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The Impacts of Subcontracting On the Identity of Workers in Workplace

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Abstract:

Subcontracting, as a different type of work organization, has a very effective impact not only on individual labour rights but also on collective labour rights. Workers of principal employer and subcontractors produce goods or services by performing same jobs in same workplaces side by side. However, work conditions of these two groups of workers are very different. Wages and financial conditions are never similar for same work. Subcontractor's workers are paid minimum wage mostly, on the other hand principal employer's employees get higher wages. Subcontractor's workers have difficulties in applying trade-union membership compared to a principal worker. Subcontractor can not afford to give more rights to workers. Payments given to workers by subcontractor are limited by subcontract due to the competition made at the beginning between candidate-subcontractors for taking the business at lowest cost. Additionally, work conditions of subcontractor's workers can not be changed by making a deal with their employer, because subcontractor is not the boss really. So it is nearly impossible to make collective bargain and contract with their own employer for better fiscal rights and work conditions for subcontractor workers by being members of trade-union. Their all work conditions are based on a commitment made between subcontractor and principal employer at the probable minimum payment. Subcontractor workers are not accepted as a real actor of work neither by principal company nor it's workers in spite of working there even for long years. They always feel like aliens who can be easily kicked out and have to leave the workplace in any case at the end of the period of subcontract because of not being principal employer's workers. They do not have an organizational identity related to principal company as it's own workers. This reality causes emotionally low self-esteem and identity crisis of the subcontractor's workers in workplace as they express clearly. The legal rules are against to discrimination of labour and ensure to protect equality in work. Inequal conditions for subcontractor labour and different wages for similar work of equal value are banned by 2nd and 5th articles of Turkish Labour Code. The reason why subcontracting exists is providing low cost of labour. It is normally expected discrimination between two groups of workers in workplace in real life in spite of protective law. Law sometimes can not be protective enough. There must be not only more protective law but also special policies regulated by government and some precautions taken by trade-unions immediately for this topic. Otherwise all the labour rights, individual and collective, gained by workers in centuries can not be used by subcontractor's workers. The identity problem as a result of subcontracting will probably be one of the important occupational health and safety problems in immediate future.

Keywords: Subcontracting, Discrimination, Diversity, Worker, Identity, Trade-Union

1. INTRODUCTION

Subcontracting is a type of work organization. Production and business are made by many different employers' workers based on subcontracts mostly as a characteristic of globalisation. Subcontracting is one of the flexible employment models which used to be applied nowadays. Many firms do not employ workers for various parts of all work, but only for main work process they do. Other less important works are provided by subcontractors. Workers of principal employer's and subcontractors' produce goods or services together even sometimes in same workplace. Additionally, they all do the same work as different employers' employees many times. However, work conditions of this two group of workers are very different. Subcontractor's workers are not accepted as senior workers both by principal company and by it's workers in spite of working in same workplace for long years. They always feel like aliens who are easily kick out workplace because of not being the workers of principal employers. They do not have a social identity related to principal company as it's own workers. This reality causes emotionally feeling down and identity crisis of the subcontractor's workers in workplace.

There are a lot of different reasons for subcontractor's workers feel like aliens in workplace. They are not registered directly on principal employer in terms of social security. They do not have equal work conditions compared to the principal employers' employees. Subcontractor workers' work conditions are always worse than them. Social security providings, occupational health and safety rules are not applied completely for subcontractor workers. They earn less money than principal employers' workers even though they do same job by working much more hours many times. Individually labour conditions of subcontractor's workers are not as good as principal employer's. They are not recognized as a human in workplace and have an important identity problem at work.

