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Labour  
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# ► Social Security Status of Syrians Under Temporary Protection in the Turkish Labour Market and Recommendations for Transition to Formality



**Oğuz Karadeniz**  
February 2023

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Social Security Status of Syrians Under Temporary Protection in the Turkish Labour Market and Recommendations for Transition to Formality

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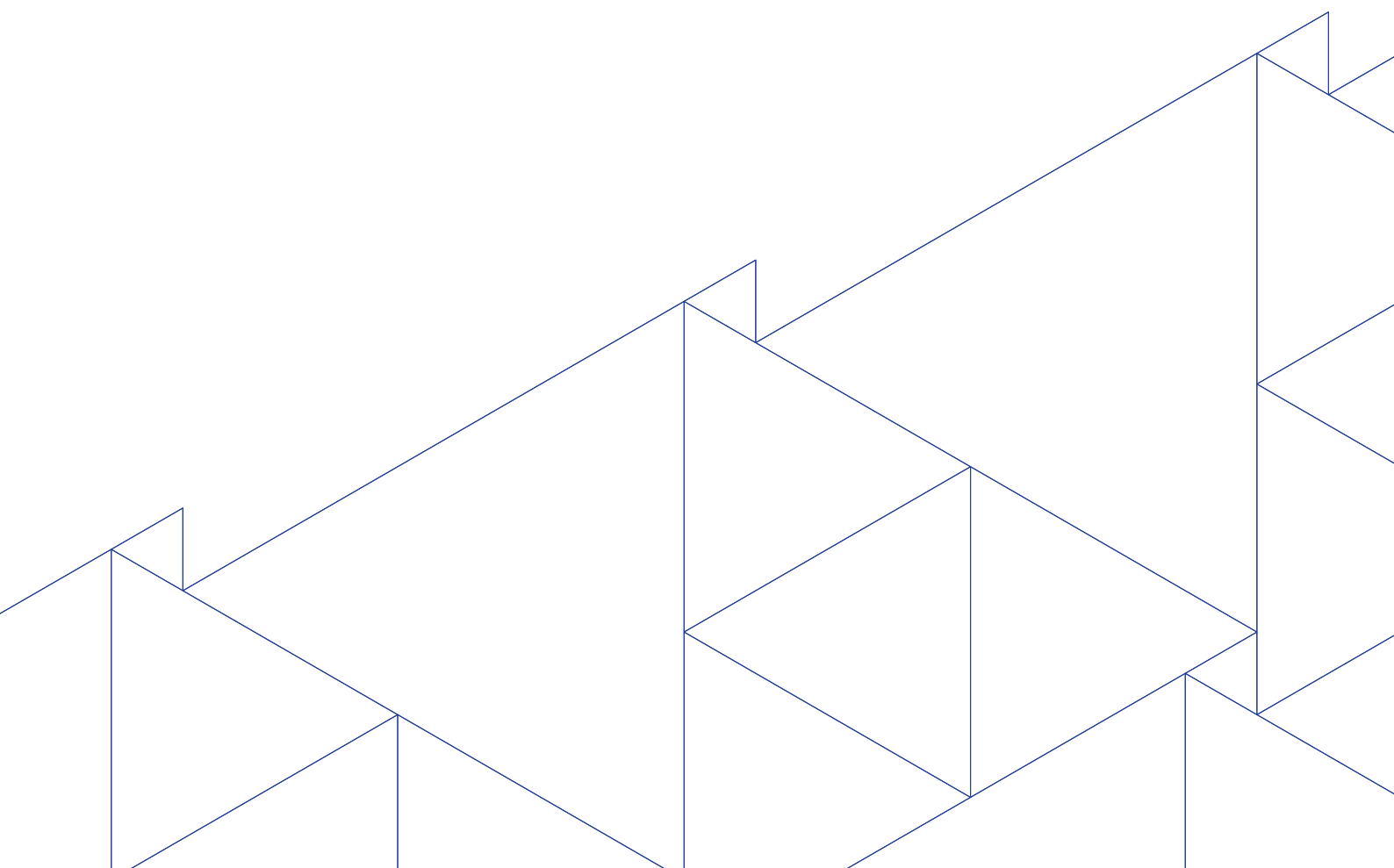
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## ► List of Abbreviations

<b>MoLSS</b>	Ministry of Labour and Social Security
<b>E.</b>	Case
<b>HHLS</b>	Household Labour Survey
<b>ILO</b>	International Labour Organization
<b>ISKUR</b>	Turkish Employment Agency
<b>K.</b>	Decision
<b>KIGEP</b>	Transition to Formality Project
<b>SSI</b>	Social Security Institution
<b>SASF</b>	Social Assistance and Solidarity Foundation
<b>TURKSTAT</b>	Turkish Statistical Institute
<b>DGILF</b>	Directorate-General for International Labour Force



## ► Foreword

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The “Refugee Response Programme”, which focuses on decent work and international labour standards and includes support in this direction, is implemented by the International Labour Organization (ILO) Office for Türkiye. As part of this programme, ILO, in close cooperation with governments as well as employers’ and workers’ organizations, supports access to economic opportunities that are centred on hope, human dignity and safety for refugees. Thus, the increasing pressure on refugees as well as host communities in the labour market is managed and decent job opportunities are promoted. The studies carried out under the programme are coordinated in the framework of Türkiye Country Chapter of the Regional Refugee and Resilience Plan (3RP). Additionally, such efforts by ILO are aligned with the 2030 Sustainable Development Goals commitment to “leave no one behind”.

The Refugee Response Programme is implemented based on three main components: (i) Promoting employability through skills development, (ii) Promoting economic growth by creating and maintaining formal jobs, and (iii) Strengthening fair and effective labour market governance. In this context, refugees and host community members have been provided with vocational, language and core skills training since 2015, thus increasing their employability. Social cohesion in workplaces has been promoted through workplace adaptation programmes. Entrepreneurs have been provided with training, mentorship and micro-grant support. Female refugees and Turkish citizens have been supported to establish women’s cooperatives and provided with technical and financial support for sustainability purposes. SMEs have been supported through business management consultancy services and with regard to formality. Various incentive programmes have been carried out to promote formal employment for refugees and Turkish citizens. As part of labour market governance and adaptation, the capacities of public officials and workers’ and employers’ organizations to better respond to the changes in the labour market were strengthened; 15% of Social Security Auditors, 20% of Labour Inspectors and 20% of Labour and Social Security Judges received training on the legal framework that protects refugees in the labour market; and the service delivery capacities of public agencies were boosted. Awareness-raising efforts, particularly on scaling up formal employment and eliminating child labour, have been carried out on the importance of decent work.

This study is based on the data collected and/or derived from surveys administered in 2018-2021 as part of the training for Labour and Social Security Inspectors and Social Security Auditors and Specialists, in partnership with the International Labour Organization (ILO) Office for Türkiye, Ministry of Labour and Social Security, Directorate for Guidance and Inspection, Directorate-General for International Labour Force, and Social Security Institution. The training programmes addressed the issues of migration and work permits and social security of foreigners. Furthermore, suggestions regarding the formal employment of Syrians under temporary protection (SuTPs) in the labour market were collected through semi-structured questionnaires administered as part of workshops and surveys. The data collected were analysed, and the findings and recommendations presented in the report.

The trainings, which constitute the basis for this study, were financed by the United States Department of State, Bureau of Population, Refugees and Migration (PRM). I hereby would like to particularly thank Prof.Dr. Oğuz Karadeniz who took part in the preparation of this report.

**Numan Özcan**

**Director of the ILO Office for Türkiye**

## ► Introduction

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The formality of SuTPs in Türkiye in the world of work is important in various aspects. Their access to the right to social security, which is one of the most fundamental human rights, as well as the taxes and social security premiums that will be paid through their formal employment will contribute to public finance. Additionally, their transition to formality will prevent them from working in transitory and improvised casual work and enable them to register where they work. Türkiye has received 3.7 million SuTPs who fled the Syrian civil war and conflicts in the past decade, leaving an impressive mark in the history of humanity. Ensuring that the Syrians who are granted temporary protection until their repatriation are in formal employment during their stay in Türkiye is important in terms of state withholding purposes such as income tax and social security premiums. The transition from informal employment to formality will also prevent unfair competition among businesses. In the past four years (2018-2021), 670 labour inspectors and social security auditors as well as 30 social security specialists were trained on the formal employment of SuTPs in the labour market under the “Refugee Response Programme” through joint efforts by the ILO Office for Türkiye, Ministry of Labour and Social Security, Directorate for Guidance and Inspection, Directorate-General for International Labour Force, and Social Security Institution. Such training addressed the issues related to migration and work permits and social security of foreigners. Furthermore, the observations of inspectors, auditors and social security specialists regarding SuTPs in the labour market as well as their suggestions on the formal employment of SuTPs were received through semi-structured questionnaires administered as part of workshops and surveys. The data collected were analysed, and the findings and recommendations were presented in the report. Part one of the study addresses the social security status of SuTPs in Türkiye, and part two deals with their position in the labour market. Part three examines the positions of SuTPs who work informally in the labour market in the framework of the relevant observations of labour and social security inspectors. Part four of the study presents inspectors’ and experts’ opinions regarding the formal employment of SuTPs, in the context of our observations

**Prof. Dr. Oğuz Karadeniz**



## ► I. Social Security Status of Syrians under Temporary Protection in Türkiye

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According to Article 60 of the Constitution of the Republic of Türkiye, “Everyone has the right to social security”. The Turkish Constitution makes no distinction between foreigners and Turkish citizens but takes everyone living in the country under the social security umbrella. The Turkish Social Security System is comprised of social insurance financed through premiums, and social assistance and services financed through taxes.

