

Precarious Work, Precariat and Excluded Personnel

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Abstract: With globalization and the end of cold war, the whole world adopted capitalist economy model with some differences. Within this period, capital owners started to slowly withdraw the rights of working class. Layoffs, unregistered employment are becoming widespread under the name of flexible labor market. Now, workers can easily be laid off; we almost never encounter strikes. Workers cannot defend their social rights as much as they could in the past. Precariat notion is used to describe these new workers class created by these indemnity losses. We call the process of suppressing a person to the point where the person becomes content with violations of his/her rights, trivializing of his/her qualifications and the person internalizes exploitation for fear of being pushed outside the system in brutal competition conditions of labor market precarization. There is a group of personnel, who are prevented from benefiting collective labor agreement because they are outside its extent even though they are union members and they are of course deprived of union indemnity; almost all of this group consists of white-collar employees. These personnel are pushed to the unprotected area of liberty of contract, they were characterized as "elites of the business" presented to them with dreams of being middle-class at first; however, as their numbers increased proportionally and with loss of rights and increasing precarity have been pushed to being "outcasts of the business". Today, middle-class myth is being demolished; white collars realized that their position is being workers within production relations; they are faced with the reality of precarity, uncertainty, and losing everything they dreamt of achieving in the future. Right at this point, they need a union embrace which understands what they feel and which is suitable to structural truths.

Keywords: Precariat, Precarization, White-Collar Employees, Excluded Personnel, Precarity, Middle-Class, Elites of the Business, Outcasts of the Business

1. Introduction

The word "proletariat", before being used by Karl Marx, was used to define the people of the lowest layers of society, and the class of these people, without any property that could be the subject of inheritance. In Karl Marx's works, the concept of proletariat gained sociological content, and was used to define the working class and the people who make up the working class. In Marxist theory, the working class is defined under

the common name of proletariat, which only sells its labor, sustains its life and does not possess the ownership of the means of production. The birth of the proletariat took place after the fall of feudalism. With the end of feudalism, it was possible for people who could no longer find the possibility to live their lives connected to the land or to their craft to continue their lives by selling their labor, and consequently the class we call the proletariat was born. The Marxist theory, which defines capitalism as a system based on the exploitation of the proletariat by the bourgeoisie, positions the bourgeois class which owns capital in the face of the proletariat. The capitalist wages the proletariat only as much as it can survive with and the rest remains to the capitalist. Even though the proletariat produces all the value of the goods in reality, the difference between the wage paid to the proletariat and the value obtained by the capitalist from the sale of the goods, which is named additional value, is taken by the capitalist.

The rapid expansion of the workers' efforts to organize has led to the trade unions being empowered and become a powerful institution that protects labour against capital in the 20th century. These developments have led to stronger guarantees for the rights of the workers. With the right to strike, the power of labor was fortified. The rise and progress of the working class started all over the world, especially in the Western world. The Cold War conjuncture also contributed to this rise. Due to the concern that Soviet socialism could spread among the peoples of the world, the Western world accepted the demands of trade unions, avoiding conflict. The minimum wage application has spread throughout the world as a result of these concerns.

With the spread of globalization following the end of the Cold War, the capitalist economy model was adopted with some differences in almost all over the world. After globalization, The Capital class turned the collapse of Soviet-type socialism into an opportunity, and gradually began to retake the gains of the working class with the thought that the danger had been reduced. During this process, beginning from the 1980s, the approach to the protection of labour and the progress of the working class slowed down began to decline. Today, workers' unions do not have the power of those in the 1960s and 70s. Dismissals, unregistered employment are becoming more and more widespread within the flexible labour market and trade unions are unable to take an active stance on this issue. The workers can now easily be dismissed from the employer compared to fifteen to twenty years ago, and it is not possible to come across the practice of strikes, and the workers cannot defend their social rights as vigorously as they used to.

In his book 'Precariat: The New Dangerous Class', the concept of precariat created by economist Guy Standing aims to define the new working class created by these security losses (Eğilmez, 2018).