Moreover, subcontractor's workers can not use collective labour rights as much as principal company's workers do. The trade union have to make collective bargain with subcontractor as a side according to the legal rules. It is very hard for subcontractor's workers to join an union as a member and be organized. Subcontracting is stated as one of the important reasons for obstructed of unionism in Turkey (Koray 2005, p 392). Subcontractor employers are generally opposed to workers being members of trade unions due to economic weakness. Subcontractor earns money by making workers work for main company and naturally does not have same economic wealth as principal employer. So subcontractor's workers could be members to an union hardly, in addition when they success this, they have more difficulties to make collective labour agreement because of same reasons. They can not have wages and other work conditions similar with principal employer's workers never more. If they could be members of a trade union, they can not have even an union room at workplace. It is hard to say that trade-unions' solidarity is strong enough unfortunately. Trade-unions condone discrimination between principal employer's workers and subcontractor's workers in workplace by being defender of only members who are especially principal employer's workers. They try to protect their members only because of the weakness of trade-unions occurred after 1980's mostly (Urhan&Selamoğlu 2008, p.186). If subcontractor 's workers could be able to be members of a trade-union and make an collective agreement, provisions of contract about collective labour rights can not be applied at the workplace because of the principal employer is not a side of it. Subcontractor's workers do not be able to feel as workers who have same equal conditions in workplace. That is why they feel unhappy and insecure though they have identity crisis at work.

The identity problems subcontractors' workers are tried to determine and understand in this paper. In second part effects of globalisation to labour affairs are summarized by

focusing on stability which is not existed for subcontractor's workers. Subcontracting which ruins stability as an employment model is tried to explained at the third part. Meaning and components of identity are the subjects of fourth part in the light of decent work. Identity problems of subcontractor's workers which affect individual and collective labour rights are tried to be understood regarding to an questionnaire made in a workplace where principal's and subcontractor's employees work together in fifth part. The subject is discussed related with occupational health in sixth part and with respect to law in seventh part. Finally main points are emphasized at conclusion. It is hoped that understanding the identity problems subcontracting caused would be the first step for finding out about it much more for solutions.

2. GLOBALISATION AND LABOUR MARKETS IN THE LIGHT OF STABILITY

In an analysis made by ILO(International Labour Organization) in 2005 which is also an input of World Employment Report of ILO, it is determined that while globalisation creates new opportunities for growth and employment on the one hand, it brings new challenges and problems such as job displacement and job loss in labour markets on the other hand. It means more stresses and strain of employees in workplaces exposed to increasing global competition. There are winners and losers not only all over the world, but also with in countries even when a country as a whole is a winner in globalisation. Labour markets also creates winners and losers, new jobs are created while the others lost in different countries, sectors, firms and regions of a country in different times. Jobs created and destroyed differ not only about the qualities of the work as pays, skills required and other work conditions but also related with labour's age, sex and others. This is accepted as the main reason of increasing structural unemployment dues to the level of inadequacies between demand and supply in labour market. There is al-

ways pain of workers because of the hardness of adjustment to these heterogeneity. The volatility and mobility in labour markets require more flexible relations and makes stability "out" in employment. It is even claimed that globalisation will cause the lack of salaried work in future which is called as "beyond employment". The long-term employment contract is seen as being part of the defunct Fordist and industrial model. (Auer 2005, p.5) The decency of a job depends not only the rights derive from it just like good salary, social security and representation rights, but also the employment security based on the kind of contractual relation. It is also stated that indefinite contracts yield higher job satisfaction than fixed-term contracts and make employees more productive due to the tenure of employment relationship (Auer 2005, p.6-20)

It is stated even if transitions and mobility are considered as a bridge into good employment, it must be acknowledged that not only the bridge is important but even more the land which bridge should lead. This land must be preferably consist of more stable jobs which allow individuals to make decisions for having a family, investing and being a consumer in the society at least. It should be remembered that this fact is related with macro economy via the shaping of household patterns of consumption and investments.(Auer 2005, p.6)

It is discussed whether stable jobs are good jobs or not. Stability is very important for workers and their families, and the result of job loss is very dramatic for all those people affected. Yet a long-term employment as an indicator of stability does not always mean a good job. It can be maintained by worker because of not having any other chance to change. "Employment stability does not result employment security" which is the outcome of a research made in OECD (Organization for Cooperation and Economic Development) countries about employment models based on tenure compared with employment security. An active commitment by the state who act as provider to

displaced workers via labour market policy measures, legislation and unemployment insurance, may increase workers' feelings of job security, encourage worker mobility and result in medium or low tenure. (Auer 2005, p.17) But if employment security is not provided as the meaning of taking enough measures for unemployment by state, stability in employment is very important for workers' satisfaction and also for work productivity. Subcontracting is an important reason of unstability of labour market depending globalisation.