### ► Social Insurance

In terms of social insurance, Law No. 5510 on Social Insurance and Universal Health Insurance does not require citizenship except for bilateral social security agreements. Based on the principle of reciprocity, the provisions of the social security agreement shall prevail for those who work in Türkiye but who are nationals of the country with which an international social security agreement was executed. Türkiye has social security agreements in place with 34 countries<sup>1</sup>. There is no social security agreement in place between the Syrian Arab Republic and Türkiye, in which case the Turkish Law on Social Insurance and Universal Health Insurance shall apply to SuTPs who work in Türkiye. In this regard, the issue of whether foreigners who work without a work permit can exercise their social security rights is debated in the literature and judicial decisions. According to one view, if a foreigner fails to obtain a work permit, his/her employment contract will be null and void *ab initio* and the person will be unable to exercise his/her labour and social security rights, on the grounds that this situation affects public order (the *ex-tunc* effect). According to another view, the employment contract of a foreigner who works without a work permit shall be retroactively valid but proactively invalid until such person is detected (Doğan Yenisey, 2018). The practice in Türkiye is in accordance with the latter view. In a decision issued in 2013, the Court of Cassation ruled that the service contracts established with workers who work without a permit in jobs that do not prohibit the employment of foreigners or workers who continue their employment after the expiration of their work permit shall not be null and void, due to the fact that the provisions that require a work permit are not related to public order; therefore, if a contract was established and the person has actively worked for a time without obtaining a work permit for said jobs, then the worker shall be able to enjoy his/her insurance-related rights.<sup>2</sup> The Court of Cassation further indicated in the same decision that the provisions that prohibit foreigners from working in certain jobs bear the characteristics of a “public order clause” and an employment contract shall become null and void as defined in Article 27 of the Turkish Code of Obligations No. 6098 (and void pursuant to Article 20 of the Code of Obligations No. 818) in the event of contradiction to such provisions. The occupations and works that are restricted to Turkish citizens and prohibited for foreigners are listed below<sup>3</sup>:

<sup>1</sup> <https://www.sgk.gov.tr/Content/Post/8d2c0ec8-1558-48ef-8075-3ed3e860208b/Sosyal-Guvenlik-Sozlesmeleri-2022-09-09-03-56-39> (accessed 05/11/2022)

<sup>2</sup> 10<sup>th</sup> Civil Chamber of the Court of Cassation 2013/14038 B. , 2014/327 D. <https://karararama.yargitay.gov.tr/> (accessed 05/11/2022).

<sup>3</sup> <https://www.csqb.gov.tr/uigm/calisma-izni/turk-vatandaslarina-hasredilen-meslekler/> (accessed 28/08/2022)



- Dentistry, dental surgery, nursing (pursuant to Law on Mode of Execution of Medicine and Medical Sciences)

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- Pharmacist (pursuant to Law on Pharmacists and Pharmacies)

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- Veterinary (pursuant to Law on Mode of Establishment and Operations of Turkish Veterinary Medical Association and its Chambers)

---

- Managing director in private health institutions (pursuant to Law on Private Hospitals)

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- Lawyer (pursuant to Law on Lawyers)

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- Notary (pursuant to Law on Notaries)

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- Private security staff (Article 10 of Law No. 5188 on Private Security Services)

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- Exportation of fish, oyster, mussel, sponge, pearl, coral; diving, maritime pilotage, captain, engineer, mariner and clerk, etc. on ships (pursuant to Cabotage Law)

---

- Customs brokerage (pursuant to Article 227 of Law No. 4458 on Customs)

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- Tourist guide (pursuant to Article 3 of Law No. 6326 on Tourist Guiding Profession)

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The sectors and occupations in which SuTPs work are usually labour-intensive and require low skills. Thus, a Syrian without a work permit will be considered an insuree according to Law No. 5510 on Social Insurance and Universal Health Insurance, which indeed, is the practice employed by the Social Security Institution.<sup>4</sup>

## ► Social Assistance

Those foreigners under temporary protection that are needy may avail of the social assistance provided under Law No. 3294 of 29/5/1986 on Promotion of Social Assistance and Solidarity, in the framework of the principles and procedures to be designated by the Social Assistance and Solidarity Promotion Fund Board as specified in Article 3 of the said Law (Article 30 of Regulation on Temporary Protection). Syrians who are granted temporary protection may also enjoy the social assistance provided by SASFs.

Another social assistance available to SuTPs is the social safety net assistance. The social safety net (ESSN) programme is carried out in partnership with the Turkish Red Crescent (TRC), the Turkish Ministry of Family and Social Services (MoFSS), and the International Federation of Red Cross and Red Crescent Societies (IFRC). It is financed by the Directorate-General for Humanitarian Aid (ECHO) and supported by the Directorate General of Population and Citizenship Affairs (DGPC) and the Presidency of Migration Management. The cash assistance provided under the programme is valued at a monthly rate of 230 TRY per capita. It is paid to beneficiary families through Kızılaykart.<sup>5</sup>

<sup>4</sup> SGK's circular on registration of insured workers holds the same opinion: "As a result of the audits conducted by officers of the Institution assigned for control and inspection, it was understood that the person of Syrian nationality who had an identity paper for temporary protection under Law No. 6458 but no work permit was employed pursuant to Article 4.1(a) of the Law from 17.06.2014. The foreign national will be granted the status of an insuree starting from the said date, and the case will be notified to the General Directorate of Labour for not having a work permit." (SGK, circular no. 2013/11 as amended by no. 2016/20, p.181) <https://kms.kaysis.gov.tr/Home/Kurum/22620739> (accessed 30/10/2022)

<sup>5</sup> <https://platform.kizilaykart.org/tr/suy.html> (accessed 11/09/2022)

The following is required to avail of the Social Safety Net Programme for foreigners:<sup>6</sup>

- 1. It must be determined that the beneficiary and his/her family members who reside in the same household as the beneficiary are poor and needy under Law No. 3294. According to the said Law, neediness is defined as the per capita income being less than one-third of the net minimum wage.

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- 2. The beneficiary who applied to the assistance programme and his/her family members who reside in the same household as the beneficiary must be non-social security holders. The relevant regulation excludes those who work in regular paid jobs and have regular income and aims for the social safety net assistance to reach poor individuals. However, the said regulation may cause Syrians who receive social safety net assistance to not want to engage in formal work (Akay et al., 2019:16).

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SuTPs cannot avail of the monthly salaries established for individuals aged 65 or older who are determined to be poor under Law No. 2022, and persons with disabilities. One of the main conditions for enjoying such monthly salaries is that the applicant must be a Turkish Citizen (Article 1 of Law No. 2022).

<sup>6</sup> <https://www.tepebasisydv.gov.tr/sosyal-uyum-yardimi/> (accessed 11/09/2022)

## ► II. Syrians in Turkish Labour Market

---

The number of studies on the positions of Syrians under temporary protection (SuTPs) in Türkiye in the labour market has been increasing significantly since 2012. Some of such studies comprise non-generalizable small-scale surveys or qualitative studies, or econometric studies on the impacts of SuTPs on the Turkish Labour Market (Atasü-Topçuoğlu, 2019/a:129). A significant part of SuTPs who work in the Turkish Labour Market is wage or day-wage earners. Another group of employees comprises the self-employed and employers. According to Erdoğan (2020:138-139), SuTPs generally lack high qualifications and work as manual labourers in small and medium enterprises. Furthermore, they have various disadvantages including poor fluency in Turkish and having a different work culture. Informal (non-social security holder) workers are unprotected against social risks such as occupational accidents and diseases, illness, unemployment, disability, and old age. On the other hand, the Revenue Administration and the SSI suffer from significant income tax and insurance premium losses. Informal work is initially a means to find work and make a livelihood for Syrian entrepreneurs; yet remaining informal prevents business growth, causes insecurity, and leads to precarity and exclusion in bonding with host communities (Atasü-Topçuoğlu, 2019/b:209).

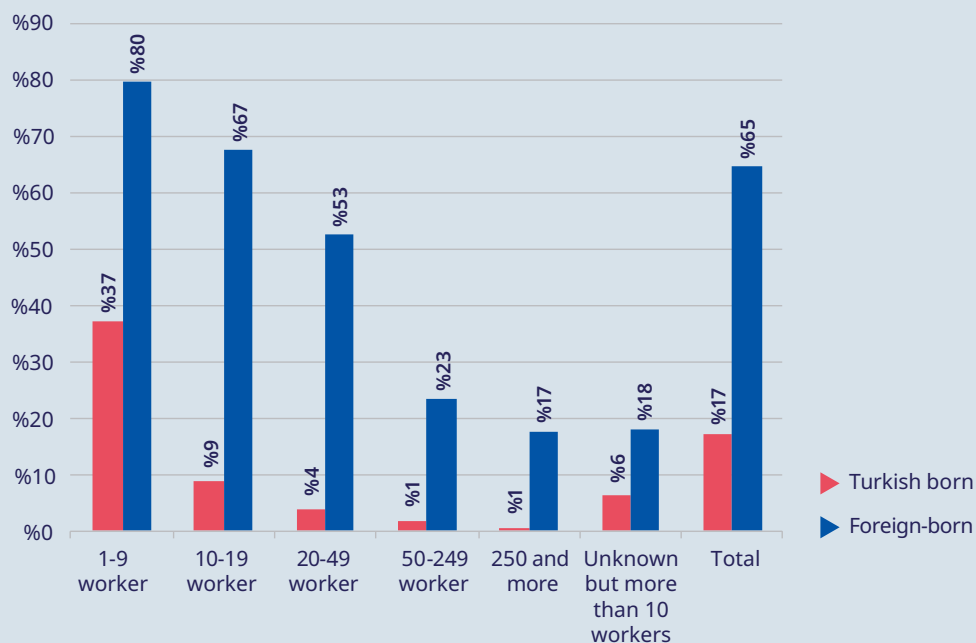
In order to develop effective policies to formalize SuTPs in Türkiye, the position of the said group in the labour market must be identified correctly. The number of studies that determine the country-wide position of Syrians in the labour market is extremely limited. According to Pinedo Caro (2020/a), the Household Labour Force Surveys conducted by TURKSTAT also cover the Syrians who immigrated to Türkiye post-2011. Indeed, the number of those who were born overseas and immigrated to Türkiye in the TURKSTAT HHLS has increased after 2011. Under the assumption that the survey largely includes Syrians as well, efforts were made to determine the labour market positions of the foreign-born who immigrated to Türkiye in and after 2011 and the Turkish-born, using the TURKSTAT HHLS 2021 micro data set.<sup>7</sup>

In non-agricultural sectors, the smaller sized an enterprise, the higher the rate of informal employment. Except in the case of agriculture, 94% of Turkish-born workers and 82% of the foreign-born, including Syrians, work in micro and small enterprises which employ 20 workers or less.