2. Global Transformation and the Birth of Precariat

Industrial capitalism was founded at the expense of the physical and spiritual consumption of workers, who, following the evolution of the craftsmen and the agricultural workforce into factory workers, could attain minimum guarantees by uphill struggles. In the period following industrial capitalism, global capitalism is rising on the shoulders of a proletarianized white-collar class that has lost its middle-class attributes, insecure and de-platformed, fragmented enough to prevent a class conscience, and made classless. In this new capitalism, where the center of attention is no longer defined by production but by financial speculation, where industrial production is undertaken in third world countries where the workforce is heavily exploited; everything from job descriptions and aesthetic comprehension to the nature of labour are processed with an affinity for flexibility, causing uncertainty. As the motto of the modern world "The only thing that does not change is change itself" is being replaced by "the only thing that is certain is uncertainty" with throes that will crumble all perceptions and values of the past, the manifestations of this replacement lead to intense loss of control and insecurity in all areas (Vatansever, 2013: 6).

This exercise of flexibility, which aims to disorder all the institutions and functions of society, especially the production function, for the benefit of capital, has had a destructive and disruptive effect on the labor force and the main characteristic of the labor force. As a result, as Standing emphasized, "functional flexibility, at its core, is to allow companies to transfer workforce fast and without expenses; to transfer workers between tasks and workplaces without any limitations" (Standing, 2011a: 36). The reduction of labour to such a vulnerable position with the support of the neo-liberal state in the face of capital is the result of efforts to undo the gains achieved in the name of workers' rights over the last hundred and fifty years. This process is also arbitrated by regulations in the workplace. The basis of the flexibility regime lies in "radical change of institutions", "flexible specialization", "multi-skilled labor", "horizontal hierarchical business organization" and in particular "a specific organization of time"(Sennett, 2012: 57). Hiring with a part-time, flexible period or for a certain period of time, based on a loan business relationship agreement, is supported by the flexibility of working time and conditions with the widespread practices such as hiring trainees instead of staff. It becomes possible to avoid legal

and time-sensitive barriers to exploitation under the cover of flexibility (Vatansever, 2013: 7).

Precariat appears as an "anti-class" which is increasing in numbers around the world, which, in the course of this systematic transformation, does not have even the minimum job security no matter what qualifications they may have, but is still in the process of forming the characteristic. The intimidation of individuals to the point of readily accepting exploitation, the devaluation of their qualifications, the loss of their rights with the worry and fear of being left out of the system due to the intense and sharp competition pressure in the labour markets is called "precarization". Precarization can be summed up in the most general sense as both the negation of an employee's personal qualifications and professional competencies, and the blurring of his future. In an environment where there is no regular income and sustainable employment security, a wider part of the workforce is precarized (Vatansever, 2013: 9). In this context, the scope of the concept of precariat consists more than just the employees in the service and such sectors that draw attention with flexible employment and working conditions, or the immigrants, women, etc. who are constantly conditioned on indefinite working conditions. Traditionally accepted as safe and prestigious professions, fields such as academics, etc. are now covered by an increasingly intensified uncertainty (Bora, et al., 2011; Grosser, 2011). Moving on from here, the question of who can be included in the "precariat" can be answered with such: "everybody who lives in constant anxiety and fear of losing control and respect, in the context of their position within production relations" (Standing, 2011a: 24).

It is a class that has met the conditions of a life with a higher educational level, which can be considered as good according to the bourgeois criteria, and does not define its position as contradictory with the capital sector in principle, and which is naturally separated by the sectors which are already impossible to integrate with the proletariat and the labour market and is separated from the classes making up the lowest layers of the society. Unlike the proletariat, it can easily be said that the precariat sincerely believed in the promises of liberalism. According to Guy Standing, "the real barriers to achieving these promises lead to learned helplessness in the face of the system, fear of class fall, or chronic insecurity and self-improvement that does not offer the ability to achieve life that he deserves, and the feeling of blindness caused by pragmatic work with no possibility of self-development causes anger, anomie, anxiety and alienation in precariat. In addition, the precariat does not have the class commitment and pride of the proletariat, because, as Standing pointed out, there is nothing to be proud of living in the way of being on the edge of the continuous cliff and living in the way of life

which corresponds to its professional qualities and educational background” (Standing, 2011a: 19–22). “As far as their economic situation is concerned, the precariat is not a class in the sense of Marxism; it is separated in itself and has united only out of fear, worry and insecurity.” (Standing, 2011b).

