



TÜBİTAK

**THE SCIENTIFIC AND TECHNOLOGICAL RESEARCH COUNCIL OF TÜRKİYE
TÜBİTAK**

TÜRKİYE GREEN INDUSTRY PROJECT

**LABOR MANAGEMENT PROCEDURES (LMP)
(DRAFT)**

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1. INTRODUCTION

This document describes TUBITAK's strategies and procedures for ensuring fair and safe working conditions for all employees, as well as compliance with international and local labor laws and regulations. In terms of World Bank's Green Industry Project Component-2, which will be conducted by TUBITAK, same strategies and procedures will apply, together with any necessary measures with respect to World Bank requirements.

Labor Management Procedures (LMP) of TUBITAK is described in detail, as well as how they comply with World Bank Environmental and Social Standard 2 (ESS 2), "Labor and Working Conditions", and with Turkish labor, employment and occupational health and safety laws.

TÜBİTAK has a dedicated department for human resources management, directly affiliated to the General Secretariat of TÜBİTAK: Department of Human Resources. The department has 3 units: Human Resources Planning Unit; Training, Development and Evaluation Procedures Unit; Personal Affairs Unit. These units aim to ensure a positive and productive work environment that benefits both employees and this project as a whole; by designing training programs for employees, strategies for recruiting and hiring local workers; as well as providing opportunities for career development and advancement within the project.

2. OVERVIEW OF THE LABOR USE ON THE PROJECT

Project Implementation Unit (PIU) will be established in TUBITAK and will comprise mostly, if not wholly, of TUBITAK's employees who are already working in TUBITAK for a number of years and have extensive experience in procedures and activities. Considering the environmental and social management activities, as well as stakeholder engagement activities for World Bank's Green Industry Project, acquiring technical assistance from a company or external experts are considered. However this assistance will be used for training of TUBITAK's experts and directing the E&S activities, not to perform these activities in TUBITAK.

2.1. Type of Workers

The definitions of World Bank in ESS2 are direct workers, contracted workers, community workers and primary supply workers. In conducting Component-2, TUBITAK will include direct workers and contracted workers. The details and context of different categories with respect to Component-2 activities are given below:

Direct workers: Most of the people who will work on this project fall into the category of direct workers. Persons who will work directly in the execution and reporting of the activities of the project will consist of people who have been working at TUBITAK for many years and have experience in this field. The estimated number of TÜBİTAK experts who are in direct workers category will be approximately 15 people from related departments: Department of Science, Technology and Innovation Policy; Department of Technology and Innovation Funding Programmes; Department of Strategic Planning (also covering budgetary issues); Department of Public Relations and Communication; Department of Administrative Services (covering procurement issues). For the evaluation of project applications, TUBITAK hires external experts. These external experts evaluate the technological maturity, feasibility and expected impact of the project based on predefined criteria by studying the project application documents and occasionally performing site visits. These external experts, which are often referred to as "reviewers" are assigned formally by the approval letter of TUBITAK's President. In addition, TUBITAK Funding Programmes Departments have Group Steering Committee for each research group, which is responsible for the preparation of final list of project

applications suggested to be funded. The final funding decision for the applications is made by the formal approval letter of TUBITAK. The Group Steering Board Members are also assigned by the formal approval letter of TUBITAK. For the World Bank's Green Industry Project, TUBITAK will assign additional experts for the evaluation of project application with respect to environmental and social issues, as well as additional experts for the evaluation of project application with respect to the applicants Occupational Health and Safety practices. The employees of TUBITAK, the external experts assigned to review the applications and relevant Group Steering Committee Members will be the direct workers in TUBITAK, working in World Bank's Green Industry Project.

Contracted workers: The definition of "contracted workers" in World Bank Guidance Note For Borrowers is "a worker employed or engaged by a third party to perform work or provide services related to the core functions of the project, where the third party exercises control over the work, working conditions, and treatment of the project worker". During the steering and conducting Component-2, especially for the set up of environmental and social management system, TUBITAK may contract experienced local consultancy firms to acquire training and technical assistance. For the organization of the workshops, TUBITAK may also acquire services from companies for the organizational issues. The principles set out in this LMP also applies to third party contracted workers.

Community workers: No community workers will be engaged in Component-2 activities by TUBITAK.

Primary suppliers: No primary supply workers will be engaged in Component-2 activities by TUBITAK.

2.2. Workforce Characteristics

Within the TUBITAK's Human Resources Regulation¹, the Service Groups, which are basically the categories of employees, and degrees are defined in Article 7 as follows:

Service groups and degrees

ARTICLE 7 - (1) The activities of the Institution are carried out by the personnel included in the service groups Y, AG, A, B and C.

