

WORKPLACE ABUSES



“The information below is valid for everyone including Turkish citizens, foreigners, refugees, temporary protection holders, international protection holders, conditional and subsidiary refugee status holders”.

Everyone is equal before the law without distinction of language, race, color, sex, political opinion, philosophical belief, religion and sect, or any such grounds according to Turkish law.

If you face any form of violence resulting from the employment relationship, you may demand “compensation for discrimination” which can be equivalent to four months wage plus other claims

»Discrimination



Employment discrimination takes place when an employee or job applicant is treated unfavorably because of her or his age, race, skin color, national origin, gender, disability, pregnancy or parenthood, religion or sexual orientation. It is illegal to discriminate based on the above-stated reasons according to the Turkish Constitution and the Turkish Labor Act.

Turkey has prohibited the discrimination against women in all its forms in a workplace according to the UN Convention section Elimination of All Forms of Discrimination Against Women,

»Mobbing



Mobbing is a term used to describe a variety of behaviors in the workplace referring to the emotional abuse of a fellow employee or employees. The mobbing actors can be colleagues, superiors or subordinates, and this behavior affects individuals working in business of all sizes.

Workplace abuses can take different forms such as physical, emotional, economic and sexual.

Characteristics of mobbing:

1. Has to be willfully
2. Happens regularly
3. Has to continue for a time
4. Aims to discourage/intimidate the victim

Emotional mobbing types:

- Screaming
- Yelling
- Insulting
- Degrading
- Comparing
- Scaring
- Threatening
- Neglecting
- Forgetting
- Ignoring
- Telling that you are ugly, short, fat, etc..

- Deciding for someone else where to go, with whom to meet, how you should dress etc..
- Limiting communication with your colleagues,
- Preventing/forbidding self-development
- Making you feel responsible for the abuse
- Ignoring, suppressing cultural differences and abuse

Economic mobbing types:

- Threatening regarding job status and blackmail
- Threatening of not to paid
- Discrimination against women
- Preventing participation to work missions, meetings, and courses
- Treating of firing

Sexual mobbing types:

- Using sexuality as a threat and/or control purpose
- Acting like you are a sexual object
- Being jealous of you
- Using sexuality as a punishment method
- Clearly, show sexual interest
- Emotional pressure
- Forcing you to do something out of office
- Making jokes with sexual content
- Taking a disturbing look at you
- Offering sex
- Comparing you with other women
- Touching you

»Harassment



Workplace harassment is all too common. Victims are often unsure what qualifies as harassment and what to do when they're being harassed, it often goes unreported and continues to be an issue.

Workplace harassment is all about disturbing behavior, expressions or physical abuse.

Harassment can take different forms:

- **Discriminatory Harassment:** racial, gender, religious, disability-based, sexual orientation-based, age-based.
- **Personal Harassment:** offensive jokes, personal humiliation, critical remarks etc..
- **Physical Harassment:** Direct threats of intent to inflict harm, Physical attacks (hitting, shoving, kicking), Threatening behavior (shaking fists angrily), Destroying property to intimidate etc.
- **Power Harassment:** Excessive demands that are impossible to meet; Demeaning demands far below the employee's capability; Intrusion into the employee's personal life etc.
- **Psychological Harassment:** Isolating or denying the victim's presence; Discrediting or spreading rumors about the victim; Belittling or trivializing the victim's thoughts; Opposing or challenging everything the victim says etc.

- **Cyberbullying:** Share humiliating things about the victim by mass email or mass chat; Spread lies or gossip about the victim on social media; Send harassing instant messages or text messages directly to the victim etc.
- **Retaliation:** Making comparison between employees,
- **Sexual Harassment:** Sharing sexual photos (pornography); Posting sexual posters; Sexual comments, jokes, questions; Inappropriate sexual touching; Inappropriate sexual gestures; Invading personal space in a sexual way etc.



If you feel like you are facing such behaviors, you have a right to report it in Turkey. Potential legal remedies are indicated below:

- First of all, you can report to your employer with a written petition and seek a solution in a workplace.
- You can call 155 police line.
- You can call “Alo 157” Directorate General of Migration Management’s contact center for foreigners.
- 112 for the ambulance in case of emergency
- 156 Gendarmerie crime line
- You can submit a complaint against the perpetrator with the help of the legal aid services of your Provincial Bar Association.
- You can report it to the Ministry of Labor, Social Services and Family, <https://www.csgb.gov.tr/En>
- You can call the hotline called “Alo 170”, a Ministry of Labor hotline, <http://www.alo170.gov.tr/>
- You can report to the Grand National Assembly of Turkey, <https://global.tbmm.gov.tr/index.php/EN/yd/>
- You can report to “BIMER” (Prime Ministry Communication Center) BIMER is an online platform where you can write your complaints and requests regarding government institutions, authorities as well as your workplace abuses, <https://www.bimer.gov.tr/> (in Turkish)

»Criminal Sanction



Mobbing is a juridical crime and not administrative so it can receive criminal sanction according to the Turkish criminal law. Therefore, if a person is a harasser, the person performing such an act can be sentenced to punishment from 3 months to 2 years depending on the case.

In case of committing these offenses by taking advantage of **hierarchy or public office or by using the advantage of working in the same place with the victim**, the punishment will be imposed according to the above subsection and increased with one half. If the victim is obliged to leave the workplace, the punishment to be imposed may not be less than one year according to Turkish Criminal Law.

Rights of the Employee

The employee can Rightfully Terminate the Employment Contract if abuse happens. The employee has the right to open a lawsuit and has the right to compensation.

»Evidence

To provide evidence of the harassment you will need to have a witness or video recording or other hard evidence. However, generally women are the ones facing this kind of abuse and harassments and the Turkish Court of Cassation often decided in favor of women. The Court of Cassation stated that a woman would not claim harassment without occurrence, so women statement is enough evidence to prove harassment.