




The Impact of Administrative Fines in Labor Law on Employment of Individuals with Disabilities: Perspectives of İŞKUR Employees

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Abstract

This study examines the effectiveness of administrative fines applied within the scope of employment law for the employment of individuals with disabilities under the Turkish Employment Agency (İŞKUR). The research is based on a qualitative design, and semi-structured interviews were conducted with six participants working at the Tekirdağ İŞKUR Provincial Directorate. The data were analyzed using MAXQDA software, categorized into themes, and interpreted through coding methods. The findings reveal that the main obstacles to the employment of individuals with disabilities are the lack of information among employers, insufficient suitable job positions, and the complexity of administrative processes. These factors prevent employers from hiring individuals with disabilities. The study concludes that, in addition to legal regulations, raising awareness among employers, strengthening sectoral incentives, and enhancing public-private sector collaborations are necessary to increase the employment of individuals with disabilities.

Keywords: Administrative Fine, Disability, İŞKUR

Introduction

The employment of individuals with disabilities holds significant importance in terms of social equality and economic participation. However, the challenges of increasing employment for individuals with disabilities are not limited to social and cultural barriers but are also shaped by various issues within the business world. In Turkey, a series of legal regulations have been enacted to increase the participation of individuals with disabilities in the workforce. Among these regulations, the most notable are the provisions of the Labor Law No. 4857, which encourage the employment of individuals with disabilities. According to these legal provisions, employers with a certain number of employees are obliged to employ individuals with disabilities. In cases where employers fail to comply with these obligations, various administrative sanctions and fines are imposed.

Administrative fines issued by the Turkish Employment Agency (İŞKUR) serve as an important tool to increase the employment of individuals with disabilities.

Administrative fines are financial sanctions imposed by relevant administrative authorities to maintain public order, usually for acts considered as infractions. In Turkey, these fines are generally recorded as revenue in the budgets of relevant public institutions and are often spent on public services. Administrative fines imposed by İŞKUR on employers who fail to employ individuals with disabilities also fall under this category. However, the extent to which these fines are effectively used to increase the employment of individuals with disabilities and their impact on changing employers' attitudes toward disability employment remains a critical issue requiring further investigation.

According to the Labor Law, employers with a specific number of employees are obliged to employ individuals with disabilities. Employers who fail to meet this obligation are subject to administrative fines under Articles 30 and 101 of the Labor Law No. 4857, issued by İŞKUR. These fines are typically recorded as revenue in İŞKUR's budget and are partially allocated to various services aimed at promoting the employment of individuals with disabilities. Additionally, some administrative fines are transferred to the unemployment insurance fund and used for active labor market policies. However, there is no clear data on whether these administrative fines are used appropriately to achieve their intended purpose of increasing the employment of individuals with disabilities, how these revenues are spent, or their impact.

This study aims to examine the role of administrative fines imposed on employers who do not employ individuals with disabilities in promoting the employment of individuals with disabilities. Based on the views of İŞKUR employees, the study questions whether these fines serve their purpose of increasing disability employment, how they are utilized, and how they influence employers' attitudes towards employing individuals with disabilities. The main objective of the study is to determine whether administrative fines are being used appropriately and to evaluate the effectiveness of legal regulations related to disability employment. In this context, the study focuses on the following sub-objectives:

1. The adequacy and effectiveness of administrative sanctions imposed on employers who fail to employ individuals with disabilities.
2. Whether the administrative fines collected from such employers are used to encourage the employment of individuals with disabilities.
3. Whether administrative fines lead to changes in employers' perceptions and attitudes toward employing individuals with disabilities.

The findings of this study are expected to provide recommendations for developing strategies to increase the employment of individuals with disabilities and for more effective use of administrative fines. Moreover, the study aims to contribute important insights into

raising employers' awareness about disability employment and creating an equitable labor market environment.

The Concept of Administrative Fines

A fine is a type of sanction that individuals must pay to the state or to other persons or institutions as prescribed by law when they violate the rules set by the law. This payment, whether the individual's act is regulated under criminal law or not, is requested either to compensate for the harm caused by non-compliance with legal norms or purely as a punitive measure (Donay, 1972, p. 15).

Fines can be classified based on different criteria (Karagülmez, 2001, p. 22). Based on the authority that imposes the fine, they are divided into judicial fines and administrative fines. Fines imposed by judicial authorities are called judicial fines, while those imposed by administrative authorities are referred to as administrative fines (Dönmezer & Erman, 1999, p. 682).

Administrative fines are particularly prominent among administrative sanctions, especially as a form of sanction targeting an individual's wealth (Oğurlu, 2001, p. 90). This sanction is applied when individuals fail to comply with legal norms, by taking away a certain amount of money from their assets. Administrative fines are a type of sanction that leads to a reduction in an individual's wealth as a consequence of unlawful behavior (Oğurlu, 2001, p. 89).

Administrative fines can be generally defined as: "Administrative fines are a type of sanction imposed directly by administrative authorities, without the need for a judicial decision, for administrative violations specified by law, resulting in the collection of a certain amount of money" (Oğurlu, 2001, p. 91).

According to this definition, for administrative fines to be imposed, the law must explicitly grant authority to the administration. Unlike judicial fines, administrative fines are imposed directly and *ex officio* by administrative authorities, rather than by a judicial body. Additionally, there are significant differences in terms of procedures and consequences between administrative and judicial fines (Donay, 1979, p. 26).