3. From Middle Class to Precariat

With the global uprisings in recent years, the middle classes have come up again. White collar workers, who have so far been loyal and obedient servants of the system and is thought to be the main component of the middle class, began to stand out unexpectedly as the actor of anti-system protests this time. The fact that those who took part in the white-collar platforms in social media both before and after the occupation movements and before and after the occupation defined themselves conflicted by insecurity, disappointment due to class decline and status contradictions drew attention. With all these features, the perpetrators of the global uprisings, young white collar and white collar candidates, were like the body of the precariat, which was used to describe layers of assurance in contemporary sociology. While everyone called them the “middle class”, they announced, with the unrest of not being a middle class anymore, in the streets and in the social media that the middle class dream and the promises of liberalism were at an end.

In spite of the sensational slogans which can be summarized as “Our families were middle class, we are proletarians”, these masses, which are not very similar to the proletariat in terms of educational and vocational backgrounds and in terms of forms of organization, have brought up proletarianization for discussion but not the industry proletariat that has lost their weight both demographically and politically (Vatansever, 2016: 1–2).

The sense of class decline and consequent frustration behind the white collar saying, “We are not workers, but labourers,” in a mixed way with anger and sobriety, are utterly true. In the post-industrial society, the evaluation of labour and the level of welfare was expected to increase relative to all levels in parallel with the increase in communication technologies and information possibilities, while thanks to neo-liberal policies, all defense that the working class had against the capital were eroded and all sorts of cognitive, mental, emotional, etc. labour was indexed to demand and thus, commodified. This means that during the real production process, Labor is subjected to extremely flexible working conditions and is condemned to insecurity in every field, from the continuity of employment to the assurance of work and the ability to find a

job suitable for the working conditions and qualifications (Bohle, et. al. 2009; Dörre, 2011). In this process of commodification, we call skilled labour precariat, who begins to face the fact of being a worker through insecurity while losing the middle class position and dream as a promised or fictitious position (Vatansever, 2016: 2).

If the concept of the middle class was an ideological project that brought together the promises of liberalism in itself and put into practice some segments of the working class in order to harmonize the masses, the precariat could also be counted as the first signs of the failure of this project. As a result, the masses who have defined themselves as middle class started to organize in social media and the streets, with the feeling of insecurity and class decline.

Although they come from different sectors, what brings people together on these platforms is not the fact that they produced paid labour in the economic sense; but their realization of the fact that they have been; brought up with the lies about the neo-liberal management ideology offering autonomy to labour, while being promised a "good" middle class life, kept ignorant with the new kinds of individualism preached by the neo-spiritualist personal development literature, exploited the same way as soon as they were included in production relations and assimilated by similar tactics of oppression (mobbing).

We cannot deny that global capitalism has undergone a significant change in the form of production, the relations of production and the spirit of time since the last quarter of the 20. century. Since the end of the 1970s, it is clear that the balance of capital-state-Labor has been clearly changed against Labor and that labor exploitation has gained a new momentum. With neo-liberalism, a project based on the restoration of the political power of the rich class, being implemented in the early 1980s (Harvey, 2006 13), ending the "social capitalism" era, which constitutes an atypical stage in the history of capitalism (Bora, et al., 2011: 14-15) has led to the termination of all agreements on social justice (Graber, 2011: 374 - 375). This transformation has evolved into the trivialization of labour and the precarious state of flexibility. The concept of precariat also emphasizes the security that the middle class has lost (Vatansever, 2006: 12).

The youth, that has been subject to pressure by the labour market and feeling the threat of unemployment at the ages of 15-16, observed that one can be unemployed even after obtaining two-three diplomas and master's or doctorate degrees, is aware of the fact that being retired at the same age as their fathers or that they will not

receive the same social security services as their mothers (Benlisoy, 2009), have uncovered the veil of the neo-liberal individualism that imposes the responsibility of failure and poverty to the individual.

As a matter of fact, when we look at the existing white-collar platforms in Turkey, we see that the sectors they all represent enter into a type of labor that we can call "intangible labor", but that the process of producing these intangible materials does not have a liberating effect on them, on the contrary, they act because they are treated as unskilled laborers. For example, in the first article published on the Web page of the white collar workers platform, "We thought we would make a 'man' of ourselves with education, we were wrong. We thought we'd be 'respected' with clean collars, and we were wrong again. We thought the brand of our mobile phone or the cafes we were sitting in would make us different, once again we were wrong. Our share is nothing but the modern state of slavery." is written, plainly stating the loss of trust by the middle class (Vatansever, 2006: 17).