3.SUBCONTRACTING AS AN EMPLOYMENT MODEL RELEVANT TO GLOBALISATION;

Subcontracting is not a new economic relationship for productions or services. It is used to mean hiring a company or an individual to complete a part of a contract via a subcontract. There are some sectors where subcontracting is used to be applied like construction. Yet it has turned out a typical production model of economy mostly and many times misused as an employment model in all sectors contingently improved with globalisation. It is a result of outsourcing of both production and employment, used as an flexibility way by enterprises (Güzel 2004, p.33). Subcontracting is a result of the structural change of work organization all over the world. Commodities are not only produced in a workplace by workers of one employer frequently any more. It does not matter if it is a good or a service, production process of almost every commodity is a collected course of processes like a chain which every part of it is realized in different workplaces by different employers' workers even in different countries. Outsourcing of production is accepted as an economic way of low cost by companies worldwide. (Erdut 2002, p.12). Diversity and discrimination are the main characters of this work organization at every level. As an example, it is known that famous sneakers are manufactured in far east by women and children in unregistered workplaces and with very low wages, but high payments are made for

commercials of same product. One star earns so much money compared to workers made product really and live in poverty unfairly. Different links chained each other for final production are evidences of injustice reorganization of work all over the world. Unfair effects of globalisation via subcontracting as an outsourcing employment model triggered International Labour Organization(ILO). "Decent work" is brought as a concept means "fair work conditions" against negative work condition, by ILO in 1999. ILO Declaration on Social Justice for a Fair Globalisation made in 2008 and put some duties before member states as a tripartite organization by adopting it with representatives of governments, employer and employee unions. This was the third major statement of principles and policies adopted by International Labour Conference since ILO Consitution of 1919. It is planned to apply by communication of social sides.(ILO 2008). Globalisation is an important event for labour market as it is understood with these efforts made internationally and subcontracting is one of the typical negative faces of it.

Subcontracting as an employment model even for workers in same work and in same workplace, is another unfair face. Every part of the chain linked may be provided by different employers' workers in same workplace, where is one principal and many subcontractors' employers' workers make especially same work but with different work conditions. There are more than one firm mostly in every main workplace in Turkey even for public work which workers' do the same work with dissimilar pays, working hours and other work conditions. Subcontracting is used without any need for it, just like specialization or technical reasons, against to 2nd article of Labour Code. Fictional subcontracting is applied widely even it is prohibited by law. Individuals work side by side in same job is distinct on the conditions based on the being different employer's employees. This situation is hardly tolerable for a subcontractor's worker who

does never have good terms as a principal worker. It is an important reason to loose self-esteem in workplace which means an identity problem.

4. IDENTITY OF WORKERS IN WORKPLACE RELEVANT TO DECENT WORK;

4.1. Identity of a Human in a Society and Mental Health

Identity is an important concept related with many branches of social sciences because of the importance of it for understanding human behaviors. It is accepted that identity has a very close relationship with the behaviors of an individual which are responses to environmental circumstances. There must be at least one different person for every individual for defining him/herself. There would not be a concept as "identity" if there were not "others" to separate "identity owner" as a phenomenon or an event. That is why every individual has a meaning, in other words an identity because of being a part of society. Identity is to be formed by affecting society which the individual lives in and every individual converts society at the same time. Therefore identity is a "commitment" case.(Türkbağ 2003, p.211)

From a more formal perspective, an identity consists of four main parts which are respectively identity standard, input function, comparator and output function. "Identity standard" is a set of self meanings defining the character of the identity that means to be who one is. Perceptions of identity relevant meanings concerning who one is in a situation is called as "input function". "Comparator" compares the perceived self meanings with the meanings in the identity standard and indicates the difference between them as "error". "Output function" translates the "error" into meaningful actions and behaviors that act upon the social situation. (Burke1996) Adjustment to environmental conditions which consists of physical and social elements, is provided with these process of identity. Social stress comes up if the process can not be completed because of the

conflicts derive from obstacles to self-verification. Self-verification within a group is not just a function of one's own activity but of one's activity in relation to others activity; that is the behavior of others can inform us about who and what we are.(Cast&Burke 2002, p.1044)