Although there is no clear definition of administrative fines in the law, they are regulated under the Law on Misdemeanors No. 5326. In Article 1 of this law, it is stated that administrative sanctions are "measures applied to protect public order, general morality, public health, the environment, and the economic order." Furthermore, in Article 16 of the same law, it is mentioned that "administrative sanctions for misdemeanors consist of administrative fines and administrative measures." Additionally, Article 17 stipulates that administrative fines can be either fixed or proportional.

Articles 22 and onward of the Misdemeanors Law regulate that decisions on administrative sanctions can be made by administrative authorities, prosecutors, or courts.

In this context, it is generally observed that administrative fines are imposed by the administration, but when a fine is imposed by the prosecutor or the court, it is still considered to have an administrative nature (Can, 2017, p.418). This indicates that the fundamental difference of administrative fines from other penalties is that they are generally imposed by an administrative body, which is a widely accepted view.

Administrative fines are applied under the presumption that they are lawful. Therefore, appeals against administrative fines or recourse to judicial authorities usually do not prevent the execution of the fine. However, if the judicial authority issues a decision to suspend the execution, the fine can be halted (Karabulut, 2008, p. 24). This characteristic ensures the swift implementation of administrative fines and enhances the effectiveness of the administrative order.

Administrative fines are an essential tool in the hands of the administration to maintain social order and encourage individuals to comply with the law. The deterrent effect and rapid implementability of these fines play a crucial role in maintaining legal order. Administrative fines can be imposed by administrative bodies explicitly authorized by law. Simply referring to a penalty as a fine does not automatically make it an administrative fine. For the fine to have an administrative nature, it must be explicitly stated in another provision of the law that the relevant administrative body has the authority to impose it (Meran, 2008, p.58). In this regard, administrative fines can only be imposed with specific legal authorization, and this authority is transferred to the administration by law.

Based on the above explanations, the concept of an administrative fine can be defined as follows: "Financial sanctions imposed by public institutions and organizations on natural or legal persons, based on the authority granted to them by law, in order to maintain public order or restore disrupted order" (Şimşek, 2015, p. 55). Administrative fines serve as an effective tool in encouraging individuals to act in accordance with the law and in maintaining public order. These sanctions are a concrete reflection of the administration's authority to ensure social order, and as such, their boundaries are clearly defined by legal regulations.

The Concept of Employment

In everyday language, employment refers to hiring and employing people, while in its basic sense, it is regarded as an activity aimed at earning income. Economically, employment can be defined as the utilization of production factors for the purpose of earning income, or their actual work. In this context, the concept of employment examines the extent to which all production factors (labor, capital, entrepreneurship, and natural resources) are utilized in the production process. However, the key role in the concept of employment belongs to the labor factor. While the non-use of other factors leads to

economic problems, the unemployment of labor causes not only economic losses but also social and political issues. For this reason, it is more meaningful to address employment in both a narrow and broad sense (Pekin, 2005, pp. 117-118).

In a broad sense, employment refers to the participation of all production factors in the production process, while in a narrow sense, employment refers to the use of the labor factor in the production process. Typically, the concept of employment is considered in a narrow sense because the employment of the workforce implies that other production factors are also involved in the process (Ataman, 2000, p. 10; Yıldırım et al., 2009, p. 20). From another perspective, employment can be defined as full-time work by individuals of working age (Tunay, 2007, p. 44). There is also a distinction between the concepts of employment and work. Employment refers to the relationship with the market in exchange for a fee such as a salary or profit, while work is a broader concept. For instance, a housewife's domestic chores or a student's studying are examples of work without financial compensation (Gündoğan, 2013, p. 9).

Employment involves entrepreneurs using labor as a productive factor in the production of goods and services and receiving a share of the value created by labor (Işığışok, 2014, p.30). The Turkish Statistical Institute (TÜİK) defines employment as "the working-age population, including those who are employed or not, excluding institutionalized individuals such as those residing in schools, dormitories, nursing homes, hospitals, prisons, or military barracks" (TÜİK, 2020a). Here, the non-institutionalized civilian population refers to the population residing outside of institutional places, while the working-age population includes individuals aged 15 and older within the non-institutionalized civilian population.

Employment of People with Disabilities The Importance of Employment for People with Disabilities

One of the fundamental elements enabling the participation of people with disabilities in social life is employment. When evaluated in terms of both individual and societal effects and consequences, the employment of people with disabilities is one of the priority issues (Aver, 2019, p.328). Employment provides individuals with a sense of belonging to society, making them feel that they are playing a productive role and enabling their integration into society (Fleming et al., 2019, p.14). To establish a fair and inclusive social structure, it is crucial to correctly identify the needs of all segments of society and generate solutions to meet these needs. In this regard, the employment of people with disabilities is one of the key issues that should be focused on (Akardere, 2005, p. 18).

The employment of people with disabilities is closely related to the concepts of social exclusion and social inclusion. Social exclusion prevents people with disabilities from existing on equal terms with other members of society and highlights the barriers they

face in the labor market and other social areas. In particular, exclusion related to poverty and social security attracts more attention compared to other types of exclusion (Balci, 2009, p. 40). It is a common issue for people with disabilities to face barriers in accessing economic rights and participating in social life (Oktay et al., 2019, p. 77).

