



## Proposal on disabled individuals puts Labor Ministry in hot seat

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Lokman Ayva, a visually impaired deputy from the AK Party, asked the party to expel Labor Minister Ömer Dinçer for human rights violations.

A proposed change regarding the employment rights of disabled workers in what is known by the public as a “sack law” has led to much outrage among the disabled.

The most vocal critic was ruling Justice and Development Party (AK Party) deputy Lokman Ayva, who is himself visually impaired, as he asked his party to expel Minister of Labor and Social Security Ömer Dinçer for a violation of human rights.

“Sack law” is a term commonly used in the Turkish Parliament to describe a package of unrelated revisions to laws that are lumped together for the purpose of fast-track legislative changes both in the committees and on the floor. The current sack law is being discussed by the parliamentary Commission of Budget and Planning, and one proposed change in the package will lead to new regulations concerning the working conditions of disabled workers.

According to current regulations, workplaces with more than 50 workers should allocate 3 percent of their positions to disabled people if they are in the private sector and 4 percent for the public sector. But the sack law indicates that if employers have a difficult time finding disabled workers or if their positions are not suitable for disabled persons they can fulfill the requirement in other ways, namely,



they can pay the salaries of disabled workers working in other firms or in other enterprises they own.

According to the sack law, another way to ensure that disabled persons are hired is to establish firms that are founded for the express purpose of employing disabled persons. Enterprises that cannot hire disabled persons in their workplace can pay the salaries of workers working in firms set up for the employment of disabled persons.

But human right defenders, including AK Party deputy Ayva, underline that the requirement to hire disabled workers is not only intended to increase employment rates among the disabled, but to provide a way for them to fully participate in society. Many say if the sack law is ratified, there will be “working camps for disabled persons.”

Ayva stated that this regulation was entered into the sack law due to pressure from banks that are not willing to work with disabled persons. “The banks are saying that the disabled should not work in bank branches and that they can pay their salary if they sit at home,” he said. Ayva also urged his party to expel Labor and Social Security Minister Dinçer, who, according to Ayva, used his position to try to implement discriminatory practices and for violating human rights.

Dinçer, while responding to reporters’ questions, said this new regulation will be helpful in increasing the employment rate among disabled persons, adding that the regulation in question had been prepared with the help of many experts. “With this regulation we will both save enterprises that have a hard time trying to fulfill the requirement to hire disabled employees and at the same time we will create more capacity for disabled workers,” he said.

While answering a question about Ayva’s reaction, Dinçer responded that there might be sentimental reasons behind his reaction, but that this question should be asked of Ayva, who is a brother. Sandblasting workers, who are at risk for contracting silicosis, are not happy with the sack law, either. According to law, workers who contract the deadly disease will be given a “poor disabled person’s” salary, which is TL 100 a month. However, workers are demanding that since if they have lost their ability to work they should be paid another kind of salary that is given to workers who can no longer work due to occupational diseases.

A group of sandblasting workers underlined in a press statement that in order to have this kind of benefit they were asked to prove that they worked in the sandblasting industry, but many of the places they worked at are not registered.

Another subject that has generated much discussion regarding the sack law concerns the subject of judges being required to pay compensation for their rulings if they are deemed to be incorrect. The discussions began due to the case of Ergenekon suspect Mehmet Haberal, who filed an appeal with the Supreme Court of Appeals against nine judges who refused to release him from custody.

An article in the sack law stating that judges cannot be required to pay compensation was removed from the package after opposition parties said if this regulation was passed they would not lend support to the new commercial code.

This would be a serious setback. The Turkish Commercial Code is outdated and under normal circumstances it would take two years of deliberations in Parliament to hammer out a new law, but political parties in Parliament were able to reach a consensus to pass the new law in nine days.