Info note on Omnibus Law to Introduce Changes in the Several Laws on Health Sector and in Emergency Decrees

Justice and Development Party (AKP) deputies manipulate the society by claiming that the draft Omnibus Law on Health Sector, which was submitted to the Grand National Assembly of Turkey (TBMM) on 30 October 2018, targets “violence against health officers in the health sector.”  This draft law, however, does not aim to eliminate violence in the health sector. No organizations, which work in the health sector, were consulted by the legislative body. The Omnibus Law, as in the case other omnibus laws, introduces several changes to the law on health. Some of these changes include banning medical doctors and dentists, who are either dismissed from the public sector or deemed problematic on the basis of security investigation,  from working in the private sector. This change will be a new practice that amounts to civic death. The following paragraph expresses SES opinions about the draft law that is discussed by the Parliamentary Commissions on Health, Family, Labour and Social Issues.

The draft law bans medical doctors or dentists, who are dismissed from the public sector or deemed problematic on the basis of security investigations, from working even for private hospitals or foundation universities providing that these hospitals have a protocol with the Social Security Institutions. These medical doctors and dentists will not be able to work in type of health institution unless they complete the obligatory service for the public sector. In fact, the obligatory service is around 600 days. Those who complete the obligatory service will be able to work only for private hospitals. This provision will lead to another form of civic death.

The President Erdogan, however, stated that health officers, particularly dismissed medical doctors, could work for private hospitals even under the State of Emergency. What has changed now? Why does the ruling party need a law to ban these health officers from working and to make them unemployed in a period that these people have no choice other than private hospitals? If private sector does not want to work with these people, hospitals may terminate contracts with them? Then, the health officers may apply to court to follow the legal procedure. Despite this clear fact, there is an attempt to introduce a law that is contrary to the Constitution and International Conventions as well as fundamental rights and freedoms. Certainly, the new law in question will violate right to work and private sector’s choice to sign a contract with people whom it wishes. It is also against the Constitution based on the social state principle.

SES would like to remind that substantial changes were introduced to the “Regulation on Security Investigations and Archive/Classified Information” by the Presidential Decree No 228 published by the Official Gazette on 24 October 2018. These changes requires stricter criteria that approach to almost all public officers as if they work for high-security institutions. Consequently, those who are not in line with the political power have the minimum chance to pass security investigations. The Presidential Decree is contrary to the Council of State’s decisions as well as the Constitution. Under the existing circumstances, medical doctors and dentists have lesser chance to be employed by the public sector. In addition to these problems, there is an attempt to prevent these people from working for the private sector. Therefore, we ask you to take actions, which will raise our contacts, and put pressure on the Government to withdraw the draft Omnibus Law.

It is impossible to accept this draft law. SES will struggle against the law by presenting the facts to the public opinion, organizing activities and actions, and having joint events with relevant stake holders.

SES