

Social rights and the decommodification of labour

Abstract

The period of global neo-liberalisation has an essential restructuring agenda of diminishing social rights. The process of capital accumulation process has deepened 'conventional' social problems, while new ones have emerged. In the present circumstances, in which the status quo is determined by these two contradictory tendencies, identifying the societal functions of social rights through observational and empirical research is extremely important for Turkey. This article utilises the theoretical tools developed by Esping-Andersen, which were developed on the basis of Polanyi's convention that social rights may be understood as rights limiting the commodity character of labour (decommodification). According to this assumption, the elimination of social rights is conceptualised as the enhancement of the dependency of labour on the market (recommodification). The purpose of this article is to examine the quantifiable social effects of the deepening deterioration of social rights in Turkey on the basis of the right to work in healthy and safe conditions, which forms the backbone of other social rights.

Keywords: social rights, decommodification, deregulation, labour market flexibility, recommodification, health and safety

Introduction

In the process of neo-liberal globalisation, social rights are going through a period of extensive restriction that is not limited only to the legal area. Reducing labour costs through more flexible working relations, and downsizing the state as a requirement of the fundamental philosophy of the neo-liberal concept, are among the main components of the policies being pursued. This has weakened the area of social rights in particular. The essence of the neo-liberal paradigm is that it adopts the market economy as the main principle, not only in the area of economics but also in the organisation of the state and society, which goes beyond a sanctification of the market as a realm of freedom in the light of economic freedoms. Ensuring that the spirit of the market economy penetrates the political and social area, and making the necessary economic, legal and institutional changes and arrangements that will restructure the state and society in a way that will serve this purpose, is the core of the globalisation strategy identified in accordance with this paradigm. The radical recession in the area of social rights is on the agenda as a result of these structural characteristics of the dominant paradigm and strategy.

In this current period, in all countries where a neo-liberal globalisation strategy is in place, and especially in the peripheral countries of the system, such as Turkey, the level of understanding which exists in the areas of social policy, social rights and institutional structuring is experiencing a radical transformation. The changes taking

place in the institutional structures of the Turkish labour market, in the labour and social security legislation, in the composition of labour and in the area of social rights, in conjunction with the effective accumulation regime and the policies adapted thereto, are giving rise to extensive and profound outcomes that are not limited to a worsening in the working and living conditions of wage earners and which have political and social echoes. Social rights emptied of all their content are being replaced by 'benefits' that are neither rights nor social and which can be converted into votes for the political power by associating them with religious motifs. These practices are in harmony with the neo-liberal paradigm that argues that:

The state's social-aimed acts cannot be considered as a justice problem and the social acts of the state cannot be granted to citizens as a right. (Mütevellioğlu, 2006: 26)

In this article, using the conceptual tools developed by Esping-Andersen, social rights are conceptualised as rights that limit the commodity value of labour (decommodification), while the view that the elimination of social rights has increased labour's dependency on the market (recommodification) is adopted. The purpose of the article is to examine the social impacts of the deepening social injustice in Turkey, on the basis of the right to a healthy and safe working environment, a right that forms the backbone to other social rights.

In line with this purpose, the first section focuses on key concepts, while the second addresses the measurable consequences of the violation of the right to a healthy and safe working environment, and which increase the dependence of wage earners on the market. And finally, in the light of the explanations provided in the first two sections, some observations and propositions are made which we think have a deterministic significance for the analytical framework of the social functions of social rights.

Key concepts

The right to a healthy and safe working environment as a fundamental social right

The primary need of a human being is to have a safe biophysical and social existence. In terms of meeting this primary need, social rights are as important as disarmament and peace in the world. The prerequisite for a safe biophysical and social existence is for every human being to have a continuing income that is sufficient to satisfy other needs such as for food, shelter and so on (Boldt and Metreveli, 1985: 1184).

For those who sustain their life on income based on their labour, the right to work includes various components, all of which form a separate title on their own, such as finding a job; earning a wage that will guarantee minimum human living conditions in return for the labour; a healthy and safe job and working conditions; being protected from the possibility of the termination of the employment contract; or having social security in cases where wages are discontinued temporarily or permanently. In the recent period, there have been violations which have had a widening scope with regard to all these components of the right to work in Turkey, although this article addresses only the right to a healthy and safe working environment.

The right to a safe and healthy working environment is a social right that is adopted in all international human rights instruments as an element of the most fundamental human right, i.e. the right to life. Throughout the 19th century, where the rule of freedom of contract was the norm, the use of labour was no different than the use of any commodity. Employment contracts implemented as a result of pseudo-free negotiations between the parties were determined according to the absolute will of the capitalist. Later on, these working conditions were tied to some statutory rules, as a result of first individual and then organised reactions and campaigns of wage earners. The limits introduced on working time constitute the most fundamental of these rules.

