

A stylized world map composed of a grid of grey dots, with several dots highlighted in red to represent specific countries or regions.

## Trade Unions in Turkey

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- Turkish trade unions suffer from two persistent problems that impede their organising in any sustained way. First, Turkey's restrictive trade-union legislation, criticized repeatedly as contradicting international conventions on labour rights, has made it difficult for unions to obtain legal recognition. Second, employers use various tactics to discourage unionisation, including intimidation, harassment and dismissals of union members, which often go unpunished. Recent legal amendments covering public servants' unions and proposed draft legislation for workers' trade unions fall well short of enhancing democratic freedom and guaranteeing the right to organise.
- Despite attempts to increase their public visibility and voice demands, the political influence and social acceptance of Turkish trade unions remain limited. The real unionisation rate is estimated to be 8.9 percent of the entire workforce. Similarly, due to the high number of non-registered workers, the effective ratio of the workforce covered by a collective bargaining agreement may be as low as 3 percent. Ideological cleavages between trade unions operating in the same sector and between union federations are strong.
- Despite structural constraints, trade unions still have the potential to boost membership. Some trade unions have been able to grow over the last decade by organising in multinational companies with the help of global pressure. Others have focussed their energy on organising subcontracted workers in the context of an increasingly precarious, flexible and informal labour market promoted.
- Trade-union leadership and decision-making structures remain hierarchical and do not give enough voice to shop stewards and local branches. Women and young workers are under-represented. A democratic trade-union movement has yet to flourish.



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## 1. The Trade-Union Landscape

### 1.1 Historical Legacy of the Turkish Labour Movement

The Turkish Confederation of Workers' Unions (TÜRK-İŞ), which mainly organises public sector workers, was formed in 1952 on the basis of the first trade union law of 1947. This law did not, however, recognise the right to engage in collective bargaining or the right to strike. The confederation's position was to be »above party politics« and it adopted a conciliatory attitude vis-à-vis governments. After the military coup of 1960, the Trade Union Act no 274 and the Collective Bargaining, Strikes and Lockouts Act no 275 were enacted in 1963. These recognised the right to strike and to engage in collective bargaining and facilitated a dramatic increase in union membership, which exceeded one million by 1971. The Confederation of Progressive Trade Unions (DİSK) was founded in 1967 after a strike at a glass factory resulted in a split within TÜRK-İŞ. Organising mainly private sector workers, DİSK adopted an overtly radical position. It took strong militant action and supported the socialist Turkish Labour Party (TİP), some of whose founding members were DİSK leaders. In 1970 the Confederation of Nationalist Workers' Unions (MİSK) was founded. It received some support during the period of the National Front government in 1975 but did not record any major successes.

Another military coup took place in 1971, during which all strikes were banned and union activities became subject to prior permission. After the democratic elections of 1973, a third confederation was established in 1976, namely HAK-İŞ, which was close to the Islamist ideology of the National Salvation Party (MSP). It emphasised a non-confrontational approach based on harmony between employers and employees. Trade unionism in Turkey has hence formed along ideological dividing lines.<sup>1</sup>

The military intervention of 1980 banned the activities of DİSK, HAK-İŞ and MİSK. DİSK leaders were brought to trial and most of its members had to move to TÜRK-İŞ affiliated unions. HAK-İŞ was allowed to operate again in 1981, MİSK in 1984 and DİSK in 1991. The legal framework governing union organising was restructured

in 1983, with the enactment of the Trade Unions Act no 2821 and the Collective Bargaining Agreement, Strike and Lockout Act no 2822, which severely restricted the freedom to organise. This 1983 law remains in place with only minor amendments to this day and still acts as a major barrier to the efforts of the labour movement to organise.

The historical trajectory of public servants' organising was more complicated and difficult than that of workers. In 1965, Law no 624 allowed public servants to establish trade unions, but without recognising their right to engage in collective bargaining or to strike. However, the trade unions established under this law were closed down after the military intervention of 1971 and thereafter public servants were only allowed to set up associations. Except for the Union of Teachers, none of the unions established during the period 1965–1971 has had any influence on today's union movement.

