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An Analysis of the Positions
of Turkish Trade Union Conferences
Towards Social Dialogue

Preface

Founded in 1925 as the political legacy of Friedrich Ebert, the first democratically elected president of Germany, the Friedrich Ebert Foundation is the oldest and largest social democratic think tank in the world. We are committed to the basic principles of peace, respect of human rights and social justice. To achieve social justice within a society one of the most important instruments is social dialogue.

Trade Unions are key players in achieving social justice through social dialogue. We therefore work very closely with Trade Unions on a national, regional and international level to strengthen their capacity to defend the interest of their members and employees in general.

Turkey's social partners, the representatives of the Government, employers and workers have the responsibility for achieving equal opportunities for women and men and to obtain decent and productive working conditions of freedom, equality, security and human dignity. With the current unfair distribution of power amongst the social partners Trade Unions are very often not in a position to take part in social dialogue as their voice has not much effect on economic decisions compared with the Government or the employers.

The main goal of social dialogue namely to promote consensus building and democratic involvement among the main stakeholders in the world of work cannot be achieved under the current situation. One important reason for the weakness of the Turkish Trade Union movement today is the major decrease in their membership base following the 1980 military coup. With additional legal restrictions by the constitution of 1982 and the following set of laws, Trade Unions have been weakened and divided. There has not been much change on the legislation on organizing Trade Unions, collective bargaining and strikes since then.

Zeynep Ekin Aklar describes the background and reasons for the political abstention of workers towards political parties and politics in general. She presents the Trade Union perspective on how and under which circumstances the mechanisms of social dialogue can and should be efficiently utilized. Zeynep Ekin Aklar introduces various models of social dialogue mechanisms and its implementation in Turkey through consultation from a critical perspective. She helps us to comprehend the concrete obstacles for social and democratic dialogue in the light of historical experience.

We hope that the current publication can contribute to a better understanding of the political past of the Turkish Trade Union tradition and show the effects of the EU Membership accession process on Turkish Trade Unions. This publication can encourage not only Turkish unionists but also politicians and business circles

to create the necessary social dialogue mechanisms for shaping a socially just society in Turkey as we believe that successful social dialogue structures and processes have the potential to resolve important economic and social issues, encourage good governance, advance social and industrial peace and stability and boost economic progress.

Michael Meier
Resident Representative
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AN ANALYSIS OF THE POSITIONS OF TURKISH TRADE UNION CONFEDERATIONS TOWARDS SOCIAL DIALOGUE

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CHAPTER 1: INTRODUCTION

Social dialogue is a new phenomenon in systems of industrial relations referring to meetings held between the representatives of employers (capital owners) and representatives of employees (organized labour), with or without the presence of state representatives. These meetings typically entail consultation and negotiation as a part of established industrial relations. Nonetheless, social dialogue differs from processes of traditional industrial relations due to its multi-dimensional nature (Winterton and Strandberg 2004: 22), which includes consultation, exchange of information, holistic decision-making processes, negotiation and methods of multi-tier bargaining aiming at achieving a particular compromise based on the differing interests of the social parties involved (Koray and Çelik 2007: 3-4).

In the European Union, while the roots of social dialogue date back to the EU's formative years, the concept of social dialogue picked up momentum only after the mid-1980s. With the impact of policies fostering economic integration, the EU has accelerated the establishment of social dialogue mechanisms at the level of the Union itself as well as at the national level. However, in Turkey, social dialogue first came on to the agenda during the EU integration process. As a candidate for membership in the EU, Turkey must comply with EU requirements. In accordance with the enlargement policy of the EU, the Copenhagen Criteria set forth the framework and determined the core criteria for EU membership. One of the most significant clauses of the criteria is "acqui communautaire," which means the ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union. In this respect, the EU expects Turkey to conform to social policy standards, particularly as regards social dialogue, by dovetailing the relevant administrative structures to fit with the values and standards of the EU and also to ensure harmonious operation of Community policies subsequent to accession. However, as Rychly and Pritzer (cited in Winterton and Strandberg 2004: 23) note, social dialogue "is an idea which is neither politically nor ideologically neutral." Since not only state and financial representatives but organized labour groups, namely trade union confederations and their affiliate trade unions in Turkey, too, must of necessity be party to this process, it is important to analyze the positions, deliberations and capacities of trade union confederations with respect to social dialogue. In regards to the negotiation process between Turkey and the EU, this analysis will provide a background for the current situation in terms of steps expected to be taken in concord with the main tenets of *acqui communautaire* pertaining to social dialogue. Moreover, it will provide a reference for how

social dialogue will be shaped and materialized in Turkey from the point of view of labour representatives. This study thus aims to analyze the approaches and experiences of workers' trade union confederations in Turkey, namely the Confederation of Turkish Trade Unions (TÜRK-İŞ), the Confederation of Progressive Workers' Unions (DİSK) and the Confederation of Real Trade Unions (HAK-İŞ), as pertains to social dialogue in the context of the European Union integration process. In this way, the study seeks to identify the conceptual, structural and functional features of social dialogue from the perspectives of these confederations.

The second and third chapters of the study focus on the main features of the industrial relations system in Turkey, which interviewees from confederations refer to when they assess the situation of social dialogue in Turkey. The second examines the historical evolution of the industrial relations system in Turkey in conjunction with its socio-economic structural aspects, its legal bases and its relation with the development of the trade union movement. This chapter mainly focuses on the years following 1980, as the concept of social dialogue emerged after 1980 simultaneously with the new economic and political conjuncture in the EU as well as in Turkey. Moreover, it is known that the economic, political and social features of Turkish industrial relations were radically reshaped following the military coup in 1980. The third chapter examines the historical development of the idea of social dialogue in Turkey as well as the structural aspects of tripartite and bipartite social dialogue mechanisms. After that the evaluations of the EU Regular Reports on Turkey's efforts to develop social dialogue will be analyzed. The third chapter also involves an examination of the exchange of information between Turkish authorities and the European Commission during the membership screening process in 2006, aiming to present the EU's interpretations about developments on social dialogue.

This study is a summary of a master thesis that was based on the collection and analysis of primary data. A methodology employing in-depth interviews was utilized in meetings with the representatives of the trade union confederations TÜRK-İŞ, DİSK and HAK-İŞ. Therefore in the fourth chapter, an analysis of these in-depth interviews will be presented. This fourth chapter aims to explore the similar and different approaches of trade union confederations towards social dialogue. This chapter also aims to reveal the differences within the given trade union confederation.

This chapter tries to explore how interviewees from Turkish trade union confederations approach social dialogue at the level of the EU. Looking at

the assessments of interviewees from three confederations regarding the EU integration process and the impact of Turkey's membership on the EU per the development of social dialogue, this chapter analyzes the approaches of interviewees to social dialogue by focusing on their particular conceptualization of social dialogue as well as their evaluations of its outcomes in the EU. Moreover, in relation with the outcomes of social dialogue in the EU, this chapter assesses the approaches of interviewees towards the position of the European Trade Union Confederation (ETUC) as regards social dialogue. The chapter aims to explore the experiences of interviewees from trade union confederations regarding social dialogue at the national level. The chapter looks at the the interviewees' assessments of the outcomes of social dialogue in Turkey as well as the structural and functional features of tripartite and bipartite social dialogue mechanisms, evaluations on the role of social partners in social dialogue, and obstacles impeding the development of social dialogue. The initial section of the chapter aims to reflect the features of conceptualizations of social dialogue at a practical level, and the following part indicates the perspectives of trade union confederations on the differences between the EU and Turkey in terms of the conceptual, structural and functional aspects of social dialogue. The final section of the chapter presents the assessments of the confederation as regards activities initiated with the ETUC.

With respect to the in-depth interview methodology employed, the confederations covered in this study were workers' trade union confederations. As discussed, since there is a dual structure of employment and a dual model of organizing in Turkey, trade union rights and freedoms recognized for workers versus civil servants are different and therefore subject to different laws. As a result, workers in Turkey have more tight-knit social dialogue mechanisms compared to civil servants, since civil servants do not have fundamental trade union rights and freedoms, such as the right to collective agreement and the right to strike. In this study, I conducted interviews namely with the Confederation of Turkish Labour Unions (TÜRK-İŞ), the Confederation of Progressive Workers' Union (DİSK) and the Confederation of Real Trade Unions (HAK-İŞ) and their affiliate trade unions. In total, I conducted nineteen interviews with three confederations. Seven of the interviews were with TÜRK-İŞ, seven with DİSK and five with HAK-İŞ. The interview questions, a list enumerating the tasks of the interviewees, and the dates and locations of the interviews are presented in the Appendices.

As can be seen from the Appendix B, the sample of interviewees was mostly comprised of education and training experts in trade union confederations,

which was mainly due to the fact that such experts were more accessible than other elected members within the confederations. Although this may raise concerns about the representativeness of the sample, my three years of experience as an expert in a trade union confederation supports the claim that this may actually be advantageous. Unlike elected members of confederations, experts are permanent staff and as such they have greater opportunities to observe and evaluate the general outlook and approaches prevalent in the confederation as well as be privy to a confederation's policies. Moreover, many experts are involved in training programs by which the approaches of a confederation can be disseminated among all affiliate trade unions of said confederation. Nonetheless, despite the overrepresentation of education and training experts, my sample also included interviews with presidents and other high-level elected members in the three confederations.

Another concern about the representativeness of my sample is related to the positions of my interviewees from TÜRK-İŞ. Again due to difficulties of access, some of the representatives that I was able to interview were from the most dissident trade unions in the confederation, which meant that more radical approaches were highlighted, obscuring the more moderate approach typical of TÜRK İŞ.

In addition, trade union confederations' official documents and declarations having to do with social dialogue were not taken into account, meaning that the unofficial assessments of the interviewees are reflected in the study. However, taking advantage of my work experience, I may be in a better position to offer up observations about the general outlook of the confederations. I may therefore argue that since TÜRK-İŞ and HAK-İŞ have more hierarchical structures, the assessments of the presidents of these two confederations reflect the general point of view of the whole confederation, much more so than that of DİSK's president.

Lastly, it is important to emphasize that in social dialogue literature trade unions and state, employers' and employees' representatives are termed 'social partners'. In Turkey, however, all trade unions utilize a 'party/side' concept instead of 'partner', on the grounds that the term "partner" refers to a shareholder in a company. Nonetheless, in this study, to ensure conformity with the terminology in literature on European Social Dialogue the term partner has been maintained even though all interviewees actually used the term 'party/side'.

CHAPTER 2: AN OVERVIEW OF THE INDUSTRIAL RELATIONS IN TURKEY

The emergence and evolution processes of social dialogue are closely related to the patterns of systems of industrial relations within a given country. The conceptualization of social dialogue, its establishing pillar, and the structural and functional features of social dialogue mechanisms rely on the main aspects of industrial relations. This chapter thus aims to lay the background for an analysis of trade union confederations' evaluations of social dialogue in Turkey. For that purpose, the chapter provides a historical overview of the development of the system of industrial relations in Turkey since 1980. Only the legal background and situation of trade union movement before 1980 will be examined. However since during the period after 1980, society underwent a major political, economic and social transformation that was considerably different from the previous periods, the implications of which are still being felt, the period after 1980 will be analyzed with reference to the economic policies, employment structure, legal frameworks and the course of trade union development.

In conducting this analysis, the chapter specifically focuses on the evolution of trade union rights and freedoms and social and economic developments that affected the development of these rights and freedoms.

2.1. Legal Framework till 1980

Period between late 1930s and 1960

During the period between late 1930s and 1960, key laws and institutions were established under the strict guidance of the state. However, since the agricultural sector maintained its share of employment, the rights and obligations of workers continued to be addressed to only a limited degree in legal regulations. Although legal regulations in this period were also influenced by radical political changes, in particular by the shift from single-party rule to multi-party rule, recognition of different social classes continued to be disregarded in the laws.

In conjunction with the underdevelopment of industry, despite limited attempts to formulate new laws for industrial relations, legal regulations remained

critically inadequate for the rights of the workers (Makal 2003: 3). Membership in the International Labour Office (ILO) in 1932 revealed these deficiencies in regulating working life in conjunction with the adoption of international standards. The legal base that could be considered the first step in regulating industrial relations was established by the promulgation of Turkish Labour Law No. 3008 in 1936. With this law, for the first time industrial relations, inclusive of individual and collective dimensions, were regulated. According to Makal (2003: 5), with respect to the perspective for the management of economic policies, the position of the state nevertheless prevailed over the position of the worker in Law No. 3008. Moreover, Dereli (1998: 34) argued that “the Keynesian policies of the 1930s and traditionally paternalistic attitude of the Turkish state towards labour-management relations accounted for the enactment of this Law when there was still no substantial industrial work force and labour conflict in Turkey.” The prohibition against organizing trade unions and the establishment of worker representative offices rather than trade unions together with the lack of a right to strike could be considered as indicators of the all-reigning supremacy of the state. Since the fundamental goal of this policy was to create an “organic society” free of class conflict, legal regulations did not recognize any right of association for the working class (Yalman 2004: 53–54).

This restrictive mentality of the Labour Law towards industrial relations was strengthened by other legal regulations. The Association Law No. 3512 enacted in 1938 prohibited the freedom to organize in trade unions. Although one of the most essential requirements of membership into the ILO is to recognize the right of unionization, violations of this basic right were clearly observed, in addition to other contradictions with ILO Conventions (Makal 2003).

However, regarding the political and economic conditions of the period, the Labour Law was drafted in line with the principle of “populism” that “rejects the difference of class-based interest” in conjunction with reflecting etatist economics and single-party rule in political life (Makal 2003: 4). The ideological source of this perception can be gleaned from the speech of Mustafa Kemal Atatürk made before the Izmir Economic Congress of 1923:

In my opinion, our nation does not possess various social classes that will pursue interests that are very different from one another and that will, accordingly, come into a state of struggle with each other. The existing classes are necessary and indispensable to one another. (Quoted in Bianchi 1984: 101)

The shift from single-party rule to multi-party rule was the most critical turning point for industrial relations as well as the transformation of political life in the period following 1945. As Makal stated, the transition to the multi-party system led to some relatively positive amendments in the legal regulations in favour of the working class (2003: 5). However, since the tradition of the authoritarian state persevered, this transition did not lead to any changes in the power balances of the classes (Yalman 2004: 56). Due to amendments made to Association Law No. 3512, it became possible to establish trade unions. The first remarkable legal regulation directly related to trade unions was materialized by the Law on the Trade Unions of Employee and Employers and Trade Unions' Association No. 5018, adopted in 1947. This law provided the legal bases for the founding and activities of trade unions by realizing a transition for the regime which granted a "right to trade unions" (Makal 2002: 223). However, the inconsistencies with international principles were maintained in the law. The right to strike and the right to collective bargaining and agreement, as understood today, were not recognized. There was only one exception: the Law only recognized the right to collective agreement for trade unions with the expression "general agreement" (Makal, 2002(a) in Makal 2003: 6).

The changes in the political atmosphere also impacted institutional regulations. In 1945, the Ministry of Labour and Social Security (MoLSS) was established and proceeded to open a series of official public employment agencies as well as exercise general supervision over labour problems (Dereli, 1998: 34).

Furthermore, with the help of the transition to the multi-party system, political parties began to take into consideration the economic and social demands of the public, at least during election times (Boratav 2003, cited in Makal 2003: 8). In this way, in 1951 the introduction of a minimum wage, so crucial for labourers, was secured. According to Makal (2003: 7) these developments were mostly materialized thanks to the power of trade unions and the impact of legal regulations and economic dynamics.

Period between 1960 and 1980

With respect to the period between 1960 and 1980, it is possible to claim that this period was a turning point not only for the working class, but also for the entirety of society. The military coup of May 27, 1960, allowed industrial relations and the trade union movement to gain new momentum. While the transition to the multi-party system failed to alter the balance of power between classes, the military coup prepared the ground for a restructuring of relations

between the state and society (Yalman 2004: 56). The rights and freedoms granted by the new constitution of 1961 were reinforced by other laws that regulated the operation of trade unions. Thanks to these rights and freedoms granted by the constitution and laws, the working class was given the chance to organize and become empowered. Thus this period of rapid industrialization coinciding with an opening up of legal opportunities resulted in both a qualitative and quantitative increase in the power of the working class (Mello 2007: 217). Attempts made to improve living standards via economic policies were also supported by legal regulations impacting politics and industry, and the new legal framework encouraged changes in the structure of employment.

The new constitution, by ensuring fundamental rights and freedoms, became the driving force of a 'democratization process' (Işıklı 1967, cited in Mahiroğulları 2001: 168). According to Koray and Çelik (2007: 286), on the one hand the constitution had very progressive, libertarian and democratic features, but on the other hand, it created a drastic change in the orientation of social policies in Turkey. In this sense, the constitution of 1961, the most remarkable product of the military coup, declared the Turkish Republic a 'social state', subsequently expanding the scope of rights and freedoms to a certain degree (Mello 2007:218). As part of this expansion of rights, under the section 'Social and Economic Rights and Obligations', the new constitution guaranteed the right of workers to organize, establish unions, to conduct collective bargaining and to even strike (Makal 2003: 10). Therefore, relatively libertarian regulations for the working class were secured via the constitution, albeit the working class did not obtain these rights through struggle and resistance (Koray and Çelik 2007: 263; Dereli 1998: 36). It was also envisaged that the rights and freedoms guaranteed by the constitution would be regulated by particular laws. Trade Union Law No. 274 and Law No. 275, on collective agreement, strikes and lock-down were adopted in 1963 pursuant to the guidelines of the 1961 Constitution.

Although establishing organic relations with politics was one of the most important instruments and a pre-condition for becoming politicized, Article 16 of Law No. 274 maintained the prohibition of engagement in politics (Baybora 2003: 8). The most crucial result of this prohibition was that it forced trade unions to act within the limits of collective agreement unionism. However, Baybora (2003: 9) adds that despite the restriction on forming organic relations with political parties, the working class had the means to become politicized through different channels. One of the most important steps towards establishing collective relations between employers and workers at the workplace was taken with the recognition of the definition of 'the union representative' in

Law No. 274. This development not only promoted unionization (Dereli 1975 in Mahiroğulları 2001: 171), but also became a means towards politicization. However, application of this was not widespread, as a representative could only operate in workplaces under the coverage of collective agreement (Çelik 2004: 409).

With the adaptation of Labour Law No. 931 in 1967, the description of ‘worker’ was changed and all people working as wage earners, including not only manual labourers but also white-collar workers, were given the right of membership to trade unions. This amendment expanded the scope of unionization.

With the arrival of the early 1970s, the impact of the Oil Crises of 1974–1975 began to be felt by the working class. The power of trade unions, in particular their usage of collective bargaining, was held to blame for the impacts of the crises, as Turkish industries lost their comparative advantage in international markets due to the high cost of labour. In 1970, certain articles of Law No. 274 were amended in disfavour of the working class. Among these amendments, the most important and critical was the adaptation of numerical imposition requirements for unions to act countrywide, instituted by Law No. 1317 (Dereli 1998: 37). The intended effect of this regulation was to directly limit unionization. This regulation thus led to an increase in opposition movements and mass protests by the working class. In addition to political upheaval in the middle of this period, due to political challenges and increasing demonstrations and protests, particularly by the working class and students, a military memorandum of 1971 blocked the course of developments (Mahiroğulları 2001: 170). The coup limited to a degree the guarantees that had been granted by the military coup of 1960, effectively temporarily suspending democratic freedoms in Turkey.

One of the most significant and adverse impacts of this coup was the stripping of the right to unionize for civil servants, which had been recognized in 1965. The expression ‘employee’ was replaced with ‘worker’, and as such civil servants’ rights were abrogated (Makal 2007: 526), and the structural, political and legislative differences between workers and civil servants were also created during this period. This situation is significant in that it marked a crucial turning point in unionism in Turkey as it prevented all employees from uniting and struggling equally under the same terms.

In conjunction with economic developments, the number of wage earners increased. The number of workers subjected to the Labour Law was over 2 million, while the number of working trade union members exceeded 1 million (Mahiroğulları 2001: 170), suggesting that almost half of the working class was organized in trade unions. These figures did not represent the truth, however. Because of the numerical requirements stipulated by Law No. 1317, trade unions overestimated membership numbers to be able to act countrywide. While in 1969 the number of trade union member workers was 1,200,000, it increased to 2,100,000 in 1970 (Mahiroğulları 2001: 169). For this reason most scholars are sceptical of the correctness of data for this time (Tokol 1994; Talas 1982; Dereli 1975, cited in Mahiroğulları 2001; Makal 2007; Koray and Çelik 2007).