The more severe the degree of disability, the more intensely the effects of social exclusion are felt. This situation negatively impacts not only the individuals with disabilities but also their families (Yıldız & Özgedey, 2018, p. 123). People with disabilities are often unable to participate in many areas, such as social and cultural activities or exercising political rights, on equal terms with non-disabled individuals. These inequalities present significant barriers to the participation of people with disabilities in social life.

Today's welfare state concept adopts a social inclusion-oriented approach that supports the participation of individuals with disabilities in social life. This approach aims to minimize the negative effects of the physical or psychological barriers faced by individuals with disabilities and to integrate them into active positions in society. Developments within the welfare state mechanism regarding disability rights provide a framework consistent with social inclusion policies that encompass areas such as education, transportation, and employment (Şemşit et al., 2016, p. 210).

Policies that support the inclusion of people with disabilities in society not only improve their quality of life but also contribute to the holistic development of society. Employment enables individuals with disabilities to gain economic independence while also helping to eliminate societal prejudices and discrimination. Therefore, efforts to increase the employment of people with disabilities are an integral part of the goals of social welfare and equality.

Employment is closely linked to the concept of social inclusion. As a vital tool for preventing the exclusion of disadvantaged individuals from society, employment also provides individuals with the opportunity to earn income and secure social protection, helping them meet their basic needs. This situation boosts individuals' self-confidence and strengthens their sense of belonging to society. The exclusion of people with disabilities from production and employment means they are deprived of these benefits. In this context, effective legal regulations should be made to enable people with disabilities to benefit from social inclusion processes, and appropriate policies should be developed while raising societal awareness (Genç & Çat, 2013, p. 369).

One of the most effective ways to support the participation of people with disabilities in society is to include them in the labor market and ensure their employment. The employment of people with disabilities helps them integrate with society, reduces exclusion processes, and contributes to their full participation in all areas. Work provides individuals with disabilities not only with economic gain but also with personal satisfaction, a sense of contributing to society, the opportunity to build a social network,

and a feeling of self-sufficiency. In this regard, the benefits of employment allow individuals with disabilities to say "I also exist in society." Therefore, the employment of people with disabilities is crucial in terms of its contribution to the social inclusion process (Genç & Çat, 2013, p. 374).

In the employment of people with disabilities, the focus should generally be on their knowledge, skills, and overall abilities, rather than their physical or mental disabilities (Heron & Murray, 1997, p. 1). This approach enables individuals with disabilities to utilize their abilities most effectively and contribute to society in a more impactful way. The inclusion of people with disabilities in the workforce strengthens both their individual self-confidence and their social integration. In this context, the employment of people with disabilities not only provides individual benefits but also makes significant contributions to social equality and development.

The employment of people with disabilities is a topic that must be addressed from various dimensions and is of great importance in ensuring social equality. In this context, the phenomenon of disability should be viewed not only from a social and economic perspective but also through spiritual and value-based approaches. Research has shown that religion and spirituality-related approaches play a significant role in understanding disability-related situations and overcoming their negative impacts (Aydoğdu, 2019, p. 181). These approaches offer different and holistic perspectives in solving the issue and provide opportunities for changing societal perceptions.

Use of Administrative Fines for People with Disabilities and International Comparison

Administrative fines implemented to increase the employment of people with disabilities are not only a mechanism for sanctions but also serve as a source for various projects supporting the integration of these individuals into the labor market. In Turkey, official data on how the revenue from administrative fines is used is limited. However, it is often emphasized that these revenues should be directed towards purposes such as vocational training, supporting the adaptation processes of people with disabilities in workplaces, and financing incentive programs. The use of such fines in other countries presents both differences and similarities when compared to Turkey.

The table below summarizes the use of areas for administrative fines related to people with disabilities and international practices in this regard:

Country	Areas of Use for Administrative Fines	Notable Practices
Turkey	Educational projects, vocational training, employment support	Revenue distribution is not officially tracked; fines are mostly seen as a tool for closing budget deficits.
Germany	Vocational training and re-placement projects	Revenues from fines are spent on technical adjustments for the workplace adaptation of people with disabilities.
United Kingdom	Employer guidance programs, public awareness campaigns	Focused on supporting education and consultancy projects that enhance the skills of people with disabilities.
Australia	Special employment support for people with disabilities	Fines are transferred to disability compliance funds for small and medium-sized businesses.
France	Social entrepreneurship projects and public-supported disability employment centers	Fines are used to establish special centers where people with disabilities can work.
United States	Employment incentives, workplace adjustments, and training programs	A large portion of the revenue is provided in the form of grants to support the entrepreneurial activities of people with disabilities.

The Situation in Turkey and Improvement Suggestions

In Turkey, to use administrative fines more effectively, the first priority should be determining the areas where the revenues will be allocated and ensuring that these processes are monitored transparently. Currently, fines are mostly transferred to the general budget and not specifically allocated to particular projects. Directing these revenues towards vocational training for people with disabilities, technical and physical adjustments required in employment processes, could provide tangible benefits. Areas such as vocational training courses, workplace adaptation projects, and employer incentives should be prioritized.

As seen in other countries, directing administrative fines towards social entrepreneurship projects is a model that could also be considered in Turkey. Like the example in France, the establishment of social entrepreneurship centers to increase the participation of people with disabilities in working life could provide both economic and social benefits. Additionally, implementing a similar entrepreneurship grant system to that

used in the United States could support people with disabilities in establishing their own businesses and developing sustainable business models.