During the 1980s, while still deprived of a proper legal framework to unionise, public servants invoked the relevant international conventions on freedom to organise as a basis to claim their democratic right to found unions. Starting with the Union of Teachers and municipal employees in the early 1990s, public servants started to organise. This culminated in the platform of The Council for Establishing the Confederation of Public Employees' Unions, which was involved in a series of nation-wide demonstrations, marches, hunger strikes and work stoppages demanding the right to organise and to engage in collective bargaining. In 1995 this pressure yielded an amendment to the Constitution recognising the right of public servants to organise. During the 1990s, what are now the three largest confederations of unions representing public servants were set up: Türkiye KAMU-SEN (1992), KESK (1995) and MEMUR-SEN (1995).<sup>2</sup>

Not until 2001 did public employees have a separate law defining the legal status of their unions. Law no. 4688 outlined the legal framework for union activities but it did not grant the right to strike or to engage in collective bargaining.<sup>3</sup>

1. For further historical details, see Aslan and Baydar (1998), Koç (2003), Koçer (2007), Ozan (2011).

2. Other confederations are BASK, DESK, BİRLEŞİK KAMU-İŞ. There are also independent unions.

3. See for further details: <http://www.kesk.org.tr/node/49>.

## 1.2 Long-term Problems Persist: Hierarchical Structures, Ideological Rifts and Weak Membership Ratios

Irrespective of their ideological convictions, almost all trade unions and trade-union confederations are very hierarchically structured. Power is usually concentrated in the Executive Board. The Council of Branch Presidents consists of presidents of all official local branches of the union in Turkey and meets to debate union issues. But not in all trade unions is this mechanism fully and regularly implemented. The highest decision-making body is the General Congress, which usually meets every four years, elects the Executive Board (usually for four years) and makes decisions. The congress is attended by delegates chosen by each branch during branch elections. Shop stewards are sometimes elected, sometimes appointed by union leaders.<sup>4</sup> Researchers have revealed that the salaries and expenditure of the Executive Board members cost the unions huge amounts of money and that union staff are hired via clientelistic networks (see Lordoğlu, 2004).<sup>5</sup> It is also important to note that there are very few women in trade-union decision-making structures.

Until 1995, Executive Board members were not allowed to be re-elected for more than four terms, but following pressure from the unions for amendments in legislation, long-term leadership became possible.<sup>6</sup> The leadership structures of Turkish trade unions recall the transactional model, whereby leaders provide services and help in exchange for member support.<sup>7</sup>

Hand in hand with these hierarchical structures goes stagnating trade-union membership. Although the official figures – presented by both the government and the trade unions – show a unionisation rate of around 60 percent, those figures are far from reality. First, the unionisation rate is calculated by taking into account only registered workers. Second, membership figures provided by the trade unions are far above the number of active union members covered by a CBA. In order to

4. Article 34 of the TUA 2821 says that workplace representatives can be appointed. Elections are up to the trade unions' own by-laws. There is no legal obligation to organise shop steward elections.

5. Lordoğlu documented those problems via a sample of 6 trade unions in food, glass, metal and petrochemical sectors.

6. The parts (5) and (6) of the Article 9 of 2821 were amended with the Law number 4101 on 4.4.1995.

7. From a similar perspective, Özügür (2006) argues that leaders use paternalistic relations in engaging with their members.

Table 1: Official Membership Figures

Confederation	Number of members	Number of unions
TÜRK-İŞ	2,239,341	33
HAK-İŞ	431,550	7
DİSK	426,232	17
Independent	135,556	37
Grand total	3,232,679	–
Unionisation rate	59 %	–

Source: Ministry of Labour and Social Security (MLSS), January 2009 Statistics, Official Gazette, no 27113.

obtain a more realistic (albeit still inaccurate) figure, Çelik and Lordoğlu (2006) suggested taking into account informal workers and the number of workers covered by a CBA. Bakır and Akdoğan (2009) applied this method and found out that the unionisation rate for waged workers was 6.1 percent in 2007.<sup>8</sup>

In order to overcome problems of reliability, the government agreed to take into account the figures of the Social Security Institution (SSI) in determining the unionisation rate, but necessary legal amendments in union legislation to adjust the inaccurate official figures of 2009 are still pending. Therefore the figures in Tables 1 and 2 are accepted as official. However, the SSI currently puts the unionisation rate among registered workers at only 8.94 percent rather than 59 percent, and the former can be considered the more accurate figure.