Self-esteem is a central component of identity processes. One needs self-esteem for self-verification which means to have an identity also. The verification of identities in social groups not only accomplishes the role behaviors that maintain social arrangements but also builds up self-esteem. Individuals who verify their identities see themselves as effective and component. Self-verification accomplished jointly and mutually with others in a relationship or group was shown also to increase self-esteem when others confirm the individuals identity through their own role performances.(Cast&Burke 2002, p.1050) The components of self which are identity and self-esteem connected to each other tightly, provides self-verification. It is stated that self-verification occurs within a social environment, more specifically, within social groups and relationships, with consequences for the group, both in terms of the well-being of its members and its stability. Cast&Burke suggests that self-verification is a central motive or organizing principle behind individual behavior, and self-esteem appears to play an important role in the entire process.(Cast&Burke 2002, p.1062-1063)

Although it is reminded that self-esteem is not a simply product of self-verification and these concepts represent more than the definitions seemed from different aspects, the fact about mental health of an individual requires self-verification which is closely related with the identity and self-esteem derive from approvement of others in a society. This is valid for workplace where a person generally spend eight hours per a day undoubtedly. It is accepted that man does not work for only living(Bize&Milhaud translated by Yazgan 1999,p.12). Work is one of the ways for self-verification to build self-esteem. Organizational commitment as an im-

portant concept for productivity in work could be come true by making a worker feels as a respected humanbeing in workplace which means recognizing his identity(Sıgri 2007).

4.2. Decent Work Related with Identity and Mental Health

"Decent work" is accepted by ILO as an aim has to be achieved by policies based on strategies about employment, social protection, social dialog and rights at work. Globalisation is accepted as a reason for progress all over the world by ILO, but inequality and unfairness come up with it, are determined the negative effects which have to be eliminated for social justice. Subcontracting causes inequality for wages and all work conditions generally. It must be controlled and negative elements must be eliminated for decent work. Decent work provides workers security and protection. It is necessary for recognition of a worker as a human in work place with his identity. Subcontracting produces negative work conditions against "decent work" as a concept and does not allow a worker to have self-verification in workplace which possibly causes mental health problems.

5. IMPACTS OF SUBCONTRACTING ON WORKERS IDENTITY AS MEANING OF INDIVIDUAL AND COLLECTIVE RIGHTS IN WORKPLACE

Subcontracting affects employees and makes them feel as a second class worker in workplace compared to principal employer's workers. They can not use even constitutional rights and always have preoccupation with unemployment. Unemployment is a common problem for all workers especially at the economic crisis times. Yet for subcontractor's workers, unemployment is a strong possibility at every bidding time occurs periodically if subcontractor can not get business again. Additionally they do not earn same money for same work and other work conditions are less than principal employer's workers. They threatened negatively and

can send back to employer because of any reason. Results of a questionnaire made with a public unit's workers are tried to convey below. The aim is not proving the thesis scientifically, but only try to explain which material conditions and feelings workers of subcontractor are within. It is also an effort to be understood how subcontracting looks overall with an example for a beginning for further examinings.

There are total 205 workers in the municipality unit where the questionnaire made. They are employed by three different employers. First is municipality itself who employs 35 workers, 50 of 205 workers are employed by a company founded by municipality and 120 workers as rest of total are employed by subcontractor company unconnected with municipality. Two companies' businesses in that unit are based on contracts let them by competitive biddings. They are subcontractors of first employer, municipality itself as the real employee of the service legally, as a public authority. Totally 43 workers participated to survey which is 21% of total 205 workers. 8 of them are municipality workers, which means 22.8 % of 35 answered questions. 22 of participants are employed by company founded by municipality which is also a subcontractor, which means 44% of 50 municipality company workers. Only 12 workers participated to questionnaire from subcontractor company irrelevant to municipality, which are %10 of 120 workers. The last 12 workers employed by a private company, do not have any employment security at all. They are not members of any trade-union and do not have a collective labour agreement naturally. Therefore they do not feel comfortable to participate any collective activity because of insecure job circumstances they have been adapted. That's may be why many of them hesitated to participate to questionnaire and some of them also do not answer some questions while some of them express their ideas response to open question asking what participant feels about subcontracting as an employment model at the end of the questionnaire.