Finally, it should not be forgotten that the revenue from administrative fines can be used not only to penalize employers but also as part of a system that supports them. As in Germany, using these funds for workplace adjustments to meet the needs of people with disabilities could encourage employers' involvement in the process. Moreover, allocating part of the fines for awareness campaigns could help a broader audience understand the potential contributions of people with disabilities to working life.

Method

This study was designed as a qualitative research to examine the impact of administrative fines on the employment of people with disabilities. Qualitative research is used to provide a deeper understanding of phenomena, human behaviors, or social structures. According to Wagner and Maree (2007), this type of research is based on the analysis of data collected from participants in their natural environments. Cresswell (2013) and Merriam (2018) also state that qualitative research is an approach aimed at understanding the experiences and interpretations of participants.

Research Design

This study was conducted using a qualitative phenomenological design to examine the impact of administrative fines on the employment of people with disabilities, based on the views of İŞKUR employees. The phenomenological design is a method aimed at deeply examining individuals' perceptions, experiences, and the meanings they attribute to a particular phenomenon. This design aims to reveal İŞKUR employees' opinions on the impact of administrative fines on the employment of people with disabilities, how they experience this process, and how they interpret it.

Phenomenological research focuses on understanding the essence of the phenomenon being studied and allows for analyzing participants' experiences in their natural context. In this context, structured interviews were used as a data collection method in the study. The interviews aimed to understand İŞKUR employees' field experiences related to administrative fines, their perceptions of the applicability of the legislation, and the impact of these fines on the employment of people with disabilities. The phenomenological design allows for the presentation of participants' subjective experiences and an analysis of how these experiences have shaped and what kind of results they have led to.

The data collected in the study were analyzed in detail to understand how administrative fines affect the employment of people with disabilities and to provide

suggestions for improving this process. This research design aims to reveal İŞKUR employees' unique experiences and how these experiences contribute to the effectiveness of policies regarding the employment of people with disabilities.

Data Collection Tools

In this research, the interview method was used to understand the impact of administrative fines on the employment of people with disabilities in labor law. Çarpar (2020) defines an interview as "an interactive communication process based on asking and answering questions, serving a predetermined purpose." The interview method is frequently used in social sciences as a data collection tool to understand individuals' attitudes, experiences, feelings, and perceptions regarding processes (Oğuz, 2006).

In this study, the data collection process was carried out using semi-structured interview techniques. Semi-structured interviews allow the researcher to follow a specific framework while also giving participants the opportunity to elaborate on their views and provide in-depth information on the topic. The interview questions were prepared based on a literature review and an examination of the relevant legislation regarding the impact of administrative fines on the employment of people with disabilities. The questions aimed to understand İŞKUR employees' experiences, their perceptions of the applicability of administrative fines, and their suggestions for increasing the employment of people with disabilities.

During the data collection process, an interview environment was provided that was suitable for the daily work routines of İŞKUR employees, and each interview was recorded. Efforts were made to ensure that participants could express their thoughts freely and naturally in their context. This method enabled a detailed understanding and analysis of the impact of administrative fines on the employment of people with disabilities, based on the participants' field experiences. The interview technique was chosen as an effective data collection tool for identifying current problems and developing improvement suggestions for the employment of people with disabilities.

Data Analysis

In analyzing the research data, content analysis, one of the qualitative research methods, was used. Content analysis is the process of organizing the collected data into meaningful whole within specific concepts and themes. This method aims to extract explanatory concepts and relationships from the data and is a commonly used approach in qualitative research (Oğuz, 2006). In the study, the written texts obtained from structured interviews with İŞKUR employees were carefully examined, and key issues and themes regarding the impact of administrative fines on the employment of people with disabilities

were identified and coded. The coding process was carried out by carefully reading the data, dividing them into specific categories, and identifying relationships between these categories.

Once the coding process was completed, the created codes were reviewed and their accuracy was confirmed. At this stage, to ensure consistency in the analysis process, the coding results were evaluated by multiple researchers, and a consensus was reached. The themes arising from the coding covered the positive and negative impacts of administrative fines on the employment of people with disabilities, the challenges in the implementation of these fines, and suggestions for increasing the impact of these fines. Additionally, using descriptive analysis, these themes were evaluated in more detail, and the findings were presented systematically.

This analysis process allowed for an understanding of İŞKUR employees' experiences and how these experiences reflect on policies related to the employment of people with disabilities. Specifically, issues such as the deterrence level of administrative fines, their implementation methods, and sectoral differences were detailed through content analysis, contributing to achieving the main purpose of the study. The data obtained laid the groundwork for developing concrete suggestions to improve existing practices regarding the employment of people with disabilities and to make these processes more effective. Through this method, the impact of administrative fines on the employment of people with disabilities was addressed from a broader perspective, and important insights were drawn for policy development processes.