Strengthening workers' representation by merging same-sector unions is also highly unlikely given the deeply embedded historical and ideological cleavages between the confederations. Inter-union rivalry is strong (see Uçkan, 2002), not only between trade unions from different confederations, but also from within the same confederation organising the same sector. TÜRK-İŞ remains the largest confederation in terms of membership. A platform of ten unions within TÜRK-İŞ, called The Platform of Unification of Union Power (*Sendikal Güç Birliği Platformu*)<sup>9</sup>, attempted to challenge the confederation

8. This figure was 22,2 in 1988 according to the same calculations.

9. Members of the platform are *Petrol-İş*, *Hava-İş*, *Turkish Union of Journalists*, *Tez Koop-İş*, *Deri-İş*, *Tümtis*, *Tek Gıda-İş*, *Belediye-İş*, *Basın-İş*, *Kristal-İş*.



Table 2: Membership Rates of Workers' Trade Unions from Three Largest Confederations

Sector	Union	Confederation	Membership Figure	Union Density
<b>Agriculture, Forestry, Hunting, Fisheries</b>	Orman-İş	Türk-İş	59.707	-
	Tarım-İş	Türk-İş	43.348	-
	Birlik Orman İş	Hak-İş	10.667	-
	Öz Orman İş	Hak-İş	18.310	-
	Öz Tarım İş	Hak-İş	669	-
<b>Mining</b>	Genel Maden İş	Türk-İş	32.008	23.1
	Türk Maden İş	Türk-İş	573	41.5
	Dev Maden Sen	Disk	1464	1.05
<b>Petroleum, chemicals, rubber</b>	Petrol-İş	Türk-İş	88.569	35.9
	Lastik-İş	Disk	42.888	-
<b>Food</b>	Tek Gıda-İş	Türk-İş	191.360	51.4
	Öz Gıda-İş	Hak-İş	73851	19.8
	Gıda-İş	Disk	25.257	6.78
<b>Sugar</b>	Şeker-İş	Türk-İş	26.297	99.9
<b>Textile</b>	Teksif	Türk-İş	338.551	57.4
	Öz İplik-İş	Hak-İş	89612	15.2
	Tekstil	Disk	75.994	12.9
<b>Leather</b>	Deri-İş	Türk-İş	17.608	18.96
<b>Wood</b>	Ağaç-İş	Türk-İş	13.583	14.3
	Öz Ağaç-İş	Hak-İş	14.717	15.5
<b>Paper</b>	Selüloz-İş	Türk-İş	17.450	47.9
	Tümka-İş	Disk	3703	10.2
<b>Press and publishing</b>	Basın-İş	Türk-İş	5411	11
	Basın-İş	Disk	3910	7.93
<b>Banking and insurance</b>	Bass	Türk-İş	5411	11.7
	Basisen	Türk-İş	72.991	46.33
	Bank-Sen	Disk	13.961	8.86
<b>Cement, clay and glass</b>	Çimse-İş	Türk-İş	70.899	40.06
	Kristal-İş	Türk-İş	21.318	12.2