Table 1**Employers of Workers who participate to Questionnaire**

Employer	Frequency	Percent
Municipality	8	19
Municipality Company	22	52.4
Private Company	12	28.6
TOTAL	42	100

15 workers, 34.9 percent of this number are assigned to sanitation. Others' jobs are different like security, nursing and bureau. As it is seen private company workers who are subcontractor workers in secure conditions are not doing only one job in workplace which means they work in same jobs with principal municipality and other subcontractor municipality company workers.

Table 2**Jobs of the employees**

Jobs	Frequency (n)	Percent (%)
Sanitation	15	34,9
Others (Bureau etc.)	16	37.2
Nursing	3	7.0
Driver (Transportation)	2	4.7
Workshop (Transportation)	1	2.3
Security	1	2.3
Water	5	11.6
TOTAL	43	100.0

Workers' qualifications classified as skilled, unskilled and master/chief. 39 participants of 43 total answered this question.

Table 3**Qualification of Workers**

Qualifications	Frequency	Percent
Unskilled workers	11	28.2
Skilled workers	25	64.1
Master/chief at every level	3	7.7
TOTAL	39	100.0

%27.9 of participants work in workplace for 6-10 years which means many senior workers are working as subcontractor workers by redoing contracts every year.

Table 4**Seniority of Workers**

Seniority	Frequency	Percent
0-1 years	10	23.3
2-5 years	6	14
6-10 years	12	27.9
10-15 years	11	25.6
16-25 years	4	9.3
TOTAL	43	100.0

Two questions asked to workers if the employers changed and labour contracts redone during the tenure of employment in this workplace. Private company's workers who are 12 persons participated to questionnaire replied that their employers has changed and labour contract redone after every bidding. Workers are employed in same workplace, but employers changed and contracts redone after every bidding. A question comes up naturally why municipality needs a mediatory for employ same workers for same work.

Table 5

Whether employer changed or not and labour contracts redone at tenure of this job

Employer changed	Frequency	Percent	Labour Contract Redone	Frequency	Percent
Not any time	24	64.9	Not any time	22	56,4
Every year	4	10.8	Every year	6	15,4
After every bidding	9	24.3	After every bidding	11	28,2
TOTAL	37	100.0	TOTAL	39	100.0

The answer appears when we look answers to the questions about trade-union membership and reasons why workers do not be a member, levels of salaries besides other social and legal rights. Any of the private subcontractor's workers is not member of a trade-union. There are 4 choices to explain why if the worker not to be a member of a trade-union which are; a)I do not want to lose my job, b)Employer does not want, c)I do not think that being member is useful, d)I do not approve trade-unions. Participants can choose more than one. Workers participated point only two of them; "employer does not want" and same answer with "I do not want to lose my job". This result shows that subcontracting is very effective for non-unionism and subcontractor's workers are not free to perform a fundamental right.

22 Participants are workers of municipality founded company and 8 participants are workers of municipality itself. These 30 workers could be members of trade-union and within the collective contracts, but 1 of them is not member of a trade-union and collective agreement can not applied for him. 12 workers as it is seen with Table 6 and Table 7, are employed by different private companies change every bidding date who are not members of any trade-union and can not be because of the fear of employer and unemployment. These get salaries generally at the level of minimum wage, do not have any other social incomes and annual leaves. It must be pointed that private company workers are devoid of not only equal wages and social rights, but also annual leaves as their legal rights regulated in Turkish Labour Code and Turkish Constitution. This is not

Table 6

Trade Union Membership and Reasons for Not to be a member of Trade-Union

Are you a member of trade union?	Frequency	Percent	Why are you not to be member?	Frequency	Percent
Yes	26	66.6	Employer does not want	29	69
No	13	33.3	Employer does not want and I do not want to lose my job	13	31
TOTAL	39	100.0	TOTAL	42	100

fair and legal but natural, because subcontractor has a contract only for one year and registered workers for a year only. When new subcontract begins after yearly bidding, workers are shown as new employed and do not have chance to use annual leaves. Every year subcontractor competes with others for fulfilling subcontracting more cheaper and the winner of bidding is the one offered payments at the lowest level. This means subcontractor can not pay any more than minimum wages to workers also. Subcontractor can not tolerate workers being member of trade-unions, because there is no way to give workers more than minimum wage with a collective agreement because of the lowest payment provided subcontractor to win the competition at bidding.