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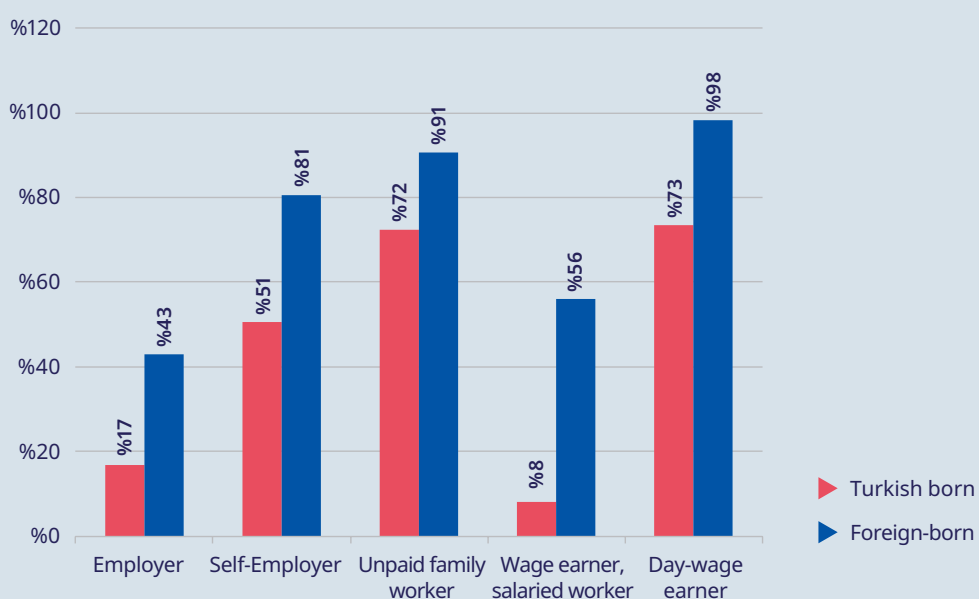
<sup>7</sup> In the study, unlike what Pinedo Caro (2020/a) did, the new weight coefficient was not calculated but the weight coefficients employed by TURKSTAT were used.

► **Figure 1. Informal Employment Rates of Turkish-born and Foreign-born Who Came to Türkiye Post-2011 in Non-Agricultural Sectors, by Number of Workplace Employees, (%)**



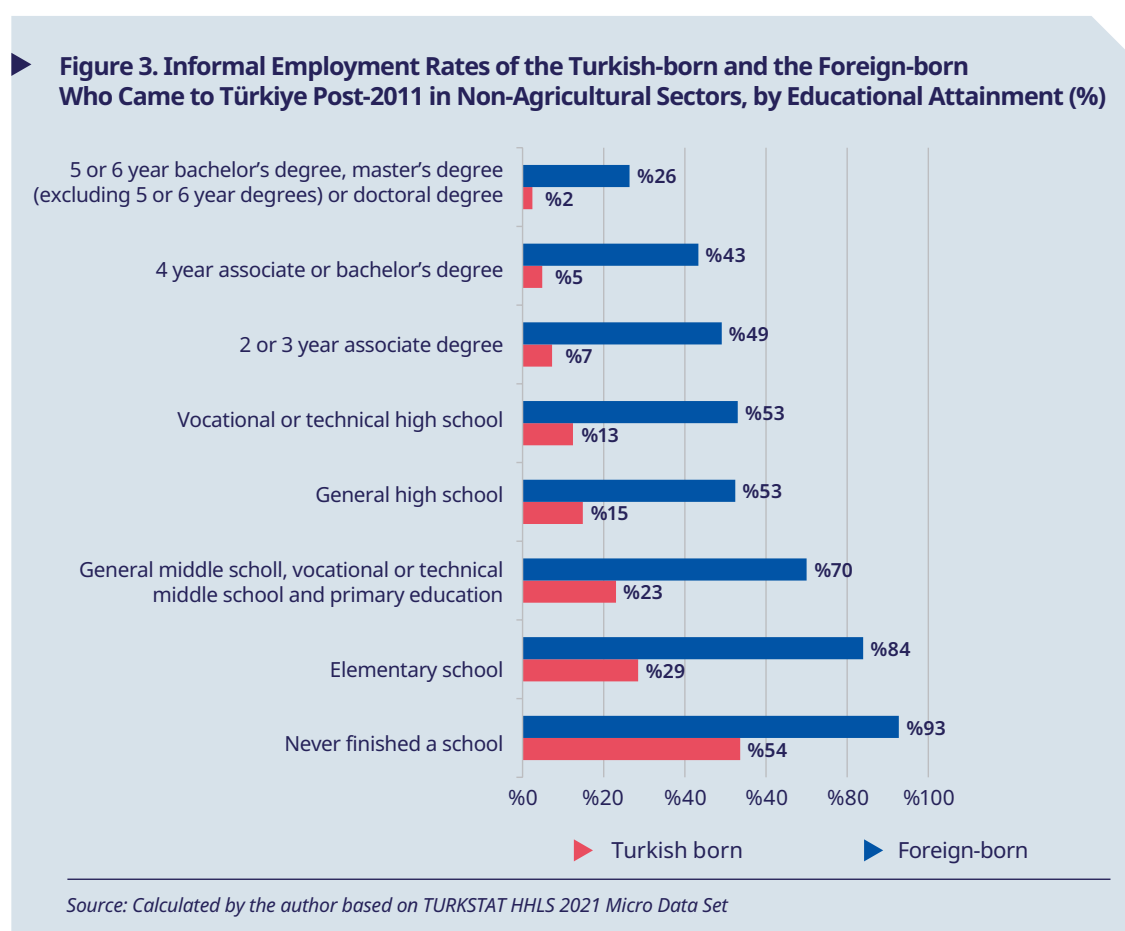
Source: Calculated by the author based on TURKSTAT HHLS 2021 Micro Data Set.

► **Figure 2. Informal Employment Rates of Turkish-born and Foreign-born Who Came to Türkiye Post-2011 in Non-Agricultural Sectors, by Employment Status, (%)**



Source: Calculated by the author based on TURKSTAT HHLS 2021 Micro Data Set.

Turkish-born wage and day-wage earners account for 53% of the total informal employees whereas foreign-born wage and day-wage earners (who came to Türkiye post-2011) comprise 81% of foreign-born employees. Among wage earners, the rate of informal employment is 7 times higher in the foreign-born population than in the Turkish-born. Among day-wage earners, the rate of employment without social security is extremely high among the Turkish-born as well as in the foreign-born population. A significant part of the self-employed is excluded from the Turkish social security legislation. The tax-exempt self-employed, excluding home-based workers and self-identified own-account workers, who generate a net income of less than the 30-day minimum wage are not obliged to pay premiums as required by Article 6 of Law No. 5510 (Karadeniz, 2011). Among SuTPs, home-based work emerges as a form of transitory, improvised and insecure work. The most prominent characteristic of this form of work is irregularity and low income among Syrian female home-based workers (Uçar, 2020:44-45).



Informal employment rates decrease as educational level increases. However, as the educational level in the general foreign-born population increases, the decrease in informality is smaller than that among the Turkish-born. In other words, education is not as effective in reducing informality as it is for Turkish-born workers. That said, the education level of 70% of the Turkish-born and 65% of the foreign-born informal workers is below high school.

The median age of foreign-born informal workers who immigrated to Türkiye post-2011 is 30. Median seniority in the workplace is less than 1 year for the Turkish-born as well as the foreign-born. Weekly working hours for formal and informal workers are higher than the maximum weekly hours (45 hours)

► **Table 1. Median Seniority, Age and Weekly Working Hours of the Turkish-born and the Foreign-born Who Came to Türkiye Post-2011 in Non-Agricultural Sectors, by Formality Status**

	SSI Registration	Median Seniority	Median Weekly Working Hours	Median Age
Foreign-born	Formal	2 years	48	32
	Informal	Less than 1 year	50	30
Turkish-born	Formal	3 years	48	35
	Informal	Less than 1 year	48	37