2.2. Trade Union Movement till 1980

Period between late 1930s and 1960

Although workers in Turkey were given the opportunity to establish trade unions after 1945 with the implementation of Law No. 3512 and Law No. 5018, the size of the Turkish industrial working class was extremely small compared to the number of agricultural workers, which naturally shaped the development of the labour movement. The transition from single-party rule to multi-party rule left its mark on this period in terms of both legal frameworks and trade union organizing. Although positive changes in the legal structure occurred as a result of this transition, the state preserved its paternalistic stance and firm grip on regulation.

A general idea of the history of organized labour in Turkey during the era of single-party rule can be arrived at via a brief look at the state's commitment to the idea of classless society. Within this process, according to Mello (2007: 211), the working class and its organizations were initially seen as a means to get people involved in the anti-imperialist struggle. In the 1930s, as the Turkish state took on an increasingly interventionist role in the economy, the pursuit of industrial development was carried out in conjunction with reforms designed to limit or control working-class organization (Keyder 1987(a), cited in Mello 2007: 212). In addition, the era of single-party rule was marked by a desire to strictly limit and control legitimate forms of working-class association. The transition, therefore, from single-party to multi-party rule was crucial in the history of the

labour movement, as it opened the way for a new phase in political life. One of the most important results of this transition was the removal of prohibitions on class-based organizations. This development was critical, as working-class parties¹⁴ became active in promoting local, regional, and national union growth (Mello 2007: 214). However, Law No. 3512 still prevented trade unions from engaging in 'political activities' (Bianchi 1984: 114).

The transition from a single-party to a multi-party system also facilitated the establishment of the first trade union confederation, the Confederation of Turkish Labour Unions (TÜRK-İŞ) in 1952 (Bianchi 1984: 215), which was regarded as the most important development of this period in terms of the labour movement (Dereli 1998; Makal 2002; Mello 2007). Yet, this transition did not lead to any shifts in the state's paternalist attitude, nor was it helpful in promulgating more libertarian state policies or political perspectives (Koray and Çelik 2007: 258). During the 1950s, with the establishment of TÜRK-İŞ, a trade union movement developed, but only based on the conceptualization that "trade unionism [was] just based on wage policy and based on collective agreement" (Koray and Çelik 2007: 258). This perception promoted TÜRK-İŞ, which organized workers mostly in the public sector, to attempt to establish close relations with the government in order to achieve its objectives (Faydalı 2002).

According to Yıldırım and Çalış (2006: 3), during this period the state held firm sway over the establishment of nearly all major industrial organizations, as well as their structuring, and organization's activities were shaped in accordance with the "good will" of the state. In addition, Mello (2007: 215) argues that during the multi-party era, efforts were made to create a legal context for the emergence of unions under the control of the state which could be utilized to achieve the electoral and nationalist goals of the major parties.

An important indicator in evaluating the dynamics of trade union movements and measuring their impact on industrial relations is the intensity of unionization. As trade union organization intensified, the number of trade union member workers also increased, from 52,000 in 1948 to 189,595 in 1952 and to 282,967 in 1960. As is detailed in Table 2-1, a regular increase in unionization occurred, with the exception of a few years. Following the establishment of TÜRK-İŞ, the labour movement gained momentum and membership shot up

1- ⁴ On May 14, 1946, the Socialist Party of Turkey, and on June 10, 1946, the Socialist Worker and Peasant Party of Turkey were established.

from 28.33% in 1953 to 35.34% in 1954. The table also demonstrates the parallelism between the changes in the ratios of sectoral distribution and the number of working trade union members in the years 1950 and 1960.

Table 2-1: The number of workers² and intensity of unionization in Turkey (1948–1963)

Years	Number of workers	Number of trade union member workers	Ratio of intensity of unionization (%)
1948	-	52,000	-
1949	-	72,000	-
1950	292,608	78,000	26.65
1951	382,024	110,000	28.79
1952	447,963	130,000	29.02
1953	494,024	140,000	28.33
1954	510,344	180,387	35.34
1955	533,216	189,595	35.55
1956	543,554	205,155	37.74
1957	577,630	244,853	42.38
1958	611,703	262,591	42.92
1959	618,775	280,786	45.37
1960	620,900	282,967	45.57
1961	688,819	298,000	43.26
1962	680,125	307,000	45.13
1963	710,820	259,710	36.53

Source: Tokol, 1994, cited in Mahiroğulları 2001: 163.

Period between 1960 and 1980

Between the years 1960 and 1980, all economic developments and changes in the legal framework had a direct impact upon the trade union movement. The introduction of the 1961 constitution and constituent political legal regulations constituted a milestone for the trade union movement. The increasing size of industry in the sectoral distribution of employment and the swift rise in the number of workers became not only the driving force for the economy but also enabled the working class to share the benefits of that growing economy. This also strengthened the power of the working class, which was reinforced by the rights and freedoms granted by legal regulations. Until this time, the rejection

2- The term 'worker' here encompasses individuals employed in the private sector in the formal economy and in state institutions as employees separate from civil servants.

of class differences had been the primary philosophy of state policy. However, between 1960 and 1980, due to the emergence of organic relations between politics and the working class, this rejection generated an inverse reaction and class-based unionism emerged in Turkey, which would also lead to the emergence of divergence in perceptions of unionism.

The first military coup in 1960 created a radical and favourable environment for the struggle of the working class and other opposition movements. During this period, due to growing awareness of working-class matters, a profound concern about issues related to the constitution as well as new legislation concerning trade unions arose (Mello 2007: 220). The first sign of materialization of new rights that were granted and guaranteed by the constitution was the demonstration held in Istanbul on December 31, 1961. This demonstration, called the Saraçhane Gathering, was the largest worker's event ever organized until that time (TÜRK-İŞ Tarihi).

As the working class became aware of its power, it also began to understand the crucial role of politics in moving its struggle forward. Working class and union support for the founding of the Turkish Workers' Party (TİP) was a concrete indicator of this growing awareness of the connection between politics and unionism (Akkaya, 2002). TİP was founded on February 13, 1961, by a coalition of twelve labour union activists. A new course for the working class struggle based on consciousness of class differences was actualized, and this process was prompted by the increasing divergences among unions in terms of their unionist strategies (Mello 2007: 220) with regard to the nature of relations between labour and capital. In 1964, as a result of its "good and corporatist" relations with the government, TÜRK-İŞ adopted an official policy of 'above-party politics', which was promoted by 'collective bargaining unionism' (Akkaya 2002). In addition, according to Akkaya (2002), this situation resulted in much closer relations with political parties in the government in the form of support for state policy in exchange for preservation of union interests.

This process conversely led to the establishment of a new platform for trade unionism by opponents of TÜRK-İŞ. Four trade unions were expelled from TÜRK-İŞ and thereupon founded the Confederation of Progressive Trade Unions (DİSK) in 1967. The ideology of DİSK was based on political unionism and a rejection of the state's limited interpretation of legitimate behaviour for workers and unions (Mello 2007: 222). In accordance with their founding statute dated 1967, it was stated, 'Our confederation's strengthening of the working class in the country's government will vanquish slavery and establish

an order with the goal of equality and brotherhood from every direction, and will guarantee that the working class will play an influential role in solving the country's problems'(DİSK Tarihi) With the establishment of DİSK, class-based trade unionism materialized for the first time (Koray and Çelik 2007: 261). While TÜRK-İŞ supported a policy of unionism based on 'above party politics', DİSK was in favour of strengthening its relations with political parties (Makal 2003: 11). In this way, the historical rejection of class differences was refuted by the establishment of TİP and DİSK, which focused on class-based struggle by reinforcing each other in terms of politics and their organizational structures.

Consequently, the 1960s and 1970s witnessed the emergence of a militant struggle on the part of the working class, and the numbers of strikes, workplace occupations and demonstrations increased. Among these, the wildcat strike in the coal mines of Zonguldak in 1965 and the general strike on the June 15–16, 1970, with the participation of over 150,000 workers from Istanbul and Izmit against government implementations were the most popular demonstrations.

The military memorandum of 1971, however, signified the reversal of politically-charged unionism. Between 1971 and 1974, the activities of trade unions affiliated with DİSK were banned. Moreover, the new 1971 constitution included restrictive changes regarding the organizational structure of trade unions. While these restrictions impeded militant unionism, they also promoted a dual structure of Turkish industrial relations between workers and public employees (Koray and Çelik 2007: 263) in both organizational and structural terms. Although the primary aim of these constitutional amendments was to eliminate class-based trade unionism, they not only deepened the rifts between trade unions but also exacerbated ongoing conflict (Koray and Çelik 2007: 264) between the capitalist and the working classes. As a result of this conflict, the working class was seen as a threat to the existence of the holders of capital. In this period, the establishment of TÜSİAD, which aimed to increase capital-holders' roles in the political struggle, could be viewed as a symptom of their concerns (Yalman 2004: 60).

Conflicts between the government and DİSK intensified, whereas TÜRK-İŞ was fostering much closer relations with the government. In 1978, a 'Social Agreement', noted as the first and only example of its kind in the history of industrial relations regarding Fundamental Agreements or Social Agreements, was signed between the Ecevit government and TÜRK-İŞ (Koray and Çelik 2007: 369). According to Öke (2006: 4), the aim of the agreement was to set up a system of permanent cooperation between trade unions on the issues

of economic development and democratic progress, in addition to securing shared outlooks on economic and social policy.

Although the government repeatedly attempted to sever the bonds between politics and trade unions, this period also witnessed the actualization of such relations in right-wing politics. A few months after the military take-over in 1971, with encouragement from the Nationalist Movement Party (MHP), the Confederation of Nationalist Trade Unions (MİSK) was established, with HAK İŞ, steeped in Islamic political tendencies, being established not long thereafter in 1976 (Akkaya 2002: 20).

Towards the end of the 1970s, particularly between 1977 and 1980, economic, political and social instability went hand in hand with increases in the propensity to strike (Makal 2003: 11). This situation, however, led to an increase in limitations and brutal raids on trade unions. The most visible and dramatic example of this policy of violence was witnessed on Labour Day in Istanbul in 1977. DİSK had organized a Labour Day demonstration in Taksim Square, and demonstrators filled the square and crowds flooded into surrounding areas. This Labour Day celebration, the largest so far, began peacefully but turned catastrophic when unidentified gunmen opened fire on the crowd, leaving 36 people dead and 200 injured. Ever since, that day has been referred to as the Bloody Labour Day, and to date the perpetrators of this event have not been apprehended. In the wake of this incident, government prohibitions against all opposition movements, especially trade unionists and youth organizations, became extensive and increasingly violent. Turkey banned Labour Day celebrations in Taksim Square in 1978. The assassination of Kemal Türkler, the president of DİSK, in 1980 was an important indicator illustrating the degree of violence applied towards trade unions. This period witnessed serious class conflicts, and, in fact, both the military coups of 1971 and 1980 explicitly targeted the working class as being responsible for social unrest (Mello 2007: 223).

2.2. From 1980 to the Mid-2000s

2.2.1. Integration into World Markets and the Wave of Neo-Liberalism

The economic policies which began to be implemented in the early 1980s led to a down-turn in the welfare of the working class. Since 1980, neo-liberal economic policies have been implemented in line with the discourse of 'adjustment

for the market' (BSB 2007: 14). Market adjustment entailed detachment from the social welfare state. As the state has set about implementing neo-liberal policies, it has become increasingly resistant to carrying out its social responsibilities. Moreover, although these policies have been implemented by the Turkish government, the role of the state and the direction of policy have been determined under the guidance of international economy institutions. The Turkish economy experienced several financial crises during this period, but the cost of these crises was repeatedly charged to the working class by slashing wages, cutting the budget for public services and leaving the progress of the working class to the fate of market forces.

With respect to the legacy of the 1973–1974 oil crises on the Turkish economy, the ISI strategy was confronted with high inflation and severe debt (Taymaz 1999: 3), while increases in the shares of wages led to a negative impact on profits. By 1978, a critical financial crisis was inevitable. The national development plan and economic policy of the previous period was held responsible for this crisis. Hence while the inward-looking strategy of import substitution was reigned in, integration with the world became the new reference point for new economic policies, which were not particular to Turkey but common in other developing countries as well. The 1980s thus witnessed radically reoriented economic policies put into effect via structural adjustment. The point of orientation for this new economic policy is embodied in the stabilization programme implemented on January 24, 1980. The main objectives of the programme were to reduce the government's involvement in production-related activities, increase the emphasis on market forces and replace the inward-looking strategy with an 'export-oriented strategy of import substitution' (Kepenek and Yentürk 1996, cited in Özdemir 2004: 228) via institutional changes established under the auspices of the IMF and the World Bank (Taymaz 1999: 1).

As mentioned above, Turgut Özal, as deputy secretary of the prime ministry in Turkey, carried the banner of this programme. Before the military coup d'état, in the period between January 24 and September 12, 1980, the first contours of this programme began to take shape, with the first stand-by agreement with the International Monetary Fund (IMF) being introduced in June of 1980.³

The main aim of the IMF stand-by agreement was to implement and strengthen

3- The IMF provided SDR 1.2 billion in June of 1980 via a three-year stand-by agreement and an additional SDR 225 million in April of 1984. The World Bank contributed USD 1.6 billion through five structural adjustment loans to support liberalization and rationalization programs (Uygur 1993, cited in Taymaz 1999: 6).

neo-liberal policies through structural adjustment. In line with these policies and the stabilization programme of January 24th, the domestic market was opened to the international market at the same time regulations were amended in favour of the international market. In order to realize these policies, government involvement in productive activities was reduced and emphasis was placed on free market principles (Özdemir 2004: 228). A withdrawal of government intervention led to the retrenchment of welfare policies (Çetik and Akkaya 1999: 90), with the privatization of public institutions and the liberalization of public services being the key instruments in actualizing neo-liberal policies (Öke 2004: 17). Therefore, with the help of these policies and instruments, integration into the world market and transformation into a “market society” were rendered possible (Koray and Çelik 2007: 247).

Boratav, Yeldan and Köse (2000: 3) divide the post-1980 Turkish period of adjustment into two phases: 1981–1988 and 1989–1998. In the first phase, these economic policies were based on structural adjustment by export promotion together with a regulated foreign exchange system and controls on capital inflows (Boratav, Yeldan and Köse 2000: 3). In terms of the impact of these policies on the working class, on the one hand this phase led to the severe suppression of wage incomes by antagonistic measures against them (Yeldan 2005: 5), while on the other hand, unemployment rates increased dramatically. As seen in Table 2-2, from the early 1980s until 1986, wage incomes were generally slipping. With the index of total real wages at 100 in 1979, total real wages declined from 69.1% in 1980 to 54.3% in 1986. In addition, according to the calculations of Kepenek (cited in Utkulu 2001: 26), the unemployment rate rose from 16.4% in 1980 to 22.9% in 1988; in other words, the number of unemployed rose from 2.8 million in 1980 to 4.8 million in 1988. According to Boratav, Yeldan and Köse (2000: 3), as a final result of these policies, the first phase had reached its economic and political limits by 1988; in other words, all of the opportunities and conditions of this phase of policy had been completely consumed, signalling that it was due time for the second phase.

Table 2-2: Real Wages (1980–1998)

Years	Public Real Wage Index	Private Real Wage Index	Total Real Wage Index
1979	100	100	100
1980	71.6	66.9	69.1
1981	62.6	67.0	64.4
1982	61.5	64.7	62.5
1983	65.3	66.7	65.0
1984	59.9	62.8	60.7
1985	56.9	56.7	55.5
1986	55.6	55.9	54.3
1987	89.3	89.9	83.2
1988	75.0	84.6	78.3
1989	91.3	92.7	90.4
1990	115.5	100.7	100.6
1991	142.0	115.0	118.0
1992	119.7	102.0	107.7
1993	113.1	97.4	97.6
1994	67.3	70.7	67.4
1995	43.0	57.4	51.0
1996	76.3	80.9	75.7
1997	82.8	94.5	86.7
1998	71.7	87.5	79.3

Source: 1997-1999 Yearbook of Petrol-İş, Petrol-İş 2000, cited in Ulukan 2003: 84.

The second phase was characterized by liberalization of interest rates and capital accounts and further deterioration of public sector accounts, eventually resulting in the complete deregulation of financial markets (Boratav, Yeldan and Köse 2000: 3). During this phase, a wage explosion occurred, which caused wage costs to skyrocket. Between 1989 and 1991, as a result of the efforts of the working class, wage incomes increased. The increase in wages went hand in hand with an increase in public expenditures, including the share of public salaries and investments in social infrastructure which led to improved living standards of workers and the implementation of a fairer taxing system (Boratav, Yeldan and Köse 2000: 3). As illustrated in Table 3-4, if the index of total real wages is assumed to be 100 in 1979, the total real wages increased from 90.4% in 1989 to 118% in 1991.

This period concluded with a currency crisis in 1994 that led to a sharp real depreciation and a decline in output and imports, while imports increased

(Taymaz 1999: 5). In order to overcome the consequences of this crisis, however, additional stricter market-oriented policies were encouraged. The coalition government of the True Path Party (DYP) and the Social Democratic People's Party (SHP) abandoned the expansionary economic policy of the government and introduced an austerity program known as the 5th of April Decisions. These decisions, reinforced by a stand-by agreement concluded with the IMF in July of the same year, led to cuts in public deficits and critical shifts in income distribution disfavoured the working class. Moreover, as Yeldan (2005: 7) states, the economic role of the state in producing goods and services was limited. However, this did not mean that government intervention in economic policies subsided during this economic restructuring process; on the contrary, the government changed the character of the power to intervene and became one of the main executors of this process per se (g.f., Boratav, Yeldan, Köse 2000; Özdemir 2004; Yalman 2004). Although these policies led to economic growth, as Yeldan (2003, cited in Özdemir 2004: 249) states, the main incentive behind the growth after 1994 was a decrease in labour costs and ongoing deterioration of wages. As seen in Table 2-2, with the index of total real wages assumed 100 in 1979, the total real wages decreased from 97.6% in 1993 to 67.4% in 1994, and to 51.4% in 1995.

However, this programme failed to offset the adverse conditions of the severe macroeconomic disequilibria of the 1994 crisis and then the Turkish economy was hit by the repercussions of the Asian and the Russian financial crisis of 1998 (Özdemir 2004: 247). In December of 1999, the government adopted a program which aimed to decrease inflation by the end of 2002. As with the previous crisis, IMF-oriented economic policies again took a prominent place on the agenda. The main target of IMF policies was to achieve stabilization by rebuilding market confidence through de-indexation of wages, a decrease in employer costs, and strict control of budgetary expenditures (Özdemir 2004: 247). Yet, in November 2000, Turkey experienced a severe financial crisis. Following the failure of the program, the newly appointed minister, Kemal Derviş (former Vice President of the World Bank), announced a new stabilization attempt under the guidance of a 'Transition to a Strong Economic Program'. According to Yeldan (2001: 2), the new program would be a continuation of the previous program geared towards transforming the 'old ways of economic policy making'. As Yeldan and Voyvoda (2002: 2) state, the 2001 disinflation program included the standard IMF austerity measures: severe cuts in public spending, monetary contraction, flexible exchange rate management, and reductions in wages and in public employment. However, after the announcement of this programme,

the Turkish economy was confronted with a financial crisis in February of 2001. Yeldan (2004: 15) argues that real wages contracted severely after the February 2001 crisis and this decline was not compensated throughout 2002 and 2003. Therefore, according to Yeldan's calculations, from the beginning of the IMF-led disinflation programme in early 2000 to the end of 2003, while the decline in private manufacturing real wages was 18.9%, the decline of wages in the public manufacturing sector was 9.5%.

Since the main burden of the state budget was paying debts, the government did not invest in any public services that served the working class (Koray and Çelik 2007: 248). In addition, privatizations and liberalizations supported the decline of investments in public services. One of the most significant results of the privatization and liberalization process was a decrease in public sector employment that led to unemployment or loss of acquired rights, such as a decline in wages. Moreover, Yeldan (2003, in Makal 2007: 12) argues that the main reason for this decline in real wages was a change in the consideration of the wage within the economy. According to Yeldan, while wages had been treated as demand factors in the period prior to 1980, in this period wages were considered to be cost factors; since the prices of goods and services determined at the level of international markets put pressure on wages, they became a cost factor. Yeldan further claims that during this period, while national revenues were increasing and creating growth in the economy, real wages were declining, clearly illustrating that efficiency and growth in the economy was not passed on to wages (Yeldan 2003, in Makal 2007) and that the working class did not share in this prosperity. In addition, privatization of public institutions and liberalization of public services also led to further decreases in the real wages of the workers (see table 2-2). These economic approaches have been clearly seen in budget policies under the ruling government since the victory of AKP in the elections on November 3, 2002 (DİSK 2008: 60). According to DİSK (2008: 48–51), the working class has not duly benefitted from the effects of the economic growth experienced since 2003, and in fact unemployment and poverty have been increasing, wages have been declining and working hours have been increasing.