- a) Service Group Y: Management personnel and consultants with at least a bachelor's degree,
- b) Service Group AG: Personnel who actually carry out research and development activities and personnel who carry out and/or direct activities for scientific and support programs, having at least a bachelor's degree
- c) Service Group A: Personnel who are actively working in positions related to their educational background or experience in service, having at least a bachelor's degree
- ç) Service Group B: Personnel who provide support services and administrative services and technical personnel, who are at least high school or equivalent school graduates
- d) Service Group C: Auxiliary service personnel,

(2) How many degrees and levels the service groups will be divided into, the titles which degrees will be found, the wages corresponding to the degrees and levels, and according to the need.

Adding and removing titles to service groups are determined by TUBITAK's Executive Committee.

In line with Article 13, an indefinite-term employment contract is signed by all employees of TUBITAK. Thus, all the employees who will be engaged in this projects' activities have indefinite-term contracts with TUBITAK and they are in Service Group Y, AG and A.

The overall labor statistics of TUBITAK are given in Table 1.

¹ https://www.tubitak.gov.tr/sites/default/files/tubitak_ik_yonetmeligi-242_bk_islenmis_hali.pdf (in Turkish)

Table 1. Overall Labor Statistics of TUBITAK (as of January 2023)

Overall Labor Statistics (All employees Including the experts in Headquarters and researchers in institutes/centers)			
	Men	Women	Total
Number of Employees	4008	1754	5762
Number of Core Employees (e.g. secretaries, tellers, accountants) Hired by Third Parties	0	0	0
Number of Managerial Positions	131	38	169
Average employee length of service	9,54	9,76	9,61
Annual turnover rate (%)*	8%	6%	7%
Overall Labor Statistics (Employees in Headquarters)			
	Men	Women	Total
Number of Employees	420	455	875
Number of Core Employees (e.g. secretaries, tellers, accountants) Hired by Third Parties	0	0	0
Number of Managerial Positions	61	27	88
Average employee length of service	9,92	9,23	9,56
Annual turnover rate (%)	4%	2%	3%
*Annual Turnover Rate % = $\frac{\text{Number of employees who left}}{(\text{Beginning} + \text{ending number of employees}) / 2} \times 100$			

2.3. Timing of Labor Requirements

All the direct workers in TUBITAK will be working throughout the project timeline. Contracted workers as experts of the consultancy companies are expected to be involved in the project for stakeholder engagement activities and setting up the environmental and social management system in TUBITAK during the project timeline, majority of which will be at the first year of the project.

3. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

3.1. Project Activities

Component-2 of the project will be conducted by TUBITAK. TUBITAK's activities for this project are:

- Providing Support for the Green Transition of Firms (Department of Technology and Innovation Funding Programmes)
 - Carry out technical procedures for application

- Eligibility check for applicants
- Carry out procedures for the evaluation of external experts
- Carry out procedures for the evaluation of Steering Committee
- Carry out procedures for the approval for funding
- Carry out procedures for the signature of the funding contract
- Technical and budgetary monitoring of the project
- Stakeholder Engagement Activities (Department of Technology and Innovation Funding Programmes, Department of Public Relations and Communication, Department of Science, Technology and Innovation Policy)
 - Organisation of planned activities
 - Periodic announcements through TUBITAK’s Researcher Information System
 - News and posts from social media and e-bulletin.
- World Bank Green Industry Project Monitoring and Evaluation Activities
 - Financial monitoring, evaluation and reporting (Department of Technology and Innovation Funding Programmes, ; Department of Strategic Planning, Department of Administrative Services)
 - Environmental and Social monitoring, evaluation and reporting (Department of Technology and Innovation Funding Programmes, Department of Science, Technology and Innovation Policy, external experts)
 - Other PIU activities (Department of Technology and Innovation Funding Programmes, Department of Science, Technology and Innovation Policy)

The above mentioned activities will be carried out in TUBITAK Headquarters in Ankara, Türkiye.

3.2. Key Labor Risks

All the employees who will be engaged in Component-2 activities in TUBITAK are managers and experts of TUBITAK have indefinite-term contracts with TUBITAK and the majority of these employees have been working in TUBITAK for at least 5-10 years. There are no foreseen risk of change of direct workers during the ongoing project.

Since the activities for the project will take place in TUBITAK Headquarters and Annexed Buildings in Ankara, there are no foreseen risks for occupational health and safety. TUBITAK Headquarters have a dedicated unit titled “Unit for Occupational Health and Safety” directly affiliated to the General Secretariat of TUBITAK. This unit has been carrying out trainings and activities, to which the participation of all employees are mandatory.

