and UN Women made proposals to the national government for steps to be taken, against the destruction caused by Covid-19, with gender equality in mind. The document containing proposals such as considering gender equality in incentive and support packages prepared during the pandemic and during periods of crises in general, including gender equality as a goal in basic documents determining national policies and strategies, was publicized.

Based on the findings of the research, TÜSiAD, TÜRKONFED and UN Women is said to be preparing and disseminating an implementation guide on the subject of “equitable management of the crisis”. The objective of adopting sustainable management models that are crisis-resistant was also emphasized.

<https://tusiad.org/tr/basin-bultenleri/item/10661-covid-19-salgininin-kadin-calisanlar-acisindan-etkileri-arastirmasi>

What are international brands doing to support suppliers and protect workers?

The first response of a section of international brands was to postpone or cancel the existing orders. The suppliers are stating that they have endeavoured to persuade the brands by asking them to at least reduce the number of orders. In addition, there is also information testifying that they have tried to continue the dialogue with the brands to secure their honouring of the shipment plans. It is also known that some international brands have postponed the payment for the orders which have been already shipped.

In addition to this, some brands have agreed themselves stock the raw material that has already been purchased for now-postponed/cancelled orders. This is considered to be a positive step to reduce the damage incurred. Although it is a very rare case, there are also examples of brands which have provided support by agreeing to make earlier payments.

Relevant links for more information

[Ministry of Health](#)
[Ministry of Family, Labour & Social Services](#)
[Covid-19 webpage of Ministry of Health](#)

Provisions of relevant legal regulations – English

[Labour Law, No:4857:](#)

- Notice of termination – Article 17
- Change in working conditions and termination of the contract – Article 22
- Employee’s right to break the contract for just cause – For reasons of health – Article 24/1/b
- Employee’s right to break the contract for just cause – Force majeure – Article 24/3
- The breaking of the employment contract by the initiative of the employer – For reasons of health – Article 25/1/b
- The breaking of the employment contract by the initiative of the employer – Force majeure – Article 25/3
- Half wage – Article 40
- Compulsory overtime work – Article 42
- Compensatory work – Article 64

İlgili yasal düzenleme maddeleri – Turkish

[4857 sayılı İş Yasası:](#)

- Süreli fesih – Madde 17
- Çalışma koşullarında değişiklik ve iş sözleşmesinin feshi – Madde 22
- İşçinin haklı nedenle derhal fesih hakkı – Sağlık sebepleri – Madde 24/1/b
- İşçinin haklı nedenle derhal fesih hakkı – Zorlayıcı sebepler – Madde 24/3
- İşverenin haklı nedenle derhal fesih hakkı – Sağlık sebepleri – Madde 25/1/b
- İşverenin haklı nedenle derhal fesih hakkı – Zorlayıcı sebepler – Madde 25/3
- Yarım ücret – Madde 40
- Zorunlu nedenlerle fazla çalışma – Madde 42
- Telafi çalışması – Madde 64

[Yıllık Ücretli İzin Yönetmeliği](#) (*Paid Annual Leave Regulation*)

- Toplu İzin – Madde 10

Kısa Çalışma Ödeneği'ne ilişkin yasal düzenlemeler (Regulations concerning short-work allowance)

- [4447 sayılı İşsizlik Sigortası Kanunu, Ek Madde 2](#)
- [7226 sayılı Bazı Kanunlarda Değişiklik Yapılması Hakkında Kanun, Madde 41](#)

İş Sađlığı ve Güvenliđi'ne iliřkin yasal dzenlemeler (Regulations concerning OHS)

- [Bulařıcı Hastalıklar Sürveyans ve Kontrol Esasları Yönetmeliđi:](#)
 - Bildirim sorumluları – Madde 10
- [6331 sayılı İş Sađlığı ve Güvenliđi Kanunu:](#)
 - İşverenin Genel Yükümlülüđü – Madde 4
 - Çalışmaktan Kaçınma Hakkı – Madde 13