Economic policies have thus illustrated how the state has sided with capital-based development, and consequently treated social responsibilities as a burden (Koray and Çelik 2007: 250–251).

2.2.2. Rise of the Service Sector and Fall of the Agricultural Sector

Policy changes actualized in the economy have had parallel repercussions on the structure of employment. On the one hand the preferences of the state per economic policies have been shaping the sectoral distribution of employment, while on the other hand these policies have led to the emergence of new distributions within each sector. The introduction of a neo-liberal economy supported by structural amendments has resulted in a severely disrupted structure of employment in all sectors in Turkey, and as such neo-liberal policies have completely redefined industrial relations.

In terms of sectoral distribution of employment, both an increase in industrialization and an increasing use of machinery in agriculture have intensified internal migration from rural to urban areas (Çetik and Akkaya 1999: 59–86), pulling labour from agriculture towards the service and the industrial sectors. Occupational diversification, which had been occurring in the previous period, has thus continued in this period.

Yıldırım and Çalış (2006: 4) argue that Turkish industrial relations and the structure of employment were reshaped along the lines of an export-focused model of industrialization. As a result of this model, as seen in Table2-3, the share of the agriculture sector in the sectoral distribution of employment decreased from 53.2% in 1980 to 46.8% in 1990 and the industrial sector decreased from 20.3% in 1980 to 20.1% in 1990. The service sector had the largest ratio of increase, from 26.3% in 1980 to 32.9% in 1990. The table also illustrates how after the 1990s, the service sector's share increased from 32.9% in 1990 to 40% in 2000 and onwards to 47.3% in 2005, reflecting that fact that since 1980, sectoral hegemony has shifted from agriculture to the service sector. This sectoral distribution of employment parallels ratios in the labour force: while the labour force increased from 19.3 million in 1990 to 20.1 million in 2000, around 34% of the labour force was still in agriculture, the service sector had exceeded 40% and approximately 18% of the labour force was in industry (Tunalı 2003: 15).

Table 2-3: Sectoral Distribution of Employment in Turkey (1980–2005)

Year	Agriculture (%)	Industry (%)	Services (%)
1980	53.2	20.3	26.3
1990	46.8	20.1	32.9
2000	36	23.9	40
2005	27.2	25.4	47.3

Source: Prime Ministry of the Turkish Republic, Turkish Statistical Institute, 2005.

While Yıldırım and Çalış (2006) claim that the sectoral distribution of employment was influenced by the export-led industrialization model, Çetik and Akkaya (1999: 59-86) argue that the structure of employment in Turkey within each sector was mainly shaped by technological developments, privatization and liberalization, unemployment, increasing demand for a qualified labour force and the emergence of new types of work.

Privatization and liberalization, the main instruments of neo-liberalism, became the driving forces of these determinants. While the economy failed to create new employment opportunities, privatization caused the employment rate to decrease, particularly in the public sector since a large number of SEEs were privatized and the people working there either became unemployed or were forced to work under much worse conditions. This situation in turn has directly impacted the power of the working class. As illustrated in the table, according to the research of Birleşik Metal İş (2007), in 1988 while the total number of wage earner workers was 7,170,000 the number of workers under the coverage of the collective agreement was 1,591,360; thus, the ratio of unionization was 22.2% in 1988. However, in 2006 while the total number of workers had increased to 12,906,000, the number of workers covered by collective agreements had decreased to 902,345 showing a reduction in the rate of unionization to 6.99% (see Table2-8).

This state of affairs was not only the result of economic policies, but was also directly impacted by the political and legal framework of this period. One of the crucial causes of the decline in the rate of unionization was new regulations in the employment sector. After the 1994 crisis, this requirement emerged as an especially critical item on the agenda of TİSK and TÜSİAD, the two main representatives of capital in Turkey (Özdemir and Özdemir 2005: 66). These new regulations, encouraged by technological developments and privatizations, led to flexibility, deregulation of working life, unemployment, increasing demand for a qualified labour force, an increase in small scale enterprises and new types

of work (Koray and Çelik 2007: 313). These new types of work are marked by flexible working conditions, temporary forms of employment such as part-time work, fixed-term contracts, contract work, subcontracting, out-of-home work and on-call work contracts. This fragmented labour force is thus prevented from organizing collectively in the name of workers' rights (Kristal-İş 2004: 46–48). One of the main consequences of this employment structure has been the development of informal employment; according to research conducted by TİSK (2000, in Mahiroğulları: 179), in 2000 the rate of formal employment was 61% while the rate of informal employment was 39%; research by TÜRK-İŞ (2007) meanwhile has shown that informal employment increased to 46.9% in 2007. This high rate of informal employment poses an enormous obstacle to unionization⁴.

The most populous groups affected by these policies and new types of work are women and youth. While the distribution of the labour force is changing in terms of wages and gender, the share of both women and young people in this distribution is increasing (Makal 2003: 14). Between 1988 and 1998, among female workers in urban areas, the share of regular and casual wage and salary workers increased from 75.1% to 82.3%, the share of self-employment decreased from 10.1% to 6.2%, and the share of unpaid family work decreased from 13.9% to 9.2% (Tunalı 2003: 14). The most common type of exploitation for youths is internships, as they can be extended to a period of over 4 months.⁵ This form of participation not only reinforces the implementation of flexible working conditions and subcontracting, but also constitutes one of the legitimizing justifications for such implementation.

Since 1980, public investments and social expenditures have been curtailed and real wages have decreased as a result of large-scale privatization. According to research by Petrol-İş, between 1988 and 2005 all of the public divisions in 180 institutions were sold to the private sector. As a result of this privatization, in eight subdivisions of a firm, employment decreased between 35% and 100% following privatization (Petrol-İş 2005, cited in Koray and Çelik 2007: 272), implying that enterprises displaying a 100% employment decrease were closed down. Additionally, Auer and Popova (2003: 4) claim that between 1981 and 1997, although industry experienced high productivity growth, this productivity did not lead to proportional employment growth.

4- <http://www.turkis.org.tr/source.cms.docs/turkis.org.tr/ce/docs/file/MicrosoftWord_Ekim2007de.pdf> accessed on 12.05.2008

5- <<http://www.turnusol.biz/public/makale.aspx?id=123&pid=8&makale=Sendikalar%20yaşlanıyor>> accessed on 23.07.2008

Table 2-4: Real Wage Index per Working Hour in Manufacture Industry Production (1997–2006)

Year	Public	Private	Total
1997	100	100	100
1998	104.3	99.1	99.7
1999	124.4	107.2	110.7
2000	143.2	104.9	111.3
2001	125.3	89	95.1
2002	127.1	85.3	90
2003	120.4	85.8	88.3
2004	126	89.9	90.5
2005	136.1	91.4	92.3
2006	132	93.1	93.1

Source: Prime Ministry of the Turkish Republic, Turkish Statistical Institute, 2006.

2.2.3. Restrictions and Prohibitions

The economic policy decisions of January 24, 1980, initiated a long-term process of fundamental transformations in the Turkish economy that continue to this day. The restructuring of the economy in line with the structural adjustment and stabilization policies supported by the IMF and World Bank had a profound impact on work relations, trade unions and legal regulations. The legal regulations established in this period created an appropriate legal background for the effective functioning of the economic and employment policies of this period. Therefore, the radical transformation in economic policies, which was a shift from policies oriented towards social welfare to market-friendly policies, was also clearly reflected in the legal framework. At this juncture, the military coup d'état of September 12, 1980, became the turning point that determined the fate of the history of Turkey. The constitution of 1982 and related legal regulations were introduced against a backdrop that had been prepared by economic policies. Taking into account the fact that neo-liberalism is not only a policy of economics, a neo-liberal societal transformation was actualized in terms of political and social patterns. This process was enforced by the intervening power of the state, which was strengthened legally by the introduction of regulations: the 1982 Constitution and new legal regulations were introduced and trade union rights and freedoms granted by the 1961 Constitution and laws No. 274 and 275 were either completely removed or partially limited.

Within this framework, the military coup of September 12, 1980, was the concrete political and militaristic step of a transformation that already had been initiated with the economic decisions of January 24 of the same year. This core political change also impacted industrial relations and laws regulating these relations, since, in the context of this political atmosphere encouraged by economic policies, the societal transformation in question required legal support. In addition, as Müftüoğlu argues (2003: 36), the state regulated working life via laws that were in line with the requirements of the time and with the demands of investors. Despite some positive amendments in recent years, this legal framework has been seen as necessary to regulate the system of industrial relations, in a manner that is more restrictive in terms of rights and freedoms (Koray and Çelik 2007: 268). In this way, these regulations created a legitimate ground and simultaneously removed legal obstacles in favour of investors. Turgut Özal, the prime minister during that period, baldly supported this claim by saying that ‘if September 12th had not happened, we could not have come to power’.⁶ The main repercussion of this discourse, in particular as regards industrial relations, centred on ‘putting an end to class-based politics’ (Yalman 2004: 65) and hence any form of class-based representation for workers was eradicated.

In order to actualize the approaches set into motion by the aforementioned political change, the Constitution of 1961 was replaced with the Constitution of 1982, which represented ‘liberalism in economics, anti-liberalism and de-politization in politics’ (Tanör 1987, cited in Koray and Çelik 2007: 268). In addition, this project necessitated the coordination of the military coup with the new economic programme.

In line with the basic regulations of the 1982 Constitution, laws No. 274 and 275 were abolished, and Trade Union Law No. 2821 and The Collective Agreement, Strike and Lockout Law No. 2822 were introduced in 1983. Since the ultimate goal was to achieve the effective functioning of a policy of structural adjustment, the 1982 Constitution and relevant laws were necessarily shaped in line with political and economic policies (Makal 2007: 528).

The 1982 Constitution preserved the classical perception of freedoms for unionism, but removed the numerous opportunities and conditions for the collective representation of workers and placed serious restrictions on trade union activities. According to Çelik (2007), this understating was reinforced

6- <<http://www.tarihtebugun.gen.tr/Turgut%20Özal>> accessed on 23.12.2007

by another principle that could threaten the essence of the right to unionize: the government or legislators were granted the authority to limit the right to unionize for reasons of 'national security' and 'public order'.⁷ In this way, the state was vested with the power to intervene in unionism. A core regulation of the 1982 Constitution that underlies the power to intervene required the founding of a committee responsible for reconciling disputes between employers and workers arising in collective agreements. In accordance with Article 54 of the constitution, disputes would be resolved by the High Arbitrary Committee; furthermore, decisions made by the Committee are definitive and are admitted as collective agreement (Topal 2002: 77). With these restrictions supported by the tacit representation of capital in the constitution, it was inevitable that trade unions would be dispossessed of the means to negotiate with the state, as they indeed were (Tanör 1991, cited in Özdemir 2004: 257). Another legal regulation that weakens the negotiation power of trade unions was Article 52 of the 1982 Constitution, which explicitly set forth absolute restrictions on the establishment of organic relations between trade unions and political parties. Although the parliament repealed Article 52 of the constitution in a package inclusive of a number of changes in 1995, Trade Union Law No. 2821 continued to express these restrictions and was reinforced by Law No. 4277 in 1997, which "enriched" this restriction by introducing new constraints (Baybora 2001: 10–12).

According to Çetik and Akkaya (1999: 92), the 1961 Constitution was possessed of a perception informed by positive discriminatory equality which favoured the working class in order to balance relations. In this context, the protection of the worker was a core constitutional principle. However, the Constitution of 1982 renounced the aim of social protection and regulated trade union rights as an occupational instrument for both capital owners and the working class by removing the principle of positive discriminatory equality. The right of collective agreement and the right to strike were also verified in line with this attitude. Therefore, as Çetik and Akkaya claimed (1999: 92), the principle of protection was replaced with a principle of regulation. This principle was also reinforced by a restriction on workers' choice of trade unions; workers were henceforth not entitled to be a member of more than one trade union in the same sector at the same time. In addition, the constitution stipulated the qualifications of members within a trade union (Ulukan 2003: 88). This is also an indicator of the ways in which the Constitution of 1982 sought to regulate as much as possible as thoroughly as possible (Çetik and Akkaya 1999: 92), which directly

7- <http://www.sendika.org/yazi.php?yazi_no=13134> accessed on 28.01.2008

contravenes ILO Conventions No.87 and 98 and restricts the right of association (Gülmez 2005: 65).

Another aspect of non-compliance with ILO Conventions was also observed in the rights of public employees. Under the terms of the 1982 Constitution, the right to unionize was not recognized for public employees until 1995. Although public employees were granted a trade union law in 2001, they are still deprived of many rights, including the right of collective agreement and the right to strike, and not all public employees have the right to be a member in a trade union (Gülmez 2005: 17). As a matter of fact, this situation is leading to a dual structure in the struggle of unionism as well as in the freedoms and rights of the working class.

After the introduction of the 1982 Constitution, the most important alteration was the introduction of Trade Union Law No. 2821 and Collective Agreement, Strike and Lockout Law No. 2822, which were enacted in 1983, effectively replacing Laws No. 274 and 275. The main reason for this replacement was to end the organized trade union struggle under the labour containment strategy (Talas 1992; Yalman 2002; Işıklı 2003, cited in Özdemir and Özdemir 2005: 65) and to render them ineffective by limiting in particular their right to collective bargaining and the right to strike. In addition, Topal (2002: 66) argues that capital investors blamed the crisis of 1970s on the struggle of trade unionists, and as a result it was seen as necessary to amend the legal regulations applied between 1963 and 1983 in accordance with the essence of the 1982 Constitution by limiting the functions and scope of activity of trade unions.

Through these legal changes, the state not only acquired a decisive role in reorganizing the legal framework that regulated trade union rights, but also intervened directly in labour disputes. There are some regulations which aim at creating centrally powerful trade unions by reducing the number of trade unions. In accordance with Article 3 of Law No. 2821, workers' trade unions shall be constituted on a sectoral level. While more than one trade union could be founded within the same sector, these trade unions shall not be constituted on an occupational or workplace basis. In addition, in order to strengthen this centralization and impede the right to free bargaining, a double threshold system was instituted. According to Article 12 of Law No. 2822, in order to be authorized to make collective agreements, "a workers' trade union representing at least 10 per cent of workers engaged in a given branch of activity (excluding those representing agriculture, forestry, hunting and fishing) and more than half of the workers employed in the establishment or each of

the establishments to be covered by the collective labour agreement shall have power to conclude a collective labour agreement.”⁸ This therefore became an exclusive right of an authorized union to bargain with an employer or employer’s organization with the purpose of reaching a collective agreement (Van der Volk and Süral 2006: 44). Moreover, in addition to the legal procedure utilized in determining the authority for collective bargaining, which is excessively complex and cumbersome, at the end of this process, an authorized trade union is also dictated by the MoLSS.

Besides this limitation, laws that set forth the terms dictating whether or not unions would be able to benefit from collective agreement lead to competition among trade unions and hence cause them to have confrontational attitudes towards each other (Van der Solk and Süral 2006: 45). In accordance with Article 9 of Law No. 2822, ‘the members of a workers’ trade union which is a party to a collective labour agreement shall benefit from that agreement.’ However, the check-off system⁹ also covers workers who are not members of a given trade union at the time the agreement is signed; thus, they can benefit from a collective agreement by paying solidarity contributions. Although this situation would seem to be positive, ultimately it prevents workers from becoming union members prior to signing a collective agreement. Another obstacle for membership in a trade union is the use of notaries in union registration and resignation. Under the terms of articles 22 and 25 of Law No. 2821, a worker must consult a public notary for ratification of registration and resignation and to pay dues.¹⁰ Moreover, the mandatory usage of notary services was also reinforced by the qualifications demanded of members and executive members of trade unions and the structure of trade unions, until an amendment was enacted in 1988. Until 1988, a minimum period of employment of one year was a precondition to become a member of a trade union. However, an employment history of at least ten years was required to be elected as a member of obligatory organs, with the exception of the general assembly.

Paralleling these limitations, severe restrictions and prohibitions regarding the right to strike have also been enacted. The right to strike, as a fundamental

8- In the rest of the world, either these thresholds do not exist or the threshold for the branch of activity is much lower (United Metal Workers’ Trade Unions 2007).

9- A trade union is entitled to receive its funds through the automatic deduction of union membership fees from workers’ wages by the employer and solidarity dues which are contributions paid by workers who are not members of the signatory union but who want to benefit from a collective agreement.

10- This practice does not exist anywhere else in the world (United Metal Workers’ Trade Unions 2007).

complement to the right to collective agreement, is subject to the intervening power of the government. According to Law No. 2822, a number of forms of strike, sectoral strikes and types of strike within the workplace are prohibited; in addition, any lawful strike may be suspended by order of the Council of Ministers if it is deemed harmful to public health or national security. While the number of suspended strikes between 1963 and 1975 was 50, between 1976 and 1980 that number was 108 (Kutal 1977 cited in Akkaya 2002: 84).

These legal regulations could be effectively implemented and produce satisfactory results only if established with labour laws corresponding to the tenets of the 1982 Constitution and Laws No. 2821 and 2822. Labour laws are the axis of trade union laws since they delineate the field in which trade unions pursue their struggle and reflect the impact of economic policies on working life by regulating types of employment and production; workers are unionized in accordance with their working conditions. Therefore, labour laws that shape the structure of employment in conjunction with economic policies have a great impact on patterns of unionism.

Until 2003, Labour Law No. 4857 constituted the legal base for workers. However, in the post-1980s era, most regulations implemented were de facto in line with demands of capital investors. The new Labour Law enacted in 2003 established a legal framework for their implementation. The new Labour Law introduced new types of labour discussed in the previous section. Trade union rights for workers employed in these types of work have thus been seriously restricted, since workers falling under these categories are not able to fulfil the requirements for becoming a member of a trade union in accordance with trade union laws.

Since 2001, Laws No. 2821 and No. 2822 have been subjected to the criticisms of ILO. Although Turkey signed ILO Conventions No. 87 'Freedom of Association and Protection of the Right to Organize', No. 98 'Right to Organize and Collective Bargaining' and No. 151 'Labour Relations', some contradictions between national laws and international conventions still exist. These contradictions have been repeatedly pointed out by ILO committees and international trade union organizations, which have called on Turkey to make the changes necessary to ensure that its own laws comply with the international conventions to which it is signatory (Koray and Çelik 2007: 308–309). Moreover, besides ILO Conventions, Turkey also ratified the European Social Charter in 1989; however, Turkey put reservations on Article 5 ('All workers and employers have the right of freedom of association in national or international organizations for

the protection of their economic and social interests’) and Article 6 (‘All workers and employers have the right to bargain collectively’), articles which regulate relations between employees and employers. The reservations on Article 5 and 6 were not removed while the Revised European Social Charter was approved by the Turkish Parliament in 2006. In this regard, the government is still a long way off from implementing all of the requirements of international conventions (the ILO, the European Social Charter or the European Union, etc.) which have been ratified by Turkey and respect the right to freedom of association and trade union rights (Gülmez 2008).

Table 2-5: Current legislation in the field of industrial relations

Workers (private and public sectors)	Public Employees
<p>1) Act No. 4857 (Year: 2003) Title: Labour law Subject: Individual relations between employer and workers</p>	<p>1) Act No. 657 (Year: 1965) Title: Public employee law Subject: Individual relations between government and public employees</p>
<p>2) Act No. 2821 (Year: 1983) Title: Trade union law Subject: Both employers’ and workers’ unions and confederations</p>	<p>2) Act No. 4688 (Year: 2001) Title: Public employee trade union law Subject: Public employee unions and confederations</p>
<p>3) Act No. 2822 (Year: 1983) Title: Collective agreement strike and lock-out law Subject: Collective bargaining and agreement, procedures of strikes and lock-outs</p>	<p>3) Act No. 5434 (Year: 1950) Title: Social security law of public employees Subject: Social insurance premiums and benefits</p>
<p>4) Act No. 506 (Year: 1964) Title: Social insurance law Subject: Social insurance premiums and benefits</p>	
<p>5) Act No. 4447 (Year: 1999) Title: Unemployment insurance Subject: Unemployment premium and benefits</p>	

Table 2-6: Historical Process of the Laws and Rights in These Laws

Year	Legislation	Right of association		Right to strike		Right of collective agreement	
		Worker	Civil Servant	Worker	Civil Servant	Worker	Civil Servant
1936	Labour Law No. 3008	-	-	-	-	-	-
1938	Association Law No. 3512	no	no	-	-	-	-
1947	Association Law No. 3512 (by amendment)	yes	-	-	-	-	-
1947	Law on the Trade Unions of Employees and Employers and Trade Unions Association No. 5018	yes	no	no	no	no	no
1963	Law on Trade Unions No. 274	yes	no	-	-	-	-
1963	Law on collective Agreement, Strike and Lock-out No. 275	-	-	yes	no	yes	no
1965	Law on Public Servants' Trade Unions No. 624	-	yes	-	no	-	no
1967	Labour Law No. 931	yes					
1971	Amendment in the constitution by military memorandum		-				
1983	Law on Trade Unions No. 2821	yes	-	-	-	-	-
1983	Law on collective Agreement, Strike and Lock-out No. 2822	-	-	yes	-	yes	-
2001	Law on Public Employees' Trade Unions No. 4688	-	yes	-		-	no

-: The corresponding law does not pertain to the right in consideration.