Considering risk items such as non-discrimination and equal opportunity in the workplace; physical, psychological or sexual abuse of project workers; child and forced labor; Gender-based violence (GBV) and others; TUBITAK as a public body are subject to relevant Laws and Regulations in Türkiye. Additionally, TUBITAK has an Ethical Code of Conduct since 2010, which regulates the ethical principles to be followed by TUBITAK employees during their duties. This Code of Conduct has been updated in 2021 as to include current trending issues in ethics². TUBITAK ensures the fair, healthy and risk-free working environment to its employees as an institutional culture for many years.

² https://www.tubitak.gov.tr/sites/default/files/TUBITAK_Etik_Davranis_Islenmis_Hali.pdf (in Turkish)

4. BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

The workers in Türkiye are managed and protected under a comprehensive labor framework. The Constitution, the Code of Obligations, and the Labor Law govern individual labor relations. There are two laws regulate collective relations: Law on Trade Unions and Collective Bargaining Agreements, also known as the “Union Law”, (No. 6356) and Law on Civil Service Trade Unions and Collective Bargaining Agreements (No. 4688).

International treaties also are an important source of Turkish labor law. Secondary laws and regulations, covering issues such as leave, working hours, overtime work, minimum wage, benefits (maternity, paternity, sick leave, etc., and communiqués and circulars published relevant authorities define the application of laws. Briefly, the following national legislation in Türkiye regulate the terms and conditions of employment in Türkiye:

- Constitution of the Republic of Türkiye
- Labor Law (No. 4857)
- Law of Obligations (No. 6098)
- Law on Trade Unions and Collective Labor Agreements (No. 6356)
- Law on Civil Service Trade Unions and Collective Bargaining Agreements (No. 4688)
- Occupational Health and Safety Law (No. 6331)
- Social Insurance and General Health Insurance Law (No. 5510)
- Law on the Work Permit for Foreigners (No. 6735)
- Labour Courts Law (No. 7036)

Türkiye has also ratified majority of the ILO conventions, including but not limited to conventions on equal treatment of employees, gender equality, child labor, minimum wage, forced labor, OHS, right of association and collective bargaining.

TÜBİTAK’s employees all have indefinite term contracts and they have the status of “civil workers”, which refer to the workers in public bodies. Civil workers are subject to Labor Law (Law no.: 4857)³ and Occupational Health and Safety law (Law no.: 6331)⁴. These laws are in compliance with World Bank Occupational Health and Safety (OHS) Guidelines, as well as related ILO Conventions⁵. Labor Law is the main legislation in Türkiye which regulates the terms of service, qualifications, appointment and training, advancement and promotion, duties, rights, obligations and responsibilities, salaries and allowances and other personnel affairs of civil workers. In accordance with this law, TUBITAK has its own human resources regulation which determines the procedures and principles regarding the human resources policy and planning, as well as the recruitment of personnel, their working conditions and qualifications, their appointment and training, their rights, duties and responsibilities, promotions, registry, discipline and other personnel matters⁶. Two other regulations are in force and are applied to human resources management of TUBITAK. “Principles of Personnel Recruitment, Appointment, Promotion and Title Change”⁷ aims to determine the minimum conditions for recruitment, assignment, performance, record and success evaluation; promotion and title changes, and to regulate the procedures and principles to be applied during these procedures in line with service requirements and personnel planning. “Principles for Personnel Performance Based Record

³ <https://www.mevzuat.gov.tr/mevzuatmetin/1.5.4857.pdf> in Turkish)

⁴ <https://www.mevzuat.gov.tr/mevzuatmetin/1.5.6331.pdf> (in Turkish)

⁵ <https://www.ilo.org/ankara/conventions-ratified-by-turkey/lang--en/index.htm>

⁶ https://www.tubitak.gov.tr/sites/default/files/tubitak_ik_yonetmeligi-242_bk_islenmis_hali.pdf (in Turkish)

⁷ https://www.tubitak.gov.tr/sites/default/files/tbtik-esaslar-tubitak_personel_ise_alma_atama_gorevde_yukselme_ve_unvan_degisikligi_esaslari-15.10.2021.pdf (in Turkish)

and Success Evaluation”⁸ aims to determine the minimum conditions and processes regarding the establishment of a common understanding about the performance expected from the employees, the regular evaluation of the performance of the employees and institution as a whole; as well as the procedures and principles to be applied during these procedures. TUBITAK’s General Secretary and Head of Department of Human Resources are directly responsible for the implementation of these legislation within TUBITAK’s employment and human resources procedures.

