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VIOLATIONS OF WOMEN'S RIGHTS AND IMPLEMENTATION PROBLEMS IN LABOR LEGAL RELATIONS: LITHUANIAN AND TURKISH EXPERIENCE

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Abstract.

The relevance of this study. Gender inequality in employment is a complex phenomenon that can be observed in organizational structures, work processes and practice. It should be noted that this is a global problem, as equal rights, and opportunities for both sexes have not been fully and comprehensively implemented either in Lithuania or in many other countries. It should be noted that in 1998 Lithuania was one of the first in Eastern and Central Europe to adopt the Law on Equal Opportunities for Women and Men. The analyzed topic is especially relevant, because in both Lithuania and Turkey there are more and more cases of violations of women's rights in labor relations. According to the Special Investigation Service, there is an increasing number of cases of such offenses with signs of discrimination. However, political confidence in Lithuania remains relatively low due to the democratic deficit: democracy is not yet rooted enough to give the public absolute confidence in state institutions, and state institutions themselves do not function in a way that promotes trust in them. All this creates a negative image of the Lithuanian work environment. Some employment authorities are passive in responding to this situation and are not looking for solutions to prevent this phenomenon. There is currently no system in place to reveal or recommend the most effective methods of combating discrimination in employment. **The main problem.** Analyzing the problematic situation regarding violations of women's rights in labor legal relations, the following main problems can be raised: firstly, it is more difficult for women, as weaker parties to the employment relationship, to protect themselves from guarantees that are not applied to them properly, for example by employers abusing their position by not giving workers raising their days of rest or by not respecting the statutory right to leave. While these violations appear to be of a general nature, they are considered violations of women's rights. secondly, although discrimination is widely discussed in society, cases of discrimination are not always recognizable. Cases of sexual harassment, or open statements and actions of the employer against a person's gender, age, nationality, are usually imagined in terms of discrimination. Less emphasized types of discrimination remain unrecognized, with the result that the employee does not defend his or her violated rights. thirdly, distrust of state-provided remedies for violated rights still prevails in both Lithuania and Turkey. Often, a large proportion of women have experienced violations of equal rights and opportunities without recourse. **The following tasks:** 1. To clarify the concepts of women and labor rights. 2. To identify the problems of violations of women's rights in labor legal relations. 3. Examine the implementation of equal rights and opportunities in employment. 4. To present the results of the analysis of violations of women's rights based on the data of the conducted research. **The aim of this work** Analyse the legal acts ensuring women's rights and identify areas for improvement in the fight against violations of women's rights in labour relations. **The paper concluded** that discrimination against women in employment often has a negative impact on women's earnings and opportunities, as well as a significant shortage of women in management positions, and women need more time to pursue a career. Probably the main factor that causes women to experience discrimination and rights violations in employment is motherhood. Motherhood and the gender division of labour, for which women have the main responsibility for maintaining their homes and families, are important perpetrators of gender inequality and inequality between women. **The novelty** the analysis provided insight into today's problems in ensuring women's rights, which will help to draw conclusions and make proposals that could influence the improvement of legislation regulating women's rights. Given that existing research on equal rights is not sufficiently comprehensive and new, and that it focuses on equal rights in general, without excluding women as a subject, research material will be useful for both legal practitioners and researchers who will benefit from the results of this work and will continue the analysis of the issues on this topic. **As the result** proper implementation of equal rights and opportunities reduces violations of women's rights in employment. **The used methodology.** The following methods were used in the work: systematic analysis, document analysis, comparative, historical and generalization methods.

Keywords: equal rights, discrimination, women's rights, violation.

Introduction

Statement of the problem

Firstly, it is more difficult for women, as weaker parties to the employment relationship, to protect themselves from guarantees that are not applied to them properly, for example by employers abusing their position by not giving workers raising their days of rest or by not respecting the statutory right to leave. While these violations appear to be of a general nature, they are considered violations of women's rights. secondly, although discrimination is widely discussed in society, cases of discrimination are not always recognizable. **Relevance of the topic** Gender inequality in employment is a complex phenomenon that can be observed in organizational structures, work processes and practice. It should be noted that this is a global problem, as equal rights, and opportunities for both sexes have not been fully and comprehensively implemented either in Lithuania or in many other countries. It should be noted that in 1998 Lithuania was one of the first in Eastern and Central Europe to adopt the Law on Equal Opportunities for Women and Men. The analyzed topic is especially relevant, because in both Lithuania and Turkey there are more and more cases of violations of women's rights in labor relations. **The aim of the research** is to analyse the legal acts ensuring women's rights and identify areas for improvement in the fight against violations of women's rights in labour relations.

