

## **Are They Equal? Comparison of Turkish and English Job Announcements in Terms of Some Discrimination Factors**

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**Abstract:** Equal opportunity in working life is one of the most important topics in employment plans of the countries. Personnel selection is the first stage of working life and job advertisement is a widely used method for recruitment. In this study, statements which prevent equal opportunity and lead into discrimination in job advertisements which are published in one of the Turkish and one of the English newspaper supplements are examined. It is found that there are direct discrimination statements like age, gender, marital status and university preference in job announcements in Turkey. There are not direct discrimination factors in the job advertisements of the English newspaper but there are indirect discrimination statements like working term, education level and personal criterion in both newspapers.

**Key words:** Discrimination % job advertisements % equal opportunity

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### **INTRODUCTION**

Although new technologies made possible the dissemination of the knowledge much more quickly and widely than past, they did not make it equally available for everybody. Some groups which have no equal chance to gain this knowledge like ethnic minorities, disabled and women can not benefit from education, experience and promotion opportunities of the modern life and so they have limited opportunities to gain qualified works (Drucker, 1989; James, *et al.*, 2002. These groups also meet some obstacles in several stages and areas of working life and personnel selection is one of those.

Personnel selection is the first step of working life and job announcement is one of the most used methods in recruitment. If restraining clauses for the applications of some people or groups are set up in these announcements, they may give rise to discrimination and prevent equal opportunities. Thus, this study aims to present a comparison of job announcements published in Turkey and UK, in terms of direct and indirect discrimination factors.

### **CONCEPTUAL FRAMEWORK**

**Discrimination and Equal Opportunities in Working Life:** Idea of the modern society is based on the recognition of the right for making decision on the subjects that are related to someone's own life. This principle refers to the need for the right of each person to benefit from the society's opportunities equally. Actually there are some groups that have no equal opportunities. Therefore equal opportunity is one the most supported justice notions in modern democratic countries.

Despite the lots of national and international laws and regulations, some people and groups are still subject to

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discrimination because of the reasons like race, age, gender, physical or mental handicap, education, religion, etc. and have no equal opportunities in working life.

Equality of opportunity sets, that is, rendering the sets of choices available to different individuals the same (Roemer, 2002). It aims justice for all by preventing discrimination. The term of “equal employment opportunity” was used first by President Lyndon Johnson when he signed the Executive Order 11246 which was created to prohibit federal contractors from discriminating against employees on the basis of race, sex, religion, color or national origin on September 24, 1965 (Webb, 1997). In Europe, equality of opportunity is based on Article 119 that is about equal pay and Article 6 that prohibits racial discrimination of the Treaty of Rome, 1957.

Discrimination prevents equality of opportunity in any way. Discrimination is behavioural and noticeable expressions of the prejudices (Secord, 1964). Discrimination may be defined as selection of the candidates for a work according to the criterias which are not related to the job directly (Daft, 1991) in working life. Discrimination in recruitment process might be classified in two categories (Lawler and Bae, 1998):

**Direct discrimination:** It is a different treatment of an employer to the employees who have similar qualifications because of some reasons like race, gender, marital status and etc. Gender or age limitations in job advertisements may be given as examples. Generally it is only one form of the phenomenon and perhaps is only the proverbial tip of the iceberg.

**Indirect discrimination:** It exists if an employer’s any decision, criteria or treatment that looks as if neutral causes a disadvantaged situation between the employees who have different characteristics like race, ethnic origin, sex or age. Indirect discrimination derives from the differential impact itself, along with its unwarranted character. In that sense, indirect discrimination is perceptible only by statistical reasoning, using the data collected in various selection and allocation procedures (Simon, 2005). One of the most common examples of indirect discrimination is limitation for working term in recruitment. Cascio (Cascio, 1992) gives another example and says generally when a white man works as a cashier, a black man works as a cleaner even though they have similar qualifications.

**Current State of UK and Turkey:** It might be helpful representation of current legal and social conditions of Turkey and UK on discrimination and equal opportunity to understand similarities and differences of the countries.

UK, the pioneer of Industrial Revolution and union rights, is a West European country and also a European Union (EU) member. After the Industrial Revolution, people had to work in very hard conditions in UK. Working class reacted against those life and working conditions and then social upheavals arised like the Revolution 1830 and 1848. In 1851 Amalgamated Society of Engineers was established in England. Also vote rights were widen and right to strike was accepted.