	Cam Keramik-İş	Disk	14	0.01
<b>Metal</b>	Türk Metal	Türk-İş	340.715	50.01
	Çelik-İş	Hak-İş	95.158	14
	Birleşik Metal-İş	Disk	74.544	11
<b>Shipbuilding</b>	Dok Gemiş-İş	Türk-İş	7355	42.1
	Limter-İş	Disk	1377	7.89
<b>Construction</b>	Yol-İş	Türk-İş	165.012	21.3
	Devrimci Yapı-İş	Disk	17	0.01
<b>Energy</b>	Tes-İş	Türk-İş	121.708	79.1
	Enerji-Sen	Disk	43	0.02
<b>Commerce, office, education &amp; fine arts</b>	Tez Koop-İş	Türk-İş	62.337	14.3
	Koop-İş	Türk-İş	46.157	10.6
	Sosyal-İş	Disk	43.914	10.1
	Sine-Sen	Disk	31	0.01
<b>Road transport</b>	Tümtis	Türk-İş	14.770	10.5
	Nakliyat-İş	Disk	16.851	12
<b>Railway transport</b>	Demiryol-İş	Türk-İş	23.117	90.3
<b>Sea transport</b>	TDS	Türk-İş	23.117	28.8
<b>Air transport</b>	Hava-İş	Türk-İş	17.357	52.3
<b>Warehouse and storage</b>	Liman-İş	Türk-İş	7890	24
<b>Communication</b>	Türkiye Haber-İş	Türk-İş	28.053	59.4
<b>Health</b>	Sağlık-İş	Türk-İş	17.755	17.4
	Dev Sağlık-İş	Disk	4396	4.31
<b>Accomodation and entertainment</b>	Toleyis	Türk-İş	48.028	14.6
	Oleyis	Hak-İş	33.070	10
<b>National defence</b>	Türk Harb-İş	Türk-İş	30.839	99.9
<b>Journalism</b>	TGS	Türk-İş	4550	28.9
<b>General Services</b>	Belediye-İş	Türk-İş	205.244	42.1
	Hizmet-İş	Hak-İş	126.107	25.9
	Genel-İş	Disk	81.394	16.7

Table compiled by the author and based on statistics of the MLSS.

leadership at the December 2011 congress. Although its candidates could not be elected to the executive board of TÜRK-İŞ, it created a power bloc within the confederation and decided to act together on issues regarding labour legislation, international relations and women's rights, claiming that it would become a radical alternative to the dominant bureaucratic structure and conciliatory stance of the confederation.<sup>10</sup>

Although it holds Islamist beliefs, HAK-İŞ has gradually adopted a pro-European position and is seeking to become part of the international labour movement. It combines a moderate position vis-à-vis the government and a willingness to compromise with the need to protect its members' interests (see Buğra, 2002). Coming from the tradition of militancy of the 1960s and 1970s, DİSK remains the most radical confederation in its critical attitude towards government policy and labour rights. However, after having lost a large portion of its membership to TÜRK-İŞ during the 1980s, when it was legally prohibited, DİSK's real power in the labour movement remains limited and is constrained by both a lack of financial resources and inter-union rivalry. Except for a small number of pro-active unions, its affiliates have proven unable to mobilise tangible organising power, as can be seen from the membership figures in Tables 1 and 2.

With respect to the public servants' confederations, KESK, which was the driving force behind the creation of a legal framework for public servants' unions, has been criticised for losing its grass-roots character, although it is still critical of government policy. TÜRK KAMU-SEN emerged as a confederation with a right-wing and nationalistic perspective, but shifted to a less pro-government position after the outstanding growth of MEMUR-SEN, although its ideological principles have remained constant. MEMUR-SEN, until ten years ago a very minor confederation, has increased its membership by approximately 500,000 in the last decade during the incumbent government, which is criticised for providing incentives and resources to the confederation.<sup>11</sup>

10. There are diverging views about the platform. While some authors welcome this move to create a new militant unionism (Aydın, 2011), others are more cautious, pointing out to the unmentioned need to change rules and structures of the unions to facilitate the flourishing of workers' democracy (Bilgin, 2011).

11. On 11 March 2012, MEMUR-SEN was refused ITUC membership on the grounds that it was not an »independent« union confederation.

Table 3: Official Membership Figures for Public Servants' Unions

Confederation	Membership
KESK	232,083
TÜRKİYE KAMU-SEN	394,497
MEMUR-SEN	515,378
BASK	3,627
BİRLEŞİK KAMU İŞ	26,422
HAK-SEN	3,499
DESK	4,146
INDEPENDENT	15,450
Grand total	1,195,102
Number of public servants	1,874,543
Unionisation rate	63.75 %

Source: Official Gazette no 27987, 7 July 2011.