There is not any reasonable factor for subcontracting by bidding excluding cheap employment which means ignoring individual and collective rights of workers indirectly. Workers of subcontractor makes same jobs but in different working conditions.

The workers answer the question if they are concerned that they will be fired and because of which reasons a worker can be dismissal from workplace. 28 workers which are 73,7 percent of 38 participants answered to this question as they have fear of unemployment which is normal because every worker could be fired. Yet the answers for the possible reasons of dismissal in the workplace show that the reasons pointed mostly by workers are respectively; comple-

tion of subcontract period, sending back of a subcontractor's worker to subcontractor employer and because of the complains of a principal employer's worker about a subcontractor's worker. The choice as "other reasons" which for general dismissal reasons free from subcontracting, is pointed by only 4% of the participants. This shows that subcontracting is the first reason for firing in workplace.

Table 8
The Reasons For Dismissal in Your Workplace

Reasons	Frequency	Percent
Completion of Bidding Period(1)	20	60,6
Sending back of subcontractor's worker(2)	2	6.1
(1)+(2)	4	12.1
Complain of a municipality's worker about a subcontractor's worker	2	6.1
Changing of management	1	3.0
Other	4	12.1
TOTAL	33	100

Table 7
Available Collective Labour Contract, Wages, Social Incomes and Annual Leave

Do you have a collective labour contract?	F		Salaries per month without social rights	P		Other Social Incomes	F		Annual Leave	P	
	(n)	(%)		(n)	(%)		(n)	(%)		(n)	(%)
Yes	29	69	751-1500	24	35.1	Yes	27	67.5	Yes	28	73.7
No	13	31	300-750	13	64.8	No	13	32.5	No	10	26.3
TOTAL	42	100		37	100		40	100		38	100

33 workers answer the question if work conditions of employees who do the same job are same or not and 21 persons which are 63.6% said "yes" while 12 persons which are 36.4% said "no". They think that job security of workers employed by subcontractor are less than other workers. 32 of 38 participated workers to that question say that subcontractor workers have less job security which are 84.2% while 2 workers, 5.3% of participants answer as municipality workers and 4 workers, 10.5% think that there is no differences for job security between workers. They answer to the question asks which employers' workers' organizational commitment are more, as municipality workers who are principal employers'. This shows that subcontractor's workers identity as self-verification in workplace is less than principal

employers' workers' when we think that commitment is depended on the feeling of job satisfaction as an element of identity.

The workers participated to questionnaire mostly think that being member of a trade-union provides more salaries, social incomes and job security. Additionally they think that it is harder to join to a trade-union for subcontractor's workers than principal employer's workers. This means they all think subcontractor's workers can not use unionism right. This is also another reason for identity problem of subcontractor's workers, to work together with union member work-fellows while it is known that they do not have union rights which means they could not to be able to use a main fundamental right.

Table 9

Job Security and Organizational Commitment of Different Employers' workers

Which Employers' workers' Job security is less than others?	F (n)	P (%)	Which Employers' workers' have more organizational commitment?	F (n)	P (%)
Subcontractors' workers	32	84.2	Subcontractors' workers	9	28.1
Municipality's Workers	2	5.3	Municipality's Workers	23	71.9
It does not matter	4	10.5	It does not matter	-	-
TOTAL	38	100	TOTAL	32	100

Table 10

Which Employers' workers could be member of Trade-Unions and What are Effects of being Trade-Union member for Job Security and Other Labour Rights

Is being member to trade union is harder for subcontractor's workers ?	F (n)	P (%)	Being member of trade-union provides more Job Security?	F (n)	P (%)	Being member of trade-union provides more Labour Rights?	F (n)	P (%)
Yes	35	94.6	Yes	40	100	Yes	40	100
No	2	5.4	No	-	-	No	-	-
Total	37	100	Total	40	100	Total	40	100

Lastly, 18 of total 30 workers answered to the question if workers of subcontractor live identity problem or not, by accepting event with "yes" while 12 of them answers as "no". It is also asked them to write the ideas and feelings about subcontracting if they have something more wish to add. Some workers complain about the subcontracting as an employment model with their sentences and expressed the idea of they are not accepted as a humanbeing who have rights in workplace detailed. This questionnaire shows how unfair circumstances subcontractor's workers live in and why subcontracting must be examined as an employment model.