*Source: Calculated by the author based on TURKSTAT HHLS 2021 Micro Data Set.*

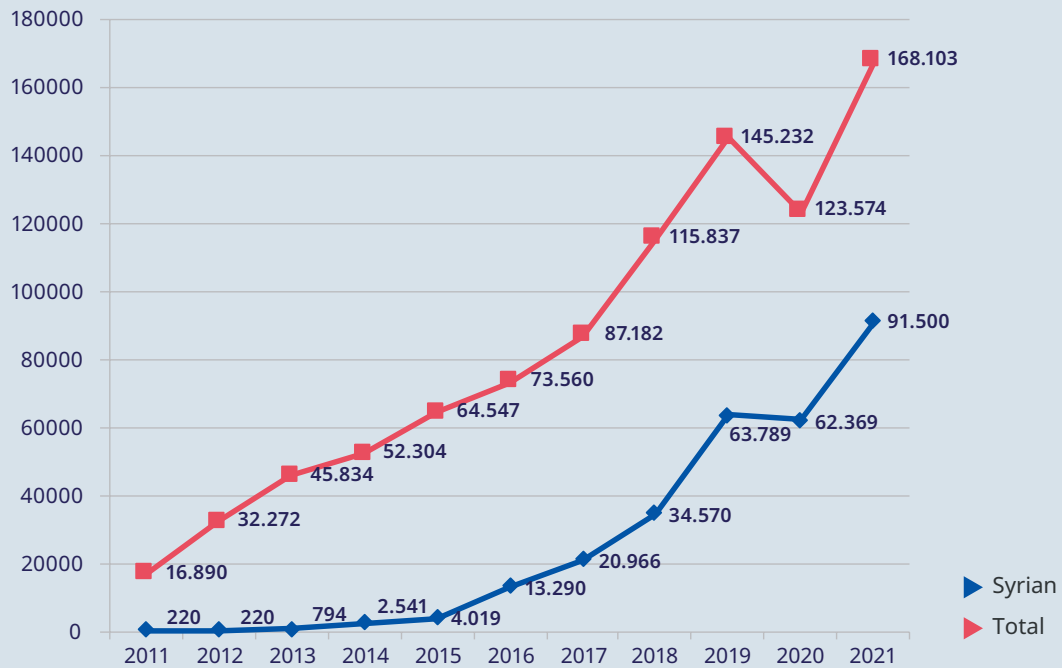
There is an extremely limited number of studies that make estimations regarding the sectors, occupations and jobs in which SuTPs work in the Turkish Labour Market. The Transition to Formality Programme (KIGEP) that has been implemented in partnership with the SSI and ILO in the last four years led to a significant increase in the number of SuTPs in insured employment by significantly contributing to certain facilitations in work permit-related procedures and providing premium incentives. The same was true for the numbers of insured employees and work permit holders, as well.

**The Transition to Formality Programme (KIGEP)** is carried out in partnership with the International Labour Organization (ILO) Office for Türkiye, the Turkish Social Security Institution (SSI), and the Directorate-General for International Labour Force of the Ministry of Labour and Social Security.

The Programme aims to increase formal employment for Turkish citizens and Syrians under temporary protection (SuTPs) through the support provided to employers, prevent the loss of rights that may occur due to informal employment, ensure that Syrian and Turkish workers work in better conditions, and prevent unfair competition.

As part of the Programme that has been ongoing since 2019, over 2,000 firms were supported for the formal employment of over 20,000 workers.

**For further information, please visit the ILO Ankara website.**

► **Figure 4. Number of Work Permit Recipients, by Year (2011-2021)**

Source: DGILF, Foreigner Work Permit Statistics, (2011-2020) MoLSS, World of Work Statistics, (2021)

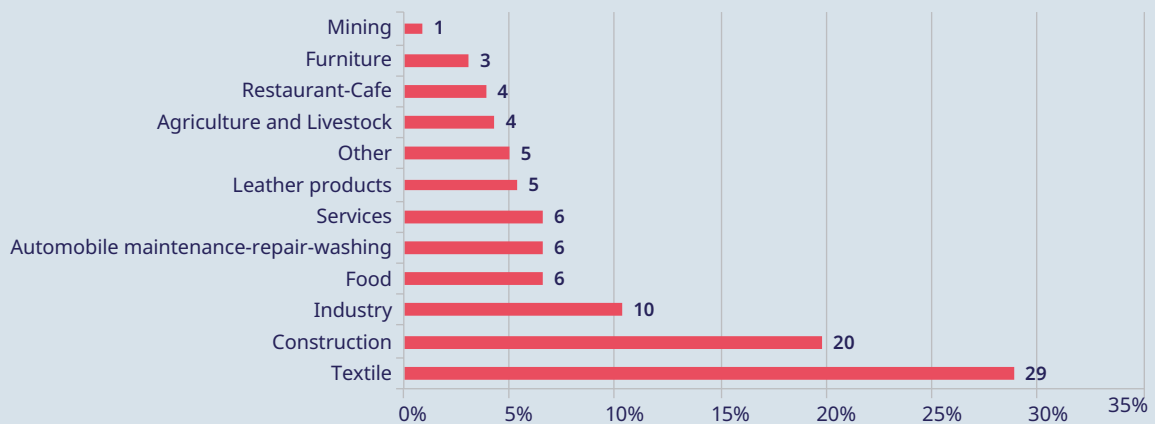
Starting from 2017, there has been a prominent increase in the number of SuTPs who obtain a work permit and the number of Syrian work permit holders has increased by sevenfold to reach 91,500.

### ► III. Syrians Under Temporary Protection in Informal Employment According to Inspections and Observations by Labour Inspectors and Social Security Auditors

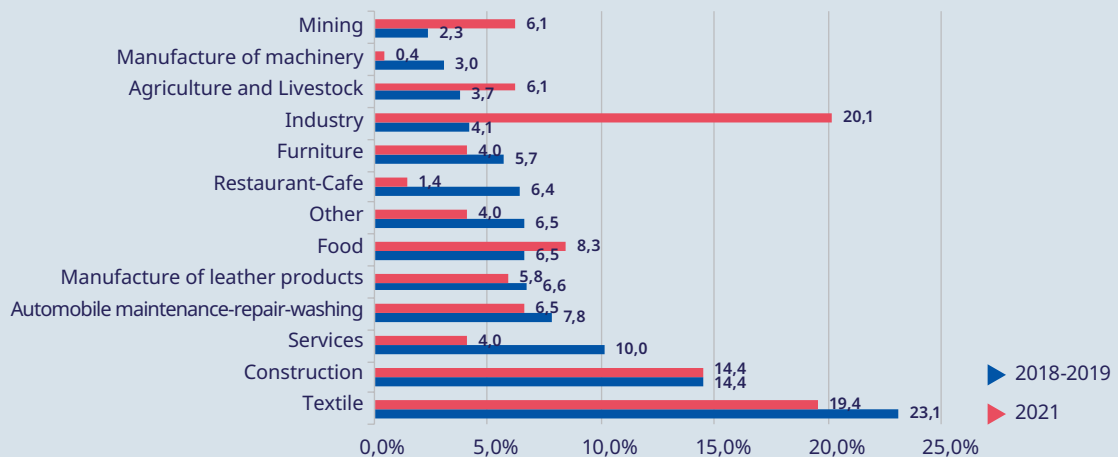
The survey conducted on inspectors collected information regarding the sectors in which SuTPs informally worked, the size of such companies, and the age groups of such Syrians.

As seen in Figure 5, labour inspectors indicated textile, construction, industry, food, and automobile

► **Figure 5. Percentage Distribution of Responses by Labour Inspectors to Sectors with Highest Prevalence of Informal Syrian Employment, (%) (2019)**



► **Figure 6. Percentage Distribution of Responses by Social Security Auditors to Sectors with Highest Prevalence of Informal Syrian Employment, (2018, 2019, 2021)**





Social security auditors specified that as of 2021, SuTPs informally worked mainly in textile, construction, service, auto maintenance and repair, manufacture of leather products, and food sectors. While 2021 sees a decrease in the textile and service sectors compared to 2018, there is an increase in the industry and food manufacturing sectors (Figure 6). According to a calculation made using TURKSTAT HHLS data (Pinedo Caro, 2020/b), it is estimated that 48.2% of the Syrians in Türkiye work in the manufacturing industry, 13.2% in construction, and 17.7% in the trade and accommodation sectors. Such results are largely consistent with the survey results that are based on the observations of inspectors and auditors, as well. In a field study conducted in the textile sector in Istanbul, it was determined that all Syrian workers had been working without insurance (Mutlu et al., 2018).

Figure 7 provides the sizes of the enterprises in which Syrians work informally, according to the inspections and observations made by labour inspectors. As can be seen, almost 60% of the Syrians work in micro and small enterprises; this rate is around 69% according to social security auditors. Prioritizing the micro and small enterprises in the above-mentioned sectors in audits may contribute to increased formality. The results are largely consistent with the calculation made by Pinedo Caro (2020/b) based on 2017 HHLS data. According to such results, 43.8% of Syrians in informal employment work in enterprises with 10 or more employees. Additionally, only 32% of Syrians work in enterprises with over 20 employees<sup>8</sup>. One of the reasons that informal employment is prevalent in micro enterprises is that such enterprises fail to generate adequate added value. According to a study conducted using TURKSTAT Industry and Service Statistics; only 35% of Syrian workers were employed in workplaces with 10 or fewer employees and such enterprises generated only 15% of the added value of the industry and service sectors in the economy (Haskioğlu, 2019).

► **Figure 7. Distribution of Enterprise Sizes in which Syrians under Temporary Protection Work, According to Labour Inspectors (Number of Employees in Enterprises), (2019) (%)**



<sup>8</sup> In the calculation we made based on 2021 TURKSTAT data, we estimated that 18% of the foreign-born population employed in non-agricultural sectors worked in workplaces with 20 or more employees. The variance in the numbers might arise from the transition of SuTPs to formality in the framework of the increase in work permits since 2017. Another reason might stem from different weight coefficients used by Pinedo Caro (2020/a-b) in his estimation.