In the capitalist system, labour – which is not a commodity in reality – is commoditised and the capital-owner is authorised to use the labour power in return for a wage. It is known that, in the capitalist environment, the wage-based working environment is where the surplus value that is the product of the unpaid labour of the worker is confiscated. The relationship between necessary labour time, during which workers produce the value that corresponds to their labour power, and surplus labour time, during which they produce the surplus value, indicates the amount of surplus value. Therefore, increasing daily labour time increases the amount of surplus value. The amount of surplus value can also be increased by concentrating the use of labour power without extending labour time. Today, in Turkey – as seen in the example of the Tuzla shipyards – surplus value is now being increased both by extending labour time and by intensifying work and the use of labour power.

It is clear that rights earned in terms of shorter working times and the rule-based supervision of work relations throughout the 19th century and onwards played a role in limiting the commoditisation of labour. Shortening labour time and binding working conditions to legislation widens the area of freedom granted to the worker not only in working life but also in the life outside work. In the 19th century, Marx put it thus:

All workers must have, above all else, a normal working day. (...) Workers are also of the same opinion with Factory Inspector Saunders. Unless daily labour times are limited and the introduced legal restrictions are strictly implemented, success towards social reform will never be achieved. (Most, 1967: 306).

Function of social rights: decommodification of labour

With regard to an analysis of the social functions of social rights in Turkey, the varying approaches among the segment that is against neo-liberal globalisation can be gathered into two main categories.

According to the first approach, the reason behind the interventions of the state in favour of the worker (dependent) classes is to guarantee the reproduction of labour and of the system, and to have the related costs undertaken by the state. Social rights serve to legitimise capitalism by covering up the other structural problems caused by the exploitative relationship and the capitalist system. According to this viewpoint, social rights constitute a control mechanism that, at the same time, disciplines the worker class. The function of social rights is nothing more than to achieve some improvements in the redistribution of income which, in the end, increases consumption and contributes to the system's re-production of itself. Capitalism always takes more than it gives and

this rule applies also to the area of social rights. In summary, according to this approach, the recognition of social rights is a form of practice under which the state ensures that the labour force, and the system as a whole, fulfils its function of guaranteeing the reproduction of the system; the actual effect of social rights on the labour class, which implies temporary improvements in the area of distribution, is simply an atrophy of the fighting will of the labour class.

According to the second approach, what is *intended* with the interventions made by the state in favour of the dependent (worker) classes is to guarantee the reproduction of the labour force and the system and to have the costs thereof incurred by the state on behalf of capital.

There are no conflicts on this matter between the first and the second approaches. The difference is as regards the dynamics that cause such state intervention to appear on the agenda and the analysis of the intended and unintended effects of these interventions on the worker and labour classes.

According to the second approach, it is possible to interfere in market conditions through social rights that are recognised in connection with the social power balances that are also reflected in the political arena. Rules excluded by the market are injected into it through politics and, thereby, the wayward operation of the market is bound to rules and thus the commodity element of labour, which is commoditised by capitalism, is limited. In the concrete social context, the level of this limitation changes, depending on criteria such as the scope and breadth of social rights. The main dynamic determining the level of the decommodification of labour is the power of the labour movement and left-wing political parties. Assuming that the effects of social rights on employees are limited merely to some relative improvements in the area of distribution is a superficial and minimalist explanation that does not agree with the empirical reality. The limitation of the commoditisation of labour through social rights widens the area of the freedom of wage earners not only in the economic arena but also in the political-social arena.

Depending on the varying definitions of the functions of social rights, what needs to be advocated in accordance with the first approach is not social rights, but a radical system change that will end the exploitative relationship. According to the second approach, by decommoditising labour power, it becomes an inevitable necessity to advocate social rights that widen the area of the freedom of wage earners in the economic and social arena. And social progress towards the goal of a radical system change that will end exploitation is only possible through integrating this goal with the cause of social rights.

This paper adopts the second approach and, guided by the conceptual tools of Esping-Andersen, who followed the theoretical line of Polanyi, explores social rights with the understanding that these are the rights that ensure that wage earners can continue their existence with a degree of relative independence from the market. The key concept used by Esping-Andersen to classify the realisation level of social rights and the social state applications is 'decommodification'. This concept implies that wage earners have a specific area of living which is independent of the market (Esping-Andersen, 1990: 37; 1999: 85).

In terms of being rights that introduce rules to regulate the intervention-free operation of the market, social rights limit not only the commoditisation of labour but also

the market dependency of wage earners. Social rights achieve this impact by giving rise to consequences that widen the area of the freedom of wage earners in the political/social arena along with the economic arena (Altvater, 1996 and 2006; Nissen, 2002; Vobruba, 2002a and 2002b; Schmidt, 1998). The scope and degree of the realisation of social rights determine the level up to which the market dependency of labour can be limited. The commodity aspect of labour will be limited to the extent allowed by the breadth and applicability of social rights while, on the contrary, the restriction of social rights will deepen commoditisation.