Especially in recent years, TÜBİTAK has developed plans and strategies for the management and practices of human resources in order to employ sufficient number of experts with sufficient qualifications needed for the institution to achieve its targets set out in the strategic plan. Performance-based promotion and bonus system has been designed with the participation of employees, external experts and managers in TUBITAK, pilot applications have been carried out since 2022.

4.1. Forced Labor and Child Labor

Turkish Labor Law (Law no.: 4857) does not cover forced labor issues. However, the Constitution of the Republic of Türkiye, Article 18 prohibits forced labor. *“No one shall be forced to work. Forced labor is prohibited. Work required of an individual while serving a sentence or under detention provided that the form and conditions of such labor are prescribed by law; services required from citizens during a state of emergency; and physical or intellectual work necessitated by the needs of the country as a civic obligation shall not be considered as forced labor.”*

Article 80 of the Penal Code penalize human trafficking and Art. 117 penalize violation of the freedom to work and labor.

Turkish Labor Law (Law no.: 4857) sets the minimum age at which a child can be employed as well as the conditions under which children can work (Article 71, Chapter 4). The minimum employment age is 15, but in certain cases of vocational training, mild work may be allowed for 14-year-olds. According to Turkish Labor Law, Article 73, Boys under the age of 18 and women irrespective of their age must not be employed on underground or underwater work like in mines, cable-laying and the construction of sewers and tunnels.

Also, there is a Regulation named, The Regulation on the Procedures and Principles of Employment of Children and Young Workers, for determine the principles of working and to prevent economic exploitation of children and young workers without jeopardizing their health and safety, physical, moral and social development or education.

Türkiye has ratified the ILO Convention No. 29 on Forced Labor, ILO Convention No. 105 on Abolition of Forced Labor, ILO Convention No. 123 on Minimum Age (Underground Work) and ILO Convention No. 138 on Minimum Age.

4.2. Wages and Deductions

A labor agreement (employment contract) will determine the form and amount of remuneration. Turkish Labor Law (Law no.: 4857) Article 32-62, the Wages and its remuneration section is described wage payment and deduction.

⁸ <https://www.tubitak.gov.tr/sites/default/files/tbtik-esaslar-tubitak-performans-tabanli-sicil-ve-basari-degerlendirme-esaslari-21.10.2021.pdf> (in Turkish)

Article 32 of the Labor Law defines “wage” in general terms, as the amount of money to be paid in cash by an employer or by a third party to a person in return for work performed by him. Remuneration will be paid at least once a month. Without discrimination, each employee has a right to demand remuneration for the work they conduct. The salary of an employee cannot be lower than the minimum wage amount which is determined by the state and redefined two times every year. There is a national minimum wage that applies to all employees in Türkiye.

Under Article 39 of the Labor Law, the minimum wage is determined and revised by the related commission of the Ministry of Labor and Social Security twice every year.

Pursuant to Article 34 Labor Law, any worker whose wage is not paid within twenty days as of the date of wage payment except for a force major may abstain from fulfilling his/her working liability. Even if the non-fulfilment of working liabilities for this reason based on personal decisions of workers gains a collective character numerically, this shall not be considered as a strike. The highest interest rate applied for deposits shall be applied for wages not paid on due date.

The labor contracts of such workers shall not be terminated, new workers shall not be admitted in their places and their works shall not be assigned to other persons for not working due to this reason.

Pursuant to Article 38 of Labor Law, the employer shall not exercise wage deduction penalty for the worker for reasons other than those specified in the collective contract or labor contract.

The deductions to be made from worker's wages as penalties should be immediately informed to the worker along with reasons thereof. Such deductions from worker wages shall not exceed two daily wages in a month or two days' earning of the worker in wages paid per piece or per the amount of work performed.

4.3. Working Hours

According to the Turkish Labor Law (Law no.: 4857) Article 63, the working period shall be maximum forty-five hours in a week. Unless otherwise agreed, such period shall be applied by equally assigning it to working days of the week.

The normal weekly working period may be differently assigned to working days of the week, on the condition that it does not exceed eleven hours a day, upon agreement of the parties. In this case, the average weekly working period of the worker shall not exceed normal weekly working period within a time period of two months. The compensation period may be increased by up to four months through collective labor contracts (Article 63).

The workers shall be informed of the starting and ending times of daily working periods as well as of break times. Starting and ending times of the working period may be arranged differently for workers, according to the nature of the work (Article 67).

4.4. Rest Breaks

The employees are allowed to take a rest for a minimum of twenty-four hours (weekly rest day) without interruption within a seven-day time period, provided they have worked up to 45 hours on

the days preceding the weekly rest day. By law, employers do not have the right to deduct this weekly rest from the employees' salaries.