► **Figure 8. Distribution of Enterprise Sizes in which Syrians under Temporary Protection Work, According to Social Security Auditors (Number of Employees in Enterprises) (%), (2018, 2019, 2021)**

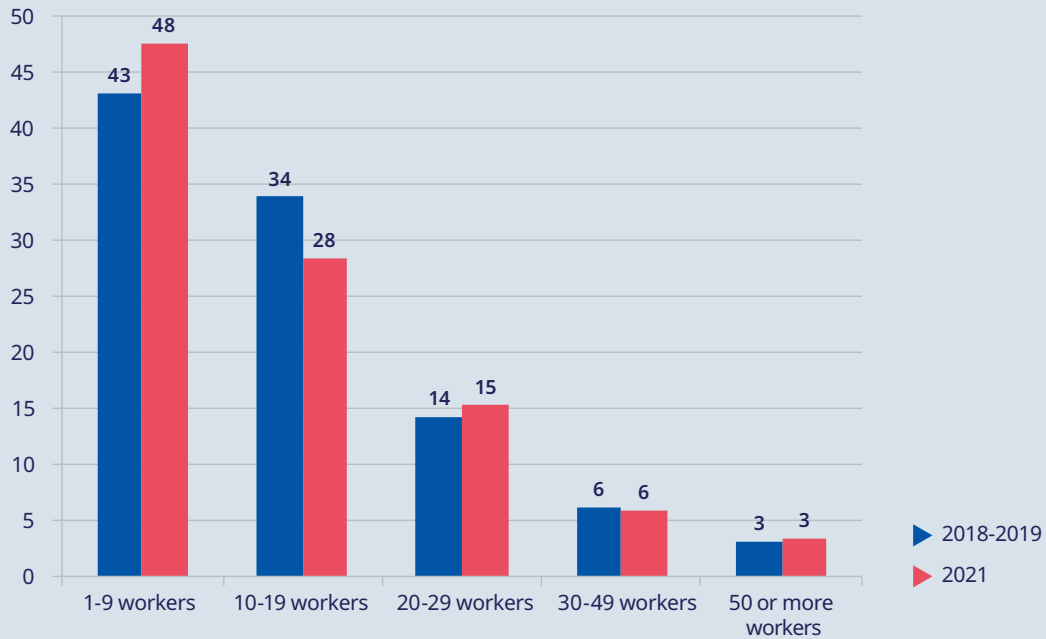
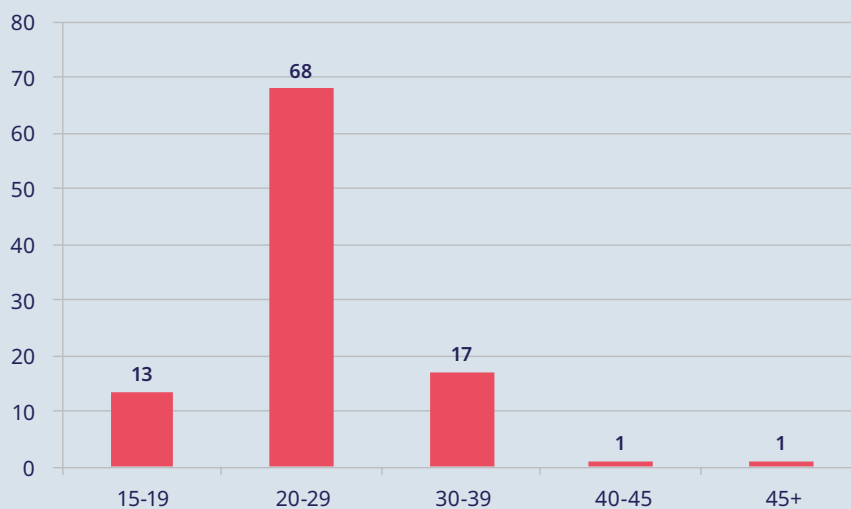
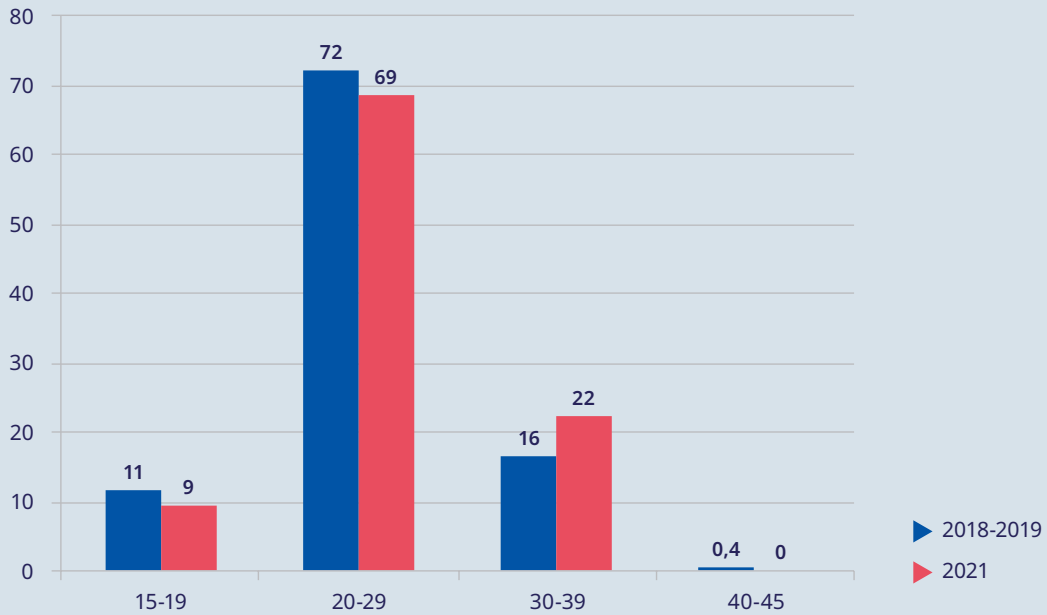


Figure 9 provides the distribution of SuTPs who work in workplaces by age group, according to the inspections and observations made by Labour Inspectors. As can be seen, 68% of the Syrians who work are in the 20-29 age group according to the inspections and observations made by Labour Inspectors. Pinedo Caro (2020/b) indicates that as of 2017, the average age of Syrians in Türkiye is 23; therefore, the observations by auditing staff largely align with official statistics. Including young people in the vocational training and integration programmes for SuTPs may boost formal employment.

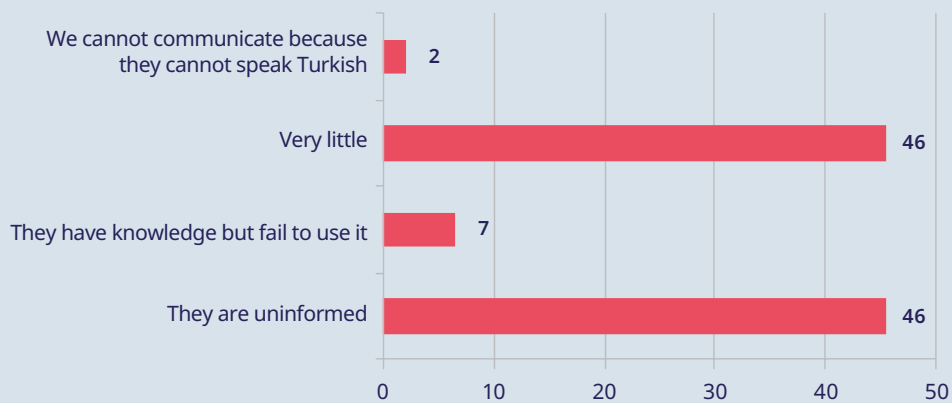
► **Figure 9. Distribution of Syrians in a workplace by age group, according to inspections and observations by Labour Inspectors, (2018,2019) (%)**



► **Figure 10. Distribution of SuTPs in a workplace by age group, according to inspections and observations by Social Security Auditors, (2018, 2019, 2021) (%)**



► **Figure 11. Knowledge Level of Syrians on Social Security, According to Labour Inspectors (2019)**



According to social security auditors, SuTPs have no or very little knowledge of social security. However, there were increased statements of “They have knowledge and use it” and “Their knowledge level has been increasing” in the training conducted in 2021. Lacking or limited knowledge of SuTPs about their rights vis-à-vis Turkish Security Laws, or their reluctance about insured employment, may arise from the following:

- ▶ 1. A significant portion of SuTPs are in the young age group. Young people tend to think that long-term risks such as disability, old age and death will not be realized for them or perceive them as extremely long-term risks. In that case, young people accept in advance to work without insurance in order to make a daily living or generate further income. The level of awareness of social security among young Turkish workers is also inadequate; for example, university students either lack sufficient knowledge of their social security rights or associate social security with risks including occupational accidents and health (Durusoy Öztepe, 2018; Demir, 2019). Having inadequate knowledge of the social security system may lead them to work without insurance.

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- ▶ 2. For SuTPs, their knowledge and experience of the Syrian social security system that they acquired prior to immigrating to Türkiye may affect their choice of working formally in Türkiye. Reasons such as the fact that the Syrian social security system does not cover small enterprises, insufficient income and salary, etc. may have caused Syrian immigrants to perceive social security as an additional burden.

The social security expenditure of Syria is quite low compared to national income. Social protection expenditures, excluding healthcare expenses, account for only around four thousandths of national income (ILO, 2021). The ratio of those who pay a premium under a pension programme to the overall labour force is 28.4%. The rate of informal employment is extremely high in the private sector. According to the 2004 Syrian Household Labour Survey data, 89.5% of public sector workers are in formal employment while this rate is 9.5% for private sector workers (<https://www.social-protection.org/gimi/gess/ShowWiki.action?wiki.wikiId=707>). Social protection is provided to only 17% of the elderly population (<https://www.social-protection.org/gimi/gess/WSPDB.action?id=1468>). Only 60% of the population is covered by universal health insurance. Healthcare services in Syria are offered free of charge in public hospitals and health centres. As of 2008, the cost of private and out-of-pocket health expenses is estimated to reach 55% of the overall healthcare expenditures (<https://www.social-protection.org>). Syria has no unemployment insurance programme in place (<https://www.social-protection.org/gimi/gess/WSPDB.action?id=1468>).

- ▶ 3. A significant portion of SuTPs work in labour-intensive sectors and temporary and casual work. In order to avail of the Turkish social insurance system (e.g., allowances, incomes and salaries), they need to have paid insurance premiums for at least 90 days in cases of illness and maternity, 600 days in the case of unemployment insurance, and 1.800 days to qualify for disability pension. It seems impossible for Syrians to meet such insurance premium day requirements through short-term employment.