### 1.3 Labour and Union Legislation as Structural Barriers to Organising

#### Labour Legislation and the Freedom to Organise

Labour legislation differs depending on whether an individual is contractually defined as a worker (*işçi*) under the Labour Act 4857 or as a public servant (*memur*) under the Public Servants Act 657. Most private- and public-sector workers are covered by 4857.<sup>12</sup>

Freedom to organise is guaranteed by Article 52 of the Turkish Constitution and by the relevant ILO Conventions, which Turkey has ratified. However, it is systematically violated by employers, even though such violations are subject to sanctions under Turkish Criminal Law. Harassment and intimidation of workers who join a union is a common practice among private-sector employers. This takes the form of discrimination between unionised and non-unionised workers effected by moving them into different departments (so that unionised workers become isolated), increasing the workload or downgrading the performance of union members or us-

12. The workers who are excluded from the scope of the Labour Law consist of maritime and airline workers, workers at agricultural enterprises employing less than 50 workers, domestic workers, family handicraft workers, sportsmen.

ing family and kinship links to put emotional pressure on them (see Bakır and Akdoğan, 2009; Uçkan and Yıldırım, 2010; Dinler, 2012). If such tactics fail, employers terminate the contracts of union members. Despite a lack of up-to-date official statistics<sup>13</sup> or media coverage of picket lines and strike actions by fired workers, the ITUC Annual Survey and court verdicts for reinstatement of dismissed workers give an idea of the very high rate of dismissals among unionised workers.<sup>14</sup>

Legislation enables workers to bring lawsuits for reinstatement, and there have been several court verdicts in favour of the workers. If the judge decides that a worker has been fired because he or she is a member of a union, the worker is also entitled to a unionisation payment. However, court cases are protracted and Article 21 of the Labour Act no 4857 stipulates that if the employer does not reinstate the worker, the worker must pay compensation.<sup>15</sup> Employers' aggressive tactics pose a major obstacle to union organising, and the most important obstacle to workers joining a union is fear of unemployment.

#### Trade Union Legislation for Workers

Workers and public servants have different union legislation. Workers were covered by the Trade Unions Act no 2821 (TUA) and the Collective Bargaining Agreement, Strike and Lockout Act no 2822 (CBASLA) until Parliament passed the new »Law of Unions and Collective Agreements« (LUCA) on 18 October 2012. The two Acts had been constantly criticised by the International Trade Union Confederation (ITUC) and the International Labour Organisation (ILO) as well as by Turkish trade unions for their extremely restrictive provisions on union organising. TUA and CBASLA set the frame for trade union work for almost 30 years and were thus the legally bind-

ing documents to shape the trade union movement until today. Therefore its provisions are firstly described below. Then the new regulations of LUCA, which still await ratification by the Turkish President, are briefly outlined.

First, according to TUA (Article 22), compulsory public notary approval (which cost ca. 20 euros in 2012) was a prerequisite for union membership. Membership of a trade union was acquired by forwarding five copies of the registration form certified by a public notary. This bureaucratic requirement was a financial burden for poor workers, and trade unions were obliged to refund this money in certain cases.

Second, the TUA (Article 60) defined twenty-eight sectors in which unions could organise. Each union could only organise the workers of a single sector. The CBASLA replaced industry-level collective bargaining with workplace level CBAs. A trade union must have received a certification of competency and authorisation from the Ministry of Labour and Social Security (MLSS) before it was eligible to start CBA negotiations. It also had to meet two further conditions: it was to represent at least 10 percent of the total number of employees in the relevant industry and 50 percent plus 1 of the total number of employees at the workplace (Article 12). The ILO Committee of Experts had repeatedly criticised these two requirements as incompatible with the principle of voluntary collective bargaining. The workplace threshold had a dual effect: on the one hand organising workers is a very lengthy process in large workplaces; on the other hand, once this threshold was reached, the union had more bargaining power vis-à-vis the employer. The sectoral threshold became a major impediment in the past three years, because several unions lost members due to unemployment, privatisation, deaths and retirement. This shift has still not been reflected in the official statistics. If it were, several unions would risk losing their authorisation because they would no longer meet the legal requirements for forming a trade union.<sup>16</sup>