Esping-Andersen's macro-structural conceptual framework and theoretical approach has received some criticism, but they form one of the basic starting points of the literature on the analysis of social rights. The criticism directed to Esping-Andersen's theoretical approach concentrates on the inadequacy of this approach to provide an explanation for the variations in various countries with regard to the scope and development tempo of social policy and social rights. In addition, Esping-Andersen is also criticised for making coarse generalisations regarding social state types and on the grounds that his studies mostly cover social state practices in developed countries.

Drawing on the universal and automatic qualities of the reaction to the market mechanism in various countries in the 19th century, and the similar arrangements to which they have simultaneously led, Polanyi (2000: 215) comes to the following conclusion:

Transition from economic liberalism to the anti-liberal principle is based on an objective foundation and an objective imperative in the sense that the same conditions bring the same reactions and measures. This is the imperative to protect the intrinsic and inherent essence of the society from the devastating effects of a market operating on its own rules.

However, again in Polanyi's words (2000: 297):

When we look at how the inevitable comes to life, we see class-oriented powers playing a decisive role.

One of the most challenging areas of combat in the political arena, social policy and social rights indirectly reflect the power balances and imbalances between the social classes. According to the results of empirical research based on international comparisons, 'the power of left-wing political parties' being among the four main variables that determine the development tempo of social policies in different countries (Schmid, 2002: 79) is a finding that verifies this suggestion. It is possible to observe everywhere the effect of the empowerment of left-wing political parties towards increasing the sensitivity of all political parties, particularly social democratic ones, towards the problems and demands of workers arising from vote-based concerns. On the other hand, it is obvious that the empowerment of left-wing political parties can only be possible in a social context where social movements, trade union organisations and the fight for the cause are well-developed. For these reasons, the nature of these rights requires that left-wing social parties, social policies and, hence, social rights are one of the main variables determining the tempo of development.

Along with their recognition and widespread application, the ability to protect social rights also depends on the existence of encouraging social and international power relations and balances, and an ability to express these balances in the political arena. Conditions where capitalism runs unbridled and where the interests of labour cannot be represented in the political arena result in effects that deepen the market dependency of labour (recommodification).

Main change caused by social rights in the lives of the labour classes

The changes taking place in the lives of the labouring classes as a result of the recognition of social rights are not limited to the area of distribution relations, contrary to what the integration thesis claims. A change more fundamental than that is the financial guarantee, albeit minimal, provided for the futures of wage earners as a result of the limitation of the social risks that threaten their existence. In the west:

The social state has achieved this not by formulating assurances for today against social risks, but rather by guaranteeing the future foreseeability of these assurances. (Vobruba 2002b: 3; Blases, 2001: 253; Nissen, 2002: 6)

There are three characteristics of the social state policies that have played a determining role in the emergence of this change. These are the width of the social segments covered by social security; the adequacy of the provided social security; and the regulations that ensure that they can be legally claimed (Vobruba, 2002b). The first of these characteristics refers to the generality of social security, in the sense that earning the right to social security is not made dependent on special conditions and inspections; the second characteristics refers to taking under guarantee an income level that will be sufficient to meet future existence needs; while the third refers to transforming future-oriented public social security schemes into rights.

In countries that have an advanced social protection system, inequalities in opportunity have been relatively reduced through labour market, education, health, social security, youth, family, housing and wage policies. This is the intended result of social policies. What is really important, however, is the unintended effects caused as a result of the material security intended and provided by social rights (Vobruba, 2002a: 10; Lessenisch, 2000: 61; Blanke, 1998: 206). This effect has translated into wider opportunities for the labouring classes to participate in political and social life, and into the development of the capability of wage earners to fulfil the citizenship role in an active and informed manner in the political arena.

Trade unions have played a determining role in the emergence of this effect. Through unionisation, through areas of freedom that became wider with the collective bargaining system, and through the practices of participation in government becoming widespread as a result of the development of labour law, which was accelerated under pressure from the union, the social participation channels available to the wage earner were expanded. A process which started with the intervention of wage earners in decision-making mechanisms in the production process via their unions did not remain limited to workplaces and gave rise to ripples that also widened opportunities for participation in the various dimensions of social and political life. With the expansion of

general and vocational educational opportunities, and with public education services becoming widespread, the general educational level of the wage earner was raised. These developments also brought with them, to a certain extent, some opportunities of individual development for the wage earner. Thus, the social security assurances that enabled wage earners to lead their material lives in relative independence from the market also provided the prerequisite for their ability to influence their own living areas and social environments.