According to the Turkish Labor Law (Law no.: 4857) Article 68, states that employees entitled to a rest break, the duration of which varies depending on the working hours.

- 15 minutes of break, when the work lasts 4 hours or less,
- 30 minutes of break, when the works lasts longer than 4 hours and lasting up to 7.5 hours,
- 1 hour of break, when the works lasting more than 7.5 hours.

Arrangements for breaks will be made according to the local traditions and requirements of the work. Breaks shall not be reckoned with in working period.

4.5. Leaves

According to the Turkish Labor Law (Law no.: 4857) Article 53, employees who have completed a minimum of one year of service in the establishment since their recruitment, including the trial period, shall be allowed to take annual leave with pay. The minimum leave period according to the length of service of the employee has been set in the Labor Law as follows;

- 1 to 5 years (included) - 14 working days
- 5 to 15 years - 20 working days
- 15 years (included) or longer - 26 working days

The Law stipulates that paid annual leave may not be less than 20 days for employees under the age of 18 or over the age of 50. In case of marriage, birth and death of a relative, employees have the right to leave for rest. National holidays, weekly rest days and public holidays which coincide with the duration of annual leave may not be included in the annual leave period. These shall not be counted in the leave period in calculating the days of annual paid leave.

Paid leaves for employees have been defined; casual leaves such as birth, death, marriage up to 5 days, and sick leave taken to care for a sick relative until 40 days, maternity leave (until 16 weeks) and also military service.

According to the Article 74 of Turkish Labor Law, in principle female employees must not be engaged in work for a total period of sixteen weeks, eight weeks before confinement and eight weeks after confinement. In case of multiple pregnancy, an extra two-week period shall be added to the eight weeks before confinement during which female employees must not work. However, a female employee whose health condition is suitable as approved by a physician's certificate may work at the establishment if she so wishes up until the three weeks before delivery. In this case the time during which she has worked shall be added to the time period allowed to her after confinement.

Turkish Labor Law also states that if the female employee so wishes, she shall be granted an unpaid leave of up to six months after the expiry of the sixteen weeks, or in the case multiple pregnancy, after the expiry of the eighteen weeks indicated above. This period shall not be considered in determining the employee's one year of service for entitlement to annual leave with pay.

Female employees shall be allowed a total of one and a half hour nursing leave in order to enable them to feed their children below the age of one. The employee shall decide herself at what times and in how many instalments she will use this leave. The length of the nursing leave shall be treated as part of the daily working time.

4.6. Overtime Work

As per Article 41 of the Labor Law (Law no.: 4857), works which exceed forty-five hours a week are defined as overtime. Wages for each hour of overtime shall be remunerated at one and a half times the normal hourly rate. An employer may request employees to work overtime. The employee's consent shall be required for overtime work. Total overtime work shall not be more than two hundred seventy hours in a year. If the employee who has worked overtime or at extra hours so wishes, rather than receiving overtime pay she/he may use, as free time, one-hour and thirty minutes for each hour worked overtime and one hour and fifteen minutes for each extra hour worked. The employee shall use the free time to which she/he is entitled within six months, within his/her working time and without any deduction in her/his wages.

4.7. Labor Disputes

Turkish Labor Law (Law no.: 4857) includes provisions that allow workers to resolve disputes in cases where there is a disagreement between the employer and the employee over the essential terms and conditions of a labor agreement or other aspects of work. Such disagreement will be resolved in compliance with the Law on Mediation in Civil Disputes (Law no. 6325)⁹, and According to the Turkish Labor Law (Law no.: 4857) , Article 20.

The employee who alleges that no reason was given for the termination of his/her employment contract or who considers that the reasons shown were not valid to justify the termination must apply to a mediator in accordance with the provisions of the Labor Courts Law. If an agreement cannot be reached at the end of the mediation activity, a lawsuit can be filed in the labor court within two weeks from the date of the last report. If the parties agree the dispute may also be referred to a private arbitrator instead of the labor court.

The burden of proving that the termination was based on a valid reason shall rest on the employer. However, the burden of proof shall be on the employee if he claims that the termination was based on a reason different from the one presented by the employer. The court must apply fast-hearing procedures and conclude the case within two months. In the case the decision is appealed, the Court of Cassation must issue its definitive verdict within one month.

4.8. Freedom of Association

Workers in public bodies are subject to the Unions and Collective Agreements Law No. 6356 (dated on 07.11.2012, Official Gazette No. 28460). There are four types of collective agreements regulated by local law: workplace collective bargaining agreement, enterprise collective agreements, group collective agreements and framework agreements. A workplace agreement is created for a workplace, while an enterprise level agreement is created for more than one workplace in the same industry, owned by the same employer. A group collective agreement can be created between a trade union and an employers' union for workplaces in the same industry, owned by different employers.