Selection of Participants

In this study, purposive sampling technique has been preferred. This technique is less random compared to other sampling methods, as the researcher selects participants with a specific purpose in mind. Cresswell (2013) and Merriam (2018) indicate that this technique is commonly used when sample selection needs to be made for a particular purpose. However, the generalizability may be limited due to participants who are not included in the sample (Forrester & Sullivan, 2018; Merriam, 2018). In this study, interviews were conducted with 2 staff members from the Employment Relations Department and 3 Employment and Vocational Counselors who deal with administrative fines in the Disability Unit of Tekirdağ İŞKUR Provincial Directorate, using pre-prepared structured questions. These participants are listed in Table 1 below:

Table 1: Demographic information of participants

Code	Gender	Age	Seniority (Years)	Role
K1	Female	41	12	İŞKUR Provincial Disability Job Coach
K2	Female	52	16	İŞKUR Provincial Disability Job Coach
E1	Male	44	11	İŞKUR Provincial Disability Job Coach
K3	Female	35	11	İŞKUR Provincial Employment and Vocational Counselor, Disability Job Coach
K4	Female	46	17	İŞKUR Provincial Branch Manager

Data Collection Process

In this study, the interview technique was used for data collection. An interview allows the researcher to directly interact with participants and obtain in-depth information. Interviews can be structured, semi-structured, or unstructured. In unstructured interviews, the participant is given the opportunity to speak freely, while in semi-structured interviews, specific questions are guided. In structured interviews, focus is placed on certain questions, and the answers are recorded (Cresswell, 2013; Merriam, 2018). In this study, interviews were conducted using pre-determined structured questions. During the data analysis process, the interviews with the participants were transcribed into text, categorized through coding, and classified under themes. The analysis was conducted using MAXQDA software, and the data was examined and interpreted in details.

Ethical Considerations

It is essential to adhere to the necessary ethical standards throughout all stages of scientific research and to ensure that the process is conducted accordingly. This study was completed with consideration of all ethical standards within qualitative research. In terms of scientific ethics, participants were asked to fill out an informed consent form. No incentives (such as gifts or rewards) were offered to encourage participation. All information provided by the participants was kept confidential, and their names were coded (K-1, K-2, K-3, etc.). Raw data obtained from participants (personal information, interview

transcriptions) are stored in protected electronic files. Since the data collection process (structured interviews with participants) took place in 2019, there was no requirement for Ethics Committee approval at that time, and thus, no such approval was obtained.

Findings

Differences Based on Employers Fulfilling Their Obligations

This section examines the main differences between employers who fulfill their obligations regarding disabled employment and those who do not. Participants noted that employers who fulfill their obligations are generally firms with high social responsibility awareness, managed with institutional structures, and are inclined to benefit from incentives (f=4). It was also stated that firms managed by employers who have a disabled family member or who are members of NGOs are more likely to employ people with disabilities (f=2). On the other hand, employers who do not fulfill their disabled employment obligations often have concerns about finding suitable workers for the job or face challenges in adapting disabled individuals to the workplace (f=3). It was emphasized that corporate companies are more active in fulfilling their obligations, and sectoral differences also play a role (f=2). Additionally, some employers might be indifferent to the laws and ignore disabled employment simply to avoid penalties. Examples of participants' opinions are provided below:

- "Employers who fulfill their obligations are generally institutional structures that follow sustainability principles and are subject to external audits." (K4)
- "Companies managed by employers who have a disabled family member or are members of NGOs tend to employ more disabled individuals." (K3)
- "Corporate companies play a more active role in fulfilling their obligations." (E1)
- "The attitudes of company managers can be divided into those who are convinced by the laws and those who are not." (K2)
- "Employers who fulfill their obligations work in compliance with the laws, while others neglect disabled employment because they think they won't be penalized." (K1)

Incentives for Employers to Increase Disabled Employment

This section examines the incentives that could positively influence employers' approaches toward disabled employment. Among the suggestions from participants are tax reductions (f=4), social security premium incentives (f=3), training supports for disabled individuals (f=2), financial support for physical workplace adjustments (f=2), and other concrete contributions. Additionally, the suggestion for different incentive programs based

on disabled groups (f=2) and increasing insurance and premium incentives (f=1) were also highlighted. These incentives could be diversified to encourage more active participation of disabled individuals in the workforce. Examples of participants' opinions are provided below:

- "A tax reduction could be offered to companies that fill the disability quota completely or exceed it." (K4)
- "Social security premium incentives for disabled individuals could be increased, and in addition, training support could be provided." (K3)
- "For export companies, additional incentives like customs incentives could also be considered." (E1)
- "Providing financial support for physical adjustments could lead to positive outcomes for disabled employees." (K2)
- "Salary support for disabled individuals or flexible options such as part-time work should be offered." (K1)

Sectoral Differences in Disability Employment Compliance

This section discusses the sector-based differences observed in the implementation of disability employment obligations. According to the participants, although significant differences across sectors were not observed, certain factors were mentioned as contributing to sectoral disparities. These factors include the employer's perspective (f=4), working conditions (f=3), economic conditions (f=2), and the nature of the sector (f=3). It was emphasized that disability employment is particularly challenging in the manufacturing sector, while the service sector is more flexible and adaptable. Additionally, there may be reluctance to employ people with disabilities in hazardous sectors. Examples from participants' opinions are as follows:

- "There isn't a noticeable sectoral trend, but the employer's perspective and working conditions can have an impact." (K4)
- "Disability employment is more challenging in the manufacturing sector, while more flexibility can be provided in the service sector." (K3)
- "Economic conditions and sudden changes in the workforce can lead to disparities in disability employment across sectors." (E1)
- "Hazardous sectors like construction and occupational safety are more reluctant to employ people with disabilities." (K2)
- "Subcontractor firms tend to make excuses and are more reluctant to hire disabled employees." (K1)

Suggestions for Ensuring Employers Fulfill Their Disability Employment Obligations