Results

Biological differences between men and women affect the importance of social and cultural society and lead to a hierarchical relationship between women and men, as well as a distribution of power and rights that is more often more favorable to men. The different social status of women and men is influenced by economic, political, social, cultural, religious, ideological, and environmental factors. It should be noted that gender structures are dynamic and change over time and may vary across cultures. For example, the role of women in most traditional societies was to take care of the household and children, and the duty of men was to provide for the family while working outside the home. In most societies, this traditional perception of the roles of women and men has changed and continues to change.

Regarding the grounds for discrimination, the current legislation emphasizes the various grounds for discrimination against individuals: race and ethnic origin [1], sex [2], as well as age [3], and disability, including discrimination based on sexual orientation, religion, or belief [3]. Grounds of discrimination are

subject to change, as changes in society and, at the same time, in law, new grounds of discrimination arise such as the intention of individuals to have children [4], marital status, appearance, gender reassignment, assisted reproduction, etc. At the same time, the scope of the principle of equal opportunities is expanding – this principle must be observed in employment and related relations [5], as well as in the field of education, goods and services and other areas [6].

The concept and types of gender equality and women's rights and their violations in labor relations

The concept of gender equality does not mean that men and women are identical or that their roles or needs are identical. Indeed, the concept of equality, and even more so of gender equality, seeks to give equal value to the nature, roles and needs of women and men. The roles and positions of men and women are different, determined by the historical perspective and the current situation. It should be noted that the needs of women and men may differ accordingly. In most, if not all, societies, women must play certain roles as mothers, housewives, and careers. This usually means that their position in employment and training, equal pay, rights to land and other capital, and freedom of movement are weaker. To make progress on gender equality, existing imbalances in policymaking, programs and projects need to be addressed [7].

The term gender equality can be used to perpetuate stereotypes about the role of women in society, suggesting that women be treated «fairly», considering their roles, and perpetuating gender stereotypes that are harmful to women. The Committee on the Elimination of Discrimination against Women, in its general recommendations and concluding remarks on gender issues, emphasized that Parties are encouraged to use exclusively the concepts of equality between women and men or gender equality in fulfilling their obligations under the Convention [8]. The legal term gender equality must be used in accordance with the Convention and cannot be replaced by the concept of equality, which is determined by subjective criteria [9]. Through special measures, historical disadvantages and inequalities are remedied by temporarily giving women an advantage and giving them access to opportunities that are not traditionally available to them [10]. Achieving fundamental equality requires a change in attitudes, gender roles and stereotypes; a fundamental change in society that will change the reality experienced by women [11].

Argentina also promotes equal rights for women, especially in employment. It should be noted that the Argentine labor legal system is complex, consisting of international, constitutional and national laws. The labor system addresses the rights of working women in two ways: it promotes equal rights and creates rights that eliminate differences between men and women, namely maternity rights. Some employers discriminate against women precisely because of maternity rights. The Argentine national constitution contains equal rights provisions that affect working women. Article 16 of the Constitution provides that all residents are equal before the law [12].

Researchers explain the pay gap between men and women for a variety of reasons: starting in different industries where women and men work, racist recruitment and discriminatory promotion practices, mismatching hours worked, lack of work experience. Governments in various countries also do not promote policies to increase support for women in the workplace and in institutions such as schools. For example, systematic discrimination against working women in the U.S. has created a rather disadvantage for working women since the country was founded. The colonies passed laws that prevented workers from retaining control of their wages even in 1769. Due to the lack of suffrage, women could not vote until 1920. There was also a lower minimum wage for women and men, even if women did the same job. In addition, women continue to experience sexual harassment and assault in the workplace as they have throughout American history [13]. Under Canadian labor law (the Collective Bargaining Act) or common law provisions, employers and employees are treated as contracting parties. It should be noted that about 33 percent. Canada's workforce is unionized, a figure that has remained virtually unchanged over the past three decades, in contrast to the United States [14].

