
Bottomless Pit: Size of Employment Based on Flexible Working Forms and Flexibility Repertoire Of Capital in Turkey

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Résumé

This study, mentions the size of employment, based on flexible working forms and the new flexibility repertoire of capital in Turkey. In the study legal and factual basis of flexible working in Turkey will be examined through a historical perspective. In addition, some determinations will be made at the conceptual level regarding these quantitative and historical analysis frameworks.

Flexible forms of work are not a linear consequence of technological developments, but rather a product of the efforts of capital to create new forms of organization that will increase productivity in the labour process, based on the restructuring of the accumulation regime and the dynamics of global production. Flexibilization in Turkey has become widespread with the economic crisis since the 1990s besides this structural process. In the period following the 1994 crisis, flexible forms of work were implemented through de facto methods in contradiction with laws and collective agreements. Flexibility is reflected in the legal order, primarily in the jurisprudence of the court, and then in the doctrine. The next step in the transition from action to legality was realized by the Labour Law No. 4857, which was enacted in 2003 following the 2001 crisis. In the third and final phase following the 2008 crisis, new regulations such as temporary agency work which will make the labour market and labour relations more flexible are being implemented. Thus, it seems possible to examine the flexibility and flexibility repertoire of capital in three stages including the crisis of capitalism in Turkey.

In these three stages, the control of capital among labour and labour process is increased and finally flexible working relations in Turkey have been given a legal basis. Temporary work, fixed-term contracts, on-call work and part-time work can be counted among these flexible forms of work. The Labour Law, on the other hand, also includes some other regulations that will make working relations flexible.

Among other things, the character of the formation of flexible working forms should also be mentioned. These forms of work take place first in an actually way (de facto), and reach a legal status after reaching a certain level of prevalence. For this reason, the Labour Law can be considered as a legal form of practices that have reached a certain extent and validity. On the other hand, it is also known that the actual (de facto) application is far beyond the legal ones due to the deregulation attempts of the capital which disregard the legislation. The existence of the informal economy deepens the deregulation and brings with it the problems

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of measuring the size of employment based on flexible working forms.

The study, aims to determine the size of employment based on flexible forms of work depending on the data of Turkish Employment Agency, Turkish Statistical Institute and Social Security Institution. In the study, flexible working forms classified in the axis of different types of flexibility will be revised on the basis of the crisis periods and the relationship between legality and action. The study examining the flexibility agenda of capital explains the repertoire which is uncertain when to reach a sufficient level of flexibility in terms of capital through the metaphor bottomless pit.

Mots-Clés: Flexibility, Flexible Working Forms, Labour Law, Working Relations