Third, the employer was given the right to object to a) a sectoral decision or b) a majority decision of the MLSS within six days of the decision having been taken (CBASLA, Article 15) by submitting the objection document to the relevant Labour Court. Authorisation proce-

13. One exception is a TÜRK-İŞ Research report for the years of 2003–2005. The number of dismissals due to union reasons is given as 15,531. It is also argued that between 2003–2008 30,000 workers affiliated with DİSK confederation have lost their jobs after joining a union (see Köse, 2010).

14. Amongst most recent examples for the year of 2010, one can cite IKEA workers who joined *Koop-İş*, TESCO workers who joined *Tez-Koop-İş*, Medmar Marble workers who joined *Türkiye Maden-İş*, Çelmer workers who joined *Birleşik Metal-İş*, TIGEM workers who joined *Tarım-İş*, Seamen-ship and Trade Co. workers who joined *Liman İş*, UPS workers who joined *TÜMTİS* (see ITUC, 2011; Dinler, 2012).

15. Also in the event of a violation of the rule referring to »anti-discriminatory treatment between member and non-member requirements and for the infringement of the rule that the employment contract should not be terminated for his/her union-related activities«, the employer shall pay compensation no less than the worker's annual wages (Trade Unions Act, Article 31).

16. This also explains why the unions have no interest in challenging the official membership figures.



dures were stopped until the court reached its verdict. Employers commonly used this as a legal tactic to postpone authorisation.<sup>17</sup>

Fourth, CBASLA Article 25 allowed only those strikes which had a work-related purpose (in case of a dispute in CBA negotiations) and prohibited general strikes and sympathy strikes. Articles 29 to 31 banned strike actions in several sectors and work categories. Articles 33 and 34 also allowed the Council of Ministers to postpone a strike for up to 60 days for reasons of public health and national security.<sup>18</sup>

LUCA now holds a number of changes. However, these are not to the better, which means that the new law still does not meet the standards of international conventions or the requirements of the trade unions in terms of facilitating organising work and encouraging freedom to organise.

In its initial draft version in 2011, the Law envisaged reducing the sectoral threshold from 10 percent to 0.5 percent, which would have been a big step in encouraging the establishment of new unions. However, this provision was rejected by business lobbies and the minister of economics on the grounds that it could facilitate organising and CBAs at unorganised workplaces and thus increase labour costs for employers. After negotiations with the trade-union confederations, the government changed the sectoral threshold to 3 percent. This change provoked reactions by the trade unions, which at that point still had legal recognition even though their membership base no longer represented 3 percent of the total workforce in the relevant sector according to the statistics of the Social Security Institute.

The approved LUCA now stipulates the following requirements for legal recognition: First, after the official statistics are announced, a union should have at least 3 per cent of the overall working force in the relevant sector as its members. On first sight, this might seem to be an improvement vis-à-vis TUA and CBASLA. But as the number of sectors is at the same time reduced from 28 to 20, the basis on which the threshold is calculated has

changed. This means that in absolute figures for several trade unions the threshold has in fact increased and they risk losing their recognition. Thus, several unions may risk losing their legal recognition once the official statistics on membership by trade unions, will be released by the Social Security Institution. As a temporary measure, this formal requirement will be reduced to 1 per cent for the period 2013 to 2016. From July 2016, the threshold will be set as 2 per cent and finally from July 2018 it will be set as 3 per cent, to comply with the Law. This time frame is expected to allow unions to increase their membership.

Apart from the sectoral threshold, at the workplace level, the majority threshold to get legal recognition is still maintained at 50 per cent plus 1; at the enterprise level this threshold is set to be 40 per cent plus 1.