Discrimination on grounds of sex is a fundamental form of discrimination. The protection of women's workers' rights and women's employment is a matter of public concern. A woman's vulnerability is especially noticeable before and after the child. Maternity protection remains a key instrument for promoting gender equality, as shown by the third convention in this area, Convention no. 183 [15]. Discrimination against women in employment quite often has a negative impact on women's earnings and opportunities, as well as a noticeable lack of women in management positions, women need more time to pursue a career. In other words, discrimination in the workplace contributes to the lower socio-economic

situation of women [16]. Such discrimination against women can often be linked to human resources (HR) policy and human resource decision-making.

Probably the main factor that causes women to experience discrimination and rights violations in employment is motherhood. Motherhood and the gender division of labor, for which women have the main responsibility for maintaining their homes and families, are important perpetrators of gender inequality and inequality between women. The conflict between these family responsibilities and work requirements contributes significantly to the disadvantages of women in the labor market and to the slow progress towards equal opportunities and treatment for men and women in employment [17]. Another quite common violation of women's rights in employment is sexual harassment. This is confirmed by statistics and reports from the Office of the Equal Opportunities Ombudsman, reflecting the number of victims of sexual harassment, which falls far short of reality, as women do not always dare to seek help for sexual harassment. legal liability measures [18]. Another type of violation of women's rights in employment is violence against women. Violence is understood as any gender-based violence that ends or may end in physical, sexual, or psychological harm or suffering to women, including threats of such acts, use of force, unlawful restriction of liberty, occurring in both private and public life [19]. It should also be noted that women do not have the same access to finance, property, technology or services as men, often have relatively low levels of education and vocational training (more common in developing countries) and have to «play» their business management and responsibilities. In many agrarian countries, women cannot own or inherit the land they farm on, cannot be self-employed as farmers, and cannot join cooperatives and credit unions. While women entrepreneurs undoubtedly face difficulties in running small and medium-sized enterprises, it should be noted that many barriers and problems are common to both sexes [20].

Analysis of court practice of violations of women's rights related to employment

An analysis of case law has shown that, although violations of women's rights in employment are a very common problem, they are a rare phenomenon in case law. Although the court is the most effective remedy for violated rights, the small number of cases of discrimination at work reveals that workers do not defend their rights in court. Such assistance could be justified by the existing pre-litigation procedure for

such disputes. However, perhaps the most important reason for the low number of cases is the problem of non-recognition of discrimination. «Cases of sexual harassment, or open statements and actions of the employer against a person's gender, age, nationality, are usually imagined when thinking about discrimination.» Employees are waiting for direct action that will have evidence of discrimination. As a result, many cases of discrimination simply go unnoticed and unnamed [21].

In Lithuania, the most common violations of a discriminatory nature are wage discrimination. Case No. was considered in Vilnius Regional Court. e2A-1796-852 / 2019, which dealt with a dispute over the number of wages for temporary employees. For temporary employees according to Article 75 of the Labor Code of the Republic of Lithuania. 2 d. establishes the principle of non-discrimination, which ensures that «they must be paid the same wages as if they had been employed directly by a temporary work user». The defendant argued that «temporary staff were paid at a different rate than permanent staff, arguing that» they do not have this type of permanent staff and are therefore not comparable in terms of equal access to equal pay for defendants « [22].

Cases of sexual harassment are also considered in Lithuanian courts, as such harassment is considered a form of discrimination. For example, the Vilnius City District Court was considering civil case no. e2-3596-727 / 2019, in which a dispute over sexual harassment arose. The file contains information that Mr J. is treating employees inappropriately [23].

Analyzing the case law of Lithuanian courts, it has been noticed that disputes are received in the courts in which the violation of the principle of ensuring equal opportunities and non-discrimination of women is complained about, establishing certain, unequal conditions for employees. It should be noted that in not all cases, imposing different conditions or guarantees on employees is considered an equal opportunity or discriminatory violation. For example, the SCL examined case no. e3K-3-348-403 / 2020, in which an employee complained about a discriminatory guarantee existing in the workplace, to those employees who belong to a trade union [24]. As already mentioned, women quite often experience sexual discrimination in employment. For example, in 2018. June 19 ECtHR Hülya Ebru Demirel v. In Turkey Hülya case, the applicant complained of sexual discrimination because she had been banned from working as a civil servant safety officer in

a state-owned regional electricity distribution company. The applicant complained that the decisions of the administrative authorities and the courts constituted discrimination on grounds of sex. It also set out the facts that the domestic courts had given conflicting decisions in identical cases and that the Supreme Administrative Court had not examined its observations [25].