UK, as a member, has to implement all EU legislations about discrimination and equal opportunity. EU countries are subject to various directives dating back to the mid-1970s that have required member nations to adopt laws prohibiting discrimination in employment (Cook, 1987; Fabricius, 1992). There are a lot of international documents used to regulate the working life in Europe like Treaty of Rome (1958), Treaty of Amsterdam (1999), Community Charter of the Fundamental Social Rights of Workers, Equal Pay Directive (75/117/EEC), Equal Treatment Directive (76/207/EEC), Race Directive (2000/43/EC) and Equal Treatment in Employment and Occupation Directive (2000/78/EC).

It might be said that EU regulations are important and effective in UK. Meehan and Collins (1996) say that the EU legislation shaped British policies especially on retirement, pay and pensions, maternity and parental rights, sexual harassment in the work place and protective legislation. As a result of not having a constitution, working life was regulated by common law and case law in the country. UK also has own regulations for equality of the opportunity like Equal Pay Act (1970), Sex Discrimination Act (1975), Disability Discrimination Act (1995), Protection From Harassment Act (1997),

Employment Rights Act (2002), Religion, Belief and Sexual Orientation Employment Equality Regulations (2003) and Equality Act (2006). Equality Act is the last and valid legal document in UK. It is adopted on February 16, 2006. Age, handicap, sex, race, ethnic origin, religion, belief and sexual orientation are listed as the areas that are prohibited discrimination. It is also stated that all of the organizations have responsibility to eliminate the discrimination and sexual harassment and also provide the equal opportunity for all.

Despite the regulations prepared to prevent discrimination in UK, it is not possible to say that full employment is performed and discrimination is removed in whole working life of the country. Phillipson (Phillipson, 1998) states that percentage of the old employees lessened in labour force. Although population over the 50 years old increased to 31.7% from 30.8% between 1971-1998, percentage of this group in labour force decreased to 34.2% from 44.1% at the same period of time. According to The Disability Rights Commission data, there are approximately 10 million disabled people in UK and 46.6% percent of them are employed, 29% percent of people who have learning disabilities and 20% percent of the people who have mental health problems are working ([www.drc-gb.org/employment](http://www.drc-gb.org/employment)). Although rate of the women in labour force is 67% and is higher than average of EU, women continue to be attracted to occupations that are considered to be women's work, such as clerical, secretarial and personal service work (Knights and Richards, 2003). Occupational discrimination and segregation along gendered lines continue to be seen as problematic throughout the UK (Halford, *et al.*, 1997; Millward, *et al.*, 2000; Scott, 1994). Thornley and Coffey (1999) express that although the wage gap has been narrowing in the past couple of years, largely due to the introduction of the national statutory minimum wage which has affected substantially more women workers than men, women earn 81.6% of men's hourly pay and 74.7% of men's weekly pay. Osborn *et al.* (2000) argue that the history of women in working life has moved from exclusion to segregation and women still encounter obstacles that make difficult entering untraditional areas in UK.

On the other hand in Turkey, current legal framework that regulates the working life is Labour Law that was adopted in May 22, 2003. Turkey made the necessary domestic law regulation of CEDAW and Equal Remuneration Convention with Labour Law, but there are no definitions of harassment, direct and indirect discrimination in the law. Although most of the countries like UK regulate different areas of discrimination like sex, physical or mental handicap and age with specific laws, Turkey has only one law for all of these areas. Besides there is not an independent agency to monitor the discrimination complaints. Also there is an enormous need to make detailed regulations for selection criterias in recruitment and employment terms that are arranged only with Article 10 of the Constitution about equality principle. In the adaptation process, a lot of regulations are made like new Labour Law in Turkey. Although Labour Law brought reforms to working life, it is not possible to say that it is enough, because of not meeting the minimum standarts of EU on discrimination and equality of opportunity.

According to the OECD 2004 data, in Turkey a third of total population is working. In this situation, participation of the disabled or old people is not a much debated question in unemployment problem. According to the Prime Minister Administration for Disabled People (Ozida) data, in Turkey there are nearly 8,5 million disabled and this rate is 12% of the total population ([www.ozida.gov.tr](http://www.ozida.gov.tr)). OECD data shows that employment rate of the disabled is 46.6% in UK and 22% in Turkey; employment rate of the women is 67% in UK and 23% in Turkey. Employment rate of the population which is between 55-64 ages is 56.1% in UK, 34.2% in Turkey ([www.oecd.org/dataoecd/36/30/35024561.pdf](http://www.oecd.org/dataoecd/36/30/35024561.pdf).) When we look at these rates, in short, it could be said that the participation of some groups such as the elderly or disabled people and women to working life is lower in Turkey than in UK.