The employees of TUBITAK are, by the rights defined in above mentioned law, are allowed to join unions or workers associations of their choosing. Approximately 90 % of TUBITAK's employees are members of workers union: the "Trade, Cooperative, Education, Office and Fine Arts Workers' Union of Turkey (TEZKOOP-iş)". In Turkey, there are also employers associations and unions. TUBITAK is the member of "Turkish Heavy Industry and Service Sector Public Employers' Union (TÜHİS)". TUBITAK has Workplace Union Representatives Office in the headquarters. Collective Bargaining Agreement is

⁹ <https://www.mevzuat.gov.tr/mevzuatmetin/1.5.6325.pdf> (in Turkish)

signed between TUBITAK and TEZKOOP-İŞ for every two years. Prior to the signature, intense bargaining meetings take place between the representatives of TUBITAK's Management and the union. The Collective Bargaining Agreement contains issues such as recruitment conditions, wages and duration of employment, overtime wages, health care, pay raises, additional bonuses, social benefits, transportation and meal allowances, clothing allowances, annual leaves and other leaves, disciplinary provisions. The last agreement "19th Term Collective Bargaining Agreement"¹⁰ covers the period between 01.03.2021 and 28.02.2023. The preparations for the 20th term are ongoing.

4.9. Non-Discrimination and Gender Equity

According to Article 10 of the Turkish Constitution, "everyone is equal before the law without distinction as to language, race, color, sex, political opinion, philosophical belief, religion and sect, or any such grounds". The article also states that "men and women have equal rights. The State has the obligation to ensure that this equality exists in practice. Measures taken for this purpose shall not be interpreted as contrary to the principle of equality".

Article 5 of the Labor Law of Türkiye regulates the prohibition of discrimination in employment. According to that article "no discrimination based on language, race, sex, political opinion, philosophical belief, religion and sex or similar reasons is permissible in the employment relationship. 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 conclusion, conditions, execution and termination of his/her employment contract due to the employee's sex or maternity". The same article also serves as a base for the principle of equal pay for equal value of work by stating that "differential remuneration for similar jobs or for work of equal value is not permissible".

4.10. Collective Dismissal

According to the Labor Law 4857 Article 29, when the employer contemplates collective terminations for reasons of an economic, technological, structural or similar nature necessitated by the requirements of the enterprise, the establishment or activity, she/he shall provide the union shop-stewards, the relevant regional directorate of labor and the Public Employment Office with written information at least 30 days prior to the intended lay-off. A collective dismissal occurs when,

- in establishments employing between 20 and 100 employees, a minimum of 10 employees; and
- in establishments employing between 101 and 300 employees, a minimum of 10 percent of employees; and
- in establishments employing 301 and more workers, a minimum of 30 employees, are to be terminated in accordance with Article 17 on the same date or at different dates within one month.

Turkish Labor Law (No. 4857) is to large extent consistent with the ESS2 requirements. Türkiye ratified all the four Core ILO Conventions and OHS ILO Conventions. The main gap with ESS2 is related to the grievance mechanism for workers. While the national legislation provides for Labor Courts to raise labor rights concerns, the Labor Code does not include any regulation regarding to workplace grievance mechanism.

The Labor Law includes provisions to ensure contracted workers are paid, however, it does not include provisions regarding the selection, management and monitoring of contractors with regard to ESS2

¹⁰ https://tubitak.gov.tr/sites/default/files/26723/19_donem_toplu_is_sozlesmesi.pdf

requirements. Though, Labor Code applies to the types of workers who would be considered as contracted workers under ESS2 definition.

5. BRIEF OVERVIEW OF LABOR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY

The OHS Law No.6331 of Türkiye aims to regulate the duties, authority, responsibility, rights and obligations of employers and workers in order to ensure occupational health and safety at workplaces and to improve existing health and safety conditions. The Law applies to all works and workplaces in both public and private sector, employers of these workplaces and their representatives, all workers including apprentices and interns regardless of their field of activity.

However, there are several activities and persons which the Law is not applicable to. These are activities of the Turkish Armed Forces, the police and the Undersecretary of National Intelligence Organization, except those employed in workplaces such as factories, maintenance centers, sewing workshops etc., intervention activities of disaster and emergency units, domestic services, persons producing goods and services in their own name and on their own account without employing workers and prison workshop, training, security and vocational course activities within the framework of improvements carried out throughout the enforcement services for convicts and inmates. Project workers including direct and contracted workers of the project are subject to this law. The law stipulates and enforces employers to provide employees with a safe and healthy working environment and to inform workers of the potential risks their jobs may present to their health and safety. The overview below provides key aspects of legislation which relates to the items set out in ESS2.