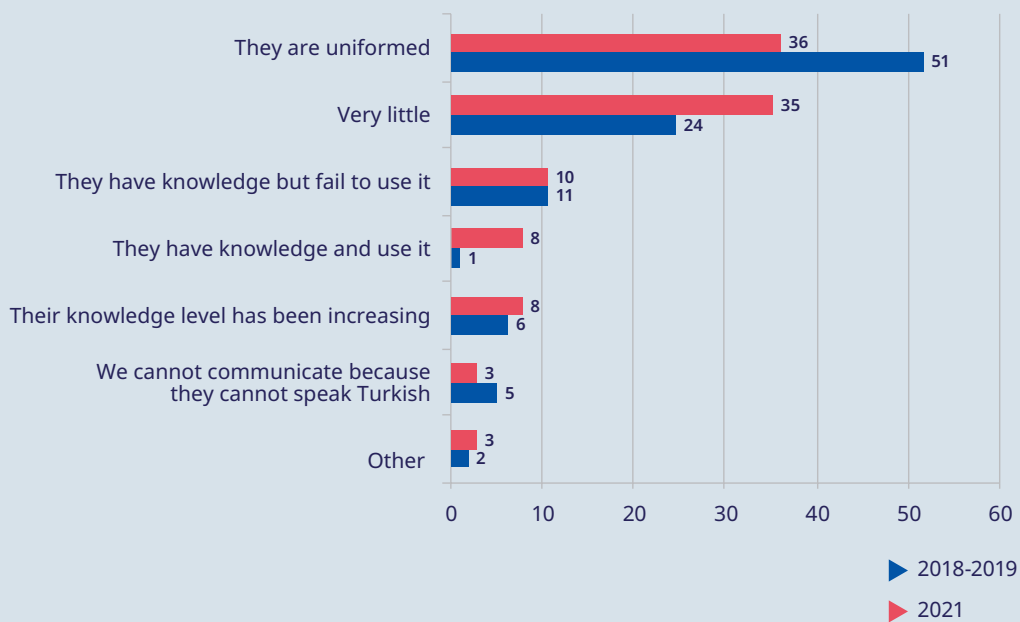
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- ▶ 4. SuTPs who plan to return to their native country in the long term may think that the premiums they have paid will go to waste if they work with insurance.

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- 5. The cessation of the EU-funded social assistance provided to SuTPs and distributed through Kızılaykart in the case of formal employment hurts the formality of Syrians. According to social security auditors, SuTPs were unwilling to engage in formal work due to the termination of such assistance. Furthermore, Akbaş and Ulutaş (2018) indicate in their study conducted in Denizli that among SuTPs who work without social insurance, there is a group that has been working informally due to the cessation of social assistance.

► **Figure 12. Knowledge Level of SuTPs on Social Security, According to Social Security Auditors (2018, 2019, 2021)**

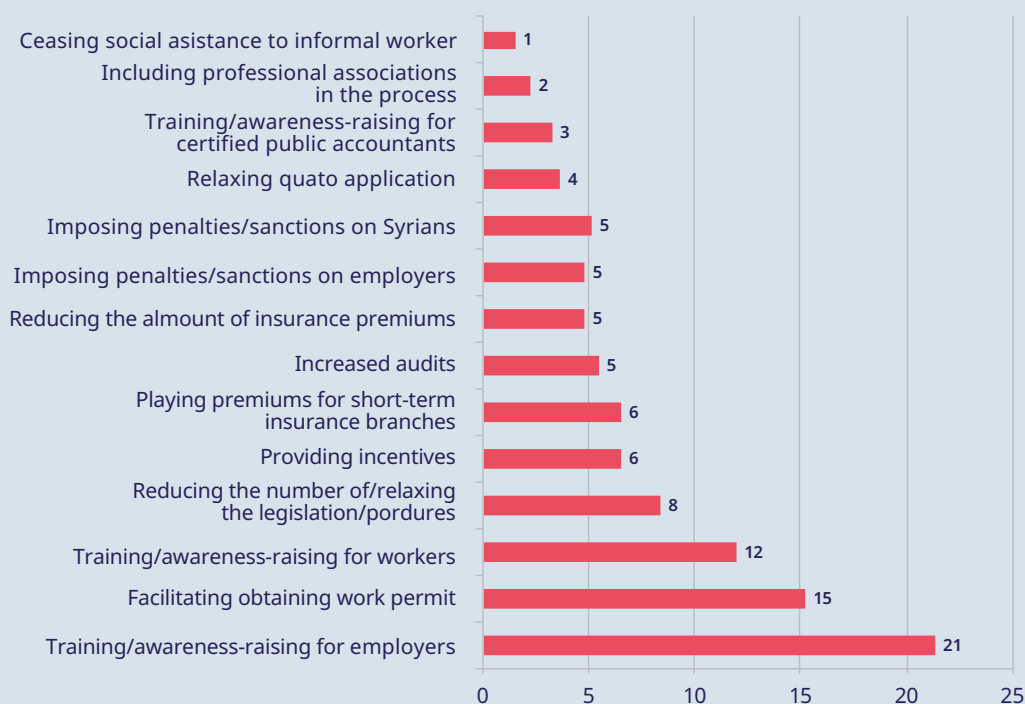


## ► IV. Recommendations on the Transition of Syrians under Temporary Protection to Formality

During the refugee awareness and capacity building training conducted by the ILO Office for Türkiye in 2018 and 2019, social security auditors delivered 277 recommendations, classified as below, on the formal employment of SuTPs in the labour market. As can be understood from the figure, the percentage of the recommendations concerning training employers, workers and public accountants and including professional associations in the process stands at 38% whereas the total percentage of facilitating work permits, reducing the number of legislation and procedures, and relaxing applicable quotas is only at 26%. Reducing premium amounts, providing employer incentives, and subjecting SuTPs only to short-term insurance branches have a share of 17% in total. Audits, penalties and sanctions are at around 14%. A major portion of the recommendations that were made by auditors on the formality of Syrians in 2018 and 2019 concern raising the awareness of employers, workers, public accountants and professional organizations on the subject; simplifying the legislation; facilitating the granting of work permits, and providing employer incentives.

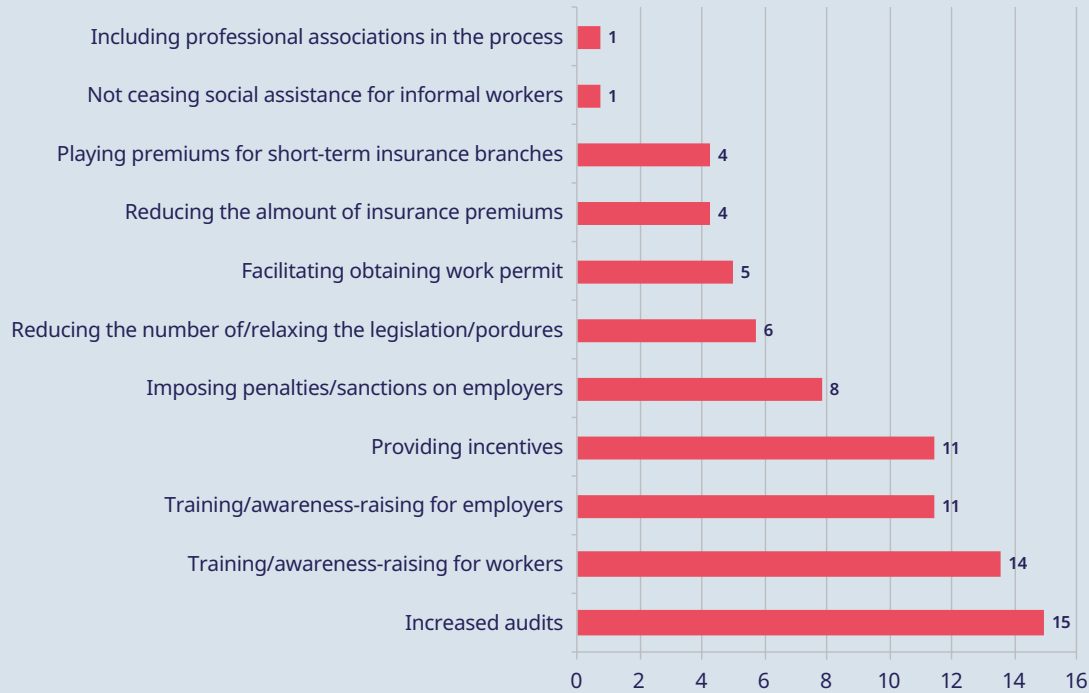
The results of the training conducted in 2021 are almost identical. Training employers, workers and public accountants and including professional associations in the process account for 38%, and facilitating work permits, reducing the number of legislation and procedures and relaxing applicable quotas altogether account for 27% of the recommendations. Reduced premiums, providing employer incentives and subjecting SuTPs only to short-term insurance branches have a share of 17% in total. Audits, penalties and sanctions stand at around 14%.

► **Figure 13. Classification of Recommendations Made by Social Security Auditors**



► **Figure 14. Classification of Recommendations Made by Social Security Auditors (%) (2021) - 176 Recommendations**

The recommendations made by Labour Inspectors in 2019 are given below and can be classified in four main headings. The percentage of those concerning training employers and public accountants and including professional associations in the process is 26% whereas those related to facilitating work permits, reducing the number of legislation and procedures and relaxing the quotas altogether amount to 11%. Reducing premiums, providing employer incentives and subjecting SuTPs only to short-term insurance branches has a total share of 19%. Audits, penalties and sanctions are at 35%. The recommendations on the subject made by Labour Inspectors differ from those given by social security auditors, in that the former made more recommendations on increasing audits and imposing sanctions than the latter. Simplifying the procedures for work permit has a lower share in the overall recommendations, one of the most important reasons for which can be the fact that Labour Inspectors mostly inspect large workplaces through project audits. With regard to work permits and formal employment, large workplaces have more qualified human resources personnel and public accounting staff compared to micro and small enterprises. Thus, work permit-related procedures may not introduce too great a burden for large workplaces, yet it should not be disregarded that a substantial portion of SuTPs works informally in micro and small enterprises.