All arrangements that have a positive effect on the working and living conditions of wage earners serve the interests of capital – and this is yet to be proven – but they must be defended at all times and under all circumstances. It has not been understood exactly and in due time up to now what it is that is actually in the interests of capital. For example, the fact that the institutionalised vocational education system, which is also in conformity with the interests of the capitalists as a class, is a burden that must be avoided as much as possible by all capitalists has been overlooked. (Däubler, 1986: 51)

Däubler's observation and example brings to mind pressure on the right to severance payments, since capital organisations have recently started to express in Turkey, in a way growing more vociferous every day, their intention to dispose of this right. According to the labour law, a worker working for the same employer for a period of at least one year may be paid a severance indemnity, proportionate to the length of service and seniority, by the employer when the employment contract is terminated for specific reasons. It is clear that this indemnity, which encourages seniority and which provides security during unemployment for a specific time period, both decreases the speed of worker circulation and prevents the related costs, and also increases labour efficiency. With this and similar aspects in view, it can be said that severance pay is, in fact, an arrangement that is in favour of capital. Yet, since both individual employers and all large capital organisations are insisting on the abolition of this indemnity, amendments to the law to this effect are now on the agenda. Based on this and similar tangible social rights, it becomes very hard to find examples that verify the rationale of the integration thesis.

Däubler proposed that any change that has a positive effect on the living and working conditions of workers must be defended under all circumstances; this is an imperative that is based, above all else, on moral and human grounds. There are empirical research findings that do not verify the thesis that the function of softening class conflicts and disciplining the worker class runs a parallel relationship with the level of the development of social rights. For example, research based on international comparison shows that there is not a positive relationship between the development level of social rights and a reduction in the time spent on strike action (Schmidt, 1998: 303–304). The strike is a combat tool for wage earners, so this research finding does not verify the thesis that comprehensive social rights lead to an atrophy in workers' fighting power.

It is impossible to defend the integration thesis in the name of loyalty to Marxist theory and by taking classic Marxist literature as a reference point. Conversely, in Marxist classics, it is possible to find countless emphases on the necessity and importance of fighting for social rights under conditions of capitalism. Throughout his life,

Marx stood resolutely against contempt for the struggle put up by the worker masses for their urgent demands. He saluted as a great victory the adoption of the 'Ten Hour Bill' as an outcome of the thirty-year struggle of the British labour class. Referring to the reports of factory inspectors, he:

Eloquently underlined the great physical, moral and intellectual benefits of shorter labour time on workers. (Lozovsky, 1975: 133)

Another quote that will shed light on the debate on social rights can be given from Rosa Luxemburg, who is mostly referenced for her radical discourses on Turkey. Luxemburg, arguing against a mistake that is of critical importance both in terms of ethical values and in terms of the consequences it bears, says:

For a real labour party, the labour class is not the instrument of political ambition but the subject whose liberalisation is the ultimate purpose. For a real labour party, even the smallest improvement in the daily living conditions of the wage earner is important. (quoted by Brie and Klein, 2004: 4).

In contrast, in the integration thesis, the labour class is reduced to an object that has to realise system change, as an objective outcome even if this is not what is intended; moreover, it is assumed that this object will become more radical as more pressure is exerted on it. Nevertheless, looking at the example of Turkey, 'blind commitment to the whims of the market' (Polanyi, 2000: 247) disproportionately deteriorates living and working conditions and, beyond that, gives way to consequences that deepen the dependency of wage earners not only in the economic but also in the political arena.

The effects of social rights (injustice), which deepen the decommodification of labour, can be examined in the context of the results of the violation of the right to a healthy and safe working environment in Turkey.

Violation of the right to a healthy and safe working environment in Turkey: the deepening commoditisation of labour

In this section, the effects of narrowing the scope of social rights, deepening the commoditisation of labour, are examined in view of the right to a healthy and safe working environment. To this end, emphasis is placed on some basic indicators that draw the framework conditions related to this component of working life, such as dispossession; widespread wage-based employment; unemployment; informal employment; flexible working; the effectiveness of unemployment insurance; etc.

Basic labour market indicators are summarised in the following table, as a prelude to considering in detail the effects of narrowing the scope of social right, thereby deepening the recommodification of labour.

Table 1 – Basic labour market indicators in Turkey

	2008(*)	2009
Unofficial population (000)	69 479	70 299
Population of 15 years of age and above (000)	50 564	51 426
Workforce (000)	22 921	23 924
Employed (000)	20 389	20 148
Unemployed (000)	2 532	3 776
Participation to workforce rate (%)	45.3	46.5
Employment ratio (%)	40.3	39.2
Strict unemployment rate (%)	11.0	15.8
Overall unemployment rate (%)	13.7	19.7
Strict non-agricultural unemployment rate (%)	13.4	18.9
Overall non-agricultural unemployment rate (%)	16.1	22.33
Unemployment rate among the youth (%)	19.8	27.5

Source: *TURKSTAT Newsletter (2009) 'Household labour force survey (Results of March period)', 15 June.*

Dispossession, widespread wage-based employment and informal employment

A fundamental change which may be observed in the labour market over the last two decades is the rapid increase in the absolute and proportionate share of workers in the employed population. Table 2 highlights that, in 1988, the share of workers in overall employment was 40.3 %. This ratio, increasing by only one point as far as 1995, climbed to 55.4 % in 2006 and to 60.7 % in 2009. However, together with the increase in the proportionate share of workers, the ratios of open unemployment and informal employment have also increased. As of 2009, 45.7 % of overall employment is informal (www.tuik.gov.tr).