*: The definition of "worker" has changed, giving workers in the private sector and public sector the right to membership in trade unions.

2.2.4 Repression of the Trade Union Movement

It became clear that the most significant factor negatively affecting trade unionism in Turkey was the military coup of September 12, 1980, as subsequent legal regulations, such as the 1982 Constitution, Law No. 2821 and Law No. 2822, severely restricted unionism. Trade union movement has been sharply affected by a spectrum of political, economic, social and legal policies. The combination of these policies marked a turning point for unionism in Turkey.

Turkey underwent a transition in terms of its systems of industrial relations between 1980 and 1983, when the 1982 Constitution and Laws No. 2821 and 2822 were introduced. By the end of this period of transition, Turkey's working class was unable to reclaim its previous state of empowerment (Şafak 2006: 34). The trade union movement, which began to be constructed within the limitations of these laws, thus lost its capacity to act in militant defense of its rights and to question the state's economic policies (Özdemir 2004: 262).

In this transition period, with the exception of TÜRK-İŞ, the activities of DİSK, MİSK and HAK-İŞ and their affiliated trade unions were annulled by declaration of the National Security Council. All collective agreements signed by unions were cancelled and strikes were postponed. The High Arbitration Committee was temporarily assigned to unilaterally settle disputes and collective agreements; workers' wages were frozen, parliament was abolished, all political parties were closed and some party leaders and trade unionists were arrested and subjected to violence, torture, harassment and abuse. However, among union confederations, as a result of its political position, DİSK was most heavily targeted, and hence subjected to the most extreme restrictions. Two thousand members of DİSK, including executive members, were arrested and put on trial, and all property owned by DİSK was confiscated by the Council.¹¹ In 1981, 78 people were sentenced to death (Ulukan 2003: 79). Between 1980 and 1983, all forms of trade union activity were prohibited; in 1981, however, HAK-İŞ and MİSK were allowed to resume activities. After the abolishment of martial law in 1984, the right to collective agreements was reinstated and the trade union movement began to revive. During the 1980s, while DİSK was shut down, TÜRK-İŞ, HAK-İŞ and MİSK continued their union activities. A crucial reason for the high levels of membership in TÜRK-İŞ at this time was the transfer of some workers from DİSK to TÜRK-İŞ. 11 years after being shut down, DİSK was acquitted on appeal and reinstated organizing activities in 1991 (Ulukan 2003: 81).

11- <<http://www.disk.org.tr/default.asp?Page=Content&ContentId=28>> accessed on 08.04.2008

With respect to workers' struggles, up until 1988, the movement attempted from time to time to revitalize itself and to institute strikes and collective agreements; wages, however, were in a constant state of decline and real purchasing power decreased. The first strike held after September 12, 1980, was organized in 1985 by Laspetkim-İş, which refused to join TÜRK-İŞ after DISK was shut down.¹² In the period following 1989, purchasing power increased as workers rallied and organized different plans of action which did not directly influence production, but did influence public opinion. They organized boycott campaigns, refusals to work overtime, slowdown strikes, forms of resistance such as symbolic beards, and collective marches. The peak of this period was the 1989 'Spring Demonstrations', which lasted three months and was joined by workers in both the public and private sectors.¹³ The core feature of these demonstrations was that they were not union-based, and so most of the participants were not members of trade unions (Çetik and Akkaya 1999: 134). With the impact of the success of the 1989 Spring Demonstrations, wages increased up through 1992, as noted in Table2-2: between 1988 and 1991, wages were on the rise. If the index of total real wages is assumed to be 100 in 1979, total real wages increased from 78.3 % in 1988 to 90.4 % in 1989 and to 100.6 % in 1990.

However, as a natural result of the legal framework instituted in the years following the 1980 coup, this movement could not be carried further; collective agreement activities were limited to members at the level of the workplace in a limited way, new working relations were established, new types of work categories continued to come into being, and the number of subcontracted workers and temp workers skyrocketed as unemployment increased. All of these may be counted among the causes of the doldrums the movement found itself in.

The demonstrations in 1989 encouraged the emergence of a public employee movement. In the 1990s, a number of public employees' trade unions were established. Three national-scale marches to Ankara were organized in the years after 1990 to protest government policies and to acquire trade union rights. For the first time in 1992, public employees who would become members of KESK (the Confederation of Public Employees' Trade Unions) organized a large demonstration by drawing upon 'their influence, which was seated in

12- *Ibid.*

13- <http://www.turkis.org.tr/source.cms.docs/turkis.org.tr.cel/docs/file/turk-is_tarihi.pdf> accessed on 08.04.2008

their power of production' (Faydalı 2002). The demonstration consisted of a one-day strike, at a time when they did not yet have the right of association. While KAMU-SEN (Confederation of Public Workers' Unions of Turkey) was established in 1992, KESK and MEMUR-SEN (Confederation of Employee Unions) were founded in 1995.

During this period, especially towards the end of the 1990s, the movement lost its momentum due to an economic downturn. At this point, workers' rights to strike were revoked as a result of the Gulf Crisis of 1990, a situation which limited the sphere of social influence of trade unions as well as their impact on wages (DİSK 2008). Suspension of the de facto right to strike was notably witnessed in the petroleum, aviation and glass sectors, and protest was limited to collective agreement. Although strikes that were "objectionable in terms of national security" were still subjected to suspension upon decision of the Ministry Council (Buğra, Adaman and İnel 2005: 25), after 1986 the numbers of strikes increased, and between 1990 and 1991 they reached their highest levels (Ulukan 2003: 97).

In 1992, for the first time Labour Day was celebrated jointly by three confederations in an office via press release. In 1993, Labour Day was celebrated separately by DİSK and TÜRK-İŞ in the streets for the first time since the bloody events of 1980. In following years, some Labour Days were celebrated jointly by some trade unions and social opposition movements under different platforms. During the 1990s, trade unions organized demonstrations mostly against privatizations, wage decreases, subcontracting applications and deunionization policies. Since the beginning of the 2000s, the trade union movement in Turkey has concentrated in particular on the issue of social security reforms together with the issues of the previous period. Moreover, the trend towards militant conflict during this period, beginning with the attacks of September 11, 2001, and continuing at the international level with the outbreak of the Iraqi War and the intensification of similar trends in Turkey, also gave direction to the trade union movement. In the 2000s, trade unions have faced much more pressure at the level of the workplace and also at the national level. During the 2008 Labour Day celebrations, jointly organized by TÜRK-İŞ, DİSK and KESK and in which many opposition movements participated, police forces under government directives employed excessive force against demonstrators, drawing criticism from international observers, including the European Commission.¹⁴ The stance of the government towards the 2008 Labour Day demonstrations is indicative of the current situation of trade unions in Turkey.

14- <<http://www.reuters.com/article/latestCrisis/idUSL06264195>> accessed on 18.05.2008

Unionization Ratios

The most prominent negative aspect of laws impacting trade unions and labour laws enacted after 1980 per the trade union movement was the decline in rates of unionization. It should be noted, however, that the majority of scholars and researchers have argued that the official data does not accurately reflect the reality (Koray and Çelik 2007; Mahiroğulları 2001; Çetik and Akkaya 1999; Makal 2003), and thus a critical discrepancy exists between claims made by state authorities and those made by trade unions themselves. In Turkey, MoLSS calculated ratios of unionization differently from trade unions. While the Ministry takes into account only the number of wage earners as the total of workers, trade unions also include the number of daily workers in the sum of workers; thus, the Ministry's figures are less than those reported by the trade unions. Secondly, while the Ministry takes into account the number of full members, trade unions calculate according to the number of workers covered by collective agreement, resulting in a differentiation of unionization accounts. According to the research of the trade union Birleşik Metal-İş (Table 3-10), with reference to the estimated number of trade union members included by Collective Agreements and to the estimated number of wage earners in accordance with a population census, the ratio of unionization decreased from 22.2% in 1988 to 14.8% in 1995. The Ministry, on the hand, reported that the ratio of unionization increased from 63.21% in 1988 to 69.39% in 1995 (Table2-7). However, if trade union accounts (the focus of the struggle for rights) are taken into consideration, it becomes clear that ratios of unionization in Turkey have been steadily decreasing from year to year.

Table 2-7: According to the Ministry of Labour and Social Security, Number of Workers and Ratio of Unionization (1984–2001)

Year	According to the MoLSS, the total number of workers	According to the MoLSS, the number of trade union member workers	According to the MoLSS, the rate of unionization (%)
1984	2,317,016	1,247,744	53.85
1985	2,590,978	1,594,577	61.54
1986	3,038,619	1,937,120	63.75
1987	3,145,652	1,977,066	62.85
1988	3,354,718	2,120,667	63.21
1989	3,525,956	2,277,898	64.60
1990	3,495,087	1,921,441	54.98
1991	3,573,426	2,076,679	58.11
1992	3,606,170	2,192,792	60.81
1993	3,683,426	2,341,979	63.58
1994	3,837,910	2,609,969	68.00
1995	3,834,193	2,660,624	69.39
1996	3,973,306	2,695,627	67.84
1997	4,111,200	2,713,839	66.01
1998	4,266,097	2,856,330	66.95
1999	4,350,016	2,987,975	68.69
2000	4,508,529	3,086,302	68.45
2001	4,537,544	2,580,927	56.88
2002	4,564,164	2,680,966	58.6
2003	4,781,958	2,751,670	57.5
2004	4,916,421	2,854,059	58.1
2005	5,022,584	2,944,926	58.6
2006	5,154,948	3,001,027	58.21
2007	5,292,796	3,091,042	58.4

Source: Ministry of Labour and Social Security, Number of Workers and Unionization by Period <http://www.calisma.gov.tr/istatistik/cgm/sendikalasma_oranlari.htm> accessed on 27.12.2007

Table 2-8: According to the Trade Unions, Number of Workers and Ratio of Unionization (1988–2007)

Year	The number of wage earning workers	The number of workers covered by collective agreement	The rate of unionization of workers (%)
1988	7,170,000	1,591,360	22.2
1989	7,077,000	1,505,520	21.8
1990	7,419,000	1,385,919	19.3
1991	7,305,000	1,443,297	20.8
1992	7,595,000	1,556,928	18.8
1993	7,891,000	1,529,825	19.6
1994	8,323,000	1,407,682	17
1995	8,471,000	1,144,989	14.8
1996	8,953,000	1,137,788	14.4
1997	9,657,000	1,319,563	12.2
1998	9,697,000	1,209,155	12.1
1999	9,544,000	1,054,422	12.6
2000	10,345,000	1,042,473	10.1
2001	10,057,000	1,010,563	10.1
2002	10,625,000	1,007,305	9.5
2003	10,707,000	957,418	8.9
2004	11,344,000	919,364	8.1
2005	12,120,000	933,636	7.7
2006	12,906,000	902,345	6.99

Source: Birleşik Metal İş Sendikası (2007), Faaliyet Raporu

As discussed above, in the late 1980s, some members of DİSK relocated to TÜRK-İŞ while others established their own trade unions.¹⁵ The most important reason for this defection from DİSK to TÜRK-İŞ was workers' desire to benefit from collective agreements (Ulukan 2003: 98). Its numbers thus increased, TÜRK-İŞ gained clout among the confederations. As seen in Table 3-11, in 1986 while the total number of trade union member workers was 1,811,147, the number of TÜRK-İŞ members was 1,438,475. However, it should be noted that the number of trade union members is debatable, as the Ministry's data regarding this issue is claimed to be wrong and inflated far beyond real levels (Koray and Çelik 2007: 310). The difference between the data of Ministry and of trade unions can be seen in the table 2-7 and 2-8.

15- <<http://www.disk.org.tr/default.asp?Page=Content&ContentId=28>> accessed on 08.04.2008

Table 2-9: Distribution of Trade Union Member Workers According to Confederations and Independent Trade Unions (1986–2008)

Year (January)	TÜRK-İŞ	DİSK	HAK-İŞ	Independent Trade Unions
1986	1,438,475	-	149,153	223,519
1987	1,513,317	-	162,313	228,997
1988	1,670,897	-	180,557	259,841
1989	1,421,257	-	166,597	245,088
1990	1,567,501	-	189,090	240,253
1991	1,675,301	-	249,637	205,873
1992	1,766,535	19,378	268,035	200,323
1993	1,815,271	208,266	272,338	189,806
1994	1,967,260	334,767	283,292	53,141
1995	1,978,035	329,337	295,729	59,704
1996	2,014,452	313,046	317,265	60,098
1997	2,047,708	325,404	335,577	64,128
1998	2,134,593	358,328	356,642	71,119
1999	2,178,886	368,743	361,415	75,580
2000	1,789,873	314,321	283,908	76,955
2001	1,861,146	343,718	293,212	79,044
2002	1,892,493	365,240	302,804	84,315
2003	1,939,256	375,775	309,491	88,806
2004	1,997,990	388,318	322,238	98,381
2005	2,041,161	393,312	362,471	104,999
2006	2,092,694	404,047	378,095	112,595
2007	2,141,319	412,143	372,780	117,490
2008	2,184,685	419,634	402,054	131,747

Source: Working Life Statistics, Ministry of Labour and Social Security 2007: 111.

CHAPTER 3: DEVELOPMENT OF SOCIAL DIALOGUE IN TURKEY

The previous chapter analyzed the historical background of industrial relations and the associated implications on the trade union movement in Turkey particularly in terms of the evolution of trade union rights and the rights of workers. In this section, the development of social dialogue, which establishes a new arena for trade unions within industrial relations, will be examined. The first part will present a general outlook and outline the course of social dialogue, and in the second part the specific features of social dialogue mechanisms will be discussed.

In Turkey, the working class has had limited opportunity to direct the trade union movement under its own power and by force of its struggle; the movement has rather been shaped by regulations and amendments or by external dynamics. Similarly, social dialogue as a concept came onto the agenda of Turkey and trade union confederations as a result of the accession process to the EU. During the period in which the accession process accelerated in the 1990s, attempts were made to instil the institutional features of social dialogue under EU regulations in a Turkish context. At the same time, Turgut Özal, the president of Turkey at the time, began disseminating information regarding social dialogue to the public.

Between the years 1936 and 1960, due to restrictions and prohibitions on trade union rights and freedoms, development of social dialogue remained unfeasible. Although an institutional attempt at compromise was made with the establishment of the Work Assembly in 1947 (Görmüş 2007: 121) as consultative body in which representatives of workers, employers, government and scientists negotiated the problems of working life, the Assembly was not concerned with collective workers' rights; rather, it focused on the issue of individual rights (Koray and Çelik 2007: 354). During the same time period, a Minimum Wage Commission was founded, through which minimum wages were stipulated on national and tripartite levels. However, as Koray and Çelik argue (2007: 349), this does not imply a founding of social dialogue at the national level, since the social partners were not endowed with social power and the participation of trade unions was strictly limited by state regulation. During the period between 1960 and 1980, despite the expansion of relations per trade union rights and freedoms, the only example in the history of Turkish industrial relations which remotely resembled social dialogue was the Social

Agreement (Öke 2005). According to Koray and Çelik (2007: 358), during this period, while there were several mechanisms functioning as means to social dialogue, such as informal meetings among social partners, no tangible results truly classifiable as social dialogue emerged. With the exception of collective bargaining, within the system of industrial relations traces of social dialogue remain inscrutable.

In 1978, Bülent Ecevit, then Prime Minister of Turkey, following the establishment of a new coalition government, instituted a series of meetings with Halil Tunç, the president of TÜRK-İŞ. As these meetings wound up, a declaration dated July 20, 1978, was announced, proclaiming that a social agreement concerning workers in the public sector had been signed as a result of negotiations between the government and the largest trade union confederation. This agreement remained in force for just fourteen months, as TÜRK-İŞ withdrew, claiming that the government had not held to the terms of the agreement (Kutal, 1998 cited in Koray and Çelik 2007: 369). According to Işığışık (1999), the fall of the government in September of 1979, the establishment of a new government and the failure of TÜRK-İŞ in satisfying its affiliated trade unions were the reasons for the agreement's failure. According to Talas (cited in Koray and Çelik 2007: 369), the agreement was the product of efforts to ameliorate oppressive standards of life and it aimed at garnering political and social support from workers organized in the public sector. The agreement stipulated in detail terms for wage policies, collective bargaining, labour laws and participation in management. Since the agreement was limited to workers in the public sector, it was claimed that it generated problems for the rest of the labour force due to the existence of marked clashes between workers and employers in the private sector (Koray and Çelik 2007: 373). DİSK did not participate and severely criticized the agreement by saying that 'the agreement invoiced the sins of capital and governments of capital to the working class.'¹⁶ Yet, according to Talas (cited in Koray and Çelik 2007: 375), although the consequences of the agreement is debatable, the materialization of the agreement itself is the important success as an implicit output of tripartite social dialogue perception in the history of industrial relations in Turkey. Once this dialogue ceased, however, it wasn't until the year 1990 that social dialogue mechanisms in industrial relations officially came into existence in Turkey. In addition, bipartite social dialogue, including collective agreement, did not effectively operate either during this time frame.

16- *Ibid.*

The concept of social dialogue was initially voiced by Turgut Özal, president in the early 1990s, in a 'Social Compromise Seminar' jointly organized by TİSK and Dokuz Eylül University in Izmir in 1990.¹⁷ A similar push for social dialogue was also expressed by TÜSİAD in their 20th Ordinary General Assembly, in which they declared their willingness to engage in social and political compromise. The president of TÜSİAD, Cem Boyner, stated 'as the Executive Board of TÜSİAD, we desire that all sectors of society agree to compromise, since they have common interests'.¹⁸ The government also put forth efforts in this direction, as a first step ratifying in 1992 ILO Convention No. 144 on the tripartite consultative agreement for the implementation and development of international work standards, which would lay the groundwork for the establishment of different tripartite consultative platforms in 1995 (Van der Valk and Süral 2006). However, concrete measures for the establishment of the relevant mechanisms and institutions were not adopted until 1995.

The prospect of EU membership increased motivation to establish social dialogue and led to the formulation of concrete measures to be taken by the government. The establishment of Economic and Social Councils (ESC), respected as an important institutional structure which contributes to the development of industrial relations, is supported by the European Commission as a crucial step "in the integration of basic values and features of the European social model" (EC 2002). According to Yıldırım and Çalış (2002: 7) the establishment of an ESC in Turkey is a significant step forward for conformity with the EU acquis on social policy.

3.1. Tripartite and Bipartite Social Dialogue Mechanisms

Social dialogue institutions and mechanisms in Turkey are differentiated according to their levels, structures and roles. The Economic and Social Council, the Minimum Wage Commission and the Tripartite Consultation Board are some of the social dialogue institutions at the tripartite level. In addition to these institutions, there are also different platforms at all levels with different structures. Other platforms for social dialogue include the administrative bodies

17- <http://www.byegm.gov.tr/yayinlarimiz_layintarihi/1990/ocak1990.htm> and <http://www.byegm.gov.tr/yayinlarimiz_layintarihi/1990/mart1990.htm> accessed on 17.04.2008.

18- <http://ekonomitarihi.blogspot.com/2006_03_01_ekonomitarihi_archive.html> accessed on 17th April 2008

of various state agencies both at national and provincial levels and ad hoc advisory bodies such as the Work Assembly.

In Turkey, although in bipartite relations there are a number of mechanisms that could be identified as social dialogue mechanisms, development of bipartite social dialogue has remained at the workplace level and is for the most part limited to mechanisms of collective bargaining originally generated before social dialogue. At the national level, there are informal mechanisms of bipartite social dialogue. These mechanisms are emerging from the initiatives of employers and workers at the level of the workplace. These mechanisms are not grounded in regulations nor are any legal obligations guaranteed under Turkish law. Umbrella employee and employer organizations come together voluntarily and establish de facto relations and dialogue. In general, employees' and employers' organizations run social dialogue at the sectoral and workplace levels. At the sectoral level, they have a limited number of consulting mechanisms, while at the level of the workplace, collective agreements could effectively operate as a form of social dialogue mechanisms grounded in law. At present, however, committees established at the workplace level function as consulting mechanisms only.