**Personnel Selection Process and Job Announcements:** Schuler (1995) defines the personnel selection as "the process of the combination of the people who apply for the work and vacancies by lawful means" and he points out importance of the legal issues in this process. Cascio (1992) says that every selection programme has two targets, one of them is

maximizing the possibility of the best candidates selection and the other one is minimizing the possibility of a discrimination claim.

Personnel selection decisions are particularly important, as they represent the entry point to organizations for individuals wishing to gain employment. No other employment decision can be made about individuals if they have not been hired to begin with (Ones and Anderson, 2002). The current requirement for personnel screening and selection methods (including job ads, interviews, tests, etc.) is that they offer “equal employment opportunity” to job applicants. If organizations can be encouraged to identify job and role requirements both objectively and accurately, a better match between the individual and the organization can be made at the point of selection (Silvester, 2003). It is further assumed that the chances of achieving this match can be enhanced by a better understanding of how bias influences the judgments candidates and assessors make of each other (Dick, and Nadin, 2006).

Most of the time discrimination begins with the first stage of work life, in personnel selection. If there are more candidates than available positions, it is necessary to select some in preference to others. But if this selection process is not based on the criteria related to the job and includes prejudices, there is a possibility of discrimination (Duncan, and Loretto, 2004). Discrimination means a deliberate and conscious selection. It is based on the choice of a certain person, group, gender and etc. to another one and prevents equal opportunity. If an employer asks candidates to have a requirement that is not a bona fide occupational qualification (BFOQ), some applicants who do not have that special requirement can not apply for the work. Harris *et al.* (2004) define BFOQ as a specific job-related requirement that is legitimate and considered a precursor to hiring a candidate for a position. In many countries, if the employer proves the wanted specification is a business necessity, it is legal. However Cook (2003) express that it should be used so limited and gives a court decision dated 1992 as an example. In USA, the court decides that it is not a legal necessity (*ex debito justitiae*) being a man to be able to work in a male prison as a guardian because of basic function of the job is saving the convicts. A bachelor’s degree is compulsory to be an engineer but is it really necessary to be a male or have no any status that can prevent travelling like having a baby? Would it be necessary to be a male in order to be a computer programmer or manager or a female to be a secretary or bookkeeper? Gatewood&Feild (Cappelli, 2001) remark in recruitment process it is important that the employer should be collecting information on a “need to know”, not on a “nice to know” basis. Otherwise employer will have a foggy selection area which is affected by personal or social prejudices and assumptions.

Personnel selection is the starting point of the worklife and the job announcement is beginning of the recruitment process (Cappelli, 2001). Gatewood and Feild (1994) separate the information sources used in recruitment process as internal and external sources and categorize the job ads as one of the external sources. Most of the firms select their staff among the candidates who apply for the job ads published in the newspapers or on the internet in recent times. Personnel announcement makes possible to reach lots of candidates with a reasonable cost and so it becomes the basic method in recruitment gradually. Job ads are used in Turkey and also UK widespreadly.

## **DISCRIMINATION IN JOB ADVERTISEMENTS IN TURKEY AND UK**

**Object and Method of the Study:** This study aims to present comparison of the job advertisements published in weekend supplements of a Turkish (Hurriyet/IK) and an English (Guardian/Work) newspaper from the point of discriminatory statements. In the study, content analysis is used and advertisements are compared in terms of direct discrimination factors as age, sex, marital status, university preference and indirect discrimination factors working term, education level and personnel criterion.

*Direct discrimination* is defined here as a publicly stated gender or age requirement for candidates for a particular position in an organization (regardless of the gender or age specified).

*Indirect discrimination* is defined here as a stated requirement which is not possible to meet for a group of the candidates for a particular position in an organization.

Both of the supplements, Hurriyet/IK and Guardian/Work, are colorful and there are articles about working life, notices for courses, seminars or training programs in them. Moreover, ads in other papers are usually replicated in both supplements. IK was published locally in Istanbul in 1995 first, then it started to cover other parts of Turkey. There are job ads from several areas in it. In fact The Guardian has several supplements for job ads like TechnologyGuardian, MediaGuardian, SocietyGuardian and EducationGuardian and Rise but they are limited with some work areas. On the other hand, job announcements in different areas like media, finance, health, education are published together in Work. Because of that we thought that it is more appropriate for our analysis.