Table 2 – Breakdown of employed people according to their position at work, 1988-2009 (%)

Year	Total employed (000)	Wage earners and salary earners*	Daily fee earners	Employed	Self-employed	Unpaid family workers	Total (%)
1988	17 754	33.1	7.2	3.5	25.8	30.2	100
1995	20 587	33.0	8.3	5.4	24.6	28.6	100
2006	23 257	47.3	8.1	5.4	22.6	16.3	100
2009	19 873	60.7	-	6.2	21.6	11.2	100

* TURKSTAT combined wage earners and daily fee earners in the 2009 data.

Source: GSI (Government Statistical Institute) (1996), p. 261, Table 162; TURKSTAT (2007a) Turkish Statistical Yearbook 2006 p. 167, Table 11.6; for 2009, see www.tuik.gov.tr.

The result of the accumulation regime that has increased open unemployment and informal employment, along with dispossession and poverty, is that the employment/job insecurity of wage earners grows deeper and real wages go downwards. Legislative amendments in the area of labour and social security law, individualisation and the commercialisation of the public through extensive privatisations, the proliferation of free trade zones which nullify existing labour rights, the shrinkage in public investment and public employment, and the increase of pressure on unionisation and the collective bargaining system, all result in consequences that are accelerating the deterioration in the working conditions of wage earners.

Growing informal employment, along with rising unemployment, means an expansion of a deprivation from security in the future. Those in informal employment and, as a rule, the unemployed, do not have the opportunity to join trade unions and gain access to the possibility of taking advantage of the economic and social gains, the social experiences and the social development opportunities that can be gained within a unionised structure. Growing unemployment and informal employment also create severe problems that challenge the development of unionisation and heavily compromise the union movement. This narrows unions' potential membership base, undermines the collective bargaining power of the organised segment of the labour market, adversely affects employment security and wage levels and restricts the area of the freedom of unions in all aspects.

Increasing unemployment rates and decreasing labour participation rates

As of April 2009, Turkey is one of the countries with the highest levels of general unemployment (15.8 %) and youth unemployment (27.5 %) in the world (www.tuik.gov.tr). As a result of the change taking place in the world economy, in the international distribution of work and in the prevailing economic policies since the 1980s, the job creation effect of economic growth has weakened; employment has

become unstable and structural unemployment has increased rapidly. And the heaviest social toll of the global crisis of September/October 2008 was paid in terms of rapidly increasing unemployment rates.

As much as the increase in unemployment rates, the accelerating decrease in employment and labour participation rates in recent years is also alarming. The employment rate dropped under the 40 % threshold in 2009. In 2006, the employment rate, which was 45.9 % in Turkey, was then around twenty points higher in the EU-27 (64.4 %) and the EU-12 (64.6 %) (Eurostat, 2008: 250). Turkey also has the lowest labour force participation rate among all OECD countries. From 1994 to 1997, the average participation rate for OECD countries rose from 69.5 % to 70.7 %, while it dropped from 57.5 % to 51 % in Turkey (OECD, 2008: 336). In 2009, the participation rate dropped further, to 46.2 % (www.tuik.gov.tr).

The official unemployment rates announced in Turkey far from reflect the actual situation. The main reason for this is that the population not included in the labour force is very high. A significant part of those not included in the labour force are those who are ready to start work but who are not actively seeking employment. A sub-category of this group consists of those who are not looking for work because they do not have a hope of finding one. If the sub-category of those who are 'discouraged' among those not attempting to look for a job despite being ready to work is added to the broader definition of unemployment, the general unemployment rate, in its broader sense, rises to 13.7 % in 2008 and to 19.2 % in April 2009 (see Yeldan, 2009: 167; Yükseler and Türkan, 2007: 47; TISK (Turkish Confederation of Employer Associations), 2008: 6). Under this method of calculation, the non-agricultural broad unemployment rate increases to 16.1 % in 2008 and to 22.3 % in 2009.¹

Flexible working relations becoming widespread

A labour market strategy of neo-liberalism is also in effect in Turkey, under which the essence of flexibility is to increase the freedom of employers to use the labour force by abandoning rules that regulate the employment of workers. This means the destruction of all the gains achieved in terms of limiting the principle of contract freedom, through the arduous struggles put into this cause since the 19th century, and the elimination of rules in the area of labour and social security law. Flexibility, in accordance with the wording in a publication by the Turkish Confederation of Employer Associations (TISK):