3.1.1. Economic and Social Council (ESC)

During the 1980s and 1990s, many employers, state authorities and scholars argued for the necessity of social agreement among social partners and recommended establishing an economic and social council as a core criterion for the achievement of this goal (Akkaya 1999: 218). Building on the meeting of the European Community and Turkey Association Council held on March 6, 1995, the first concrete steps were taken towards the realization of this aim. Agreement No. 95/1, dated December 22, 1995, was signed between the EU and Turkey pursuant to the Ankara Agreement of 1963 and the Supplementary Protocol dated 1970. This agreement initiated the process for Turkey's admission to the Customs Unions and pushed for the institutionalization of social dialogue. After the meeting, via the Prime Ministry's circular No. 95/5 dated March 17, 2005, the ESC was officially established in Turkey. Pursuant to Article 27 of the Ankara Agreement, the circular referred to the importance of this council in forging bonds with the counterpart council in the Community, particularly within the framework of the integration process with the European Community. The Circular No. 1995/5 also specified the tasks of the ESC: 'To advise the government on problems of the business world and social issues; to

ensure coordination between public institutions and private organizations; to formulate proposals when laws concerning business and harmonious labour relations are being drafted; and to promote an enduring peace between the government, workers and employers.¹⁹ According to Circular No. 1995/5, under the heading of the prime minister or a minister appointed by him, the council would include: the Minister of Finance, the Minister of Labour and Social Security, two Ministers appointed by the Prime Minister, the Deputy Secretary of the Prime Ministry, the Deputy Secretary of the State Planning Organization, the Deputy Secretary of the Treasury, the Deputy Secretary of Foreign Trade, the President of the State Institute of Statistics, the Governor of the Central Bank of the Republic of Turkey, Deputy Secretaries of affiliated ministries, two representatives from the Turkish Council of Higher Education, one representative from TİSK, two representatives from the Union of Chambers of Industry, Commerce, Maritime, Trade and Commodity Exchanges of Turkey (TOBB), one representative from the Confederation of Tradesmen and Artisans of Turkey (TESK), one representative from the Union of Turkish Chambers of Agriculture (TZOB) and two representatives from TÜRK-İŞ. Thus the state would be represented in the council by fourteen representatives, the university council by two representatives, employers by five representatives and workers by only two representatives.

The ESC is designed to be a consultative body, and it does not legally have a bargaining function as regards social agreements and pay policy agreements; the decisions of the ESC are not binding, but they are hortative and recommendatory (Önal 2003, cited in Kayhan 2007: 73). According to Yıldırım and Çalıř (2007: 9) the purposes of the ESC are: to work for the establishment of social consensus through representation of different sections of society in the formulation of economic policies; to realize and preserve long lasting peace in industrial relations; to advise the government on major economic issues such as employment, productivity and incomes; and to provide consultations on the issues of economic policy and legislation. According to Koray and Çelik (2007: 406), however, the ESC in Turkey is not consistent with its counterpart in the European Union, since in the ECOSOC, representatives of the government do not have seats, and the Committee consists solely of the representatives of non-governmental organizations; furthermore, the Committee is designated as a consultative body for the government. In Turkey, however, the ESC not only includes a large number of state representatives, but also is chaired by

19- Prime Ministry's Circular No. 1995/5, <<http://mevzuat.dpt.gov.tr/basbakan/genelge/1995-5.pdf>> accessed on 20.04.2008

the Prime Minister. What this entails is that the government actually does not consult an independent body, but rather, in a curious way, consults itself.

The establishment of this council was also criticized by trade unions and representatives of employers. TÜRK-İŞ and TİSK criticized how the council was drawn up unilaterally by the state and the resultant predominance of state control in the council itself (Koray and Çelik 2007: 403; Yıldırım and Çalıř 2007: 8). DİSK also criticized the council for the predominance of employers in the council body and the minority of worker representatives.²⁰ As Yıldırım and Çalıř argue (2007: 9), the ESC was designed as an institution endorsed by the EU, but only on paper; in reality, the structure of the council itself limited the role of employees and employer organizations in policy consultation.

The ESC was able to assemble its first meeting seven months later, under the direction of Prime Minister Tansu Çiller on October 11, 1995. Although TÜRK-İŞ was invited, TÜRK-İŞ did not participate since the meeting date coincided with ongoing strikes organized by TÜRK-İŞ in the public sector. In this way, the first ESC meeting was held without the representation of workers. Since the ESC did not have a legal basis and was legitimized solely by means of the Prime Ministry's circulars, every government that subsequently came into power was able to manage the structure of the council in line with their particular political stance in the following years, from 1995 to 2001, resulting in cronyism. In 1996, under the coalition government of the Mother Land Party (ANAP) and the True Path Party (DYP), TÜSİAD was included in the council. However, in 1997, when the government changed and a new coalition government comprised of the Welfare Party (RP)²¹ and DYP was formed, TÜSİAD was replaced with the Independent Industrialists and Businessmen's Association²² (MÜSİAD). In this period, the ESC was transformed into an organ serving the political aims of the government and thus deviated from its actual function (Çetik and Akkaya 199: 22). However on April 11, 2001, enactment of a regulation regarding the ESC (Law No. 4641 on the Establishment and Working Principles and Procedures of the Economic and Social Council) nullified the previous structuring of the organization. The law's aim was 'to lay down the establishment and working principles and procedures of the Economic and Social Council whose task is to ensure social reconciliation and cooperation and deliver joint opinions of a

20- <<http://www.disk.org.tr/default.asp?Page=Content&ContentId=126>> accessed on 08.04.2008

21- A radical religious political party

22- MÜSİAD, different from TÜSİAD, is claimed to have been established with religious tendencies, and is therefore referred to as the Muslim Businessmen's Association, as indicated by the abbreviation.

consultative nature by providing a constant and sustainable environment for economic and social policymaking’.

According to Article 2 of the law, the Council is to be composed of the Prime Minister, as president; the deputy Prime Ministers; the Minister of State responsible for the State Planning Organization; the Minister of State responsible for the Treasury; the Minister of State responsible for the Deputy Secretariat of Foreign Trade; the Minister of State responsible for State Personnel Administration; the Minister of Finance; the Minister of Agriculture and Rural Affairs; the Minister of Labour and Social Security; the Minister of Industry and Trade; the Minister of Energy and Natural Resources; the Undersecretary of the State Planning Organization; the Undersecretary of Customs; the President of the State Personnel Administration; three members from the Union of Chambers and Commodity Exchanges of Turkey, the confederation of public employees which has the greatest number of members; representatives from TÜRK-İŞ, TİSK, TOBB, TZOB, HAK-İŞ, DİSK and other government representatives; and representatives of non-governmental organizations and public employees to be nominated by the Prime Minister.

Under the new law, the secretarial services of the ESC were to be carried out by the State Planning Organization, whose undersecretary is also a member of the Council. The main duties of the ESC are: to ensure the participation of various social partners in state economic and social policies; to promote consensus and cooperation both between the government and these groups and among these groups themselves; to submit opinions, views and reports to the government, Parliament, President and public; on its own referral, to provide commentary on government initiatives and give opinions regarding law proposals impacting a spectrum of economic and social matters which are related to economic and social life, and also to contribute to development plans and annual programmes.

Since 2001, seven council meetings have been held. In the meeting held on March 25, 2005, under the government of the Justice and Development Party (AKP) headed by Tayyip Erdoğan, the issue of restructuring the ESC was discussed. Although the representatives of the member organizations of the council, including trade unions, non-governmental organizations and employers’ organizations had prepared an alternative law which envisaged a more autonomous ESC (Koray and Çelik 2007: 414), the revised law has not been enacted. For that reason, DİSK declared that it would withdraw from the council until the proposal becomes law.²³

23- *Radikal*, 30.05.2006, ‘DİSK, ESK’den çekildiğini açıkladı’ <<http://www.radikal.com.tr/haber.php?haberno=18>

The last ESC meeting under the chairmanship of the Prime Minister was held on January 3, 2008, with the aim of discussing social security reform. Government representatives, TÜRK-İŞ, HAK-İŞ, Türkiye Kamu-Sen, TOBB, TİSK, TZOB, TESK, TÜSİAD, MÜSİAD and other representatives attended the meeting, in which employee representatives harshly criticized a proposed law on socialized insurance and health care; the Prime Minister, however, focused on the necessity of restructuring the social security system and the importance of social dialogue.²⁴

In summary, since its establishment in 1995, the ESC has met only nineteen times; in 1996 and in 2004, the council could not meet. The main issues that have been debated in council meetings are the social security system, tax reform, inflation, unregistered economic activities, informal employment, impacts of the global crisis on production, and general issues of industrial relations. Three of these eighteen meetings were merely informational. In two meetings, the restructuring of the ESC was placed on the agenda, and social security reform and industrial relations were discussed in only four of the meetings. As Koray and Çelik (2007: 416) argue, the council does not represent an arena of compromise, as its structure and functions do not conform to EU standards and as such the establishment of the council has merely been a superficial formality (Görmüş 2007: 132; Yıldırım and Çalış 2007: 10).

3.1.2. Minimum Wage Assessment Commission

The minimum wage is generally defined as ‘the wage necessary to cover the costs of basic needs, including the economic and social requirements of a worker and his/her family,²⁵ and render possible a decent standard of living’ (TÜRK-İŞ 2006). The setting of a minimum wage is thus a crucial and sensitive issue, in terms of both its definition and its real-life application. In Turkey, the majority of workers earn the minimum wage; therefore minimum wage policy directly impacts a vast number of wage-earners. The minimum wage in Turkey is set nationally by the Minimum Wage Assessment Commission, which consists of workers’ representatives, employers and government officials, in accordance with Article 39 of the Labour Law and Article 8 of the pursuant Regulation. Article 39 of Labour Law No. 4857 maintains that ‘in order to

8780&tarih=30/05/2006> accessed on 20.04.2008

24- <<http://www.gundelik.net/2008/01/03/sosyal-sigortalar-ve-genel-saglik-sigortasi-tarafarla-tartisildi-biz-bu-yasayi-istemiyoruz/>> accessed on 18.04.2008

25- <http://www.sendika.org/yazi.php?yazi_no=13619> accessed on 02.05.2008

regulate the economic and social state of all kinds of workers working under an employment contract and within or out of the scope of this law, the minimum wage shall be assessed every two years at the latest, by the Ministry of Labour and Social Security through the mediation of the Minimum Wage Assessment Commission.’ Meanwhile, Article 1 of the Minimum Wage Regulations defines the minimum wage as follows: ‘the wage that is paid to employees in return for one normal working day and that is sufficient to cover the essential needs of employees such as nutrition, housing, clothing, health, transportation and cultural activities at a minimal rate, based on current prices.’ Having the largest membership of all union confederations, TÜRK-İŞ and TİSK participated in the meetings with five representatives, and five representatives from the government also attended; representatives from social organizations, however, must be appointed. The state is represented by: the commission of the General Directorate Department of Ministry of Labour and Social Security or his/her deputy; the general directorate of Occupational Health and Safety or his/her deputy; the General Directorate of the State Institute of Statistics or his/her deputy; and relevant representatives of the Deputy Secretariat of Treasury and the State Planning Organization. The Ministry selects the president from among the members, but the commission is usually chaired by the general directorate of the Labour Department. In addition to the decisions made regarding the minimum wage, the Commission also drafts various regulations on income policies, general wage-levels, working conditions and other types of payment (Koray and Çelik 2007: 444).

The decisions are made by a majority vote. In case of a tie, the vote goes to the party of the president. Even though decisions made by the Minimum Wage Assessment Commission on minimum wages are final, it is possible to have recourse to the Council of State for referral. Decisions are initially published in the Official Gazette, whereupon they are enacted. As Petrol-İş (1991: 163) stated, since trade union membership and coverage level of collective agreements in Turkey is quite low, decisions regarding the minimum wage impact an immense number of workers; despite its deficiencies, however, in terms of its scope and structure, the system functions as a form of collective agreement.

Table 3-1: The Decisions of Minimum Wage Commission (1974–2007)

Year	Type of Decision	Time of meeting	Unanimous	Opposing of Worker	Opposing of Employer	Opposing of Different sectors
1974	Majority	2 months 23 days		+		
1976	Majority	1 months 22 days		+		
1977	Majority	1 months 22 days		+		
1979	Majority	1 month				+
1981	Unanimous	16 days	+			
1982	Unanimous	18 days	+			
1984	Unanimous	9 days	+			
1985	Majority	18 days		+		
1987	Majority	30 days		+		
1988	Majority	1 month 22 days		+		
1989	Majority	1 month 1 day		+		
1990	Majority	2 months 8 days		+		
1991	Majority	2 months 2 days			+	
1992	Majority	2 months 15 days			+	
1993	Unanimous	2 months 2 days	+			
1994	Majority	2 months 19 days		+		
1995	Majority	3 months 8 days		+		
1996	Majority	3 months 3 days			+	
1997	Unanimous	2 months 2 days	+			
1998	Unanimous	2 months 21 days	+			
1999	Majority	2 months 12 days		+		
2000	Majority	2 months		+		
2001	Majority	10 days		+		
2002	Majority	2 months 3 days		+		
2003	Majority	1 month 16 days			+	
2004	Majority	1 month 10 days				
2005	Majority	22 days		+		
2006	Majority	27 days		+		
2007	Unanimous	24 days	+			

As illustrated in Table 3-1, from 1969 to 2007, the national minimum wage was set by the Commission 31 times. Of these, only seven decisions were made unanimously, and compromise was not reached on any of the others. Three of the seven decisions were made during the era of military rule following the coup of September 12, 1980. Moreover, as the table demonstrates, unanimous decisions were reached very quickly and most of the decisions were made despite trade union opposition.

The most recent meeting was held in 2007, with a unanimous decision being reached on December 27, the last day of the meeting the first time in nine years that a total consensus was reached. Approximately fifteen days before this date, the 20th General Assembly of TÜRK-İŞ was held and a new president of TÜRK-İŞ was elected. Since TÜRK-İŞ was still the largest trade union confederation in 2007, it represented the workers in the Commission. The new President of TÜRK-İŞ, Mustafa Kumlu, is claimed to have political views congruent with the current AKP government,²⁶ and it is furthermore claimed that this is the reason a unanimous decision could be reached. As there was no opposition, this move by TÜRK-İŞ was criticized by many trade unions and other representatives.²⁷

The Minimum Wage Assessment Commission seems to most closely resemble conceptualizations of social dialogue, in particular forms of collective agreement at the national level. However, its non-democratic structure and inefficiency remain critical obstacles for the Commission within the context of social dialogue. Because of the low level of unionization and serious limitations on unionization in Turkey, the responsibility of the Commission is especially great, as the decisions it makes affect millions of workers in Turkey.

3.1.3. Tripartite Consultation Board

The Tripartite Consultation Board was established in 2004 with the same aims as the ESC, namely, constructing forums for effective consultation and exchange of views between the government and representatives of employees and employers per ILO Convention No.144 (Görmüş 2007: 132) for the sake of institutionalizing perceptions of social dialogue. The Board is entrusted with: contributing to the formation of policies in working life; strengthening compromise and cooperation among partners; promoting job security;

26- Milliyet, 29.12.2007, <<http://www.milliyet.com.tr/2007/12/29/ekonomi/aeko.html>> accessed on 21.05.2008
27- <<http://www.memurlar.net/haber/97370/>> accessed on 21.05.2008

improving industrial relations; working in conformity with ILO Convention No.144; realizing effective consultation practices, information exchange and communication among partners to facilitate adaptation to EU *acquis* related to working life; and enabling social partners to monitor preparation and implementation processes for legislation impacting working life. The Board thus deals with more specific and relevant issues about the working life than the Economic and Social Council (Öke: 2006).

Structurally, the Board is composed of relevant government authorities, with one representative from each of the three largest workers' trade union confederations and public servant confederations and three representatives from employers' confederations. The Board is chaired by the Minister of MoLSS or the Undersecretary of MoLSS. According to Koray and Çelik (2007: 422), since the Board has a more balanced composition in comparison with the others, it could be identified as the most compatible institution among all of the tripartite social dialogue mechanisms.

The Tripartite Consultation Board is expected to meet regularly every three months upon the invitation of the president or upon a written request of one-third of the representatives. The Board, under the chairmanship of Murat Başesgioğlu, former Minister of Labour and Social Security, held its first meeting on May 24, 2004, with the participation of representatives from TİSK, TÜRK-İŞ, HAK-İŞ and DİSK. In the meeting, difficulties regarding the application of the Labour Law, proposals on the standardization of social security, Laws No. 2821 and 2822, informal employment and a proposal for severance pay fund were discussed.²⁸ The second meeting was held one year later on May 5, 2005, focusing on Laws No. 2821 and No. 2822 and social security reform.²⁹ The third meeting was held on December 28, 2006.³⁰ The Board generally holds meetings once a year with the aim of discussing social security and trade unions laws. However, in 2007, for the first time the Board convened meetings three times in a year, as stipulated by the founding regulation. In 2008, the first meeting was begun following the usual course of events, again referring to an amendment proposal for Laws No. 2821 and No. 2822, which has been on the agenda since 2007. According to DİSK, during the course of the meeting, although the government appeared more active and willing to amend the laws, efforts were halted due to the ILO General Assembly in 2008 and postponed to an uncertain date.³¹

28- <http://www.tisk.org.tr/isveren_sayfa.asp?yazi_id=958&id=55> accessed on 17.05.2008

29- Sabah,05.05.2005 <<http://arsiv.sabah.com.tr/2005/05/05/eko100.html>> accessed on 17.05.2008.

30- <<http://www.metropolis.com.tr/calisma/duyuru/2006faaliyetraporu.pdf>> accessed on 17.05.2008.

31- <<http://www.disk.org.tr/default.asp?Page=Content&ContentId=546>> accessd on 08.04.2008

Although the Tripartite Consultation Board seems to be a more democratic social dialogue mechanism in terms of its structure and its relatively regular meeting calendar, recent developments indicate that it is not functioning efficiently (DİSK 2008).

3.1.4. Labour Assembly

The Labour Assembly, as a tripartite institution, was established in 1945 simultaneously with the Ministry of Labour and Social Security. According to government authorities, the Assembly represents the first institutionalization of tripartite compromise³² The Assembly, regulated by Article 26 of Law No. 3146, is a consultative council serving under the MoLSS. The Assembly aims to discuss and negotiate problems of working life via government representatives, employees, employers and academicians. Since it is a consultative institution through which social partners express their opinions, it has no authority to take binding decisions (Görmüş 2007: 121). The Assembly does not meet regularly but only upon invitation by the Minister of Labour and Social Security.

The Work Assembly has also been reshaped in terms of its structure, and it functions in line with the political perspectives of given governments, as with the ESC. Since its establishment 61 years ago, the Assembly has met only nine times. In 1977, for the first time DİSK and HAK-İŞ, in addition to TÜRK-İŞ, were invited to the meeting under the chairmanship of the Minister of Labour and Social Security, Şevket Kazan.³³ TÜRK-İŞ, however, did not attend to this meeting. The 9th and most recent Work Assembly met in 2004³⁴ and was composed of 35 government representatives, 16 representatives of employer organizations and seven representatives of employee organizations. The issues to be debated were: means to increase employment, the elimination of the informal sector, and severance pay. However, the last meeting ended in tumult as DİSK left the meeting on a note of criticism, particularly focused on severance pay.³⁵

The most significant aspect of the meeting in terms of conceptualizations of

32- <http://www.abgs.gov.tr/tarama/tarama_files/19/SC19DET_Social%20dialogue_1.pdf> accessed on 22.05.2008

33- Şevket Kazan was the Ministry of Labour and Social Security during the first Nationalist Front government, which was in power between March 31, 1975, and June 21, 1977.

34- <http://www.csgeb.gov.tr/CGM/cgm_web/9_sonuc_bildirgesi.htm> accessed on 22.05.2008.

35- Akşam, 19.10. 2004 <<http://www.aksam.com.tr/arsiv/aksam/2004/09/16/ekonomi/ekonomi7.html>> accessed on 22.05.2008

social dialogue was its final declaration: it is the first official document to use the term 'social partners' in place of 'social parties'. According to Van der Volk and Süral (2006: 49), this implies a significant shift from divergent to shared objectives and a cooperative mode of engagement.

3.1.5. Other Tripartite and Multipartite Mechanisms³⁶

In addition to the bodies discussed above, there exist other tripartite and multipartite consultative and dialogue platforms, all of which have particular scopes and institutions. Some focus on decision-making whereas others are only consulting mechanisms, for example: the High Consultation Board of Social Security, the EU-Turkey Joint Consultative Committee, the High Arbitration Board, the Employment Board, the Unemployment Insurance Fund Management Board, the National Productivity Centre, the Board Empowered to Utilize Fines Imposed Upon Wages, the Apprenticeship and Vocational Training Board, the Consultation Committee for the EU-Turkish Patent Institute, the High Board for Disabled Persons, the National and Regional Work Council, the Council of Consumers, the Occupational Standards Commission, the Vocational Training Council, the Labour Market Information and Consultation Board, and the Human Rights Consultation Board.