In another ECtHR in 2014. December 2 in the case of Emel Boyraz v. The applicant, a Turkish national, was appointed as a security officer for a branch of a state – owned electricity company. She worked under contract for almost three years, until 2004. March. was fired because of his gender. She was informed that she would not be appointed because she did not meet gender requirements and was required to perform military service. 2006 February. The courts dismissed Mr Boyraz's case in the light of a previous decision of the Supreme Administrative Court finding that the requirement of military service had shown that the relevant posts had been assigned to male candidates and that that requirement was lawful. The Court found a violation of Article 14 (prohibition of discrimination) in conjunction with Article 8 (right to respect for private and family life) and a violation of Article 6 § 1 (right to a fair trial) of excessive length of proceedings [26]. In another case of a similar nature, the court made a similar decision. ECtHR24 January 2006 by Kurtulmuş v. Turkey concerns a ban on a university professor wearing an Islamic headscarf in the performance of his duties. The applicant alleged that the ban on wearing the scarf violated her right to freely express her religion. She argued that the decision of the disciplinary hearing that she should resign because of wearing an Islamic scarf violated her rights guaranteed by Article 8 of the Convention (right to respect for private life) and Articles 9 and 10. (freedom of movement). expression). The court declared the statement inadmissible (manifestly unfounded). He found that in the special context of state-religion relations, the role of domestic policymaker needed to be given special significance [27].

Summarizing it can be stated that the most common problems related to discrimination against women are due to the sexual discrimination that women experience at work, another fairly common problem is related to the religious beliefs of working women. Courts are quite often confronted with complaints from women about sexual harassment, as well as about exploitation and physical and mental violence against women. Another problem faced by working women is motherhood. In Lithuania, not

all disputes arising in employment relations due to discrimination reach the court, as they are obliged to have a pre-trial dispute resolution procedure. After the pre-trial settlement of the dispute, the parties no longer go to court in agreement with the decision. In cases that reach the court, problematic situations are addressed, such as the payment of equal pay for similar work, issues of sexual harassment, and discrimination based on participation in the activities of certain organizations.

There is also the problem of wrongful dismissal. In Turkey, Gender-based violence is either financial or economic, while domestic violence is a common issue that needs to be addressed together with discrimination. Considering its accepted definition by the International Labour Organisation, the term «violence» in working environment includes physical and psychological violence and harassment, and sometimes sexual violence and harassment. Considering country differences, we find it useful to discuss the concepts of violence and harassment together. This study is therefore on the classification of violence and harassment.

When the concept of «violence» related to working life is taken specifically, it mostly covers physical and psychological violence and harassment. Sometimes seen to include sexual violence and harassment [28]. Physical violence, in its broadest form, includes acts of verbal abuse, bullying, mobbing, harassment and threats. The concept of sexual harassment in the workplace is generally defined as unwanted and disturbing behaviours of sexual content experienced in the workplace in the USA [29]. Labour inspectors, judges and other stakeholders are not adequately trained to identify risks of violence and harassment. In addition, where these risks exist, they are given limited authority to stop working in the workplace. In a concrete incident that came to the Supreme Court, a female worker claiming to have been sexually harassed terminated her employment contract with just cause due to sexual harassment and mobbing. The local court accepted all the seniority / notice / UBGТ / moral compensation claims. The Court of Cassation reversed the decision of the local court with the requirement to reject non-pecuniary damages. As the justification, the plaintiff cited the fact that the workplace of the employee, who was accused of sexual harassment, was changed after the employee's complaint, and that the harassment was carried out through social media [30].

In the material facts mentioned in the aforementioned Supreme Court decision; the

claimant worker verbally informed his superiors for the first time and verbally in January 2013 about the sexual harassment he was exposed to, the employer changed the place and unit of work thereupon, and in the notice dated 21.01.2014, demanded the necessary action be taken against the worker who filed a criminal complaint against the same person, and Finally, it is understood that he terminated his employment contract on the grounds of sexual harassment with a warning to his employer on 03.02.2014. It was also stated in the decision that the abusive worker was sentenced to 2 months and 15 days in prison because of the criminal proceedings and it was decided to defer the announcement of the verdict. Although not stated in the decision; We think that the normative basis of the case file is the Labour Law 24/2, d. According to the provision, if the worker is sexually harassed in the workplace by another worker or third parties and the necessary precautions are not taken despite informing the employer of this situation; The employee will have the right to terminate immediately for justifiable reasons. By accepting severance pay, the Supreme Court stated that the termination was based on a just cause; however, he rejected his claim for non-pecuniary damage [31].