Aims to adapt to the current situation the rules of industrial relations that were originally adopted in the early 20th century in order to protect the worker and that reflect the demands of that era. (TISK, 1999: 5)

The first component of flexibility involves increasing the freedom of enterprises to change the number or qualities of the workers they employ depending on changes in

1 Unemployment in its narrow sense: the unemployed as a percentage of labour force; unemployment in its broad sense: those unemployed, plus those not looking for a job despite being ready to work as a percentage of the labour force).

market demand (numerical-external flexibility). Another component is freedom with regard to the ability to adapt/change the job descriptions and responsibilities of employees according to the requirements of the employer (functional-internal flexibility). A third component is wage flexibility which, in essence, refers to fluctuations in wages in accordance with market conditions. Finally, working time flexibility refers to the open regulation of working hours and days by the employer with complete freedom from legal restrictions. In practice, for wage earners, numerical flexibility means the elimination of job (employment) security; functional flexibility means working conditions that can be changed according to the preferences of the employer; wage flexibility means the removal of wage security in terms of having a specified/fixed wage; and working time flexibility means increased working time.

A type of flexibility that has emerged in Turkey and which has become rapidly popular occurs in the form of employing workers via sub-contractors (inter-enterprise flexibility). This particularly aggravates problems with workplace safety and health. In addition to small- and medium-sized enterprises, large industrial organisations are also transferring their work, not only those of a complementary nature but also the work that is the direct function of their production, to sub-contractors in order to reduce their costs. Small sub-contracting enterprises employ workers on lower wages and without any union ties or social security or other insurances, and are able to evade the obligations of the labour and social security legislation more easily compared to large enterprises.

Narrow unemployment insurance

In Turkey, the practice of unemployment insurance started in June 2000, while unemployment insurance payments started as late as March 2002, since the benefit offered by the scheme is tied to a requirement to pay premiums over a time period that is anyway too long. An indicator of the development level of unemployment insurance is represented by the ratios of those using this insurance among the unemployed. In 2008, the number of those applying for unemployment payment was 361 708; for the first quarter of 2009, the number was 210 478. Even if it is assumed that all applicants were granted unemployment benefit, the number benefiting from unemployment insurance in 2009 was not even 10 % of the official figure for unemployment.

The reason for this is that the conditions required in order to be granted the right to receive payment from this insurance scheme are too heavy, considering the realities of the Turkish labour market (the employee must have lost his/her job due to a reason other than his/her own fault or desire; he/she must have paid unemployment insurance premiums for at least 600 days in the last three years; and he/she must have worked uninterruptedly during the last 120 days preceding the termination of the employment contract). Of those who are able to meet these requirements, unemployment allowance is paid for six months to those who have paid their premiums for 600 days in the last three years; for eight months to those who have paid their premiums for 900 days; and for ten months to those who have paid their premiums for 1 080 days in the last three-year period. The monthly amount of this allowance is around 50 % of monthly average net income, calculated on the basis of the income that was the basis for the premiums paid during the last four months.

Apart from unemployment insurance, there is no unemployment support provided in Turkey that is not dependent on the payment of a premium or contribution share. Therefore, there are no material supports for the segment of the young unemployed who have yet to make their entry into the labour market. The consultancy, job placement and vocational training services provided under the unemployment insurance scheme are also extremely insufficient both in quantity and in quality. After 2002, and since the revenues of the Unemployment Fund have been considerably in excess of the payments made to the beneficiaries, the Fund has been able to grow rapidly, reaching 41 billion Turkish Lira. Consequently, the Fund, from which millions of unemployed people are unable to benefit due to the severe eligibility requirements, is being used for purposes other than the founding purposes as stated in the law.

This general outline of the situation in terms of unemployment, informal employment, the effectiveness of unemployment insurance and the flexibilisation of working relationships must have answered the question as regards the extent to which the right to a healthy and safe working environment can be enjoyed in Turkey. A concrete indicator of the degree of the violation of this right can, however, be demonstrated by looking at the change that has occurred in the recent period in weekly working hours.