3.2. Bipartite Social Dialogue Mechanisms

A pre-requisite for effective tripartite arrangements appears to be strongly developed bipartite dialogue typically including collective bargaining. Bipartite social dialogue in the private sector is mostly limited to collective bargaining at the enterprise level. In the absence of formal representational structures, collective bargaining remains almost the sole method of employee influence at enterprise and establishment levels. Therefore, the EC correctly notes that limited or no social dialogue exists in most private enterprises (EC 2005: 35). There is a strong need to develop and strengthen bipartite social dialogue, especially in the private sector, where it remains virtually non-existent (EC 2005: 111).

36- Detailed information regarding these mechanisms can be found in the appendix.

3.2.1. Collective Bargaining

Collective bargaining is not only the most widespread form of social dialogue but also the oldest and most effective instrument of trade union struggle. Both the hierarchical and horizontal aspects of the current system of collective bargaining are important indicators of its effectiveness and efficiency. Laws in Turkey do not recognize the making of collective agreement at the sectoral and national levels in terms of hierarchical means, as collective agreements can be implemented only within the level of the workplace. In addition, laws permit only the coverage of a minority of workers by collective agreements; the horizontal parameters of collective agreement are thus limited to the benefit of trade union members.

Restrictions imposed by labour laws are not limited to collective agreements themselves, but place restrictions on the actors of collective agreements as well. In line with the prohibition on collective agreements at the national and sectoral levels, headquarters of trade unions do not have the authority to make collective agreements. This restriction is an obstruction for workers, as it prevents a collective expression of power via a merging of interests and demands, and collective bargaining is thus restricted in scope at local levels.

However, employing the right to make collective agreements at the level of the workplace is subject to a number of requirements, the most important of which is the surpassing of a double threshold system.³⁷ Once trade unions have fulfilled this obligation and obtain the authority to act, they are only able to conduct collective bargaining one by one at workplaces or enterprises. While group collective agreements covering more than one workplace within the same branch of a sector can be realized at the sectoral level, trade unions are not able to implement a given agreement throughout an entire sector.

There are also certain requirements for workers. Only those who are members of an authorized trade union at the date of signing a collective agreement are able to benefit from the agreement. Non-member workers, however, may benefit from the agreement if they pay a monthly solidarity contribution to the relevant trade union. On the positive side, this increases the coverage rate of benefits from a collective agreement; on the other hand, it discourages workers from becoming members of trade unions. Workers at different workplaces but in the same sector may also benefit from an agreement at the request of social

37- The legal dimension has been discussed in detail in preceding sections.

partners. Upon such a request, the Council of Ministers can issue an order to extend the collective agreement upon receiving the opinion of the High Court of Arbitration. According to Koray and Çelik (2007: 467), this mechanism could prevent unfair competition due to the double threshold system and promote social dialogue.

Agreements have a limited duration, generally two years, and they cover individual establishments, or several establishments within an enterprise. However, as demonstrated in Table 4-13, the number of workers benefiting from collective agreements is continuing to fall.

Table 3-2: Collective Agreements Inclusive of the Public and Private Sectors in Turkey (1990–2005)

Year	Number of Agreements Concluded	Number of Workplaces Covered	Number of Workers
1990	1,954	11,399	483,852
1995	2,357	11,274	765,928
2000	1,646	6,844	208,595
2001	4,454	14,211	775,478
2002	1,773	7,453	255,059
2003	1,607	7,806	629,240
2004	1,479	7,913	325,189
2005	1,134	6,818	259,295

Source: Working Life Statistics, Ministry of Labour and Social Security 2005: 111.

3.2.2. Other Bipartite Social Dialogue Mechanisms

At the level of the workplace, social dialogue mechanisms are constituted both by legal regulations and collective agreements. Through collective agreements, some social dialogue mechanisms which laws have not stipulated are generated in line with demands of both partners. Through legal regulations, social dialogue is constituted by such mechanisms as workplace trade unions' representatives, boards of occupational health and safety, leaves, and discipline and consultancy committees. In addition, social partners could construct mechanisms via joint decisions, such as education and quality cycles. However, as these may not exist in either collective agreements or legal regulations, all relevant regulations would thus be subject to the initiative of the partners.

Workplace representation was introduced for the first time in Labour Law No. 3008. In this case, the workers in question were not the representatives of trade unions; rather, they were selected from among workers in enterprises in order to establish legal bipartite relations with employers on certain issues (Çelik 2004: 408). This practice continued until 1963, when it was displaced by the system of workplace trade union representation by Law No. 274, and it is maintained in the currently enforced Law No. 2821. These representatives are appointed by an authorized trade union in a given workplace and are legally safeguarded in case of dismissal by the employer. If dismissal occurs, the Labour Court is empowered to reinstate stewards to their former jobs if it finds that their dismissal was not based on fair grounds. In 2003, a system of workplace representatives was recommended by the government in lieu of the current situation; however, all workers' confederations objected on the grounds that it would obstruct the empowerment of unionism in the workplace (Koray and Çelik 2007: 471).

Representatives are responsible for listening to the views of employees, keeping peace in the workplace by promoting cooperation and coordination between employees and employers, and monitoring the administration of collective agreements (Çelik 1990, cited in Özdemir 2001: 53). These workplace trade union representatives defend the rights of workers within some bipartite social dialogue mechanisms, such as the Occupational Health and Safety Council, the Leave of Absence Councils established by law, Disciplinary Committees, and the Industrial Relations Council established by collective agreements. Operations of these mechanisms continue until the authorization of the trade union in question terminates.

The Occupational Health and Safety Council is a participatory and consultation mechanism, and is obligatory at workplaces which the MoLSS has found to pose risks to the health of workers or to be conducive to vocational diseases. According to Labour Law No. 4857, employers are obligated to implement the decisions of occupational health and safety councils made in accordance with legislation on occupational health and safety. In the composition of the council, the representation of workers is limited; only one out of seven members is a representative of labour, while head of the council is the employer or deputy employer. The implementation area of these councils is limited to a given enterprise.

The other participatory mechanism established by law at the level of the workplace is the leave of absence council. The related regulation stipulates

that a leave of absence council be set up in all enterprises with more than one hundred employees. The council consists of one employer representative and two worker representatives, and the head of the council is the employer representative. The task of the council is to solve all matters and disputes related to leaves of absence at the workplace.

In addition to mechanisms established by laws, the disciplinary committee is an autonomous and voluntary mechanism granted through provisions in collective agreements. The employer and workers are represented in equal numbers in these committees chaired by a representative of the employer. The collective agreements identify the types of offences and relevant sanctions to be debated and resolved by the committee. The committee can also make decisions regarding dismissal of workers. If the collective agreement has a provision for this kind of issue, employees cannot be dismissed without the decision of the disciplinary committee. At this point, if the representative of employees in the Committee chairs the meetings, he/she has power to restrict the authority of the committee for the advantage of employees. (Koray and Çelik 2007: 473).

Industrial relations councils are set up in enterprises via provisions in a collective agreement. The task of this council is to inform an employer about any new requisite technological training, to acquire information about the economic situation of the enterprise, to suggest new methods for increasing efficiency of the enterprise, to submit proposals concerning training for workers, to implement environmentally-friendly initiatives and to attend to other matters related to the enterprise (Koray and Çelik 2007: 476–477). The council is a reconciliatory mechanism between social partners, but it exists only in a limited number of enterprises.

Until the 1990s, although the representatives of employees and employers came together at ad hoc meetings and produced some joint projects, the output thus generated was insignificant. In the 1990s, some concrete relations and mechanisms on important issues began to be established between them. On August 30, 1994, in the wake of the 5th of April Decisions (known as 'the economic stability decisions'), for the first time the representatives of TÜRK-İŞ, DİSK, HAK-İŞ and TİSK agreed on a joint written statement concerning the issues of social security and the tax burden of wages (Öke 2006: 6). In 1997, after the establishment of the ESC in 1995, TİSK, TÜRK-İŞ, HAK-İŞ, TOBB, DİSK, TESK and TZOB prepared a report expressing their shared views and recommendations about the working bases and procedures of ESC. The remarkable development in 1997 constituted the establishment of the 'Fivefold Initiative' comprised of

TİSK, TÜRK-İŞ, TOBB, DİSK and TESK during the military initiative of February 28. Since this cooperation focused on a very critical political situation in Turkey, Baydur (2000 in Koray and Çelik 2007: 462) claimed that this initiative played a major role in the withdrawal of the coalition government of the Welfare Party and the Truth Path Party.³⁸ When HAK-İŞ and TZOB joined in 1999, the Fivefold Initiative became the 'Civil Initiative' and after meeting, the initiative issued a number of joint statements on such issues such as inflation, the ESC, privatizations and relations with the EU.

3.3. Impact of the Prospect of the EU Membership

Turkey's history with the European Union officially began in 1959, when Ankara applied for associate membership in the European Economic Community. Since that time, Turkey has been continually obliged to fulfil the requirements of the EU on every issue, from high to low politics. One of the crucial issues has been the development of social policy and related issues in line with the Copenhagen Criteria. Every document signed between the two partners has stated EU expectations of Turkey. In addition, since Turkey is a candidate for membership in the EU, in accordance with procedures stipulated by policies of enlargement, yearly progress reports have been prepared in order to evaluate, critique and examine developments in Turkey. The goal of these practices has been to bring Turkey into harmony with the values, standards and policies of the EU. The third criteria of the Copenhagen Criteria are 'acqui communautaire', which means the ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union. This criterion is one of the milestones of the requirements and obligations of being a member of the EU. Within this framework, before official accession into the EU, Turkey has to adjust the relevant administrative structures to ensure conformity with Community policies following accession. Structures of social policy in Turkey, in particular social dialogue, must be compatible with those of the EU by respecting *acqui communautaire*.

38- *The Welfare Party came into power following elections held on December 24, 1995. It was the parliament's largest majority political party. The True Path Party (DYP) and the Welfare Party formed a coalition government known as Refah-Yol, 'Welfare-Path', led by Necmettin Erbakan, the president of the Welfare Party, however, the coalition was removed from power by means of an indirect military intervention known as 'the February 28th initiative'.*

Beginning with the Ankara Agreement, which established an association between the European Economic Community and Turkey and was signed in Ankara in 1963, it was stated that 'the Council of Association shall take all appropriate steps to promote the necessary cooperation and contacts between the European Parliament, the Economic and Social Committee and other organs of the Community on the one hand and the Turkish Parliament and the corresponding organs in Turkey on the other'. This statement stipulated that similar or identical structures be founded in Turkey.

In 1987, Turkey applied for full EEC membership. In 1989, the Commission approved Turkey's eligibility for membership but postponed the assessment of its application. In 1995, the Turkey-EU Association Council concluded the agreement on the Customs Union, which then came into force in 1996. In 2001, the EU Council of Ministers adopted the EU-Turkey Accession Partnership, a Council Decision on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with Turkey (2001/235/EC). Under the title Priorities and Intermediate Objectives, in 4(1) Short-term (2001), it is stated that Turkey must '...strengthen legal and constitutional guarantees of the right to freedom of association and peaceful assembly and encourage development of civil society'. This statement requires reinforcement of the right to freedom of association if this right is incorporated legally into the constitution; if not, it is necessary to guarantee them under legal obligation within the constitution.

In Turkey, especially since the signing of the Accession Partnership, the development of social dialogue has been fostered and constructed in line with EU documents, in particular the Progress Reports published between 2000 and 2007. The main focus of these reports regarding social dialogue has been to render administrative and legal structures compatible with those of the EU. According to these reports, the EU has observed generally limited progress within the field of social dialogue. The EU emphasized incompatibility with international organizations by monitoring the progress in laws such as Labour Law and in the existing social dialogue mechanisms such as the ESC, tripartite advisory board and İŞKUR. As one of the most important requirements for social dialogue, the necessity of fulfilling trade union rights, as well as observed restrictions in laws and weaknesses in implementation have been heavily emphasized. In particular, reports focused on difficulties with regard to freedom of association and collective bargaining persisting in law and practice, and, according to the law on collective bargaining, criticism was placed on the requirement for unions to represent 10% of workers at the sectoral level in

order to gain collective bargaining rights as regards lockout and strikes. As it has been on the agenda of the EU itself, reports stated that Turkey needs to take further steps regarding employment policy, social protection and social inclusion. Moreover, reports have pointed to deficiencies in the transposition of the EU framework agreement and directives into domestic law in Turkey, in addition to emphasis on non-conformity with the relevant ILO conventions that Turkey has ratified. Over time, however, these reports have placed less and less emphasis on developments regarding social dialogue and trade union rights and freedoms.

In addition to these progress reports, during the course of a screening process conducted in 2006, the answers given by the Turkish government to questions posed by the European Commission indicated unwillingness, insincerity and incapability to actively improve social dialogue in Turkey.

In summary, at the beginning of the 1990s, due to developments regarding Turkey's EU accession process, the constitution and relevant laws were forcibly amended in line with the *acquis communautaire* of the EU. These developments fostered the emergence and development of social dialogue in Turkey. Due to the impact of the EU integration process, many social dialogue mechanisms were established at tripartite and bipartite levels. However, as observed in the Regular Reports, the development of social dialogue has been progressing very slowly. An analysis of these mechanisms and practices will be presented in the next chapter within the context of trade union confederations' assessments thereof.

Table 3-3: Answers of the Turkish Government to Questions of European Commission (2006)

<p>1- When will the revised law on trade unions be adopted?</p> <p>There are plans to make amendments to Trade Unions Law No. 2821. Technical evaluations with the social partners are continuing. It is not possible at this stage to give a date for the prospective amendments.</p>
<p>2- Will it lower the double threshold allowing trade unions to sign a collective agreement?</p> <p>This issue will be made clear once the technical evaluations referred to above are completed. The Government is working on the issue in close cooperation with social partners.</p>
<p>3- Will it abolish the expensive notaries' fees prior to affiliate oneself to trade unions?</p> <p>This issue will be made clear once the technical evaluations referred to above are completed.</p>
<p>4- Will the new pending law on public administration allow all civil servants to become members of trade unions?</p> <p>Although a great majority of the civil servants enjoy the right to join trade unions, it is not yet possible for all civil servants to become members, according to the legislation in force. However, it is intended to extend the scope of the existing legislation in this area, which is the Law on Civil Servants' Unions. Evaluations conducted with social partners regarding possible amendments to be made in this Law are continuing.</p>
<p>5- How do you plan to tackle the under-representation of women within trade unions?</p> <p>The unionization rates for women and men are 58.90% and 57.27% respectively. For that reason, there is no problem with regard to the under-representation of women.</p>
<p>6- Do you plan to facilitate the right to strike?</p> <p>And to put an end to the 2 months' suspension for security reasons? The Government has plans to make amendments to the Collective Labour Agreements and Strike and Lock-out Law No. 2822. However, it is not possible at this stage to give information about the possible content of these amendments, since the evaluations on the issue have not been completed yet.</p>
<p>7- When will the draft law reshaping the composition of the economic and social committee with an increase of social partners' representatives be adopted?</p> <p>Technical evaluations towards drafting legislation are continuing.</p>
<p>8- Do you plan to increase the dissemination of information to workers as well as the consultation of workers beyond collective dismissals, dispute resolution, disciplinary matters and health and safety?</p> <p>Yes, we intend to increase information dissemination and consultation of workers.</p>

Source: <http://www.abgs.gov.tr/tarama/tarama_files/19/sorular%20ve%20cevaplar.htm> accessed on 27.06. 2007.

CHAPTER 4: ANALYSIS OF TRADE UNION CONFEDERATIONS' ATTITUDES AND APPROACHES CONCERNING SOCIAL DIALOGUE

This concluding chapter summarizes the findings of the research by identifying the similarities and differences in the approaches and experiences of Turkish trade union confederations as regards social dialogue. The chapter consists of two sections. The first section analyzes similar assessments of confederations regarding attitudes and approaches towards social dialogue and experiences of social dialogue practices in Turkey. In the second section, the different assessments of confederations and the reasons for these differences will be analyzed.

The process of development for systems of industrial relations in Turkey and its basic features comprise an important source for comprehending and interpreting the assessments of interviewees concerning social dialogue. In the third chapter, the historical evolution of systems of industrial relations in Turkey, and in the fourth chapter, the basic features and development of the concept of social dialogue are analyzed with reference to the development of trade union rights and freedoms.

In Turkey, due to political, economic and social causes, trade union rights and freedoms were not adequately developed until the 1960s. Between 1960 and 1980, the social, political, legal, and economic structure of industrial relations was amended, leading to improvements in the rights of trade unions and the freedom they could exercise. Nevertheless, the period initiated by the military coup of 1980 was marked by the launching of neo-liberal economic policies which became a milestone in the history of Turkish industrial relations. During this period, the trade union movement was harshly repressed and trade union rights and freedoms were sharply curtailed; nonetheless, the nascent concept and structures of social dialogue emerged under these circumstances. The development of social dialogue, therefore, was influenced by the main features of contemporaneous Turkish industrial relations engendered in the post-1980s era. Turkish industrial relations subsequently witnessed the emergence and formation of social dialogue mechanisms in the 1990s influenced by Turkey's EU accession process.

While determining the similarities and differences on the positions of trade union confederations towards social dialogue, a number of perceived obstacles will be

taken into consideration, including: approaches of confederations towards the EU integration process; confederations' conceptualizations of social dialogue; their assessments of social dialogue practices within the context of the EU; their experiences of social dialogue mechanisms in Turkey at the tripartite and bipartite levels; and confederations' assessments of the roles of social partners (i.e., state, capital and labour) in these mechanisms.

In order to provide a background for the stance of trade union confederations towards social dialogue, it may be useful to present a brief survey of the core historical and current features of the confederations. TÜRK-İŞ, established in 1952, is the oldest and largest trade union confederation. According to the statistics of the Ministry of Labour and Social Security (2008: 111), TÜRK-İŞ has 2,184,685 members organized in 33 affiliated trade unions in 28 sectors. TÜRK-İŞ is mostly organized in the public sector and, of the trade union confederations, has the largest number of authorized trade unions. TÜRK-İŞ became a member of the ETUC in 1988, and is purported to adopt corporatist relations with the government; since its establishment, it has regularly been monitored and controlled by the government (Akkaya 2002). Moreover, it has also been claimed that TÜRK-İŞ has 'above-party politics', as with American trade unionism (Akkaya 2002); TÜRK-İŞ has therefore been identified as a centrist confederation (Uçkan 2007: 110). The official documents of TÜRK-İŞ state '...TÜRK-İŞ has had confrontations with governments and employees from time to time; however, TÜRK-İŞ has not instigated conflict, and it has attempted to solve problems caused by others above all through at-the-table dialogue'.³⁹

DİSK, the second largest and oldest trade union confederation, was established in 1967. It was closed down in 1980 upon the decision of the National Security Council during the military intervention. However, DİSK later became a member of the ETUC in 1985, and was legally re-opened in 1991. According to the statistics of the Ministry of Labour and Social Security (2008: 111), DİSK has 419,634 members organized in 17 affiliated trade unions. However, DİSK has two other de facto trade unions for retired employees and students, as the laws in Turkey do not recognize these two trade unions.⁴⁰ DİSK is associated with class- and popular-based trade unionism, as it focuses on political struggle

39- <http://www.turkis.org.tr/source.cms.docs/turkis.org.tr.ce/docs/file/turk-is_tarihi.pdf> accessed on 08.04.2008.

40- The Union of Retired Employees (Emekli-Sen) was established in 1992 and closed down in 2007 by court order. Therefore, Emekli-Sen has applied to the ECHR this year. The Youth Trade Union (Genç-Sen) was established at the end of 2007 and the lawsuit calling for its closure, which began in the middle of this year, has not yet been concluded.

based on an ideology of socialism (Akkaya 2002). However, it is said that after legally reopening in 1991, DİSK shifted its focus towards social democratic policies while preserving its class-based and militant perspective (Akkaya 2002). Article 3 of DİSK's statute states:

“It is not possible for workers to be able to acquire their rights solely through occupational struggle. In addition, they need to struggle politically by exercising their democratic rights guaranteed in the constitution. The goal of this struggle is to fight against exploitation of labour while ensuring that the working class is conscious of its existence”.⁴¹

The newest confederation, HAK-İŞ, was established in 1979. Although HAK-İŞ was also shut down in 1980, it was reopened after one year. In According to statistics of the Ministry of Labour and Social Security (2008: 111), HAK-İŞ has 402,054 members organized in seven affiliated trade unions. HAK-İŞ became a member of the ETUC in 1997, and is purported to have Islamic tendencies; it has been argued, however, that HAK-İŞ has focused less on Islamic discourses and acted in a more utilitarian fashion (Akkaya 2002). HAK-İŞ has been increasing its organizational capacity and sphere of influence since the religiously conservative Justice and Development Party (AKP) came to power, and it logically follows that HAK-İŞ is generally considered conservative and associated with Islamic and religious tendencies (Uçkan 2007: 110). In accordance with its principles, ‘HAK-İŞ is in favour of dialogue, consultation and peaceful methods, and opposes conflictual methodologies in its approach’.⁴² Moreover, HAK-İŞ believes in the necessity of forming joint initiatives with civil society organizations in line with the principles of ‘compromising’ and ‘parallelism based on interest’.⁴³

4.1. Confederations’ Similar Assessments

With respect to interviewees’ similar approaches to social dialogue, it was observed that none of them object to Turkey’s membership in the EU. Moreover, all of the confederations see the adoption of *acqui communautaire* in the sphere of social dialogue as indispensable to membership. As regards the membership process, they all consider the Regular Reports of the European Commission to

41- <http://www.disk.org.tr/content_images/DISK_KurulusBildirgesi.doc> accessed on 08.04.2008.

