

## Labour Relations, Social Rights and Trade Union Movement in Turkey – Current Developments

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### 1. Introduction

As a result of the ongoing economic crisis there is growing popular dissatisfaction with regard to social and economic rights in Turkey. Legal safeguards related to such rights are under increasing attack. Unemployment rose to 16.1 per cent in February, not counting seasonal workers; the figures on youth unemployment seem to be even worse. Politicians have declared that the worst part of the crisis is over; however, they cannot deny that the decline in employment may not be reversed as quickly as it came into being.

Despite pressure from EU institutions, Turkey is reluctant to pass the Draft Law on Trade Unions, which would recognise many additional workers' rights and ease the opening of negotiations on Chapter 19 on Social Policy and Employment in the EU accession process. Inconsistencies in recent social security law still need to be harmonised with the existing regulations. Complaints by trade unions about the malfunctioning of the Social Council as an instrument of social dialogue are increasing. At the same time, despite the fact that the ILO Congress criticised Turkish labour law and labour conditions, many trade unionists – including many women – from the union federation

KESK have been arrested, with the first court hearing due several months after indictments were issued.

Strikes and worker protests lasting several months are causing losses to both employers and employees. The trend seems likely to continue as long as decision-making bodies remain unwilling to come up with a satisfactory consensus-building process. Workers' peaceful protests against unjust working conditions are still obstructed by the police in an arbitrary and increasingly violent way.

### 2. Trade Union Legislation

There have been demands for the amendment of the severely criticised Law on Trade Unions, one of the outcomes of the 1980 military coup, for years. A new draft law on trade unions was negotiated in April 2008 by the government and the main trade union confederations and employers' associations. Since consensus was reached, however, the expectations of the unions with regard to more liberal labour laws have declined drastically. The draft bill was submitted to Parliament, not as a proposal of the government, but by a few individual governing-party MPs. Hence, the draft bill is low on the Parliament's agenda, alongside other 'less important' legislation. As the reason for postponing the amendment, the government cited the current economic constraints and the fact that there is no consensus among the unions on the draft law, since the trade union federation Türk-İş broke ranks and came up with a new draft, claiming that the earlier one was not in compliance with ILO norms. Many unionists, in contrast, argue that, although not fully in compliance with ILO norms, the first draft would be a crucial step, if passed. The Government have declared that it is going to take further steps on the legislation after 25 November, if the unions can not reach a consensus until then.

In addition, there has been another government attempt to amend the law on public employees. The new draft, which still does not grant rights to collective agreements and to strike action, contains even more interference with internal union affairs. This law, like the one just mentioned, is still pending on the agenda of the Parliament. The ruling by the European Court of Human Rights in November that the denial of the right to collective agreements for public employees is a violation of the European Convention on Human Rights, has not helped to obtain the amendment.

### **3. Arrest of KESK Trade Unionists**

In June, KESK, the public employees' trade union, was subject to a police operation in which the union's offices were raided and around 30 members were arrested, some of them members of the administrative board. Indictments were issued in August and the first court hearing is scheduled for 19-20 November. The unionists have been accused of involvement in illegal organizations, on the basis of – according to the KESK unionists – vague evidence.

### **4. Law on Private Employment Agencies**

A recent law permitting the establishment of private employment agencies to provide temporary workers was passed by the Parliament, but vetoed by President Gül, in the face of growing public protests against what has been described as a 'slavery law'. The law is the second to be vetoed by President Gül since his appointment. State Minister Ali Babacan claimed that the law is in accordance with EU regulations and that the unemployed would be best placed to comment on the issue, if only a union for the unemployed existed. Trade unions and NGOs responded that, while there is a trend towards less secure employment in the EU as well, Member States have additional mechanisms to prevent social security abuses.

### **5. Law on Social Security and Health Insurance**

Social security experts have severely criticised the current implementation of the Law on Social Security and Health Insurance. Many complaints have been made against the closure of free local preventive health care units in villages by the Turkish Medical Association. Nevertheless, there is some satisfaction with free health care for underage citizens and efforts to open up private hospitals for the benefit of all citizens, at a more reasonable cost.

Women's organisations argue that the new legislation which deprives women of social security after the age of 18 – previously their entitlement continued until marriage – virtually forces unemployed women to get married to men who are able to provide them with social security, notwithstanding the increase in forced and arranged marriages. The fact that workers retain health insurance only as long as they are working, or are able to pay the monthly contributions, has also caused complaints. The government, in response, has softened the conditions of eligibility for unemployment benefit; at the same time, the unemployment benefit fund may now be used in many ways quite different from its original purpose. Three-quarters of the fund is used for projects aimed at supporting entrepreneurs in creating new workplaces and for developing the GAP project.

### **6. Labour Day Demonstrations**

A few weeks after the elections, the government declared 1 May a public holiday. However, the government prohibited celebrations in Taksim Square on May Day, despite its historical significance: on 1 May 1977, 37 people were killed by gunfire and the ensuing panic in Taksim Square. Since the incident, May Day celebrations have been forbidden in the Square. After long negotiations between the trade unions and the Governor of Istanbul, the police permitted a delegation of about 1,000 trade unionists to enter the Square; however, the remaining protesters, who were held back, clashed with the police at check points around the Square (documented by film footage, which shows police violence).

### **7. International Labour Congress 2009**

The ILO Conference Report cited Turkey as one of the 25 countries with the worst labour conditions and regulations in the world. The main criticisms were related to the right to collective agreements and the right to strike, child labour, the right of workers to choose which trade union they want to join, trade union independence of the state and police interference with trade union activities.