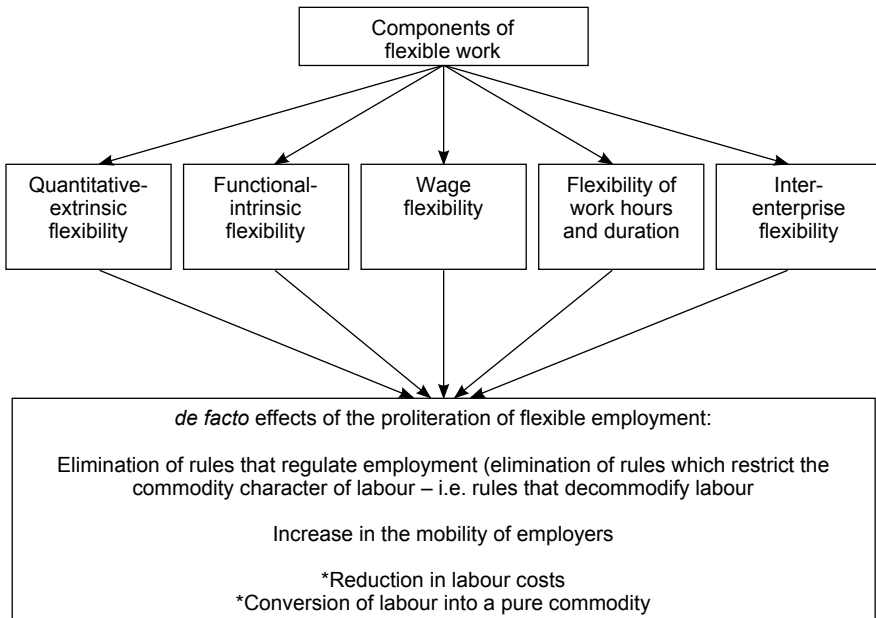
Excessive lengthening of mean working time and increase in proportionate rates of work accidents resulting in death

According to the legislation in force, normal weekly working time is 45 hours, while employees have the right to a statutory one day's rest per week; the upper limit for workers' daily working time is eleven hours, and overtime per worker cannot exceed 270 hours a year. Despite these regulations, average working time is longer than 45 hours. In 1994, the percentage of those working more than 50 hours a week among the employed population was 38 %, while those working for more than 60 hours a week totalled 22.8 %. In 2006, these figures rose respectively to 52 % and 36.3 % (GSI, 1996: 268; TURKSTAT, 2007: 168). To make a comparison, we must state that average working time in European Union (EU) countries in 2007 were as follows: EU-15: 40.5 hours; EU-27: 40.3 hours; 39.2 hours in Italy; 40.7 hours in Hungary; 41.3 hours in Poland; and 41.4 hours in the Czech Republic (Lehndorff *et al.*, 2009).

It is known that excessively long working time increases the risk of work accidents that jeopardise worker health and safety, and by a factor of two after the ninth hour of work (Winker, 2007: 12). In Turkey, in the 1999-2006 period, the main reason behind the 35.7 % increase in fatal accidents at work is the lengthened average working hours in connection with the flexible working relations that are becoming popular (Mütevellioglu, 2009). The consequences of flexible working, such as having workers work for long hours in order to reduce labour costs, the reduction in average seniority due to the increased circulation of workers and the downsizing of the average scale of the enterprise where employment takes place all increase the risk of work accidents. The result of the thoroughly weakened regulation and supervision functions of the unions and the state over the labour market is a decrease in the pressure placed on employers with regard to the fulfilment of their legal obligations in the area of work safety and worker health, and this is, among other reasons, the reason for the increase seen in fatal work accidents.

The effects of flexible working which lead to an increase in workplace accidents are summarised below.

Figure 1 – Components of flexible work and its effects



In Turkey, the outlook for the labour market at the beginning of the 21st century reminds of 19th century Europe. The result of the neo-liberal policies applied to ensure that labour serves unlimited capital accumulation is that the dispossession process has gained traction; the reserve industrial army has grown; competition between wage earners has increased; poverty has worsened and spread; and the rate of fatal workplace accidents due to excessively long working hours has increased. The share of workers in employment has seen a serious increase, both absolutely and proportionally, and, although this increase has also been reflected, to some extent, in the number of insured workers, the number of union workers and, especially, the number of workers included within collective labour agreements have reduced considerably. In the 1995-2006 period, despite a 36 % increase in the number of insured workers (i.e. those with social security), the unionisation rate, which is calculated by the Ministry based on the number of insured workers, dropped by around 11 %. It is estimated that the number of workers covered by collective labour agreements has fallen back to one million workers (Mütevellioğlu and Işık, 2009: 188). The overall change in the number of strikes, the number of workers participating in strike action and the total number of strike days

clearly demonstrates the decline in the fighting power of the labour class (Mütevellioğlu and Işık, 2009: 188).

This picture proves that the transformation of social rights into rights that cannot be enjoyed deepens the market dependency of wage earners. Can it be argued that there is no difference between social conditions where workers work sixty hours a week instead of forty hours; where the termination of employment contracts is left altogether to the whim of the employer, instead of being bound by rules; where union, collective bargaining and rights to strike are made void and unusable, instead of being freely available? And, in the first case, can it be defended, on the grounds that the exploitation of labour continues and that the rules regulating working relations (social rights) serve the system's own reproduction, i.e. that it is unnecessary and futile to fight to ensure these conditions?