**Data collection:** The data used in this study derived from newspaper advertisements. Sampling of this study consists of 455 Turkish and 489 English job ads that are published between the date of August 1-31, 2006. In some ads, there are a few vacancies in same firm but different specifications are asked from the candidates for these works, so each vacancy is accepted as a different recruitment announcement. Two German ads in Turkish newspaper are omitted because of the language limitation and if an advertisement is repeated more than one week, only first one is examined.

Many positions may be filled internally through promotions or transfers. This study is limited in that it does not address issues of discrimination in this context, although it seems likely that patterns of discrimination in internal hiring are likely to be reflected in external hiring.

An advantage to the study is that it takes place in a country where firms are not restricted by law with regard to stating gender or age requirements in job announcements. Consequently, we can assume that such statements are reflective of the intentions of the managers of Turkish companies especially.

## FINDINGS AND RESULTS OF THE STUDY

**Findings of Direct Discrimination Factors:** Findings related to the direct factors that lead into discrimination in ads are presented on Table 1.

**Age:** As seen on the table, whereas in English newspaper there is not any age limitation for application, but in 149 Turkish ads there are age limitations. In many countries age discrimination is forbidden. For example in Australia, age limitation is prohibited even to be a war plane pilot (Human Rights Commission Report, 1999), but in Turkey there are interesting age limitations in lots of the sectors and employers do not make any explanation for the reason of this condition. There are different limitations for male and female applicants in a few Turkish ads and there is sex discrimination as well as age discrimination in those ads.

Table 1: Direct Discrimination Factors

		NEWSPAPER		
		Turkey	UK	TOTAL
Age Limitation	Yes	149 (32,7%)	-	149
	No	306 (67,3%)	489 (100%)	795
Sex Limitation	No	356 (78,2%)	364 (74,4%)	720
	Only for men	71 (15,6%)	-	71
	Only for women	28 (6,2%)	-	28
	Equal opportunity	-	125 (25,6%)	125
Marital Status	Yes	6 (1,3%)	-	6
	No	449 (98,7%)	489 (100%)	938
University	Yes	43 (9,5%)	-	43
Preference	No	412 (90,5%)	489 (100%)	901
<b>TOTAL</b>		<b>455</b>	<b>489</b>	<b>944</b>

**Sex:** There is not any advertisement wanted a special sex for the application in the English newspaper. Also it is stated that gender equality would be supported in 125 announcements of the English newspaper. On the other hand totally in 99 Turkish ads (more than 20%) there is a sex preference. While some of the positions are available only for men, others are available only for women. Engineering, management and secretaryship are the occupations in which sex preference made mostly. It is clear that engineering management is strongly categorized as a male occupation. The results have some similarities with the study made by Lawler and Bae (1998) on the language of the job ads of multinational firms in Thailand. In their study, percentage of the ads available only for men is 25.8%, only for women is 13.9% and percentage of the ads used equal opportunity language is 26.9%. It can be seen on the Table 1, in Turkish ads percentage of the vacancies available only for men (15.6%) is higher than the percentage of the ads available only for women (6.2%). There is not sex limitation in the other Turkish ads but there is not any advertisement used equal opportunity language in Turkish newspaper.

**Marital status:** There are six ads which is made a marital status preference in Turkish newspaper. It might be thought that this is not a high rate in first but in lots of ads, there are some statements that refer to the general idea about houseworks and raising children like “not having an obstacle for travelling, not to be interested in time during the working hours” and male candidates applications are supported in some ways.

**University preference:** One of the most interesting discriminatory statements asked in Turkish ads is university preference. In 43 Turkish ads, being graduated from a specific university is a compulsory qualification. It is stated that candidates who graduated from universities like Bogazici or METU would have priority over the other applicants.

**Findings of indirect discrimination factors:** Results of the indirect discrimination factors are presented on Table 2.

**Working term:** Generally when age limitation is forbidden, employers ask for a particular working period. In both newspapers ads, there is a special condition asked experience. It might be said that working at a similar position in past is an advantage for the applicant and also for the employer. But most of the time it is used as an indirect discrimination way by the employers. Because it is not possible to meet this period for the young candidates who are newly graduated. For example there are 22 Turkish ads asked for experience more than 10 years.