In general, legal, and criminal sanctions are applied in response to violence and harassment in the laws of the countries. In some legal systems, legal and penal sanctions are not contented with, in addition; There are also additional regulations for public disclosure of the concrete situation, e. g., French Penal Code. In Turkish Law, according to Labour Law 24/2, d, the right of termination arises for the worker. Because the employer did not take the necessary precautions. Therefore, the liability of the employer for the abusive employee has been legally resolved. However, such a solution; As it will cause the worker to be unemployed, the measures to be taken include leaving the worker at work on the one hand and not being harassed on the other. Therefore, the remedies to be found should mainly focus on the employer to take measures; otherwise, the employer should be sanctioned [32].

Provisions on preventing violence and harassment in labour relations can be included in collective bargaining agreements. In this context, a social policy against violence can be developed through collective bargaining agreements. Training and awareness of employees and/or managers can be increased. On the other hand, similar arrangements can be made in international framework agreements. In other words, national and international obligations are

determined. Provisions covering all forms of violence and harassment and bringing preventive measures can be included in collective bargaining agreements. For example, workplace agreements at Volkswagen and Opel deal with intimidation, discrimination, and sexual harassment, and include prevention measures as well as the consequences of prohibited behaviour. In this way, workers are enlightened [33].

According to Turkish Supreme Court Decisions, in some of its decisions, the Court of Cassation exemplified mobbing behaviours by counting them one by one. Accordingly, in a decision, «To force a person to quit his job, to give a person more work than he can, to make all kinds of difficulties in requests for leave and vacation, not to inform about social events, to change the subject when the victim comes, to make him feel that he is being spoken against, not to make eye contact with him after being included in the group, It has been stated that mobbing is carried out with behaviours such as pretending to listen to what they say, ignoring their suggestions and not accepting their offers. In another decision of the Court of Cassation, which is cited as examples of mobbing behaviours, the behaviours are stated as follows: «Preventing self-disclosure; interrupting, scolding loudly, constant criticism, behaving as if the employee is not present in the work environment, employees and employers not speaking to the employee, interruption of communication, baseless rumours, unpleasant allusions, not giving qualified work, constantly changing places after giving meaningless jobs, giving heavy work, physical violence threat, sexual harassment, isolating the victim in working life, mocking « [34].

Conclusions

1. Today's attitude towards the female worker is determined by historical perspectives and prejudices. The following grounds of discrimination against women in employment are distinguished: motherhood, or their marital status and responsibilities, which include pregnancy, raising children, etc., sexual harassment, psychological violence.

2. Discrimination against women in employment quite often has a negative impact on women's earnings and opportunities, as well as a noticeable lack of women in management positions, women need more time to pursue a career. Probably the main factor that causes women to experience discrimination and rights violations in employment is motherhood. Motherhood and the gender division of labor, for which women have the main responsibility for maintaining their homes and families, are important perpetrators of gender inequality and inequality between women.

3. The reasons for discrimination against women in employment can be divided into three main groups or problems: 1) Stereotypes that are rooted in society; 2) Insufficient social support services; 3) Gaps in the law.

4. The analysis of case law has shown that the most common problem of discrimination against women stems from the sexual discrimination that women experience at work, another relatively common problem being related to the religious beliefs of working women. Courts are quite often confronted with complaints from women about sexual harassment, as well as about exploitation and physical and mental violence against women. Another problem faced by working women is motherhood.