Of course, at this point, it is impossible to ignore some factors that are stemming from the unique conditions and qualities of skilled labour and make it difficult to be organized. Skilled labour is intimidated by the fear of being out of the global wheel (Hartmann, 2014), leaving it vulnerable to capital by taking advantage of the organization facilities in the national employment markets plane under the name of deregulation; it is also distracted and divided by shifting between the positions without equivalence in the micro scale, living in the illusion of autonomy against the invisible authority, and is forced to a feeling of permanent inadequacy by exposure to constant training and examination (Harvey, 2005).

4. Concept and Definition of Excluded Personnel

Working in the production, management and inspection units of the enterprises, whether or not a member of the union, foreman, chief, assistant manager and manager, etc. and tasked with duties such as manager, assistant manager, chief, foreman, etc. in practice, workers who are employed as members of unions or who are prevented from benefiting from solidarity by paying membership in collective labor contract are called excluded staff (Aşçı, 2015: 31).

Excluded personnel are a group of personnel who do not benefit from the collective bargaining agreement even if they are union members because of their position, duties or adjectives (Ince, 1985: 41).

Although the collective bargaining law has been conceptually mentioned, there is no definition of excluded staff. The subject has been investigated in the context of whether excluded personnel can benefit from Collective Bargaining and the problem was approached in this direction (Reisoğlu, 1983: 3-7).

On the other hand, there is no law on the inclusion or exclusion of workers. Excluded personnel may be a member of the labor union which has signed the collective labor agreement as a principle, or may not be a member of a union.

After this brief explanation, the excluded personnel can be identified as follows:
In a workplace, workplaces or enterprise, the exclusion of certain qualifications and status workers from the scope of the collective bargaining agreement, whether or not they are a member of the labor union party to the Collective Bargaining Agreement, and the excluded employees who do not have a collective bargaining agreement are also called excluded employees (Aşçı, 2015: 32).

In terms of collective bargaining law, according to the Law No. 6356 on unions and Collective Bargaining Agreements, employer representatives to be considered as employers can be determined as follows:

- 1) Managers of the whole workplace,
- 2) Participants who are delegates to the public meeting, even if they are not authorized to manage all.

No matter what the nature of the employers ' representatives other than those designated, these persons may become a member of the Union and benefit from The Collective Bargaining Agreement. This has created a heavily debated excluded staff problem.

Although the principle of the Collective Bargaining Agreement is to cover all workers in the workplace who are a member of the union (Esener, 1978: 481); in practice, it is observed that engineers, Chiefs, managers, and even some office workers who are members or members of the Union of workers in collective bargaining agreements are excluded from the scope of the agreement and thus abandoned to the area of freedom of the contracting (Çelik, Caniklioğlu, Canbolat, 2016: 798).

The situation of the excluded workers leads to discussions. The Supreme Court of Appeals has concluded that the persons excluded from the scope of collective labor

contract cannot benefit from collective labor contract even if they are members of the Union. As a result of the autonomy of collective agreement recognized to the parties, it is argued by those who share the opinion of the Supreme Court of Appeals in the legal debate, excluded personnel will not be able to benefit from the contract like those that are not members of the union, even if they are members of the union, and will only be bound by the provisions of law.

In contrast, it is argued that the implementation of excluded personnel is not in compliance with the Code of Trade Unions and Collective Bargaining Law No. 6356 stipulates that equality between the members of the Union's activities (m. 26/3) and 53rd article of the Constitution granting all workers the right to benefit from collective labor contract and that the decisions in this direction are null and void. According to the advocates of this view, the content and boundaries of autonomy granted to the parties of the collective agreement are stated in the Constitution and the laws. Otherwise, some workers shall not be entitled to the rights granted by the agreement of the parties (Aşçı, 2015: 173–174).

Workers 'and employers' unions also criticize or defend the practice of excluded personnel for their specific reasons.