LUCA also still states that strike action is only permissible in the event that a CBA negotiation reaches an impasse but does not allow solidarity strikes, political strikes or general strikes. Even though it removes the ban on strikes in certain sectors, legal restrictions are retained for other sectors. Furthermore, the new Law still enables the employer to object to the majority and sector decisions by the Minister of Labour, a power employers have often used to delay unions' recognition process. Finally, the law removes the prerequisite of notary approval for membership registration, but replaces it by an online system, which will be run and controlled by the MLSS.

A serious negative implication of the new Law is about unionization payment. This payment is legally provided to workers who are dismissed for joining a union and who sue their employers for reinstatement. It is supposed to act as a disincentive for employers firing their unionized employees. The new regulations remove this payment for workplaces employing less than 30 workers and for workers who work less than 6 months at that workplace. Given the very high number of small and medium size enterprises in Turkey, such regulation is expected to exacerbate employers' attacks on unionization.

### Union Legislation for Public Servants

Public servants were covered by the Public Servants' Union Act (PSUA) from 2001 to 2012. On 12 April 2012, a New Law 6289 came into force which made several amendments to the PSUA.

17. A trade union confirmed that between 1990–1998 it won 90 per cent of the court cases due to objection to authorisation, but it could only sign a CBA in 2 per cent of those, because they lost membership while court cases were continuing (Özveri, 2004).

18. Between 2000 and 2005, nine strikes were postponed in rubber, glass, mining and general services sectors (Uçkan, 2007).

Until 1995, public servants did not have the right to organise. Following the ratification of the ILO Conventions 87 and 151 in 1992, parliament in 1995 approved an amendment to Article 53 of the 1982 Constitution that paved the way for public servants to gain the right to organise. Several public servants' unions were formed de facto and in 2001 the PSUA was enacted.

The Law allowed eleven service branches to unionise and accepted the principles of voluntarism and multi-unionism. A restriction on union membership, which also contravened Article 2 of ILO Convention No 87, was amended: the term public servant referred only to those who were permanently employed or who had completed their probation period. This provision was eventually removed in April 2007, thus allowing public servants working on fixed-term contracts also to join a union.

PSUA only allowed collective consultative talks but no CBAs. Those talks were restricted to financial issues, salaries and other allowances, compensation and bonuses. Even if a protocol was signed between social partners, it was not legally binding.<sup>19</sup> Collective consultative talks were undertaken on five occasions between 2002 and 2010 and only one protocol was signed in 2005. Twenty-six out of thirty-four articles of the protocol were not implemented. The Law also enabled workplace-level collective talks between the administration of the relevant public institution and the representatives of the union with the largest membership in that institution, with the objective of communicating the problems and demands of union members. The results of those talks were not legally binding, however.

Law no 6289, which amended the PSUA, was enacted in April 2012. The Law is far from meeting the demands of the public servants' union confederations. It retains the ban on joining a union for several workers (judges, public prosecutors, financial auditors, policemen, military staff, civilians working in the army) and on engaging in strike action.

Public servants' right to engage in collective bargaining was finally recognised in 2010 (through an amendment to Article 53 of the Turkish Constitution). According to the provisions of Law no 6289, collective bargaining agreements are centralised and thus do not necessarily

reflect the different needs of the various service branches. Negotiations are limited to remuneration and exclude several issues about working conditions and social rights. They are expected to take place between a Commission of Public Employers and a Commission of Public Servants' Unions. The latter commission consists of seven members including the president, who must be from the public servants' confederation with the highest membership (currently MEMUR-SEN). Of the six other members, four are to be selected from MEMUR-SEN, two from KAMU-SEN and one from KESK, whereby representation depends on the rate of membership. It has still not been determined whether a CBA can be signed with a majority vote or only with the approval of the president. In case of dispute, an Arbitration Council for Public Servants acts as a mediator. The Law has been criticised for preserving the anti-democratic provisions of the current PSUA, for reducing the CBA to a solely formal and financial document without enhancing public servants' rights in different service branches in any substantial way and for further strengthening the close-to-government MEMUR-SEN confederation (see Çelik, 2012b; Türk Ulaşım-Sen, 2012).