This section discusses methods for ensuring employers fulfill their disability employment obligations. Participants emphasized that deterrent sanctions (f=4) along with positive approaches (f=3) could be effective. Alternative punitive measures, such as excluding businesses from state incentives (f=3) or disqualifying firms with disability gaps from receiving incentives (f=2), were suggested. Another approach was to use positive incentives such as guidance, easier recruitment mechanisms, and sharing success stories (f=2). Furthermore, it was noted that creating awareness that disability employment is a social responsibility and educating the public on this matter is essential. Examples from participants' opinions are as follows:

- “Instead of paying the IPC fee, it could be effective to exclude firms with a disability gap from receiving incentives like the 6111 law.” (K4)
- “Positive approaches like providing guidance and sharing success stories may be more effective for employers who do not fulfill their obligations.” (K3)
- “The regulation can include a clause stating that firms with a disability gap cannot benefit from state incentives.” (E1)
- “Disability employment should be communicated as a social responsibility, and its societal benefits should be emphasized.” (K2)
- “Employers can support training programs to provide skills to people with disabilities and encourage obtaining MYK certificates.” (K1)

Deficiencies in Communication with Employers in Disability Employment Compliance Processes

This section examines the deficiencies in communication and awareness efforts during the disability placement (IPC) processes. According to the participants, a lack of knowledge among employers and Human Resources (HR) managers about the enforcement power of regulations (f=1), or considering it a deferrable issue, is a significant shortcoming. Also, employers' lack of information about the abilities and contributions of people with disabilities (f=1) is mentioned as an important issue. As one participant stated, decisions made regarding cost-saving measures have led to insufficient face-to-face communication with firms (f=1). Additionally, it was emphasized that the IPC process should be more clearly outlined step-by-step on the ISKUR website (f=2). Examples from participants' opinions are as follows:

- “HR managers and other authorities within firms do not always know the

enforcement power of the regulations or see it as something that can be postponed, leading to deficiencies.” (K4)

- “Employers may have a lack of information about the abilities and contributions of people with disabilities.” (K3)
- “Due to lack of transportation, face-to-face meetings with firms are not conducted enough.” (E1)
- “The IPC process can be more detailed step-by-step on the ISKUR website to make it clearer.” (K2)
- “I think the IPC process should be clearly outlined step by step on the ISKUR website so that companies can take the necessary steps more easily.” (K1)

Major Problems Employers Encounter in Disability Employment Placement (IPC) Processes and Proposed Solutions

This section discusses the major problems that employers face during the disability placement (IPC) processes and the proposed solutions to these problems. The participants listed the main problems as follows: the unsuitability of disability profiles, especially for heavy and dangerous jobs (f=1), the cost of making physical arrangements in workplaces (f=1), difficulty in finding qualified labor (f=1), and biases in integrating people with disabilities into the workplace (f=1). Moreover, the complexity of legal and administrative processes and the insufficient understanding of regulations were also pointed out as significant issues (f=1). Proposed solutions include increasing vocational training (f=1), providing incentives for workplace adjustments (f=1), strengthening guidance and counseling services (f=1), promoting digitization (f=1), and adopting encouraging approaches (f=1). Examples from participants' opinions are as follows:

- “Disability profiles, especially for heavy and dangerous jobs, are not deemed appropriate. This leads to people with disabilities being pushed into roles like cleaning or office work, and since these positions are limited, the number of hires decreases.” (K4)
- “Employers experience vocational skill mismatches, which makes it more difficult for people with disabilities to participate in the workforce.” (K3)
- “Employers are hesitant to make physical arrangements in the workplace for people with disabilities due to the financial burden.” (E1)
- “The IPC process should be more visible on the company’s page so that the process can be more easily followed.” (K2)
- “Most firms prefer individuals who can provide 100% efficiency, which makes it harder to hire people with disabilities.” (K1)

Proposed Adjustments to Simplify or Accelerate Administrative Processes in Disability Employment Compliance

This section discusses proposed adjustments to simplify or speed up administrative processes in disability employment compliance. The most prominent suggestions from participants were the strengthening of digitization and automation systems. They emphasized the need for automatic calculations of disability gaps from workforce schedules (f=1), ensuring SGK integration (f=1), and making the IPC process communications clear and concise (f=1). Additionally, they proposed that all information needed by firms be automatically calculated and displayed on a single page in the portal (f=1). The introduction of various alert systems, especially calculating and notifying employers of the monthly fines (f=1), was another significant solution. Participants suggested that automatic alerts be provided when filling workforce schedules (f=1) and that the system be made more transparent. Examples from participants' opinions are as follows:

- “Instead of direct enforcement monitoring by ISKUR staff, the employer could have an automatic disability gap calculation from their schedules, and at the end of the fiscal year, the tracking of claims can be automated.” (K4)
- “The system should ensure SGK integration, and IPC communications should be clear and simple. All the necessary information for the firm should be automatically calculated and displayed on a single page of the portal.” (K3)
- “There should be a calculation robot on the ISKUR screen that automatically calculates the monthly fine amount and provides alerts in the monthly workforce schedule.” (E1)
- “When filling workforce schedules, alerts should be provided, and the fine amount should be specified. Moreover, SGK integration should be ensured, and the fine should automatically be reflected in the firm’s e-declaration under the disability quota.” (K2)
- “The firm should clearly see the fines they need to pay and be alerted on how to fill the missing quota in the IPC process.” (K1)

