



Subcontracted workers in Turkish public service to secure permanent staff positions

ESPN Flash Report 2018/31

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JUNE 2018

According to the state of emergency decree released on 24 December 2017, subcontracted workers in the public service were given the right to secure permanent staff positions, which is expected to affect the positions of some 900,000 public and municipal employees.

Description

Subcontracting has been a common practice in the public sector since the late 1980s (Alpkan, 2015). In 2017, about one fifth of all public employees were subcontracted, meaning they lacked job security and various benefits granted to regular public employees.

According to a state of emergency decree released on 24 December 2017 (emergency decrees have become rather routine policy-making tools following the coup attempt of 15 July 2016), subcontracted workers in the public service were given the right to become permanent staff as part of a three-month plan. The decree covers as many as 900,000 subcontracted workers. Roughly 500,000 of them working as public employees will be offered full staff positions at public institutions regulated under the general budget, and the remaining 400,000 (currently employed at municipal and provincial administrations) will be made permanent staff in municipal companies. The regulation will also address demands by seasonal workers to be employed for longer terms.

There will be no age or education restrictions imposed by the regulation and employees performing both essential and supporting tasks will be covered. Retired employees, who are currently working as subcontracted workers so as to top-up their retirement

salaries, are not covered by the regulation and will lose their jobs with the end of subcontracting. Finally, all workers will be subject to written exams before being given permanent status. The Prime Minister Undersecretariat and the Finance Ministry have been working diligently to coordinate the plan.

Existing trade union membership of employees impacted by the regulation will remain intact. Within this scope, transfers to permanent jobs will be conducted under existing trade union memberships and the collective bargaining process - the rationale given by the regulation is to avoid any problems in terms of labour peace.

Applications began in January 2018, and a set of procedures (viz. eligibility checks, written tests to assess the suitability of candidates for their specific institution, and possibility to appeal for those who failed the screening) were put in place to accompany the process. The final list of those granted permanent staff status was announced in April.

Outlook & commentary

Although this move has been welcomed in general by the public, criticisms have also arisen by some of the trade unions and political organisations that are known to be oppositional to President Erdoğan's regime. One such criticism is

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that a decision made by a state of emergency decree (as opposed to one made by Parliament) may prevent subcontracted workers from obtaining their rights in the future, most important being severance pay accumulated over the time they were employed as a subcontracted employee.

A second line of criticism is based on the claim that not all subcontracted public workers are covered by the regulation, bringing about injustices among the working population. For instance, the decree does not cover subcontracted workers employed in contracted services where the total bill of labour stands below the 70% threshold of the total budget (likely to be found in sectors like call centres and food provisioning). The decree also leaves out subcontracted workers employed in consultancy services or construction.

A third line of criticism derives from the fear that discrimination on the basis of various issues might occur since institutions will be

administering the written exams on their own.

The fourth line of criticism underlines the fact that subcontracted workers who are already retired, but willing to top-up their retirement income, will be unable to secure a permanent position, which will be an unjust move for these people and leave them suddenly unemployed at a relatively old age.

The fifth line of criticism draws attention to the fact that people who secure a permanent position will continue to earn the same wage as they did when they were subcontracted workers. This has led to claims that there might be cases in the public sector where two workers performing the same job might receive different wages.

Finally, it should be noted that subcontracting also exists in the private sector. The new policy applies to the public sector only and does not address the adverse working conditions caused by subcontracting in the private sector (see Alpkan, 2015).

Further reading

Alpkan, Birelma (2015). "Türkiye'de Taşeron Çalışma" [Subcontracting work in Turkey], *Toplum ve Bilim*, 133.

"Turkish Government to Offer Cadres to 900,000 Subcontracted Public Workers", *Hürriyet Daily News*, <http://www.hurriyetdailynews.com/turkish-government-to-offer-cadres-to-900-000-subcontracted-public-workers-123617>

"Taşeron İşçiler Büyük Mağduriyet Yaşayacak. Ayrımsız ve Eşit Kadro İstiyoruz" [Subcontracting workers will be subject to unjust treatment. We demand equal and non-discriminated cadres], *DISK*, <http://disk.org.tr/2017/12/taseron-isciler-buyuk-magduriyet-yasayacak-ayrimsiz-ve-esit-kadro-istiyoruz/>

"New Government Decree", *Ahval*, <https://ahvalnews.com/decreelaws/new-govt-decrees-pave-way-militia-forces-granting-immunity-civilians-suppressing-terror>

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