

GUIDING QUESTIONS SOCIAL SECURITY

Social Protection and Social Security

1. Right to social security is one of the rights that was enshrined in Articles 60 and 61 of the constitution;

Article 60- Everyone has the right to social security. The State shall take the necessary measures and establish the organisation for the provision of social security.

Article 61- The State shall protect the widows and orphans of martyrs of war and duty, together with invalid and war veterans, and ensure that they enjoy a decent standard of living. The State shall take measures to protect the disabled and secure their integration into community life. The aged shall be protected by the State. State assistance to, and other rights and benefits of the aged shall be regulated by law.

The State shall take all kinds of measures for social resettlement of children in need of protection.

To achieve these aims the State shall establish the necessary organizations or facilities, or arrange for their establishment.

The restriction on the use of the right to social security is defined by Article 65 of the constitution;

Article 65- The State shall fulfil its duties as laid down in the Constitution in the social and economic fields within the capacity of its financial resources, taking into consideration the priorities appropriate with the aims of these duties.

In this regard, Article 60 of Law no 5510 on Social Insurances and General Health Insurance defines the holders of general health insurance. As per subclause (3) of item (c) of the first clause in Article 60 which states “individuals who receive pension pursuant to the provisions of Law Number 2022 on Putting Needy, Weak and Forlorn Turkish Citizens Over the Age of 65 on Pension dated 1/7/1976”, older persons benefit from general health insurance. Premiums for destitute persons over the age of 65 years old within the scope of general health insurance are paid by the relevant Ministry, and thus older persons can benefit from health care services free of charge.

2. By means of assembling public institutions and relevant social stakeholders, social security reform was achieved in 2008 with the purpose of providing access to the right of social security in an equal, fair and inclusive way. As part of this reform, coverage of social security in connection with old age pension was extended in terms of both institutional and legislative integration. In the following years, many legislative regulation were introduced in order to increase the number of beneficiaries of old age and pension and general health insurance. Within the scope of these arrangements, the following have been included in the coverage of old age pension, on condition that they meet the relevant criteria;
 - noncontinuous workers employed at agriculture and forestry works with a labor contract, as per Provisional Article 5 of Law no 5510 on Social Insurances and General Health Insurance;
 - As per Provisional Article 6; part time workers employed for a certain period of time (persons who are employed for less than 10 days per month at workplaces operating

taxis, shared taxi and persons employed by one or more employers with a part-time contract in the fields to be identified by Ministry of Culture and Tourism as per subclause (b) of second sentence of Provisional Article 4.

- And, household employees, as per Provisional Article 9.
3. The principles and amounts of health-care costs to be covered by the Social Security Institution are regulated by the Communiqué on the Implementation of Health-care Services. In line with Section 1.7 titled “Provisional Procedures”, if the social security institutions’s data processing system does not provide a patient with a tracking number/ID on the ground that he/she has a premium debt or did not fulfill the required number of working days, the health-care costs of persons in need of medical care of others are covered by Social Security Institution. In the event that persons in need of medical care of others pay their insurance premiums, access to health care services is facilitated for them, though they have premium debts.
 4. Article 55 of Law no 5510 regulates the lower limits of income and salaries in order to ensure access to adequate living standards in terms of social security/insurance payments. As per the same article, retirement pays are increased biannually at average inflation rate of previous 6 months. Additionally, notwithstanding the thresholds regulated by law, flat pay rises have been added to retirement pays periodically so far. Through a legal arrangement enacted in 2018, an extra amount of 1000 Turkish Liras is added to retirement pays in Muslim Feasts of Ramadan and Sacrifice every year. On the other hand there are current efforts to increase the minimum amount of retirement pay to 1000 Liras, which will bring about enhancement in monthly pays for the insured and the right holders.
 5. Guidance services of Social Security Institution provides information about social security rights to individuals on request. Besides, various information materials such as brochures, publications, service announcements on the activities and tasks of Social Security Institution are publicized periodically.
 6. Pursuant to Article 406 in Part 30 of Presidential Decree no.4 on organization of affiliated, related, associated institutions and organizations with ministries and other institutions and organisations, that was enacted after published on the Official Gazette no 30479 of 15 July 2018, the units and the organisational structure of the Social Security Institution are defined. Accordingly, the institution consists of presidency, board of management and general board. The board of management is the highest authority and the decision making unit of the institution and it is composed of representatives of public sector, employers, employees, civil servants, self-employed persons and persons who receive a monthly pay from the institution. Therefore, the board of management is organised in a way to allow participation of older persons to decision making mechanisms. On the other hand, Social Security Institution pays periodical visits to associations of retired persons and to associations for the relatives of martyrs and veterans.

Owing to the social security reform of 2008 that was made in order to provide equal access of older persons to the right of social security, substantial steps were taken to ensure institutional and legislative integration. Since the reform, various arrangements have been introduced to improve the situation of disadvantaged groups which are supposed to be protected by the government. These arrangements include disability abatement in the calculation of entitlement to retirement and entitlement of early retirement to mothers of children with severe disabilities. Besides, delivery of retirement salaries to retired individuals at home by PTT is another facilitative service.

In case of any disputes on social security rights, individuals can apply to our institution to settle controversies. The certificates of service to be sent to the individual include necessary information on reclamation periods and procedures. The ombudsman institution, which is a nonjudicial public institution affiliated with Turkish Grand National Assembly, assesses and concludes applications of individuals against Social Security Institution. The insured can either apply directly to Social Security Institution or to the Ombudsman Institution and thus they have adequate access to grievance mechanism. On the other side, the procedures and practices of the Social Security Institution are remediable at justice.