42- <http://www.hakis.org.tr/tanitim/hakis_eng.htm> accessed on 23.05.2008.

43- <http://www.hakis.org.tr/tanitim/hakis_tr.html> accessed on 23.05.2008.

be important roadmaps for the representatives of the state, capital and labour in order to overcome shortcomings in social dialogue. Secondly, despite their differing views of how social dialogue should function, as well as differing opinions regarding the effectiveness of social dialogue and its future prospects in the EU, all interviewees were convinced that it was fairly operational in an EU context. As it functions similarly to social dialogue mechanisms in the EU, none raised an objection to the role of the ETUC.

As regards Turkey, all interviewees posited the emergence of social dialogue in the early 1990s and located the subsequent formation of mostly tripartite social dialogue mechanisms primarily as derivatives of EU integration, rather than the results of dynamics unique to Turkey. In line with their relatively optimistic assessment of the effectiveness of social dialogue mechanisms in the EU, all interviewees stated that social dialogue mechanisms in Turkey do not work as efficiently as they do in the EU. However, while they described social dialogue mechanisms in Turkey generally as being inefficient, they also distinguished between tripartite and bipartite social dialogue mechanisms. For the most part interviewees found bipartite social dialogue mechanisms to be more efficient than tripartite mechanisms.

All interviewees emphasized the relatively unsatisfactory outcomes of mechanisms and inequalities inherent in the representational structure of tripartite social dialogue mechanisms in Turkey. All confederations focused mostly on the Economic and Social Council and the Minimum Wage Assessment Commission while evaluating the conceptual, structural and functional aspects of tripartite social dialogue mechanisms. Above and beyond the general evaluation of these mechanisms, however, all interviewees viewed the Minimum Wage Assessment Commission as a very significant mechanism due to the fact that it determines the minimum wage for a wide scope of workers. All interviewees also held that employers are overrepresented in the Commission due to the fact that the state is a public employer. Moreover, all confederations perceive the EU-Turkey Joint Consultative Committee to be an important tool in the development of social dialogue within the framework of the EU accession process, even though the outcomes of the mechanism have not been practically implemented. All of the confederations also focused on the relatively more democratic representative structure of the Committee, since the representation of labour is more visible in the Committee.

Table 4-1: Tripartite Social Dialogue Mechanisms in Turkey

	TÜRK İŞ	DİSK	HAK İŞ	
ECONOMIC AND SOCIAL COUNCIL				
	Conceptual	<p>Needed</p> <p>Copied by the EU</p> <p>Beneficial for the country</p>	<p>Needed</p> <p>Copied by the EU</p> <p>Beneficial for the working class</p>	<p>Needed</p> <p>Copied by the EU</p> <p>Beneficial for the society and system</p>
	Structural	<p>Anti-democratic</p> <p>Overrepresentation of the state</p> <p>There should be representation based on equality</p> <p>Authoritarian</p> <p>The Law is required</p>	<p>Anti-democratic</p> <p>Overrepresentation of the state</p> <p>There should be representation based on equality</p> <p>Authoritarian</p> <p>The Law is required</p>	<p>Anti-democratic</p> <p>Overrepresentation of the state</p> <p>There should be representation based on equality</p> <p>Authoritarian</p> <p>The Law is required</p>
	Functional	<p>So-called/only for show</p> <p>Dysfunctional</p> <p>Non-implementation of decisions</p> <p>Irresponsibility of the state</p> <p>Not regular and stabile</p> <p>It should be consultative</p> <p>Participation needed</p>	<p>So-called/only for show</p> <p>Dysfunctional</p> <p>Non-implementation of decisions</p> <p>No results in favour of labour</p> <p>Not regular and stabile</p> <p>Predominance of cooperation between the state and capital</p> <p>Temporary withdrawal from participation is needed.</p>	<p>Functional but inefficient</p> <p>It should be consultative</p> <p>Non-implementation of decisions</p> <p>Neither regular nor stable</p> <p>Irresponsibility of the state</p> <p>Not only industrial but all political and economic issues need to be included</p> <p>Participation needed</p>

MINIMUM WAGE ASSESSMENT COMMISSION

	Conceptual	Needed	Needed	Needed
	Structural	<p>Anti-democratic</p> <p>State is the largest employer</p> <p>Cooperation between the state and capital</p> <p>There should be representation based on a majority for labour organizations</p> <p>Participation needed.</p>	<p>Anti-democratic</p> <p>State is the largest employer</p> <p>Cooperation between the state and capital</p> <p>There should be representation based on pluralism</p> <p>Temporary withdrawal from participation is needed</p>	<p>Anti-democratic</p> <p>State is the largest employer</p> <p>There should be representation based on pluralism</p> <p>Participation needed</p>
	Functional	<p>Very important</p> <p>Dysfunctional</p> <p>Objective Criteria is needed</p>	<p>Very important</p> <p>Dysfunctional</p> <p>Cooperation between the state and capital</p> <p>Results unfavourable for labour</p> <p>The predominance of national and international capital owners</p>	<p>Very important</p> <p>Functional but inefficient</p> <p>Objective Criteria is needed</p>

EU-TURKEY JOINT CONSULTATIVE COMMITTEE

	Conceptual	Needed	Needed	Needed
	Structural	The autonomous structure needs to be improved Similar with ECOSOC in the EU	Relatively labour representation Employers' lobby	Influence of the state The lobby for labour
	Functional	Dysfunctional Non-implementation of decisions Ignorance of the state Participation needed	Dysfunctional Non-implementation of decisions Ignorance of the state Temporary withdrawal from participation is needed	Functional but inefficient Non-implementation of decisions Ignorance of the state Participation needed

TRIPARTITE CONSULTATIVE BOARD

	Conceptual	The most appropriate for social dialogue	---	---
	Structural	Relatively based on equal representation	Relatively based on equal representation Conforms to ILO	Needs to conform to the laws
	Functional	Mixed functions	Dysfunctional Non-implementation of decisions Temporary withdrawal from participation is needed	---

All of the interviewees viewed bipartite mechanisms of social dialogue as being relatively more important, more functional and more satisfactory than tripartite mechanisms. According to all interviewees, the main reasons for this relatively positive assessment are that the problems at workplace level are more specific and the balance of power is more visible at the bipartite level, and there is no state intervention. Moreover, all interviewees viewed the restrictions and limitations of trade union rights as significant impediments to the development of more efficient bipartite social dialogue mechanisms.

While explaining the underlying causes of the lack of efficiency in Turkish social dialogue mechanisms, firstly all interviewees pointed to the underdeveloped state of trade union rights and freedoms as constituting an obstacle for the empowering of confederations. Moreover, all of them held that trade union rights and freedoms in the Turkish state laws violate the ILO Conventions that Turkey signed, in particular Conventions No. 87 and No. 98. Secondly, they consider the divisions of the working class (i.e., differences in the status of civil servants versus workers, ideological differences, and particularistic rivalries) to comprise a notable impediment to the development of social dialogue. All interviewees saw the existence of competition among confederations to some extent as one of the main reasons for this division, and they also criticized the role of the state as regards the state majority in structures of representation. This imbalanced representational structure was condemned as an impediment distorting the balance of representation in these mechanisms, since the state can direct these mechanisms via its dominant position. In addition, all interviewees held that the state is responsible for creating a proper environment for the efficient functionality of social dialogue mechanisms, including making regulations in favour of labour and improving trade union rights and freedoms. Moreover, as discussed earlier, all interviewees criticized the monopolistic attitudes of the state which ignored the opinions of confederations while producing outcomes via dialogue mechanisms. Finally, all confederations held to the belief that social partners in Turkey lack the culture of compromise necessary for the operation of social dialogue mechanisms.

In general, TÜRK-İŞ, DiSK and HAK-İŞ claimed that one of the main differences between the EU and Turkey was the existence of obstacles in Turkey limiting the development of social dialogue. All confederations also identified the distinctive historical process of development through which concepts of social dialogue emerged as a key difference between Turkey and the EU. In line with the general framework built around this difference, all confederations viewed social dialogue as more or less part of the established structure of the EU,

but not of Turkey. Moreover, all confederations noted the role played by the powerful trade union movement in shaping the political, economic and social structure of the EU, in marked difference to Turkey, which lacks a powerful working class.

Lastly, although all confederations identified relations with the ETUC as being limited, they held that projects, in particular those conducted in cooperation with the ETUC, would produce beneficial results and therefore they all agreed that relations with the ETUC need to be improved.

4.2. Confederations' Differing Assessments

Aside from the ideological territory shared by the confederations outlined above, the approaches and experiences of Turkish trade union confederations on the issue of social dialogue are characterized by substantial differences. Even in terms of the commonalities discussed in the previous section, confederations differ in the weight of their agreements and support for certain ideologies.

4.2.1. *The EU Integration*

None of the confederations object to Turkey's membership in the EU and all of them see the fulfilment of the requirements of *acqui communautaire* in terms of social dialogue as a compulsory element of the membership. There are, however, variations, the weight they attribute to this process. First of all, since the interviewees from HAK-İŞ enthusiastically and unconditionally support the EU integration process, they naturally support Turkey's membership in the EU. Interviewees from TÜRK-İŞ, on the other hand, see the Turkey's membership in the EU as a positive step, but they also focus on the shortcomings in trade union rights and freedoms per social dialogue during the accession process. In this way, interviewees from TÜRK-İŞ and HAK-İŞ also demonstrate their advocacy for the membership process by focusing on the role of social dialogue and their wish to actively participate in the negotiation process. Taking a different stance, interviewees from DİSK were more critical on the issue of Turkey's membership and fulfilment of the requirements for social dialogue. Since interviewees from DİSK support the EU integration process in terms of incumbent developments in social policies, similarly the interviewees from DİSK prioritized the development

of trade union rights and freedoms within the negotiation process of Turkey's membership. Moreover, interviewees from DiSK and HAK-İŞ criticized the attitude of the European Commission (as described in the Regular Reports) which dwelt on the shortcomings of the Turkish government as regards the development of trade union rights and freedoms, especially during the last few years.

4.2.2. Conceptualization of Social Dialogue

The most important difference in the positions of the interviewees manifests in their conceptualization of social dialogue in terms of its meaning as well as structural and functional features. These differences in the conceptualization of social dialogue are very significant references since all other divergent assessments of the interviewees are mostly formed on this basis. Therefore, although all interviewees believe that social dialogue is fairly operational in the EU, they differ in their evaluations of this. In order to better grasp confederations' differing approaches towards social dialogue, I developed a categorical system which corresponds to the main elements of the approaches that emerged from my interviews, illustrating a broad spectrum ranging from a sceptical approach on the one end, to a moderate approach in the middle, and a pragmatic approach at the other end. Based on this categorization, while the majority of interviewees from DiSK and a few interviewees from TÜRK-İŞ were categorized as sceptical, the majority of the interviewees from TÜRK-İŞ and a few interviewees from DiSK fell under the moderate approach, and all of the interviewees from HAK-İŞ were categorized as pragmatic.

Interviewees grouped in the sceptical category defined social dialogue as a perception and a sum of mechanisms which aim to suppress the working class and the trade union movement. According to this approach, social dialogue is a bargaining process in which the working class makes more concessions than the capitalist class, all in the name of compromise. Sceptics hold that the concept of social dialogue is produced by the capitalist class as a method utilized to derail the trade union struggle from the perspective of class-based struggle to a paradigm of compromise. As a result of the replacement of traditional methodologies employed in the trade union movement with social dialogue, the working class will suffer a drastic loss of rights in the long run. Another aspect of the sceptical approach is that the perception of social dialogue is not limited to the trade union movement. On the contrary, attempts are made to reinforce this perception and compromise thus expands as a means of problem-

solving in a large number of fields in industrial relations. Therefore, while the sceptical approach sharply rebukes the paradigm of social dialogue and its mechanisms, it argues that social dialogue can never be an alternative to the traditional means employed in the trade union struggle. In fact, the majority of interviewees from DİSK and the few interviewees from TÜRK-İŞ categorized as sceptical consider social dialogue practices in the EU to be functional but unfavourable to labour, and they argue that the most critical result of these practices is that class-consciousness and concentration on collective and long-term interests are eliminated and replaced by individual and short-term interests.. In line with these arguments, the sceptical approach emphasizes the importance of class consciousness as the most fundamental concept in the resistance against the manipulation of social dialogue.

The moderate approach defines social dialogue as a sum of different mechanisms of industrial relations functioning at various levels with the aim of strengthening the trade union movement. Like the sceptical approach, the moderate approach also accepts social dialogue as a bargaining method, but it does not reject it as a tool of compromise. With the moderate approach, if certain conditions are provided, the working class may benefit from this bargaining, even though it may have to make some concessions in turn. However, in the process of bargaining, labour organizations should be strengthened and the balance of power among the representatives of the state, capital and labour should be equally established, meaning that representatives should have equal opportunities and rights. Although the moderate approach does not perceive social dialogue as an alternative to traditional means employed in the trade union movement, it sees social dialogue and other means of resistance as being complementary. Paralleling this line of thought, the majority of interviewees from TÜRK-İŞ and a few interviewees from DİSK falling in this category view social dialogue practices in the EU as efficient and functional. As moderates argue, the reason for the effective functioning of social dialogue mechanisms and their outcomes in favour of labour is that the trade union movement in the EU was very powerful and the working class was respected as an important representative by capitalist owners. However, they do concede that although the working class has been losing its dynamism and its strength compared to earlier times, social dialogue practices still produce efficient and functional outcomes in its favour.

Lastly, the pragmatic approach, which encapsulates the approaches of all interviewees from HAK-İŞ, holistically attributes a positive meaning to all aspects of social dialogue. This approach views social dialogue as a new means

of conflict resolution for all arenas: political, economic, social and industrial. Moreover, the pragmatic approach endorses a paradigm of compromise. In other words, the pragmatic approach embraces the perception of social dialogue, believing in the amplification of mutual interests of social partners. In order to obtain maximum compromise potential, the pragmatic approach pushes for the elimination of all ideological stances between the working class and the capitalist class. The pragmatic approach rejects the idea that these classes have differing interests, arguing rather that they share common aims. According to the pragmatic approach, the contemporary trade union movement needs to adjust to the principles of social dialogue, which it defines as an indispensable and compulsory requirement of a model of democratic society. In other words, this approach holds to the idea that a large number of problems in society could be solved via social dialogue. This approach thus views social dialogue as an alternative tool, but accepts that traditional tools of resistance employed in the trade union movement need to be retained. All of the HAK-İŞ interviewees categorized as pragmatic believed that social dialogue practices in the EU are efficient and functional, and they attribute this functionality and efficiency to the capability of social partners in applying social dialogue to all fields of life. They consider all attempts towards social dialogue in the EU as positive, without reservation. Naturally HAK-İŞ interviewees supported the attempts made by the ETUC and UNICE in the development of social dialogue. According to them, adaptation to a knowledge-based society is the key factor to the success of the cooperation between the ETUC and UNICE, since it increases the mutual interests of social partners. In other words, social partners have to increase their knowledge about the current situation of industrial relations, technological innovations, political and economic impacts, and in this way the social partner possessing more qualitative knowledge will arrive at a solution favouring its own interests, by using the strength of knowledge as a means of persuasion.

It could be argued that according to proponents of the pragmatic approach, social dialogue is a win-win policy, while for those who adhere to the sceptical approach, it is a zero sum game. For those supporting the moderate approach, it is a policy established on a logic of balance shifting in accordance with the circumstances.

4.2.3. Tripartite Social Dialogue Mechanisms

Although all of the confederations accept that social dialogue mechanisms have been established with the endorsement of EU policies during the process

of Turkey's accession, they interpret the structural and functional features of tripartite mechanisms differently. All of the interviewees also agree that social dialogue mechanisms in Turkey are not as efficient as those in the EU, but they point to different factors as the cause of these inefficiencies; while interviewees from HAK-İŞ perceived these developments as positive, interviewees from DİSK viewed them as impositions of external dynamics.

Although all of the interviewees expressed dissatisfaction with the outcomes of tripartite mechanisms, their reasons differed. The majority of interviewees from TÜRK-İŞ and a few interviewees from DİSK were of the opinion that these mechanisms are dysfunctional and inefficient because they don't leave the books and their outcomes are not practically implemented. On the other hand, interviewees from HAK-İŞ considered these mechanisms to be functional, but insufficient; they defended this position by arguing that any kind of relation established among social partners is a contribution to the development of social dialogue. Lastly, the majority of interviewees from DİSK and a few interviewees from TÜRK-İŞ argued that these mechanisms are functional, but unfavourable to the interests of the working class for the reason that they not only result in a loss of rights for the working class in the name of compromise, but they also legitimize efforts made by the capitalist class to impose their demands on other partners.

As stated before, while all of the interviewees criticized the unequal representational structure of tripartite mechanisms, they emphasized different aspects of this inequality. Arguing that there is an overrepresentation of the state in the Economic and Social Council, interviewees from TÜRK-İŞ and HAK-İŞ asserted that this imbalance leads to a strengthening of the authoritarian position of the state in the Council. Despite the problems associated with the dominant representation of the state, interviewees from TÜRK-İŞ stressed the necessity of state representation in the Council to facilitate the implementation of decisions. While all of the interviewees criticized the overrepresentation of capital in the Minimum Wage Assessment Commission, interviewees from DİSK and HAK-İŞ also critiqued the permanent representation of TÜRK-İŞ in the mechanism. On the one hand, while DİSK and HAK-İŞ support the principal of pluralism in the representation of labour, interviewees from TÜRK-İŞ held to the belief that their representation is compatible with the majority principle. Moreover, with respect to the representational structure of the EU-Turkey Joint Consultative Committee, while all of the confederations viewed the structure as being relatively more democratic and in favour of labour (since the government is not represented), interviewees from HAK-İŞ and TÜRK-İŞ focused on the

impact of the political leanings of representational members. With respect to the Tripartite Consultation Board, although all of the interviewees had few comments on the Board's structure, interviewees from TÜRK-İŞ argued that this mechanism most closely resembles the concept of social dialogue.

While all of the interviewees pointed to the inadequate outcomes and imbalanced structure of mechanisms of social dialogue as root causes of their inefficiency, they differed as regards these mechanisms' functional features. As regards the ESC, while interviewees from DİSK considered the prioritization of the interests of capital to be a central cause of the dysfunctionality of the Council, those from TÜRK-İŞ and HAK-İŞ critiqued the government's failure to implement the Council's decisions. Per the Minimum Wage Assessment Commission, interviewees from TÜRK-İŞ and DİSK focused on the cooperation of the state and capital in line with the directives and impositions of international economic institutions, which they argue are contrary to the interests of the working class. On the other hand, interviewees from HAK-İŞ claimed that the main reason for this inefficiency is not the cooperation between the state and capital, but rather the general state of the economy and employment in Turkey. In addition, according to interviewees from HAK-İŞ and DİSK, TÜRK-İŞ, as the sole representative of labour, has failed to advocate the rights of the working class and is not able to demonstrate effective opposition against the state and capital. Lastly, in regard to the functionality of the EU-Turkey Joint Consultative Committee, beyond the common assessment that decisions are not implemented at a practical level, interviewees from DİSK and HAK-İŞ asserted that the Committee serves as a lobby for social partners. However, while DİSK interviewees perceived this lobby as beneficial for employers, interviewees from HAK-İŞ claimed that it grants a crucial opportunity for labour organizations to lobby on behalf of Turkey's accession process.

As a result of all these assessments of tripartite social dialogue mechanisms, a critical divergence emerges among the interviewees as regards their attitudes towards the matter of participation in these mechanisms. Interviewees from DİSK believed in the necessity of a temporary withdrawal from all of these mechanisms pending their transformation into democratic and functional institutions which support the working class. In contrast, interviewees from TÜRK-İŞ and HAK-İŞ claimed that as long as social partners' participation is secured, together with continued critique, these mechanisms can be rendered functional and efficient.