6. IDENTITY PROBLEM DERİVES FROM SUBCONTRACTING AS AN OCCUPATIONAL HEALTH AND SECURITY PROBLEM

Business psychology is a subject of occupational health. (Spor, 2004, p.361) Occupational health is related with social policy and affected negatively by globalism. Health can not be provided in a weak social security system due to reduce of social spendings. This is a social problem which affects individuals (Işıklı&Özşuca, 2004, p.397). Organizational model based on subcontracting is an important factor which influences workers' health in workplace. Identity clash because of not to be able self-verification in workplace can cause industrial accidents and physical diseases besides important mental problems. Organizational commitment could not be realized because they are easily removable from work different than principal employers' workers especially when subcontractor employs them only for a periodical work. They feel themselves second class workers who could be kicked out for any reason. Identity problem comes from insecure and volatile conditions and affects their mental health negatively.

It is accepted that unfair success criterions, unequal wages, less self-verification and promotion opportunity, less communication, less recognition, less job security, discrimination, negative conditions, undefined and

over work and inequable control system are major occupational stress reasons in workplace. It is claimed that stress causes kardiac diseases accomplishing with high blood tension, internal diseases like ulcer, muscular and skeleton diseases and worsens cancer by affecting immunal functions besides mental diseases and personality irregularations. Occupational stress is regulated in European Law as a subject of occupational health. Employers have duty to get precautions for preventing workers from it according to the Directive for Occupational Health and Security N.89/391. It is studied regularly and even an agreement made for struggling it by social sides as "Frame work agreement on work related stress" in 2004 and approved by member states in European Union (Kök-kılınç Eraltuğ 2008, p.905) All of stress factors counted above are to be found for a subcontractor's worker. This is an important occupational health case which has to be studied.

7. LAW ON SUBCONTRACTING AND IDENTITY

Identity is a legal concept too. "Legal personality" consists of all values which constitute "identity" and is protected by law. Fairness as a legal concept, also closely concerns with identities. "Legal personality" which could be accepted the name of identity in legal terminology, is completed with the values of equality and equity which are the components of fairness in a society. (Türkbağ 2003, 212-213) Therefore weak individuals and groups are protected against to powerful ones on links they come face to face by legal rules. Labour law is one of the most important fields where protection of law comes up. Workers are supported by legal rules in work because of the weakness of them during their relationship with employers. This is a legal understanding accepted as a result of social state principle and constitutes the main principle of labour law which gives priority to protecting of workers in labour affairs. That is why interpretation of the legal rules according to the circumstances has to be made in favour of worker if there is any

doubt in case during the law.practice (Demir, 2005, p.7)

Turkish Labour Code consists of a special regulation about the responsibility of principal employer for subcontractor employer's employees besides subcontractor. Fictional subcontracting which are restrictive and obstructive for labour rights are also banned with this provision, 2nd article of Labour Code. This rule can especially be applied after the termination of labour contracts. The interpretation of courts are important and it can be more effective if evaluated carefully. Joint responsibility of principal and subcontractor employers is applied strictly in the sentences of High Court of Appeals which means material rights of worker is protected as it is aimed with 2nd article of Labour Code. Although it will be more protective to apply joint responsibility not only for compensations but also for reinstatement. Because termination of labour contract is especially based on the decisions of principal employer or its workers many times. If there is a work could be made by a worker in that workplace, principal employer has to be responsible for employees made it without regarding whose worker is. Law requires responsibility of both employers; principal and subcontractor, by regulating same responsibility for the rights of workers. Additionally all kind of fictional subcontracting is banned legally and regulated that only principal employer would have fully responsibility in that case according to the 2nd article of code. Almost all subcontracting applications are fictional if there is not any legal reason as specialization and technological needs. But high court does not always decide about it as fictional. If 2nd article of Labour Code is applied definitely for all cases without looking whether it is claimed or not, subcontracting could be diminished. Also labour affairs could be examined by inspectors of Ministry of Labour. Efforts made for fair application of legal rules made by government must be supported as Law Order about Subcontracting. As it is tried to discussed above, subcontracting is against fundamental rights when it is used as diffe-

rent work conditions for same work in same workplace which means fictional and banned according to law.