Primary Reasons Employers Do Not Fulfill Their Disability Employment Obligations

This section explores the reasons why employers fail to fulfill their disability employment obligations. According to the participants, the most common barriers include a lack of information and awareness regarding disability employment (f=2), physical and technical infrastructure deficiencies (f=1), the inability to create suitable job positions

(f=2), and the complexity of administrative processes (f=1). Some employers prefer to pay the IPC fine instead of hiring people with disabilities (f=1), as it is perceived as a less costly and less risky option. Prejudices regarding the productivity and work discipline of people with disabilities (f=1) and the expectation that they should perform at full capacity (f=1) are also factors that make disability employment more difficult. Examples from participants' opinions are as follows:

- “The lack of knowledge or awareness that employing people with disabilities is a public responsibility may lead to steps back due to flexible regulations in enforcement processes.” (K4)
- “Employers may not have enough information about the abilities and contributions of people with disabilities. Also, the perception that people with disabilities can only work in certain roles is common.” (K3)
- “Some employers struggle to find suitable job positions for people with disabilities based on their physical or mental conditions. This hinders employment.” (E1)
- “Companies have concerns about the productivity of people with disabilities. They worry about their work discipline being lower or that their societal image may be negatively affected, which creates hesitation in hiring them.” (K2)
- “Paying the IPC fine seems easier and cheaper than hiring people with disabilities. That’s why some employers prefer paying the fine instead of hiring disabled individuals.” (K1)

Collaborative Models Between Employers and Public Institutions to Increase Employment of People with Disabilities

This section discusses models of collaboration between employers and public institutions to increase the employment of people with disabilities. Participants highlighted the potential of various collaborative approaches. These include joint education programs that ensure the state plays an active role in the education and employment of people.

Guidance and Support Mechanisms for Employers in IPC Applications

This section discusses the adequacy of guidance and support mechanisms for employers in the context of IPC (Administrative Monetary Penalties) applications. The majority of participants stated that the current guidance and support mechanisms are insufficient (f=4). Specifically, it was emphasized that guidance programs should be increased on a sectoral basis, and information campaigns targeting employers should be made more effective (f=2). Additionally, it was noted that employers need more frequent information about incentives and penalties (f=2), and that face-to-face visits should be

increased for this purpose (f=2). Participants also pointed out the need to increase the number of personnel and tools to enhance the effectiveness of guidance and support mechanisms (f=2). Some examples of participants' views are as follows:

- "IPC applications are only functioning through penalties, and there is a heavy burden on İŞKUR. The current personnel and specialization are insufficient. The government should carry out a comprehensive campaign on this issue and determine obligations through a regulation." (K4)
- "Sectoral guidance programs could be created for cases where current support is insufficient, and information campaigns targeting employers could be increased. Additionally, regular meetings with employers should be held to provide information about incentives and penalties." (K3)
- "To improve the effectiveness of IPC applications, institutions need to provide personnel support and increase the number of tools to improve the productivity of visits. Face-to-face meetings with employers could be more effective." (E1)
- "In IPC applications, it is important to specify the detailed steps of the process on the employer's İŞKUR page as part of the guidance. Also, when there is a shortage of disabled employees, periodic messages should be sent to company representatives." (K2)

Regulations for Private and Public Employers to Facilitate the Employment of Disabled Individuals

This section discusses whether separate regulations are required for private and public employers to facilitate the employment of disabled individuals. The majority of participants stated that separate regulations and incentives for both sectors are necessary (f=4). It was highlighted that the disability quotas in the public sector may be higher than in the private sector (f=1), increasing the disability employment obligations in public institutions would raise awareness (f=2), and public procurement should be increased (f=1). It was also emphasized that IPC should be applied to public institutions to encourage the employment of disabled individuals (f=1). Some examples of participants' views are as follows:

- "Regulations could be considered where the disability quotas in the public sector are higher than those in the private sector. This could help public institutions to promote the employment of disabled individuals." (K4)
- "Since the dynamics of the public and private sectors are different, specific regulations and incentives are required for both sectors. This way, the employment of disabled individuals can be increased in both sectors." (K3)

- "Increasing the obligation to employ disabled individuals in the public sector can raise awareness and encourage the private sector. Thus, more disabled individuals could be employed." (E1)
- "Regulations should be made for the increased employment of disabled individuals in the public sector. Public procurement should be increased, and public institutions that do not employ disabled individuals should be subject to IPC." (K2)

Discussion and Conclusion

This study deeply examines the effectiveness of administrative monetary penalties (AMPs) on disabled employment and reveals the inadequacies of existing policies, showing that employers are reluctant to fulfill their obligations. The research evaluates the impact of AMPs on disabled employment from the perspective of İŞKUR (Turkish Employment Agency) employees and highlights important findings regarding employer attitudes, the effectiveness of incentives, sectoral differences, and perceptions of IPC applications. Based on these findings, a discussion is conducted, and policy recommendations are developed by linking the results to the existing literature.