► **Figure 15. Recommendations Made by Labour Inspectors, 2019 (%) - 140 Recommendations**► **A. Recommendations on the Language Problem**

Low Turkish comprehension levels of SuTPs and their lack of tolerance for unemployment are significant factors in their acceptance of more challenging working conditions (Mutlu et al., 2018). Syrians with better education and proficiency in Turkish are more likely to be employed in regular work (Kayaoğlu, 2019). On the other hand, the job-seeking channels for SuTPs are usually informal. A study conducted in Denizli establishes that a substantial portion of SuTPs manages to find a job through their friends or by checking out workplaces (Akbaş, Ulutaş, 2018). At the point of solving the language problem in communicating with SuTPs, various different strategies can be developed:

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- 1. Awareness can be raised through posters and brochures in Arabic on work permits and social security in regions densely populated by SuTPs. Arabic-speaking personnel can be deployed at the ISKUR and SSI offices in regions with a heavy working Syrian population.
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- 2. One of the most significant problem areas in labour and social security inspections involves verbal communication and language. Inspectors require interpreters to take statements from SuTPs who cannot speak Turkish. Inspectors can be provided with interpretation services through mobile phone or internet, by certified interpreters to be contracted by the Ministry. Another method can be the delivery of interpretation services for inspectors through ALO 170.
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- ▶ 3. Information on decent jobs, labour and social security rights and work permits can be disseminated through Arabic-speaking personnel in regions where large populations of SuTPs work or gather.
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- ▶ 4. One of the most important points in facilitating the entry of SuTPs into the formal labour market and promoting formal employment is to have them learn Turkish. Learning Turkish can be supported through public education centres and the entry of the trainees into the formal labour market can be facilitated.
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### ▶ **B. Developing New Work Permit and Social Security Systems for Those Employed at Temporary Jobs**

Certain arrangements to be introduced to the social security legislation may contribute to formal employment. The social security system is predominantly based on the social insurance system. The current system does not fully cover casual agricultural workers and home-based workers. Additionally, part-time, irregular and temporary workers cannot fully avail of social security rights (Karadeniz, 2011). Therefore, the social insurance system needs to be restructured to cover irregular, seasonal, low-income and temporary workers.

Apart from that, the recommendations listed below with regard to the social security legislation may also significantly contribute to boosting formality. Syrians have a high labour turnover (Pinedo, Caro, 2020(b)), the underlying cause of which is the existence of a labour force that is ready to do cheap and informal work regardless of working conditions (Pinedo, Caro, 2020/b, Akbaş, Ulutaş, 2018). A significant portion of Syrians are engaged in temporary and casual work and therefore, the characteristics of the sectors and jobs (temporary, casual, seasonal, etc.) in which they work should be taken into account in promoting formality. Listed below are recommendations on issuing new permits for temporary workers and their social security:

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- ▶ 1. Developing a cheque or card system to facilitate the formalization of those who engage in casual work in construction, textile, etc. may boost formal employment (European Platform, 2018). Paying workers through a card may help to cover temporary and discontinuous work in terms of social security. That said, a designated wage and working hour limit should be set in place for such payments. The limit can be set by taking sectoral characteristics into account; for instance, it can be limited to four months a year and the amount of three minimum wages per year. The card practice can be developed through the cooperation of the Social Security Institution and ISKUR. Temporary workers can be provided with a card, similar to a debit card, that carries their credentials and enables them to withdraw cash from ATMs. Employers can deposit the remuneration and insurance premiums of temporary workers, based on the number of days worked, to the designated authorized institution (SSI or ISKUR) by using the worker's identity number. When collecting his/her pay from the bank, the worker can be paid the net amount after the employer's and worker's national insurance contribution.
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- ▶ 2. A regulation should be introduced regarding work permits for payment through card, as well. Work permit exemption certificates for temporary workers in the agriculture and livestock sector are issued by Provincial Directorates of ISKUR. The scope of the exemption certificate practice can be expanded to also cover temporary work in other sectors such as construction, textile, etc.

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  - ▶ 3. Conducting precautionary audits on informal work without imposing any administrative fines, and not imposing administrative fines if the foreigners identified in such audits apply for a work permit within 15 days can help boost formality.

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  - ▶ 4. Granting a reduction in the administrative fine where it is continued with the insurance statement of the person who was identified as an informal worker in the audits may boost formality.

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  - ▶ 5. Making the practice of issuing a work entry declaration on the first day of work in agriculture, fishery and construction sectors possible for restaurant (gastronomy), one-day event sectors, etc. where uninsured employment is prevalent may boost formality.

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  - ▶ 6. In the case of repatriation of SuTPs in the future, full repayment of the employer's and worker's national insurance contributions, plus statutory interest, to the relevant parties without seeking any age requirement may facilitate the repatriation of Syrians. The premium repayments made to SuTPs upon their repatriation will be a significant source for them to rebuild their lives, and may promote repatriation.

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  - ▶ 7. Some informal Syrian workers are unwilling to engage in formal work in order to receive monthly assistance of 235 TRY per capita, paid through Kızılaykart which is financed by the EU and distributed by TRC. Not ceasing the TRC social assistance in the event of working formally (according to Law No. 3294 on Promotion of Social Assistance and Solidarity) may promote formality.
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### ▶ C. Supporting Transition to Formal Jobs

SuTPs are not a homogeneous group in terms of labour supply; there is a rural and low-skilled SuTP population as well as an urban, well-educated and high-skilled population (Lordoğlu and Aslan, 2016:806). There is, on the other hand, no detailed study on the labour supply and qualifications of SuTPs other than some small-scale qualitative and quantitative studies. Thus, detailed field studies are needed to integrate SuTPs into the formal labour market. Lack of sufficient experience of SuTPs in the sectors in which they work may cause them to accept precarious work conditions more easily. A study conducted on the textile sector concluded that working Syrians were less experienced compared to Turkish workers (Mutlu et al., 2018). Various incentive and on-the-job training programmes of ISKUR can be used in the formality and integration of Syrians into the labour market. The rate of workplaces with 10 or more employees to have availed of various ISKUR services from 2014 to 2021 increased from 31.5% to 66% (ISKUR, 2021:23). However, the rate of using ISKUR services in workplaces that employ 2 or more workers still stands at 39.7%. The rate of using ISKUR services among workplaces that employ more than 2 employees is 43.9% for those that operate in the manufacturing sector and 29.6% for those operating in the construction sector (ISKUR, 2021:5-26).

On-the-job training programmes are likely to boost the employability of unemployed individuals and disadvantaged groups in working life (the youth, women, etc.) more than in-class vocational courses can (Akbaş, 2017). In this regard, with institutional assistance from ISKUR and funds to be granted, formal employment of Syrians can be ensured in occupations that have difficulty recruiting personnel through on-the-job training for Syrians. Impact analyses can be conducted on the status of Syrians in the labour market and on the projects carried out. Best practices can be disseminated. Awareness-raising efforts on the incentive programmes implemented by ISKUR and SSI can be carried out, especially for small enterprises with a high prevalence of informal employment.

Vocational training programmes that match SuTPs with the labour market needs by taking into account their qualifications and skills will facilitate their transition to formality in addition to possibly boosting their living conditions (İçduygu and Diker, 2017). In order to achieve this, a detailed profiling study that establishes the vocational qualifications (vocational training, on-the-job training, apprenticeship, etc.) of the said group should be conducted. Another area in which impact analysis will be used involves examining the status of SuTPs who participated in a training programme or vocational training courses in the context of active labour market policies, in the labour market. Impact analyses can be conducted on the labour market status of Syrians who participated in such programmes compared to non-participating Syrians, and Syrians who learned Turkish compared to those who did not. In the framework of such evaluations, best practices can be disseminated according to tangible findings. New policies can be developed on the subject.

#### ► D. Information Campaigns and Cooperation with Social Parties

Owners of small enterprises, in particular, usually cannot get adequate public accounting services. Many of them are not fully informed on the obligations imposed by labour and social security legislation on employers or other rights granted such as incentives. Indeed, according to the study conducted by Akbaş and Ulutaş (2018) in Denizli, some employers stated that “It is not possible to take out insurance on Syrians because they are not Turkish citizens”. For this reason, information and awareness-raising campaigns for micro and small enterprises with high prevalence of informality, on the work permit procedures, social security procedures, premium incentives, etc. of SuTPs. In introduction meetings to be conducted with relevant sectoral representatives under scheduled inspections, the characteristics of such inspections can be explained. Additionally, information can be collected from the sectoral representatives regarding the problems in their area, and applications related to immigration and work permits can be reviewed. Labour inspectors stated during the inspections with introduction meetings that informal employment had decreased.

In sectors in which SuTPs are engaged in informality, brochures and briefing notes on work permit procedures can be shared with employers, particularly of small enterprises, via mobile phone and e-mail. Information campaigns have visibly positive effects; in fact, labour inspectors state that the information activity carried out in 2017 for employers in the automobile washing, maintenance and repair sector boosted formality rates.

ALO 170 is one of the most important public relations tools that respond to employee questions and solve problems related to working life. It also offers services in Arabic. Sectoral and regional analyses of the questions that come through ALO 170 from Syrians and employers can be carried out. Such analyses are important in terms of establishing the areas in which the problems are prevalent or an impact analysis of the policies implemented.

## ► E. Increasing Coordination Among Public Entities and Labour-Social Security Audits

Coordination among public entities is one of the most important policy tools in combating informal employment. In Türkiye, the regulation introduced with Law No. 5510 of 2008 made it obligatory that relevant public entities share data with the SSI in order to prevent informal employment. In this way, the SSI was able to gather the information on employees received from various public entities in a single pool and cross-check such data (Karadeniz, 2017). Taking the following measures regarding informal immigrant workers in the labour market may contribute to their transition to formality:

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- 1. Instant cross-checks on work permits should be made among the SSI and the Directorate-General for International Labour Force through the information processing system. It should be checked through the system whether a worker who is about to be enrolled on the SSI system has a work permit, and the employer should be warned regarding the matter.

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  - 2. It could be ensured that the insuree's work entry declaration granted for foreigners can substitute a work permit application.

