

Evaluation of the Causes of Exposure to Mobbing of Employees in the Public Sector in Turkey

Authors : Taner Cindik, Ferya Tas Ciftci

Abstract : Mobbing in the public sector and specific issues (i.e., the demand for non-pecuniary damages) regarding mobbing have become very important in the light of the precedents constituted by the Turkish Council of State in 2010. The legal scope of mobbing is not able to be determined since the concept of mobbing is not defined in Turkish law system. This study aims to reveal three major problems caused by the lack of laws related to mobbing in the Turkish legal system. First, the absence of an arrangement for disciplinary penalties leads that general provisions in the disciplinary law are implemented. This situation, therefore, causes difficulties in practice. Second, not being drawn of the lines in the topic concerning mobbing in public sector leads confusions in being direction of hostility. Third, the fact that there is a legal gap on seeking non-pecuniary compensation when employees in public sector are exposed to mobbing might make it difficult to obtain non-pecuniary compensation. Within the context of these major problems, civil servants in Turkey do not have enough protection mechanism. However, some possible legal arrangements will help civil servants to protect against mobbing. This study may be considered important because of the fact that mobbing in the public sector is at a significant level and has not been evaluated in this context before. This research is mainly a study of Turkish legal system and evaluates critically law case to determine legal problems. As a result of this study, three main problems might be identified because there is legal gap regarding mobbing in the public sector. In conclusion, the introduction of the major problems related to mobbing in this study might shed light on making the proper regulations of this subject in Turkish law system. In this respect, the plaintiff will be provided convenience in the point of non-pecuniary damages and this study will guide the assessment of legal liability of those who implement mobbing.

Keywords : human rights violations, mobbing, public sector, direction of hostility, non-pecuniary compensation, disciplinary law

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