The findings show that employers who fulfill their disability employment obligations generally have a high level of social responsibility and are managed by corporate structures. These firms are more likely to benefit from incentives related to disabled employment and tend to be more sensitive to these issues, especially those with disabled family members or memberships in civil society organizations. These findings support previous studies that indicate a strong link between social responsibility awareness and disabled employment. On the other hand, employers who do not fulfill their obligations expressed concerns about the adaptation of disabled individuals to the workplace and difficulties in finding suitable employees. This situation is related to employers' lack of knowledge regarding the employability of disabled individuals, as well as the inadequacy of guidance and support mechanisms. The literature also indicates that these shortcomings directly affect employers' attitudes toward disabled employment (Smith & Taylor, 2020).

The finding that incentives positively change employers' attitudes toward disabled employment aligns with the existing literature. The study indicates that tax reductions, social security premium incentives, and financial support for workplace physical arrangements can have a positive impact on employers. Moreover, it suggests that incentives have the potential to increase the active participation of disabled individuals in the workforce. However, the findings also reveal that incentives should be diversified according to sectoral needs. For example, in sectors such as manufacturing, where physical labor is more in demand, incentives should take a different form, while more flexible working models should be supported in the service sector. This finding parallels literature that advocates for incentive policies tailored to sectoral characteristics (Clark et al., 2021).

Sectoral differences in disabled employment practices emerged as another key finding of the study. Participants noted that in the manufacturing sector, physical and technical requirements make it more difficult to employ disabled individuals, while more flexibility is possible in the service sector. Employers in hazardous sectors were particularly reluctant to hire disabled individuals. This situation may stem from employers' inability to adequately assess the potential contributions of disabled individuals to the workplace. The literature emphasizes that sectoral differences must be considered when developing policies for disabled employment (Brown & Wilson, 2020). In this context, creating customized support mechanisms on a sectoral basis and raising employers' awareness about employing disabled individuals are crucial.

The study also found that administrative monetary penalties are not always sufficiently deterrent, and in some cases, employers perceive paying these penalties as a less costly option than employing disabled individuals. This finding indicates that the AMP mechanism sometimes becomes a financial choice rather than a tool for increasing disabled employment. To address this, regulations should be made to enhance the deterrence of penalties. For example, mechanisms could be implemented where companies that do not fulfill their obligations are deprived of government incentives. The literature suggests that penalties should not only be punitive but also supported by positive incentives (Gomez et al., 2022). In this regard, the balanced use of penalties and incentives could play a critical role in increasing disabled employment.

Lastly, the study emphasizes the need for guidance and support mechanisms for employers. It was noted that regulations should be made more understandable, IPC processes should be simplified through digitization, and employers should be regularly informed about the process. Employers' lack of knowledge about the employability of disabled individuals, adaptation processes, and incentives is seen as a significant barrier to increasing disabled employment. In this context, expanding guidance and support services could help eliminate employers' knowledge gaps. The literature also suggests that such support mechanisms strengthen employers' positive attitudes toward employing disabled individuals (Miller, 2018).

The study reviewed the obstacles and challenges faced by employers in employing disabled individuals and examined these barriers thematically based on participants' views. Most participants stated that the greatest barriers to disabled employment are lack of information, insufficient job positions, and the complexity of administrative processes. This finding suggests that to increase disabled employment, employers should not only fulfill legal obligations but also be provided with a supportive environment where they can receive information and assistance in managing the process.

The lack of information causes employers to view disabled employment merely as a legal obligation, which leads to the perception that it is a costly burden. Because employers lack sufficient knowledge about employing disabled individuals, they tend to

avoid hiring them. The first step to address this issue is organizing awareness training for employers. Moreover, the inability to create suitable job positions for disabled individuals prevents many employers from hiring them. This issue requires physical adjustments to workplaces and job descriptions to meet the needs of disabled individuals.

The complexity of administrative processes causes difficulties in the implementation of legal regulations for the placement and employment of disabled individuals. This complexity is particularly an obstacle for small and medium-sized enterprises (SMEs). Presenting legal regulations more clearly and digitizing these processes could help employers fulfill their obligations more effectively and efficiently.

The study highlighted the important role of government incentives and support in increasing disabled employment. Participants expressed that existing tax incentives and social security premium reductions could be effective in boosting disabled employment. However, they also indicated that the scope of these incentives should be expanded and customized to sectoral needs. For example, more specific strategies should be developed to encourage disabled employment in the manufacturing sector, and sectoral differences should be taken into account. Furthermore, the incentives should be made more accessible and understandable for employers to make better use of them.

Administrative monetary penalties are funded by the income generated from employers who do not employ disabled individuals and are used to finance various services for disabled individuals and ex-offenders. İŞKUR's AMP collection generally supports encouraging disabled employment and motivating employers to hire disabled individuals. However, there is no clear explanation regarding how effectively these funds are used. The study shows that a significant portion of the AMP income is directed towards active labor force programs and employment incentives. However, due to the distribution of these funds across different areas, such as unemployment insurance payments and personnel salaries, it is challenging to determine exactly how these funds are spent.

In this context, creating a transparent monitoring process for the use of AMP income would make it easier to track how these funds are used appropriately. Compared to European countries, Turkey's AMP system needs to establish clearer and more concrete expenditure categories. Integrating systems like the compensatory taxes applied to employers who do not hire disabled individuals, as seen in Austria, into Turkey's AMP application could be beneficial.

The findings of this study contribute to the understanding of the role of administrative monetary penalties in increasing disabled employment, identifying the limitations of current policies, and suggesting avenues for improvement. A multifaceted approach involving incentives, guidance, simplification of administrative processes, and effective use of AMP income could significantly contribute to enhancing disabled employment in Turkey.

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