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  - 3. Auditors recommended that the Provincial Directorates of Migration urgently make the relevant changes to the "province for which residence permit was granted" in foreigner identity cards.

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  - 4. It could be ensured that information is provided regarding social security rights via SMS to the mobile phones of the Syrians who receive social assistance through the TRC database, and if they work informally, regarding how to apply to the SSI (and ALO 170). Not ceasing social assistance in cases where the Syrians are engaged in formal work may promote formal employment.

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  - 5. Taking fingerprints of unidentified foreigners during audits, and inquiring from the Presidency of Migration Management about the identity information regarding the owners of the fingerprints in the audit-related minutes, may enable further functional audits by the auditing staff. It can also boost the effectiveness of the audit. This will enable to overcome audit-related challenges arising from the misreporting of names or failure to present an identification card.

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  - 6. Ensuring that the Presidency of Migration Management provides foreigners with basic information on work permits and social security can boost awareness of formality.

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  - 7. Labour inspections and social security audits are an important factor in preventing informal work by SuTPs. Such audits should be performed primarily for information and guidance purposes in the sectors with a high prevalence of informality, and subsequently, conducted during night and weekend shifts in which informal labour is common and audits are not generally carried out. Such information and penalty mechanisms can reduce informal employment without social security.

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- ▶ 8. Performing the audits regularly and in coordination with SSI inspectors and auditors is an important factor in reducing informality. Again, in such sectors as construction and auto-washing where informal employment is common, introducing an obligation to put up CCTV cameras at workplaces and/or making use of local security cameras may increase formality as well as compliance with occupational health and safety rules.
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- ▶ 9. Improving the remunerative rights of Labour Inspectors, Social Security Inspectors and Social Security Auditors may help to boost the effectiveness of audits. Again, coordinated work among the three auditing units and standardizing audits in terms of formality by eliminating repeated practices can boost the effectiveness of audits.
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- ▶ 10. New models should be developed to audit small enterprises. By enhancing coordination between Labour Inspectors and Social Security Auditors, small enterprises with 20 or fewer employees can be audited with respect to the labour legislation (wages, working and resting periods, combating child labour), and the effectiveness of audits can be boosted.
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- ▶ 11. Enterprises founded by Syrians usually employ SuTPs. At this point, identifying such workplaces and delivering information campaigns and training to such employers in cooperation with the Revenue Administration can reduce informality among SuTPs.
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- ▶ 12. Issuing personalized work permits to SuTPs or issuing work permits on a sectoral or occupational basis or granting exemptions can boost formality.
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- ▶ 13. Sectoral site inspections by labour inspectors are extremely important for improving working conditions. In conjunction with this, impact analyses can be conducted on the impacts of labour and social security inspections and particularly sectoral site inspections on formal employment, and best practices can be disseminated. For example, following the site inspections conducted in the textile or construction sector; the workplace inspected, the increase in the number of SuTP work permits on a sectoral and regional basis, the increase in insuree numbers, and working conditions can be monitored. In this regard, a region in Istanbul where inspection is conducted can be taken as the experiment group, and a non-inspected sector and region as the control group. The numbers of work permits and insurees in the project-inspected region can be compared to the non-inspected region. A similar practice can be carried out to measure the impact of the information activities as part of preventive inspection.
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## ► Conclusion

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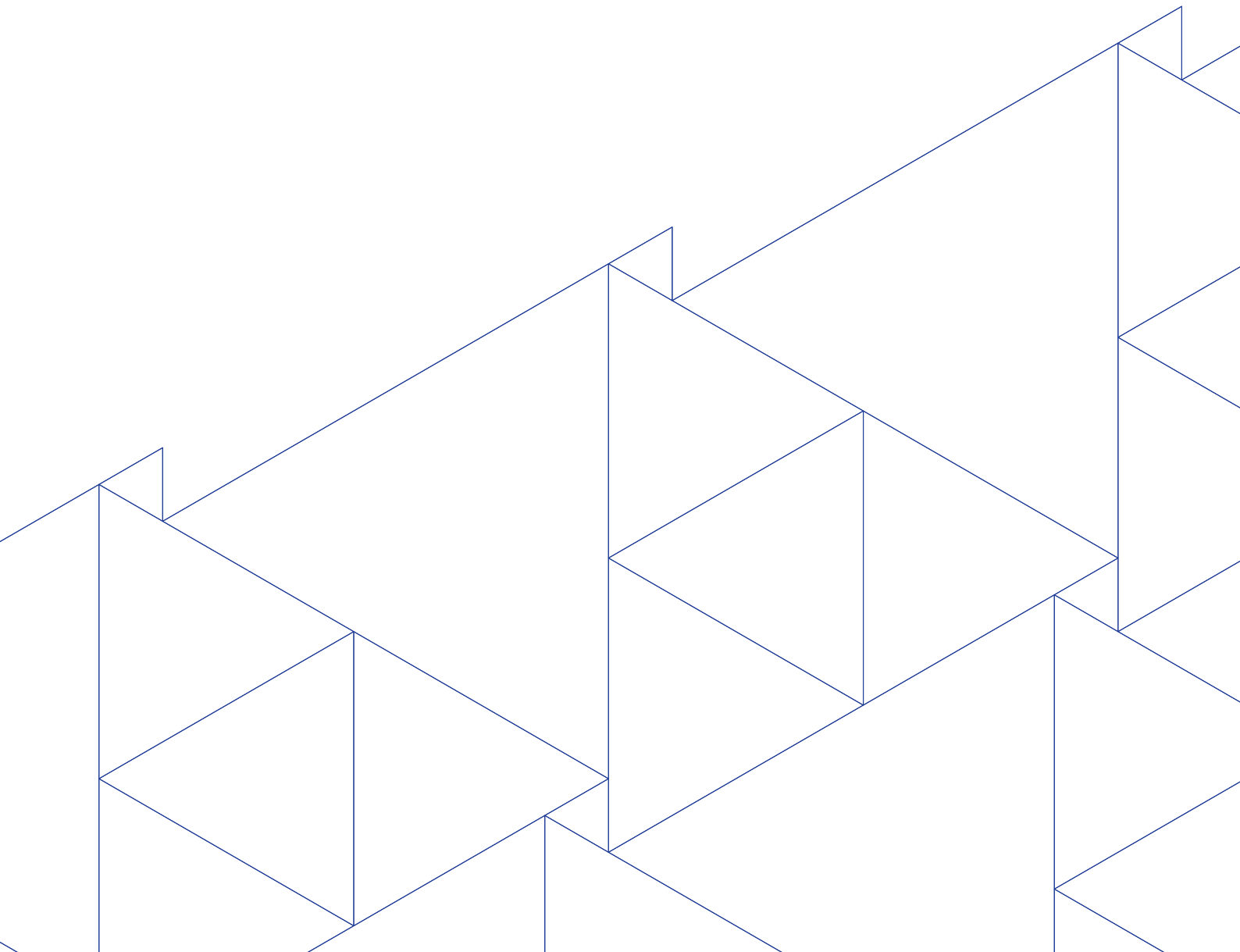
SuTPs in Türkiye can avail of almost all social security programmes implemented in Türkiye, without any discrimination whatsoever. The main requirement for benefiting from the social insurance system is to work formally. Formal work by SuTPs will, first of all, protect them and their families against social risks. Additionally, they can make easier use of the other rights (severance pay, job security, etc.) granted by the labour legislation. By engaging in formal work, SuTPs will pay income tax and social security premiums, thus contributing to public finance. In order to transition SuTPs to formality, first their sectors of operation, their workplace characteristics and their forms of work should be identified correctly. A significant portion of SuTPs is estimated to work in labour-intensive sectors such as textile, construction, manufacturing of leather products and food; in small enterprises, and on a temporary or discontinuous basis. A substantial part of the enterprises that informally employ SuTPs are micro and small enterprises with 20 or fewer workers and generate low added value. Enterprises sometimes resort to employing informal workers to reduce their costs. Such small enterprises have limited access to social insurance premium incentives, public accounting services and other services regarding work permits. In this regard, it could be useful to implement programmes to support small enterprises through simplifying work permit procedures for such enterprises, granting personalized work permits in the designated sectors, employing a card system for temporary casual work, and deducting social insurance premiums from the worker's wage when collecting money from the bank.

In terms of labour supply, having SuTPs learn Turkish; enhancing their vocational qualifications through on-the-job training programmes, internship programmes, etc.; increasing their educational levels, and ensuring their registration to an apprenticeship system through vocational training centres will facilitate their access to the formal labour market. Furthermore, organizing campaigns to clarify the social security rights and obligations of SuTPs will help build awareness of social security and increase demands for formality.

Enhancing coordination and cooperation among public entities for the formal employment of SuTPs will enhance the effectiveness of the policies on formal employment. Deploying Arabic-speaking personnel to interact with Syrians in the provincial organizations of SSI and ISKUR; delivering Arabic interpretation services to labour and social security inspectors and auditors during audits; enhancing cooperation between SSI and Migration Management with regard to the identification of SuTPs will facilitate their access to labour and social security rights.

As some SuTPs are to repatriate in the future, they may think that the premiums they have paid in Türkiye will go to waste and be reluctant to engage in formal work. In this regard, their disability, old age and death insurance premiums and workers' and employers' national insurance contributions of SuTPs can be repaid collectively, on the condition that they repatriate. This practice may also facilitate the repatriation of SuTPs, regarding which a legal amendment should be introduced. Another practice that may promote the formal employment of Syrians is not to discontinue social safety net assistance in the event of their formal employment. Otherwise, SuTPs may avoid formal employment to receive such assistance.

Türkiye has taken significant steps and accomplished a great deal in combating informal employment in the last three decades. Non-stop efforts by relevant public entities to ensure the formal employment of SuTPs are continued. Further success can be ensured by supporting such efforts with new policies to be implemented by also considering the labour supply and demand as well as the characteristics of enterprises and workers in the context of public entities.



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