In place of a conclusion: propositions for an analytical framework for social rights and a question

1. In the capitalist system, the decommodification of labour of course has some limits, just as the labour-capital antinomy, unemployment, exploitation of surplus value and social risks are also structural elements of capitalism. However, as demonstrated by the current labour market panorama of Turkey, there is a difference between capitalism that is bridled with social struggles and 'authentic capitalism', which carries a vital importance for the majority of wider society also in the narrow sense of the term and which, therefore, must be taken into consideration.
2. The devastating social impacts of unbridled capitalism that transform human beings into commodities that can be used whenever and however required are not limited to rendering wage earners absolutely dependent on the market at the economic level. The deepening of insecurity over existence spreads the fear of tomorrow's possible hunger and unemployment across society, accelerates the alienation of wage earners to their objective benefits and deepens dependency relations in the political and the ideological senses. The fear and pessimism gripping society, with living conditions becoming more severe and more insecure, create large masses who are vulnerable to the effects of radical religious and racist-nationalist propaganda, which is not a phenomenon observed only recently or only in Turkey. As stressed by Altwater, who recalls Bahro's comments on this issue:

The empowerment of egalitarian demands and movements oriented to change the social structure requires the existence of a minimum guarantee of life. Those who struggle for survival under the siege of the market cannot at the same time take part in the struggle for the realisation of an equalitarian society. (Altwater, 2006: 192)

3. In the social context, human security implies freedom from fear and freedom from want, while the indispensable prerequisite of human security is economic and social security. The economic and social security of human beings can only be guaranteed via the continuing efforts of the institutionalised social structures that are dedicated to this purpose (Altwater, 2003: 3-9). In the capitalist system, the function of social rights is to limit the market dependency of wage earners and ensure a

minimum economic and social security. Realisation of the prerequisites for the secure existence of wage earners through social rights also opens up the social and political channels of participation, the doors of which are kept closed to the majority of society by the system. This effect is extremely important because, just as reason and the empirical world shows, the masses deprived of the material conditions that will enable them to sustain their physical existences even at a minimum level cannot make an active and informed participation in social-political life.

4. In the capitalist system, there is no doubt that the *raison d'être* of legal norms is, foremost and essentially, to guarantee the reproduction of the social system. However, the effects of improvements in the social law norms that particularly reflect the changes in national and international social power relations, and that widen the area of the freedom of workers, cannot be denied. Similar to other countries, the periods during which society became politicised, saw labour-oriented associations blossom with unionisation and strikes, and adversarial social movements accelerated, are not the periods when capitalist exploitation and pressure grew deeper. On the contrary, 1908, 1946 and 1961 are the years in which a relative democratisation was achieved in the areas of social law and politics. If the arguments of the integration thesis were true, it should have been the current conditions that imply a return to unbridled capitalism that rallies social movements, not the periods of relative democratisation that also cover the area of social law.
5. Demanding social rights to improve the living and working conditions of wage earners does not mean only to advocate the fight for economic/urgent/short-term demands; neither does it mean overlooking the denominational character of the state based on the division of classes in the capitalist system. On the contrary, defending daily economic and social interests is a prerequisite for a real defence of long-term political ideological interests:

Radical changes in the social structure and fabric cannot be expected to occur only at the 'moment of decision'. With reforms oriented to overcome capitalism, it can occur in social power relations, in power and ownership structures, today and here, within the process. (Brie and Klein, 2004: 5)

6. The social effects on wage earners of the right to establish unions and take part in union activities, as a fundamental collective social right that also covers collective bargaining and the right to strike, are especially important and clearly show that the functions of social rights in the view of wage earners cannot in any way be reduced only to improvements in the distribution of income. Each and every improvement effected in working conditions through union activity which implies the enjoyment of this social right, and every new gain achieved, shows workers that they can change existing conditions through their organised power, as clearly observed by those insiders witnessing the unionisation movements of wage earners. The discouragement and resignation caused by workers surrendering to dictatorial conditions is replaced by self-confidence, a belief in organised fighting and solidarity and a strengthening of the will to fight for more advanced rights.

7. It is not possible for an abstract oppositional discourse that does not combine the goal of overcoming capitalism with real political objectives to reach out to the masses; moreover, such an approach is submissive in its essence since, with its presuppositions, it implies that capitalism is capable of anything, while it underestimates the power of politics. Social equality and freedom are ideals that must be defended not only for tomorrow but also for today. An abstract oppositional discourse that cannot establish an unbreakable link between the ideals of social equality and freedom and the demand for better working and living conditions, the most legitimate and human longing of all humanity, and which cannot represent in today's world the dialectical unity of these two concepts, can only be pseudo and radical only to itself.
8. Neo-liberal globalisation has rendered this thesis indefensible by deeply weakening the single-sided and reductive arguments of the concept that defines social rights as a mechanism for social control and legitimisation. Those who adopt the integration thesis are against the deregulation of the labour market, which implies a return to the unbridled capitalism of the 19th century, and are also against privatisation, and individualisation and commercialisation in the areas of education, health and social security. Are such people not actually defending social rights, even though they are using a different discourse?

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