The employer is obliged to ensure the health and safety of the employees related to the work performed, including:

- Taking necessary action to prevent occupational risks, including training and information provision, the organization, provision of necessary tools and equipment and making occupational health and safety measures appropriate to the changing conditions.
- Monitoring, controlling and ensuring compliance with occupational health and safety measures taken in the workplace.
- Performing periodic risk assessments.
- Taking into consideration the employee's suitability in terms of health and safety when assigning tasks.
- Taking necessary measures to ensure that employees other than those who are given OHS information and instructions are not allowed to enter the places where there is life and special danger.

Similarly, the employees are obliged not to jeopardize the health and safety of others and perform duties in accordance with the training and support they receive about occupational health and safety and the instructions of the employer. The basic obligations of the employees in accordance with the training and instructions given by the employer are as follows:

- Operate machinery, equipment, tools, equipment, hazardous goods, transportation equipment and other production tools in the workplace in accordance with the rules, to use their safety equipment correctly, and not to remove them arbitrarily.
- Proper use and protection of personal protective gear and equipment provided.
- Immediately notify the employer or employee representative when encountering a serious and imminent danger in terms of health and safety in the machinery, equipment, tools,

equipment, facilities and buildings in the workplace and if deficiency in protection measures noticed.

- Cooperate with the employer and employee representative to eliminate any deficiencies and contradictions determined by the competent authority for inspection.
- Cooperate with the employer and employee representatives to ensure occupational health and safety in their area of duty.

The law stipulates the following on the OHS training of workers:

- The employer shall ensure that each worker receives safety and health training. This training shall be provided on recruitment, in the event of a transfer or a change of job, in the event of a change in equipment or introduction of any new technology. The training shall be adapted to take account of new or changed risks and repeated periodically if necessary.
- Workers' representatives shall be entitled to appropriate training.
- Workers failing to present documents to prove that they have received vocational training on their job might not be employed in jobs classified as hazardous and very hazardous which require vocational training.
- Workers who have had occupational accident or disease shall receive additional training on reasons for the accident or disease, ways to protect themselves and safe working methods. Furthermore; workers who are away from work for any reason for more than six months shall receive refresher training before return to work.
- Workers from outside undertakings and/or enterprises might not start to be employed in jobs classified as hazardous and very hazardous unless they can present documents to prove that they have received appropriate instructions regarding health and safety risks.
- The employer who is the party to temporary employment relationship shall ensure that the worker receives training on health and safety risks.
- Trainings mentioned in the law may in no circumstances bring financial burden to workers. Time spent on trainings shall be deemed as actual work time. In case the time allocated for trainings exceeds weekly working hours, hours worked in excess of weekly working hours shall be considered as overtime.

6. RESPONSIBLE STAFF

TUBITAK Project Implementation Unit (PIU): In TUBITAK Headquarters, a Project Implementation Unit (PIU) will be established for the coordination among related departments within TUBITAK on the activities to be carried out in this project; with MoIT and KOSGEB as project partners; and with World Bank for the monitoring, evaluation and reporting of the progress.

The PIU will be staffed with individual consultants possessing specialized skills in the areas of procurement, financial management (FM), environmental and social management, and OHS. PIU will be responsible for providing the key oversight of the project to set up ESF requirements in accordance with this LMP, designed based on national laws and the World Bank Environmental and Social Standard on Labor and Working Condition (ESS2).

TUBITAK Project Implementing Unit will be responsible for the following:

- Implement this labor management procedure to project workers engaged under Component 2.
- Ensure that contractor(s) comply with this labor management procedures.

- Monitor and report on implementation of project contractors' labor management procedures.
- Monitor that any contractor firms engaged by TÜBİTAK are meeting obligations towards contracted and sub-contracted workers and in line with ESS2 and national labor code.
- Maintain records of recruitment and employment process of direct workers.
- Monitor employment process of contracted workers to ensure it is carried out in accordance with this labor management procedure and national labor law.
- Monitor that occupational health and safety standards are met at workplaces in line with national occupational health and safety legislation, ESS2 and Occupational Health and Safety Plan.
- Monitor training of the project workers on OHS, sexual exploitation and abuse and sexual harassment (SEA/SH) prevention, and any other required trainings.
- Ensure that the grievance mechanism for project workers is established, monitor and report on its implementation.
- Monitor implementation of the workers Code of Conduct.
- Establish and implement a procedure for documenting specific incidents such as project-related occupational injuries, illnesses, and lost time accidents. Maintains such records and require from all third parties to maintain them. Such records will form an input into the regular review of OHS performance and working conditions.
- In instances of medium, severe, fatal and mass accidents, and SEA/SH inform the law enforcement bodies and Labor Inspectorate, and the World Bank.
- Report to the World Bank semiannually on the LMP implementation.