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ПОРУШЕННЯ ПРАВ ЖІНОК І ПРОБЛЕМИ РЕАЛІЗАЦІЇ У ТРУДОВИХ ПРАВОВИХ ВІДНОСИНАХ: ЛИТОВСЬКИЙ І ТУРЕЦЬКИЙ ДОСВІД

Анотація

Актуальність цього дослідження. Гендерна нерівність у сфері зайнятості - складне явище, яке можна спостерігати в організаційних структурах, робочих процесах та практиці. Слід зазначити, що це глобальна проблема, оскільки рівні права та можливості для обох статей не реалізовані повністю та всебічно ні у Литві, ні у багатьох інших країнах. Слід зазначити, що у 1998 році Литва однією з перших у Східній та Центральній Європі ухвалила Закон про рівні можливості для жінок та чоловіків. Аналізована тема є особливо актуальною, тому що і в Литві, і в Туреччині все більше і більше випадків порушення прав жінок у трудових відносинах. За даними Спеціальної слідчої служби, зростає кількість випадків подібних правопорушень із ознаками дискримінації. Однак політична довіра до Литви залишається відносно низькою через дефіцит демократії: демократія ще не вкоренилася достатньо, щоб дати суспільству абсолютну довіру до державних інституцій, а самі державні інститути не функціонують таким чином, щоб зміцнювати довіру до них. Усе це створює негативний образ литовського робочого середовища. Деякі органи з працевлаштування пасивно реагують на цю ситуацію і не шукають рішень для запобігання цьому явищу. Нині немає системи, що дозволяє виявити чи рекомендувати найефективніші методи боротьби з дискримінацією у сфері зайнятості. Головна проблема. Аналізуючи проблемну ситуацію з порушеннями прав жінок у трудових правовідносинах, можна виділити такі основні проблеми: по-перше, жінкам, як слабкішим сторонам трудових відносин, складніше захистити себе від гарантій, які до них не застосовуються належним чином, наприклад, коли роботодавці зловживають своїм становищем, не надаючи працівникам більше днів відпочинку, або не дотримуються встановленого законом права на відпустку. Хоча ці порушення, як видається, мають загальний характер, вони вважаються порушеннями прав жінок. По-друге, хоча дискримінація широко обговорюється у суспільстві, випадки дискримінації завжди можна розпізнати. Випадки сексуального домагання або відкриті заяви та дії роботодавця щодо статі, віку, національності людини зазвичай подаються у термінах дискримінації. Менш підкреслені види дискримінації залишаються невизнаними, у результаті працівник не захищає свої порушені права. По-третє, як у Литві, так і в Туреччині, як і раніше, переважає недовіра до засобів захисту порушених прав, що надаються державою. Часто значна частина жінок стикається з порушеннями рівних прав та можливостей без звернення за допомогою. Завдання дослідження: 1. Роз'яснити концепції жінок та трудових прав. 2. Виявити проблеми порушення прав жінок на трудових правовідносинах. 3. Вивчити реалізацію рівних прав та можливостей у сфері зайнятості. 4. Подати результати аналізу порушень прав жінок на основі даних проведеного дослідження. Мета роботи. Проаналізувати нормативно-правові акти, що забезпечують права жінок, та визначити напрями для покращення боротьби з порушеннями прав жінок у трудових відносинах. У статті зроблено висновок, що дискримінація жінок у сфері зайнятості часто негативно позначається на доходах та можливостях жінок, а також на значному браці жінок на керівних посадах, тому жінкам потрібно більше часу, щоб зробити кар'єру. Ймовірно, основним фактором, який змушує жінок стикатися з дискримінацією та порушеннями прав при працевлаштуванні, є материнство. Материнство та гендерний поділ праці, відповідно до якого жінки несуть основну відповідальність за утримання свого будинку та сім'ї, є важливими винуватцями гендерної нерівності та нерівності між жінками. Новизна аналізу дозволила зрозуміти сьогоденні проблеми у забезпеченні прав жінок, що допоможе зробити висновки та внести пропозиції, які можуть вплинути на вдосконалення законодавства, що регулює права жінок. Враховуючи, що існуючі дослідження у галузі рівних прав не є достатньо всеосяжними та новими, і що вони зосереджені на рівних правах у цілому, без винятку жінок як об'єкта дослідження, матеріали статі будуть корисними як для юристів, так і для дослідників. У результаті належна реалізація рівних прав та можливостей знижує кількість порушень прав жінок у сфері зайнятості. Методологія, що використовується. У роботі використовувалися такі методи: систематичний аналіз, аналіз документів, порівняльний, історичний та узагальнюючий методи.