5. Development of the Concept of Excluded Personnel In Turkish Law

The introduction of the collective labor contract under the name of the general agreement was realized by the law of Obligations dated 1926.

The Law of Obligations has, with a limited liberal understanding, established the Collective Bargaining Agreement as a contract in Clauses no. 316 and 317 related to its purviews. According to Clause no. 316 regarding the agreement; employers or employer associations may sign a "General Agreement" with subjects "regarding service" with the employees or employee associations. The validity of the contract is tied to the term of being written. The duration of the contract shall be determined by the parties. In Clause no. 317 which regulates the results of the Collective Bargaining Agreement, it is stated that the articles of an Individual Employment Contract that contradict with the Collective Bargaining Agreement will be invalid, and those would be replaced by collective labour contract articles (Gülmez, 1983: 31).

The concept of Collective Bargaining Agreement was introduced to Turkish business life a little early, hasn't found an area of application and has not shown any development (Ekin, 1979: 104).

There is no doubt that there may be many economic, social and cultural reasons for this. However, one of the main reasons is the lack of a trade union to transfer bargaining from the individual level to the collective level. Because in 1926, the Ottoman Strike Law is still in force. Accordingly, it is forbidden for workers working in public service establishments to form unions. Although there is no prohibition for strike, the absence of trade union rights, which is a mandatory complement for any results within the context of collective business relations; due to the regulation of a complex activity like collective bargaining being governed by just two articles, the Law of Obligations has failed to pioneer the birth of a common collective bargaining tradition, and the rules are wedged in the texts of the law (Işıklı, 1976:3-4; Gülmez, 1983: 320).

In the Constitution of 1961, Article no. 46 has granted the right for trade unions, Article no. 47 has granted the right of collective bargaining and strikes. With the Collective Bargaining Agreement and Strike-Lockout Code No. 275, effective since the year of 1963, collective bargaining was structured to be institutional. In this institutional structure, the autonomy of the collective agreement was first recognized by the 1961 Constitution, and it took its place in social life and legal structure by gaining its function with the laws of 1963.

In our country, with the transition to collective bargaining in 1960s, it has been observed that in collective labour agreements, there are provisions regarding which workers to apply these contracts and there are also duties and positions to be excluded from the scope. In this context, it can be considered as the date when the application area of the collective labour contracts of 1963 was narrowed by individuals and the application of excluded personnel was started (Can, 1995:14).

Since 1963, the employers have asked to exclude some of the personnel in collective bargaining negotiations, and workers' unions have often opposed this request. However, despite these discussions, most of the collective labour agreements included provisions related to excluded staff (İnce, 1985: 41).

6. Excluded Personnel: From the Elite of Business to the Outcasts of Business

While in the first years of transition to collective bargaining, it is accepted that the practice of excluded personnel is limited in regards to position, and that wage and other social rights are not insufficient (Şahlanan, 1992: 149–150) in subsequent years, there has been a decline in the wages and social rights of excluded personnel compared to workers benefiting from collective bargaining agreements (Çelik, 1980: 16–17; Can, 2010: 409).

Initially, the number and quality of workers excluded from the contracts were limited, while this restriction was gradually expanded and the relative wage advantage they gained through the contracts were significantly reduced. The increases in the number of those excluded by collective agreements during each collective agreement period have created new conflicts in the individual and collective work area. Since the solutions adopted for the solution of these conflicts are not fully adopted in doctrine and practice, the excluded personnel practice has become one of the problematic areas of the collective bargaining scheme (Can, 2010: 412).

The default solution to the problem not only pushed excluded workers out of collective labour agreements into the unprotected area of the free movement of workers, but also was the source of new problems. Although the workers who were excluded due to their position in a workplace, workplaces or an enterprise were described as “the elite of the business” (Can, 1994: 9) in the period following 1963, the increase in their numbers in proportion (Urhan, 2005: 218), leading them to become “the outcasts of the business” (Can, 2010: 410).