The contracted firms engaged to carry out and technical work on consulting services will be responsible to comply with this labor management procedures, and national labor and OHS laws and regulations.

8. AGE OF EMPLOYMENT

Turkish law prohibits anyone under 18 from performing hazardous work, and construction is considered hazardous. As TÜBİTAK is a governmental body no one under the legal age (18 years) is permitted to work within the institution. Therefore, child labor risks are not expected in relation to the project.

If a child under the minimum age (18 years) is discovered working on the project, measures will be taken to immediately terminate the employment or engagement of the child in a responsible manner, considering the best interest of the child.

9. TERMS AND CONDITIONS

TÜBİTAK's employees are working according to Labor Law (No: 4857) and conditions defined in the Collective Bargaining Agreement. All benefits and social rights (i.e. overtime, paid annual leave, family leave, sick leave, unpaid leave, maternity and paternity leave, etc.) granted by the national legislation

and the agreement are provided to the employees of the TUBITAK. Other employees are subject to the relevant provisions of the labor law.

The maximum weekly working hours allowed by national legislation is 45 hours. The provisions of national legislation are applied to the employees of contracted organizations such as members of the PIU, trainers or consultants. Wages, working hours, maximum working hours, annual leaves and all other rights and benefits will apply to direct and contracted workers. Contracts between companies and the TUBITAK regarding the rights and benefits of contracted workers will be in accordance with national legislation. However, consulting firms will be responsible for ensuring that this LMP is applied to contracted workers.

10. GRIEVANCE MECHANISM

Personnel have the right to submit suggestions, express concerns and grievances related to the workplace, and to file complaints and lawsuits due to the administrative actions and procedures applied to them by their managers or the workplace.

Mainly, all information requests, opinions, suggestions and complaints about TUBITAK are processed through the TUBIMER Online System (<https://tubimer.tubitak.gov.tr/en>), and employees of our Institution can make applications and thereby raise their concerns through that online system. The applications submitted by the employees through the TUBIMER Online System are evaluated by the relevant units of our Institution and the applicants are responded. Thus, it is aimed to increase the efficiency of the TUBITAK's processes and the operations of our executive units can be controlled.

Via TUBIMER Online System four type of application can be made, which are "Information Request", "Opinion/Suggestion", "Complaint" and "Objection". When TUBIMER Online System became operational on October 16, 2017, the employees were informed about TUBIMER Online System through our Institution's website, e-mails and presentations. In addition to this, new employees of our institution are also informed about the TUBIMER Online System within the orientation programs.

Besides, all citizens of the Turkish Republic, as well as TÜBİTAK employee are entitled to apply Turkish Grand National Assembly and the public authorities by written petition, in respect to their requests and complaints, in accordance with the Article 3 of the Law on Use of the Right to Petition (Official Gazette dated 01.11.1984 and numbered 3071). Applications and complaints can also be made in writing, starting with the nearest manager, and if an employee has a grievance about the manager, then the complaint is submitted to the next manager in line. And if necessary, all staff has right to fill petition and submit it to TUBITAK Human Resources Department. Petition is assessed by the relevant department together with Human Resources Department and necessary measures are taken under TUBITAK Human Resources Regulation and Enterprise Collective Bargaining Agreement which regulates the working conditions of government employees by negotiation between Employees' Trade Union and Employers' Trade Union by which TÜBİTAK is represented according to the Law no. 6356 on Trade Union and Collective Bargaining Agreements.

Complaints about ethical issues such as sexual abuse/harassment received from TUBITAK employees (including PIU) are evaluated by paying attention to the confidentiality of employee information. This type petition is assessed by TUBITAK Human Resources Department and necessary measures are taken according to TUBITAK Human Resources Regulation (Chapter 10) and Article 47 and Article 48 of the Enterprise Collective Bargaining Agreement which defines a "Board of Discipline" and "Penalties and Offenses".

Last but not least, there is the “Appeals Board” mechanism, where employees can voice their problems related to human resources practices. It is the Board that meets to evaluate the objections to be made by the personnel regarding the practices within the scope of the “TÜBİTAK Personnel Recruitment, Appointment, Promotion and Title Change” Application Principles. Employees can convey their requests regarding Human Resources practices through Human Resources Information System. Requests are responded and finalized after being discussed at the Appeal Board meetings.