Identity in workplace is an important problem which is effective for health and life quality of worker. The 5th Article of Labour Code titled "equality" prohibits every kind of discrimination between workers if there is not a legitimate reason especially for similar work. This rule must be applied with extensive interpretation by courts for subcontracting. High Court accepts that work fully independent from main production of principal workplace does not build subcontracting even it is made in workplace based on a subcontract. This understanding must be questioned especially because occupational health and security is duty of principal employers by having full authority in workplace.

It is hard to say that law is really enough to build equality as it is regulated. That is because "subcontracting" is commonly accepted as a natural way of employment for cheap labour power and could not be discussed deeply because of this understanding. It is even determined positive for workers, only because of joint responsibility regulated by law and by the reason of accepting as a way for preventing workers from unemployment (Alpagut 2008, p.1351) Unemployment is the main problem, yet it must be discussed if it is a legitimate reason to give consent to an illegal and inhuman discrimination. This understanding must be examined again in the light of subcontractor workers' rights as a humanbeing, not only by academicians, but also by trade-unions and by employer societies, and by employers and by principal employers' workers as members of both kind of unions. Regulations made as an effort for discipline of subcontractor applications and preventing fictional ones like the change made at 3th Article of Labour Code and "Law Order About Subcontracting" must be evaluated carefully and followed by trade-unions. It must be criticised for not participating trade-unions to control the decisions by giving them objec-

tion right as a social side, for instance. Investigation organization of Ministry of Labour and Social Security should be empowered for providing legal labour affairs besides labour courts, as should be in a social state, these are necessary for controlling subcontracting applications too.

Fundamental human rights should be protected by law according to International Conventions and Turkish Constitution. Duties of State regulated by Article 5th of Turkish Constitution comprises providing fair conditions required for development of individual's material and spiritual existence. Existence of an individual means self-verification and identity. Legal personality of an individual including self-verification and identity as a part of spiritual existence must be protected by law and law practice in life.

It is not possible for subcontractor labour to perform unionism as a fundamental right also. Many times subcontractor employer does not fulfill the legal requirements like social security of workers, for instance especially at every subcontract change times, subcontractor employ workers for 1-5 days without registered for social security. Unionism and social security are fundamental human rights which are regulated in constitution as a part of self-verification in a society. (Demir, p.438) Subcontracting as an employment model prevents all these rights and it is necessary to take more legal precautions for providing constitutional rights for workers. Subcontractor's workers have legal rights for protection of their identity in labour affairs. Law has to be measured subcontracting with strict rules and make the rules applied effectively for protecting workers' identity as a legal value.

8. CONCLUSION

Subcontracting, a widely applied employment model with globalization, is an important reason for inability of workers to use individual and collective labour rights. Annual leave as a legal right based on a special constitutional provision can not to be used by subcontractor workers because of the pe-

riod of subcontract is limited with one year. They can not appeal for being members to trade-unions because collective bargaining and agreement does not make any sense while the amount of the salaries and detailed work conditions are definite according to the subcontract made between principal employer and subcontractor on minimum level due to the competition occurred between candidate subcontractors during the bidding at the beginning. That is why subcontractor rejects unionism of workers and never lets them to be members of trade-union. Subcontractor's employees work based on specific term employment contracts redone especially with different subcontractors after every bidding. There is always the possibility not to be hired when the time is over. They also are treated in workplace as second class workers compared to principal employer's workers and could be fired easily even by complaints of principal employer's workers. Their employment security is at minimum level. They do not have any chance for self-verification in work regarding to volatile and insecure circumstances. They are devoid of fundamental human rights related with identity as a legal personality element. Distresses because of deprivation cause mental diseases which are mainly an occupational health problem.

Consequently, subcontracting is an inhuman employment model which ignores individual and collective labour rights besides being an occupational disease reason by ruining identity of workers. A mythos is rendered as mystic whereas truth is insufficient mostly. (Arslan,2000,p.196). Subcontracting is one of the mythoi of globalisation which is applied frequently without questioned. It should be examined in the light of the humanity and identity of workers with reasons why it is preferred. If there is not any legitimate reason excluding providing employment cheapest at the expense of material and spiritual existence of workers, we have to think about it and take precautions immediately for being human.

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