4.2.4. Bipartite Social Dialogue Mechanisms

As discussed earlier, all of the interviewees considered bipartite mechanisms to be more efficient than tripartite mechanisms. However, while interviewees from DİSK and TÜRK-İŞ held that the outcomes of these mechanisms were dissatisfactory, insufficient and limited, especially in the sphere of collective agreements, interviewees from HAK-İŞ argued that there are a large number of bipartite social dialogue mechanisms established between employers and workers and that these mechanisms operate efficiently. These HAK-İŞ interviewees cited the main cause of this efficiency as being a culture of compromise shared by social partners which enables them to act flexibly; this assessment constitutes one of the positions of HAK-İŞ which clearly sets it apart from TÜRK-İŞ and DİSK. Interviewees from DİSK, in contrast, posited that trade unions are subjected to de facto pressures of powerful employers and confront stiff resistance while engaging with social dialogue mechanisms. A noteworthy divergence between the interviewees from TÜRK-İŞ and DİSK was that interviewees from TÜRK-İŞ shied away from sharp criticisms regarding the restrictions and limitations of trade union rights and freedoms and dissatisfactory outcomes, while those from DİSK were more outspoken on the matter. While interviewees from HAK-İŞ opined that the process of bipartite social dialogue was efficient, they argued that the scope of collective agreements need to be narrowed and pared down to certain issues; they also argued that new committees should be established for the purpose of settling disputes instead of relying on collective agreement processes. On the contrary, interviewees from DİSK claimed that the scope of collective agreements was excessively limited, arguing that it should be broadened to include social and political issues beyond the financial aspects of agreements.

4.2.5. Obstacles to Social Dialogue

Beyond the general observations of confederations concerning tripartite and bipartite social dialogue mechanisms, as mentioned above, all of the interviewees argued that obstacles were the root cause of these mechanisms' inefficiencies. While all of them recognize that restrictions and limitations on trade union rights and freedoms impede the development of social dialogue, interviewees from DİSK placed the most emphasis on this point. With respect to Laws No. 2821 and No. 2822, whereas interviewees from TÜRK-İŞ and HAK-İŞ merely pointed to specific regulations regarding the process of collective agreement (such as double thresholds, low levels of coverage, and sectoral and national restrictions in terms of the level of agreements), the interviewees from

DİSK critiqued the restrictive features of the 1982 Constitution and the entirety of restraining regulations embedded in the laws (such as interference in the internal regulations of trade unions, notary clauses and restrictive regulations concerning membership).

All of the interviewees consider the division within the working class to be a major impediment for the development of social dialogue; they focused, however, on different aspects of this division. With respect to the division in the status of employees (i.e., civil servants versus workers), while the majority of interviewees treated this division as problematic, some interviewees from TÜRK-İŞ and DİSK argued that this division should be removed and that all employees should have the opportunity to be organized under joint organizations to better resist the hegemony of the state and capital as a united front. Interviewees from HAK-İŞ, in contrast, claimed that joint organizations will not be a solution as the main problem, according to them, is that workers and civil servants have different working conditions which can lead to competition and ultimately failure while they struggle for the same aims. Moreover, in reference to the number of different trade union confederations, while the interviewees from TÜRK-İŞ support the unification of all worker trade unions under one confederation, the interviewees from DİSK and HAK-İŞ stated that the existence of multiple confederations does not impede the development of social dialogue. As regards the divisions within the labour movement, although all of the interviewees held to the idea that the failure to cooperate and intense competition among the confederations constitute significant impediments, they stressed different points of the division. While interviewees from TÜRK-İŞ highlighted the importance of having objective perspectives for all political parties, interviewees from DİSK emphasized the necessity of ideological cooperation established on the main principles of a class-based perspective. Interviewees from HAK-İŞ criticized the attitudes of confederations that compete with each other ideologically in order to take on the position of leader. Moreover, while interviewees from DİSK critiqued TÜRK-İŞ for defending the official ideology of the state per its unionist principle of compromise, interviewees from TÜRK-İŞ and DİSK criticized HAK-İŞ for having even closer relations with the ruling party. Interviewees from HAK-İŞ, however, argued for the elimination of all ideological positions, stressing the importance of flexible attitudes in constructing cooperation. Another divisive factor is that the confederations champion different strategies for establishing cooperation to bolster the trade union movement, and this difference was most prominent between interviewees from TÜRK-İŞ versus those from DİSK. Interviewees from TÜRK-İŞ support the establishment of cooperation at the national level, inclusive of all representatives from different sections of the

society who prioritize nationalistic concerns. On the other hand, interviewees from DİSK held to the necessity of establishing an alliance at the international level based on the principle of class consciousness against the hegemony of the capitalist class.

Another critical obstacle for the development of social dialogue, as discussed above, is that all of the interviewees criticized the state's inadequate efforts to develop social dialogue mechanisms and its ignorance of the views of the trade union confederations. Despite this shared criticism concerning the tasks and functions of the state, the interviewees differed in the phrasing of their criticisms. Interviewees from both TÜRK-İŞ and HAK-İŞ emphasized the authoritarian characteristics of the state in running these mechanisms; while interviewees from TÜRK-İŞ saw this feature as a burden inherited from the past, those from HAK-İŞ stressed the state's inability to implement social dialogue mechanisms. In contrast to TÜRK-İŞ and HAK-İŞ, interviewees from DİSK evaluated the role of the state from an ideological perspective, arguing that representatives of the state act in cooperation with capital to further their own interests and that the current government is pursuing neo-liberal policies that impede the development of social dialogue.

Although this study revealed that there were some impediments to the development of social dialogue that all of the interviewees agreed on, it was also observed that what one confederation considered to be an obstacle, another claimed to be beneficial for the process.

4.2.6. Role of Social Partners

A crucial divergence between the positions of interviewees from HAK-İŞ and those from TÜRK-İŞ and DİSK emerges in their assessments of the role of capital: interviewees from TÜRK-İŞ and DİSK identify the relationship between social dialogue and capital as negative and deceptive, associated with suppression of workers, strenuous working conditions, infringements of trade union rights and freedoms, and opportunist usage of the mechanism of social dialogue. Interviewees from HAK-İŞ, however, do not treat capital and the attitudes of investors as contrary to social dialogue; in contrast, they take a positive stance towards capital. Moreover, the main difference among the interviewees comes to light in the perception of the interests of workers and employers. While the interviewees from TÜRK-İŞ and DİSK critiqued capital investors for imposing a mentality of profit and a culture of corporate expansion, interviewees

from HAK-İŞ were sympathetic to the corporate culture which encourages a mindset of 'being in the same boat'. They prioritized the financial stability of the company, as HAK-İŞ interviewees asserted that the interests of workers and capital owners are complementary and interdependent. Additionally, they argued for the elimination of antagonism between the working class and capitalist class. While the interviewees from TÜRK-İŞ and DİSK held to the belief that capital investors are aiming for the elimination of working class consciousness, interviewees from HAK-İŞ oppose the promotion of a working class consciousness and any ideological positions which they claim impede the development of social dialogue.

Moreover, although interviewees from TÜRK-İŞ and DİSK agree that capital owners in Turkey are not inclined to employ mechanisms of social dialogue, their reasons for thinking this way differ. According to interviewees from TÜRK-İŞ, the main reason is that investors are so powerful and organized that they do not need to use social dialogue mechanisms to achieve more. In contrast, DİSK interviewees claimed that since investors in Turkey are not organized as strongly as those in the EU, they prefer coercive techniques against labour organizations rather than social dialogue.

Aside from capital investors, according to interviewees from TÜRK-İŞ and DİSK, these obstacles cannot be easily overcome since they have long been embedded in the structure as a result of the political and economic policies of the 1980s. Interviewees from both TÜRK-İŞ and DİSK posited that the root of these obstacles is interwoven with the events of the military coup that happened on September 12, 1980, and the subsequent economic planning decisions made on January 24, 1980, which they argue established the political substructure and environment which laid the groundwork for the 1982 Turkish Constitution and Laws No. 2821 and No. 2822. In contrast, even though they acknowledge that these events produced some negative results, interviewees from HAK-İŞ interpret these developments positively. They argue that the neo-liberal agenda led to the emergence of circumstances appropriate for the establishment of an environment conducive for labour and capital to work cooperatively.

DİSK and HAK-İŞ interviewees argued that within the political and economic context of Turkey, while the working class has been deprived of trade union rights and freedoms, these neo-liberal policies have also rendered it difficult to organize given the current structure of employment. The neo-liberal agenda, according to DİSK and HAK-İŞ, has engendered an environment conducive to the development of a structure which endorses the unregistered economy,

informal employment, a cheap labour force, flexible working conditions and subcontracting, which strip trade unions of the power to resist. HAK-İŞ interviewees, in contrast, do not identify these features as impediments to organization and the establishment of social dialogue between workers and employers.

4.2.7. Final Remarks

I would argue that social dialogue can function effectively only if the workers are bolstered by the strength of organization and have ability and opportunity to take part in social struggle. Social partners should have equal rights and relative power. The ratio of membership in trade unions should be sufficiently high so that employers will recognize the value of engaging in social dialogue. If social dialogue is implemented in a workplace where workers are insufficiently organized, these mechanisms work contrary to the interests of workers. In contrast to the statistics produced by the Ministry, the total membership of trade unions is, in reality, approximately 700,000. Trade unions, however, should not be regarded merely as the representatives of their members, but rather of all workers. Trade union rights and freedoms should be respected as fundamental human rights and trade unions should be counted as the main actors in the democratization of a country. Trade unions should be independent from the state and any capital-friendly agents. If trade unions are under the control and pressure of employers and the state, social dialogue cannot be effectively realized and in its place a monologue ensues. Moreover in Turkey, the concept of social dialogue is reduced to a “relationship among people.” However, this concept should be institutionalized and the incumbent rules and principles should be structured in compliance with international standards. Nevertheless, social dialogue cannot replace systems of collective bargaining/agreement and strikes. In addition, since the state will establish these mechanisms of social dialogue, the state should be on the side of workers and their disadvantaged position. Only when these conditions are established can mechanisms of social dialogue work functionally and efficiently in favour of workers.

To conclude, social dialogue as a new method employed in structuring industrial relations came onto the agenda in Turkey in the early 1990s as the result of Turkey’s application for accession to the EU and, as a result, the establishment of social dialogue mechanisms accelerated. At this point, Turkish trade union confederations, namely TÜRK-İŞ, DİSK and HAK-İŞ, as the main actors of social dialogue, took on an important role. It has been observed that they have both

shared and divergent positions regarding the approaches and experiences of social dialogue. As stated in the introduction, it is important to note that this study does not reflect the official opinions of the confederations, but rather is based on in-depth interviews with union members, and that in the framework of this study, I was only able to conduct interviews with the people that I could access. As such, this study faced certain limitations. In particular, although I managed to speak with the president of TÜRK-İŞ, due to difficulties of access, I could not conduct a balanced study of its affiliate trade unions. Therefore, the main reason for ideological overlap between TÜRK-İŞ and DİSK interviewees is that some of the people whom I was able to interview were from affiliate trade unions of TÜRK-İŞ which take a more critical stance towards the policies of TÜRK-İŞ.

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APPENDIX A: OTHER TRIPARTITE SOCIAL DIALOGUE MECHANISMS

High Consultation Board of Social Security: The Board is composed of relevant government authorities, representatives of non-governmental organizations and individuals selected by the Labour and Social Security Minister. The Board meets once a year under the chair of the Minister upon the invitation of the Minister with the aim of presenting and discussing participants' opinions regarding social security policies and implementation.

EU-Turkey Joint Consultative Committee: The committee was established in 1995 by the decision of the EESC. The Committee is composed of **18 members from the EESC and 18 members representing organised civil societies in Turkey**. They meet twice a year (once in Brussels and once in Turkey) to discuss different topics of mutual interest relevant for civil society. The main purpose is to ensure the **involvement of organized civil societies in the accession negotiation process**. The Committee facilitates the involvement of economic and social partners in the process of consolidating relations between the EU and Turkey. The Committee, acting on a referral from the Association Council or on its own initiative, may express its views on matters falling within its terms of reference in the form of reports or resolutions.

High Arbitration Board: In cases where a strike or a lockout is prohibited or postponed, the dispute shall be settled by the Board at the end of the period of postponement. The disputing parties may apply to the Board by mutual agreement at any stage of the dispute. The decisions of the Board shall be final and have the force of a collective bargaining agreement. The organisation and functions of the Board shall be regulated by law.

Employment Board: The Board corresponds to the Permanent Employment Committee in the EU. The aim of the Board is to provide consultation in order to facilitate coordination regarding employment policies.

Unemployment Insurance Fund Management Board: The Board is composed of relevant government authorities and representatives of employer and employee organizations. Its aim is to assess and monitor the resources of the fund.

Vocational Training Council: The Council was established with the aim of making decisions and stating opinions to the Ministry on the planning, development and evaluation vocational and technical training provided in vocational training

schools, institutions and enterprises.

National Productivity Centre: The Centre was established in 1965 with the aim of inquiring into methods capable of contributing to the development of the national economy in line with productivity principles, carrying out research on procedures to improve productivity in both public and private sector enterprises, obtaining technical assistance in the field of productivity, performing training and consultancy work, and promoting knowledge and methods of dealing with productivity.

Board Empowered to Use the Fines Imposed Upon Wages: The Board is composed of relevant government authorities and representatives of employee organizations under the chair of the Labour and Social Security Ministry. The Board was established with the aim of making decisions regarding issues about fines imposed upon wages.

Apprenticeship and Vocational Training Board: The Ministry of National Education is organizing vocational courses in order to prepare people who have left the formal education system and do not possess the qualifications required for employment in any vacant positions in the business sector. The Board evaluates issues concerning the regulations for the process.

Consultation Committee for the EU Turkish Patent Institute: The Committee was established with the aim of assisting the Institute by giving opinions and recommendations about working principles, activity reports, the budget and a plan of action for the Institute.

Executive Committee for Disabled Persons: The Committee is composed of the representatives of governmental organizations, non-governmental organizations, employee and employer organizations and universities. They are responsible for determining the priorities in the field of disability in Turkey and for selecting the projects prepared by the Department for the Affairs of Disabled People.

Council of Consumers: The Council was established with the aim of representing the interests of all consumers of goods and services, researching new measures, giving opinions and monitoring developments. The Council is composed of relevant government authorities, non-governmental organizations and employee and employer organizations.

Labour Market Information and Consultation Board: The Board was established with the aim of clarifying, collecting and distributing the necessities of the labour market, observing and developing activities, producing a database about the labour market and harmonizing this database, establishing permanent dialogue and cooperation among relevant institutions in order to harmonize norms and standards, and making recommendations about relevant issues. The Board is composed of relevant government authorities, non-governmental organizations and employee and employer organizations.

Human Rights Consultation Council: The Council was established with the aim of submitting reports, views and recommendations regarding human rights; presenting views about the harmonization of national legal regulations with international standards; establishing communication among state institutions, NGOs and universities; reporting human rights violations to the relevant governmental authorities; and submitting views to the Ministry about racism and every sort of discrimination at the international level.

Occupational Standards Commission: The Commission was established with the aim of describing the skills and knowledge needed to perform competently in the workplace, and helping companies and individuals plan their skills development and maintain their competencies.

National and Regional Work Council: The Council was established with the aim of giving information and consultation on company decisions at the national and regional level.

APPENDIX B: INTERVIEW QUESTIONS

- How do you define social dialogue with respect to its conceptual, structural and functional features?
- Does Turkey have social dialogue like the EU? What are the basic differences? What are the obstacles to the development of social dialogue? What are the conditions for the emergence and improvement of social dialogue?
- Could social dialogue be an alternative to the traditional tools of trade union struggle against the pressures of neo-liberal policies and negative results of globalization?
- What is your assessment of the outcomes of the tripartite social dialogue mechanisms in Turkey, in particular the Economic and Social Council, Minimum Wage Assessment Commission, Work Assembly, EU-Turkey Joint Consultative Committee and Tripartite Consultation Board?
- What is your assessment of the position of the state as one of the social parties in tripartite social dialogue mechanisms at the national level?
- Do you prefer to use the term 'social party' or 'social partner'? Is there any difference between them?
- What is your assessment of the functionality of bipartite social dialogue mechanisms in Turkey?
- What do you think about the attitudes of employers towards social dialogue mechanisms?
- What is your approach towards the cooperation among the trade union confederations in Turkey? What are the impediments to the development of cooperation? For example, the Democracy Platform, the Labour Platform, etc.
- How did the military intervention in 1980 and economic policies during this period in Turkey affect trade union rights and freedoms and social dialogue?

- How does the dual structure of industrial relations (i.e. civil servants versus workers) affect the development of social dialogue? Is the existence of more than one confederation an impediment to the development of social dialogue?
- What is your assessment of the impact of Turkey's EU accession process on the development of social dialogue? How important are Turkey's efforts to adopt 'acqui communautaire', Regular Reports or other official documents which are important to the development of social dialogue?
- What do you think of the ETUC's position with respect to social dialogue in the EU?
- What kind of activities do you carry out in cooperation with the ETUC for the development of social dialogue? How do these activities contribute to the development of social dialogue in Turkey?
- What do you think about the other trade union confederations' positions regarding social dialogue?

APPENDIX C: LIST OF THE INTERVIEWEES⁴⁴

TÜRK-İŞ:

President of TÜRK-İŞ on March 14, 2008, at TÜRK-İŞ Headquarters/Ankara (TÜRK-İŞ -7)

Executive Member of the Union of Petroleum Chemical and Rubber Workers of Turkey (Petrol-İş) on December 12, 2007, at Petrol-İş Headquarters/Istanbul (TÜRK-İŞ – 6)

Director of the Research Department of TÜRK-İŞ on July 11, 2007, at TÜRK-İŞ Headquarters/Ankara (TÜRK-İŞ – 1)

Deputy Director of Research Department of TÜRK-İŞ on 13th July 2007 TÜRK-İŞ Headquarter/Ankara (TÜRK-İŞ – 2)

Head of the Education Department of the Union of Road Building and Construction Workers of Turkey (Yol-İş) on July 20, 2007, at Yol-İş Headquarters/Ankara (TÜRK-İŞ – 3)

Director of the Project Department of the Union of Tobacco, Alcoholic Beverage, Food and Related Industry Workers of Turkey (Tek Gıda-İş) on July 23, 2007, at Tek Gıda-İş Headquarters/Istanbul (TÜRK-İŞ – 4)

Head of the Education Department of the Union of Cement Glass Earthen-Ware and Ceramic Industry Workers (Kristal-İş) on August 28, 2007, at Kristal-İş Headquarters /Istanbul (TÜRK-İŞ – 5)

DİSK:

President of DİSK on July 25, 2007, at DİSK Headquarters/Istanbul (DİSK – 3)

General Secretary Consultant of DİSK on September 17, 2007, at the Union of

44 - The names of the interviewees have not been provided here, but may be provided upon request to the author.

General Services Workers of Turkey (Genel-İş) Headquarters/Ankara (DİSK -7)

Legal Adviser of DİSK on July 25, 2007, at DİSK Headquarters/Istanbul (DİSK -4)

Head of the Education Department of the Union of Textile Workers (DİSK Tekstil) on July 26, 2007, at DİSK Headquarters/Istanbul (DİSK – 5)

Education Expert of the Union of United Metal Workers (Birleşik Metal-İş) on July 23, 2007, at Birleşik Metal-İş Headquarters/Istanbul (DİSK – 1)

Head of the Education and Collective Agreement Department of the Union of Petroleum, Chemical and Rubber Industry Workers of Turkey on July 24, 2007, at DİSK Headquarters/Istanbul (DİSK – 2)

International Relations Expert of Birleşik Metal-İş on August 23, 2007, at Birleşik Metal-İş Headquarters/Istanbul (DİSK – 6)

HAK-İŞ:

President of HAK-İŞ on November 1, 2007, at HAK-İŞ Headquarters/Ankara

(HAK-İŞ – 2):

Consultant to the President of HAK-İŞ on August 18, 2007, at HAK-İŞ Headquarters/Ankara (HAK-İŞ – 3)

President of the Union of Textile, Thread, Knitwear and Garment Workers of Turkey (Öz İplik-İş) and Vice President of HAK-İŞ on November 1, 2007 at Öz İplik-İş Headquarters/Ankara (HAK-İŞ – 4)

International Relations Expert of Öz İplik-İş on July 31, 2007, at Öz İplik-İş Headquarters/Ankara (HAK-İŞ – 1)

Legal Adviser of HAK-İŞ, January 5, 2008, at HAK-İŞ Headquarters/Ankara (HAK-İŞ – 5)