The ratio of the number of employees in the collective labor contracts that are linked by employer unions within TİSK (Employers' Unions of Turkey) to the total number of total workers that are included in collective labor contracts has been followed by years as: 1979: %13,5, 1990: 17,2, 1995: 28,8, 1998: %33,11 (Urhan, 2005: 219). During the 1980 – 83 period when the contracts that expired were renewed by the Supreme Arbitration Board, the application of the excluded personnel was extended and this spread continued in the period after 1983 (Mahiroğulları, 2000:52). None of the 52.346 workers who were excluded from the collective labour agreements in 1998 are unionized. While 12.8% of the workers employed in the workplaces in which the Petrol-İş trade union was made up of excluded employees in 1994, this ratio increased to 21.2% in 1998. In this period, while this ratio increased from 8.6% to 20% in the public

sector, the number fell from 23.7% to 22% in the private sector (Urhan, 2005: 219; Petrol-İş Almanac 1993-1994, 1995: 355-356; Petrol-İş Almanac 1997-1999, 2000: 736).

Defined as “the elite of business” the beginning, especially in the period 1980-1983 and since the 1990s, “the outcasts of business”, excluded personnel have been deprived of the right to benefit from collective bargaining as an integral component of collective social rights and Trade Union guarantees (Mahiroğulları, 2000: 52).

In the collective bargaining organization, the excluded staff usually consists of white collar employees. The “middle class values” and individualist approaches of the white-collar workers are heavily influential (Koray, 1992: 123-124). The low organizational tendencies of these workers can be regarded as natural in a sense, but they cannot be regarded as an obstacle to unionization alone (Urhan, 2005: 219). In Turkey, the ratio of excluded personnel to total employees is 19.44%, an expression of the exclusion of qualified labour force from trade union guarantees.

7. Evaluation and Conclusion

Guy Standing's extensive work on precariat has been an eye-opener in this field. Standing uses precarianism to describe the masses that are not a class in Marxist sense, but united by experiencing the precariousness within the relations of production. In this respect, he refers to a precarization and class decline (Standing 2013; Standing 2011a; Standing 2011b; Standing 2009).

Because the middle classes that struggle to fulfill the conditions regarded as “basic characteristics” of the middle class; being able to go on a vacation once a year, owning a house and a car, paying debts, having savings for unforeseeable events and retirement (Searcey and Gebeloff, 2015; Rawes, 2014; Krapton; 2014; Kotkin, 2014; Carrol, 2012; Yılmaz, 2007) are still the productive elements and the ideological basis of the current system are, in a sense, being reduced to a nonentity (Collins Wallerstein et. al. 2014: 48-84).

The failure of capitalist liberalism, which gives everyone the hope of vertical mobility among classes, is obvious. Today's white-collar workers are experiencing and expressing the intense disappointment in achieving the lead promised by their white-collar status in the context of the expected class rise (<http://beyazyakaliisciler.org>).

Today, as the middle class myth is overthrown, the white collars, who realize that their positions defined within the relations of production are workers, based on the common experiences in the working life, realize that the propaganda of the middle class living consumption has only further indebted them and accelerated the process of proletarianization by dragging themselves into the illusion of bourgeois life. The conditions of being counted as middle class are increasingly becoming impossible targets for more and more people, and precarization in the sense of insecurity and devaluing of skilled labour is a special moment in the position of being a worker. In addition to the tensions arising from the status – income imbalance created by wage-labor by the idealized middle class position has led to the feeling of insecurity, uncertainty and the feeling of losing everything expected to be achieved in the future (Vatansever, 2016: 30).

The latest social reactions of the white collar workers are promising indicators of their tendency to become aware that they are only part of the working class, as they are not necessarily employers' deputies or not, from the position of "those fish who do not know the sea they are in" anymore.

Of course, at this point, it is impossible to ignore some factors that are stemming from the unique conditions and qualities of skilled labour and make it difficult to be organized. The contradictions and friction of the excluded white-collar staff resulting from administrative functions and requirements are not obscured, but there are many points between the workers and the excluded white-collar staff, and above all there is basically a rapprochement and partnership of interests. This requires a trade unionism taking into account what they are and how they feel (Krasucki, 1987: 56–58).

It would be an accomplishment if this tendency would result in a healthy organization that surpasses criticism such as "Unionism in Turkey has never developed freely or in accordance to structural requirements, it has always been manipulated (Tuncay, 1979). The two necessities of our age, filled with the image of dynamism, effective and high quality life (Sudreau, 1975) can only be achieved by fulfilling the first basic condition for everything, being the 'Just Society'.

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