Ключові слова: рівноправність, дискримінація, права жінок, порушення

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НАРУШЕНИЯ ПРАВ ЖЕНЩИН И ПРОБЛЕМЫ РЕАЛИЗАЦИИ В ТРУДОВЫХ ПРАВОВЫХ ОТНОШЕНИЯХ: ЛИТОВСКИЙ И ТУРЕЦКИЙ ОПЫТ

Аннотация

Актуальность данного исследования. Гендерное неравенство в сфере занятости – сложное явление, которое можно наблюдать в организационных структурах, рабочих процессах и практике. Следует отметить, что это глобальная проблема, поскольку равные права и возможности для обоих полов не реализованы полностью и всемерно ни в Литве, ни во многих других странах. Следует отметить, что в 1998 году Литва одной из первых в Восточной и Центральной Европе приняла Закон о равных возможностях для женщин и мужчин. Анализируемая тема особенно актуальна, потому что и в Литве, и в Турции все больше и больше случаев нарушения прав женщин в трудовых отношениях. По данным Специальной следственной службы, растет число случаев подобных правонарушений с признаками дискриминации. Однако политическое доверие к Литве остается относительно низким из-за дефицита демократии: демократия еще не укоренилась достаточно, чтобы дать обществу абсолютное доверие к государственным институтам, а сами государственные институты не функционируют таким образом, чтобы укреплять доверие к ним. Все это создает негативный образ литовской рабочей среды. Некоторые органы по трудоустройству пассивно реагируют на эту ситуацию и не ищут решений для предотвращения этого явления. В настоящее время не существует системы, позволяющей выявить или рекомендовать наиболее эффективные методы борьбы с дискриминацией в сфере занятости. Главная проблема. **Анализируя проблемную** ситуацию с нарушениями прав женщин в трудовых правоотношениях, можно выделить следующие основные проблемы: во-первых, женщинам, как более слабым сторонам трудовых отношений, сложнее защитить себя от гарантий, которые к ним не применяются. должным образом, например, когда работодатели злоупотребляют своим положением, не предоставляя работникам больше дней отдыха, или не соблюдают установленное законом право на отпуск. Хотя эти нарушения, как представляется, носят общий характер, они считаются нарушением прав женщин. во-вторых, хотя дискриминация широко обсуждается в обществе, случаи дискриминации не всегда можно распознать. Случаи сексуального домогательства или открытые заявления и действия работодателя в отношении пола, возраста, национальности человека обычно представляются в терминах дискриминации. Менее подчеркнутые виды дискриминации остаются непризнанными, в результате чего работник не защищает свои нарушенные права. в-третьих, как в Литве, так и в Турции по-прежнему преобладает недоверие к предоставляемым государством средствам защиты нарушенных прав. Часто значительная часть женщин сталкивается с нарушениями равных прав и возможностей без обращения за помощью. **Следующие задачи:** 1. Разъяснить концепции женщин и трудовых прав. 2. Выявить проблемы нарушения прав женщин в трудовых правоотношениях. 3. Изучите реализацию равных прав и возможностей в сфере занятости. 4. Представить результаты анализа нарушений прав женщин на основе данных проведенного исследования. **Цель работы** Проанализировать нормативно-правовые акты, обеспечивающие права женщин, и определить направления для улучшения борьбы с нарушениями прав женщин в трудовых отношениях. **В документе сделан вывод** о том, что дискриминация женщин в сфере занятости часто отрицательно сказывается на доходах и возможностях женщин, а также на значительную нехватку женщин на руководящих должностях, и женщинам нужно больше времени, чтобы сделать карьеру. Вероятно, основным фактором, заставляющим женщин сталкиваться с дискриминацией и нарушениями прав при трудоустройстве, является материнство. Материнство и гендерное разделение труда, в соответствии с которым женщины несут основную ответственность за содержание своего дома и семьи, являются важными виновниками гендерного неравенства и неравенства между женщинами. Новизна анализа позволила понять сегодняшние проблемы в обеспечении прав женщин, что помогло сделать выводы и внести предложения, которые могут повлиять на совершенствование законодательства, регулирующего права женщин. Учитывая, что существующие исследования в области равных прав не являются достаточно всеобъемлющими и новыми, и что они сосредоточены на равных правах в целом, без исключения женщин в качестве объекта исследования, материалы исследования будут полезны как для практикующих юристов, так и для исследователей, которые извлекут пользу из результатов этого исследования. Используемая методология. В работе использовались следующие **методы:** систематический анализ, анализ документов, сравнительный, исторический и обобщающий методы.

Ключевые слова: равноправие, дискриминация, права женщин, нарушение

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