Table 2: Indirect Discrimination Factors

		NEWSPAPER		
		Turkey	UK	TOTAL
Working Term	1-3 years	114 (25,3%)	88 (17,9%)	202
	3-5 years	59 (12,9%)	56 (11,4%)	115
	5-10 years	49 (10,7%)	-	49
	More than 10 years	22 (4,8%)	-	22
	No	211 (46,3%)	345 (70,7%)	556
Education Level	No	77 (16,9%)	461 (94,3%)	538
	High school	38 (8,4%)	-	38
	Graduate	336 (73,8%)	28 (5,7%)	364
	Post-graduate	4 (0,9%)	-	4
Personal Criterion	Yes	186 (40,9%)	20 (4,1%)	206
	No	269 (59,1%)	469 (95,9%)	738
TOTAL		455	489	944

**Education level:** As seen on the table, there is not any preference for education level in 461 English ads. But in Turkish newspaper only 77 ads do not contain education level limitation. 336 Turkish ads want university graduation for application and some of the vacancies are secretaryship, salesmanship. Whereas in USA, it is prohibited to ask for a university degree except it is not a BFOQ by reason of causing discrimination for minorities (Cappelli, 2001).

**Personal criterion:** Some subjective specifications are asked in Turkish and also English ads. 186(40%) of the Turkish ads and 20(4%) of the English ads covered such a condition. There is a similarity between the two newspapers at first sight but when we look into the inside of them, the situation has been changed. Because in the English newspaper wanted qualifications are related to behaviours in workplace like “result oriented, team player, dynamic, good at verbal and written communication, working in organizationally”. However in Turkish ads personal or indefinite specifications like “sociable, warm, close, compatible, extrovert, balanced, patient, polite, self-sacrificing, idealist, mature, serious, hard working, trustworthy, ambitious, active, sportsman, friendly, reticent, presentable and etc.” are asked. It might be possible to have a general idea about behaviours of a candidate in the workplace by talking to a former colleague of him or her, but how could it be measured if a candidate is sociable or presentable? Also what is the relationship between being friendly and the nature of any work?

Although it is not a legal obligation, employers state that they support the equality of opportunity with the expressions like “as an Equal Opportunities employer welcomes applications regardless of race, colour, gender, nationality, ethnic origin, sexual orientation, religion or belief, marital status, disability or age” in the English ads. Aim of this voluntary practice might be a wish for having a prestigious and reliable image in the estimation of the candidates. But of course it should be considered that such a statement does not mean that each candidate will be treated equally during the interview or other stages of the recruitment. In general, it might be said that there are direct discrimination factors in Turkish job advertisements but it looks like legal framework is effective to prevent direct discrimination in the language of the ads at least in UK. Although there are differences between the percentages of indirect discrimination factors, laws do not look like enough to prevent indirect discrimination in both newspapers ads.

## CONCLUSIONS

Discrimination in working life is the extension of the discrimination that penetrated to the general ideas, norms and behaviours in the society. Prejudices generally are based on the specifications of the people like age, race and gender might be a problem in working life. Personnel selection, beginning point of the employment, may prevent participation of some groups to the working life by asking for qualifications which are impossible to meet for some of the people.

Results of this study which examined one of most common ways in personnel selection job advertisements, indicate that there are differences between the languages of the ads which are published in the newspapers in Turkey and UK. There is not direct discrimination statement in the English ads and the percentages of indirect discrimination factors are lower than the Turkish ads. One of the most important reason for the difference between the countries might be the legal frameworks of them. But it should not be forgotten that laws are not free from the current social conditions. Most of the time rules are constituted in accordance with the general socio-cultural demands and needs of the societies.

Equal employment opportunity for all is an economic issue as well as a social problem. Therefore it should be discussed more in public opinion. Equal opportunity for all might be provided with the harmony of social, cultural, economic and legal conditions that effect each other successively. Also equalitarian legal regulations are vital for Turkey. Non-governmental organizations (NGOs) may have important roles in this process. NGOs may play a vital role as a pressure group on government for changing of the laws as soon as possible.

Although language limitation of the researchers prevent the repetition of the study in different European countries, it is worth saying that advanced researches which compare Turkey and other members of the European countries will be

worthwhile and informative. Also future researches which include measures of intraorganizational characteristics such as organizational culture on equal opportunity, discrimination perception of the employees and cultural factors that affect the recruitment decision of the managers will be helpful.

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