



Omnibus law reshapes work environment in Turkey

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The 'omnibus law,' which has to be approved by President Abdullah Gül, brings fundamental changes to Turkey's labor and business environments. Hürriyet photo

Turkey's long-debated "omnibus law," a package of nearly 250 articles that was passed by the Turkish Parliament over the weekend, will bring vast changes to the country's working life.

A major improvement that the law brings is for the parents of newborns. According to the law, civil servants will have the option of receiving 24 months off work after their maternity leave is over, while a male civil servant whose wife gives birth will have the option of taking up to 24 months off work starting from the day the baby is born. Civil servants who adopt a child under the age of three also can take 24 months off.

Pregnant civil servants will not be given night shifts after their 24th week of pregnancy until a year after giving birth. In addition, those who give birth prematurely will be able to use the remaining days of their pre-birth maternity leave during their time off after the child is born.

Silicosis patients, who generally develop the disease from working in sandblasting workshops, will be given the right to disability retirement with pay. In addition, civil servants with illnesses that require long-term treatments, such as cancer, mental illness and tuberculosis, will receive up to 18 months of paid leave.

Workers who are injured in the workplace or develop an occupational disease will be able to go on leave until they fully recover.

"Green card" holders, or workers who receive no insurance and one-third of minimum wage, will have their card revoked if they become employed at a job that provides insurance. The card, which provides basic social insurance, will be returned when the insurance ends.



Victims of traffic accidents who receive treatment at university or private hospitals will have their medical expenses covered by the Social Security Institution, whether they were eligible prior to the accident or not.

The law also grants social security opportunities for people in several work branches, such as musicians, singers, TV actors, athletes, taxi drivers, maids, and artisans, all of whom were long neglected by the current system. Employees in those businesses will have the chance to join the system by paying a premium over 17 days a month.

Victims of the Sept. 12, 1980, and March 12, 1971, military coups who were unjustly arrested will be compensated for their time spent in prison as part of their social security procedures, as long as they provide the necessary documents within six months.

The law, which is waiting for approval by President Abdullah Gül in a few weeks' time, has been criticized by trade unions during parliamentary sessions.

Unions and professional chambers held a number of protests across the country, claiming the law facilitates flexible working conditions and puts groups at risk of losing their social security insurance.

Debated items removed

The government decided to withdraw three articles that drew anger from labor unions in an 11th-hour change because they were alleged to have negative impacts on working life. An article that increased the probationary period in workplaces from two to four months was withdrawn from the omnibus law, as was another article that regulated flexible working hours and working from home. An article extending the equalizing process to four months for employees working in the tourism sector was also removed from the omnibus law.

According to local broadcaster CNN Türk's website, the Confederation of Turkish Labor Unions, or Türk-İş, held talks with Turkish Deputy Prime Minister Cemil Çiçek and Turkish State Minister Faruk Celik on Friday to convince the government to withdraw the articles.

The Confederation of Progressive Trade Unions, or DİSK, criticized the government for not cooperating with labor organizations before it launched the draft law.

"You should prepare another draft together with the social stakeholders," DİSK General Chairman Süleyman Çelebi said at a press conference last month.

Academic says law is exploitative

The omnibus law brings three important changes to the Labor Law, according to Atilla Özsever, an academic at Istanbul's Maltepe University.

"It implements 'unsecured work.' It decreases wages to provide an 'increase in employment' and provides capital transfers to employers from the Unemployment Insurance Fund," Özsever told the Hürriyet Daily News & Economic Review on Monday.

Noting that the law would bring exploitation to the internship system, Özsever said: "Enterprises employing at least 10 people will be able to take interns. This figure may be decreased to five with the



decision of the Cabinet. This will allow enterprises to employ young people for extremely low wages, resulting in exploitation.”

Before the law, employers paid the insurance premiums of part-time workers, Özsever said.

“But under the new implementation, employees working in the private sector are obliged to pay their premiums for the time they do not work. If they do not pay, they will not be able to benefit from health insurance,” he said. “This obligation may also affect workers’ pension rights. But this implementation does not bring any change for public employees. This shows us that there is a distinction.”

Commenting on the three articles related to the Labor Law that were withdrawn from the omnibus law, Özsever said, “Thanks to the resistance showed by the labor unions, equalizing related to workers in the tourism sector, the extension of the probationary period for beginner workers and working from home were withdrawn from the package.”

From March 2002 to December 2010, a total of 46 billion Turkish Liras was paid into the unemployment fund, Özsever said.

“Only 3.7 billion liras of this total amount, which is only 8 percent, has been utilized for the unemployed. On the other hand, the government allocated a total of 10 billion liras for the Southeastern Anatolia Project, or GAP,” he said.

“Even though there are some articles about leave, it is clear that they serve as superficial makeup for the law as a whole,” Özsever said.

Change in tax and insurance premiums

Parliament’s recently omnibus law will provide important regulations detailing the “tax and insurance premiums” amnesty, which could reach 110 billion Turkish Liras in volume.

The law brings payment facilities in some fields such as taxes, customs duties, administrative fines and social security premiums.

The government will remit late fees for debts if they the debts, which will be recalculated according to monthly inflation rate, are paid. The debts include insurance premiums, unemployment insurance premiums, voluntary insurance premiums, social security support contributions, stamp taxes, special transaction taxes and education contribution payments.

According to the new regulation, the payment term for specified receivables will be up to 36 months. Facilities related to taxes also include stock declaration, while another regulation registers the liberation from the tax examination for the years 2006-2009 on the basis of taxation and tax hikes.

Under this new law, enterprises and workplaces will not be obliged to post tax boards.