### **8. World Decent Work Day**

With the participation of General Secretary of the ITUC Guy Ryder and the General Secretaries of three Global Union Federations, four important Turkish worker and public employee union confederations organised, in cooperation with FES, a press conference to attract

attention to the significance of World Decent Work Day on 7 October. Current international trends in industrial relations were discussed with specific reference to Turkey. The recent flood in Istanbul, in which more than 30 people died – including eight women workers being ferried to their workplaces in a van without windows – attracted further attention to the issue of decent work in the mainstream media.

### **9. Public Employees' Right to a Collective Agreement**

Every year since their establishment in the 1990s, the three main public employee union confederations have voiced the same demands concerning the right to collective agreements and to take strike action. KESK has boycotted non-binding consultation meetings with government representatives, asserting that the right to a collective agreement is essential. Two confederations – KESK and Kamu-sen – declared a one-day de facto strike on 25 November to demand their rights. While the two confederations – representing about 600,000 public employees – chose to act together, the third confederation, Memur-sen, by a narrow margin the largest public employee union confederation, decided to act on its own.

### **10. World Bank and IMF Meetings in Istanbul**

Just as they did with the Labour Day demonstrations in Istanbul, the police acted in a heavy-handed way against protestors. Trade unions, chambers and local initiatives took different forms of action to demonstrate their position on current economic strategies. While some unions chose to boycott and protest against the meetings in the streets, alongside local and international organisations, other unions organised panels to discuss the problems on common ground.

### **11. Ongoing Labour Struggles and Legal Processes**

#### **ATV Sabah Strike – Istanbul (Media industry)**

Started on 13 February 2009 by 10 workers. The strike started because of conflicts concerning the collective agreement. Protest is likely to play a crucial role in developing the class consciousness of white-collar workers, who have not been engaged in organised labour conflict for some decades. The strike was suspended on 26 September 2009; the court case is continuing.

#### **Asemat Strike – Bursa (Automobile industry)**

Started on 31 December 2008 by 59 workers. The reason was a wage dispute.

#### **E-KART Strike – Kocaeli (Media and publishing industry)**

Started on 16 June 2008 by 17 workers. Workers from Basın-İş demanded their right to a collective agreement and the recognition of their trade union.

#### **Sinter protest – Istanbul: (Metal industry)**

Started on 22 December 2008 by 380 workers. The dismissed workers demanded severance pay or reinstatement.

#### **Kocaeli Municipality Workers' protest:**

Started on 16 April 2009. Many workers have been forced to change their union and to work in areas not laid down in their work contract.

#### **Kent A.Ş Workers – Izmir (Municipal Workers)**

Started on 1 May 2009 by 140 workers, protesting against their dismissal by the municipality and replacement by workers from a subcontractor. Workers marched from Izmir to the Parliament in Ankara to attract public attention, ending their march on 17 October.

#### **CHT INTO Maritime Workers' protest – Istanbul: (Shipbuilding industry)**

Started on 23 June 2009 by 19 workers. The workers are demanding unpaid wages for the past four months.

#### **Dearsan Dockyard – Pozitif Maritime Workers' protest – Istanbul (Shipbuilding industry)**

Started on 29 June 2009 by nine workers. The workers employed by a subcontracting company at the dockyard are demanding equal rights with the permanent staff.

#### **Stil Tekstil Worker's protest – Istanbul (Textile industry)**

Started on 17 June 2009 by 50 workers. Wages and overtime have not been paid for four and a half months.

#### **Ağ Tekstil Workers' protest – Istanbul (Textile industry)**

Started on 25 June 2009 by 180 workers. The dismissed workers did not receive their wages for three months, overtime has not been paid and severance payments have not been issued by the employer.

**Sega Automobile and Chemical Workers' protest – Istanbul:**

Started on 2 July 2009 by 19 workers. Workers have not been paid for up to eight months.

**Aka-Deri Workers' protest – İstanbul (Leather industry)**

Started on 16 July 2009 by four workers Bayram Ateşoğlu was dismissed because of his union activities and three more workers dismissed for no reason are now supporting his attempts to get their jobs back.

**İGDAŞ Workers' protest – İstanbul (General services)**

Started on 3 August 2009 by 45 workers. Workers have not received their wages for the past two months, are being denied their severance pay and their social insurance payments have been cut. Workers are taking action in the Fatih, Zeytinburnu, Bahçelievler, Küçükçekmece and Avcılar districts of İstanbul.

**Esenyurt Municipality Workers' Resistance – İstanbul**

Started on 19 August 2009 by 12 workers. Workers are demanding that the campaign against Belediye-İş Union members be brought to an end, as well as their reinstatement.

**Ayzi Moda Workers' protest – İstanbul (Textile sector)**

Started on 20 August 2009. Seventy five workers, who had not been paid for three months, were dismissed because of the economic crisis. The workers are demanding their wages and reinstatement.

**Renta Worker's protest – Eskişehir (Metal industry)**

Started on 23 September 2009, 18 workers are protesting their dismissal after joining the Birleşik Metal-İş Union.

**Arçelik Workers' protest – İstanbul**

Started on 29 September 2009, 350 workers are being denied their right to be reemployed at their workplace, on which there has already been a court ruling. Workers are demanding compliance with the law.

**Okmeydanı Hospital – İstanbul (Service sector)**

Started on 5 October 2009 after 18 workers were dismissed because of their membership of the Dev-Sağlık-İş union. Workers are still protesting in front of the hospital building.

**Genç-Sen (DISK Young People's Union )**

The Progressive Workers Union Federation (DISK) of Turkey has started to organise students in a young people's union, the legal status of which has been challenged by the judiciary. The case has been going on for several months. At the same time, the main union has been banned on the grounds that only persons with a legally binding work contract may join a trade union, although this is a constitutional right for all citizens.

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