## 2. Core Tasks

### 2.1 Strengths and Weaknesses of Collective Bargaining

The path between starting to organise workers at a workplace and signing a successful CBA is a long one in the Turkish context due to the legal and political restrictions mentioned in the previous chapter. Although there are no statistics available about the number of campaigns that have culminated in a successful CBA, we can speculate that it will be low. In 2009, the total number of CBAs was 3,699, covering 767,582 workers in both the private and the public sector.<sup>20</sup> Approximately two-thirds of the CBAs were in the public sector and did not encompass the right to strike. Given that Turkey's workforce had reached 24.5 million (34 percent of the population) by 2010,<sup>21</sup> this means that only 3 percent of the total workforce is covered by a CBA.

19. Social partners are the authorised unions with the largest membership in their respective service branch, the confederations to which they are affiliated and the Public Employers' Committee composed of eight public officials under the chair of the Minister of State.

20. Since CBAs are renewed every two years, the total number of CBAs for a given year is calculated by adding the figures of the two consecutive years. So the total number of CBAs signed in 2008 and in 2009 is added in order to obtain the most updated figure about CBA coverage for the unionised workers. Note that the latest statistics belong to the year of 2009.

21. See Invest in Turkey, Labor Force in Turkey Report, <http://www.turkey-now.org/db/Docs/Invest%20In%20Turkey/11-LaborForceinTurkey.pdf>.



Table 4: Membership Rates of Public Servants’ Unions from Three Largest Confederations

Service branch	Union	Confederation	Membership figure	Union density
<b>Office</b>	Türk Büro-Sen	Kamu-Sen	39.673	21.90
	Büro Memur-Sen	Memur-Sen	32.979	18.16
<b>Education</b>	Türk Eğitim-Sen	Kamu-Sen	179.300	19.72
	Eğitim Bir-Sen	Memur-Sen	195.695	21.52
	Eğitim-Sen	Kesk	115.949	12.75
<b>Health</b>	Türk Sağlık-Sen	Kamu-Sen	93.035	24.39
	Sağlık-Sen	Memur-Sen	135.591	35.55
	SES	KESK	41.520	10.89
<b>Local government services</b>	Türk Yerel Hizmet-Sen	Kamu-Sen	13.288	13.33
	Bem Bir-Sen	Memur-Sen	39.856	39.99
	Tüm Bel-Sen	Kesk	28.516	28.61
<b>Press</b>	Türk Haber-Sen	Kamu-Sen	12.377	33.55
	Birlik Haber-Sen	Memur-Sen	8.583	23.26
	Haber-Sen	Kesk	4.264	11.56
<b>Artisan and cultural services</b>	Türk Kültür Sanat-Sen	Kamu-Sen	2652	14.77
	Kültür Memur-Sen	Memur-Sen	2.610	14.53
	Kültür Sanat-Sen	Kesk	3.883	21.62
<b>Construction and rural services</b>	Türk İmar-Sen	Kamu-Sen	6.083	19.09
	Bayındır Memur-Sen	Memur-Sen	7.714	24.20
	Yapı Yol-Sen	Kesk	4.198	13.17
<b>Transportation</b>	Türk Ulaşım-Sen	Kamu-Sen	6545	25.13
	Ulaştırma Memur-Sen	Memur-Sen	5531	21.23
	BTS	Kesk	3213	1234
<b>Agriculture and forestry</b>	Türk Tarım Orman-Sen	Kamu-Sen	13.567	26.03
	Toç Bir-Sen	Memur-Sen	25.587	49.09
	Tarım Orkam Sen	Kesk	3341	6.41
<b>Energy</b>	Türk Enerji-Sen	Kamu-Sen	7324	19.33
	Enerji Bir Sen	Memur-Sen	11.362	29.99
	ESM	Kesk	4311	11.38
<b>Religious affairs and foundation services</b>	Türk Diyanet Vakıf Sen	Kamu-Sen	20.563	20.58
	Diyanet-Sen	Memur-Sen	49.870	49.92
	Dives	Kesk	577	0.58

Table compiled by the author and based on statistics of the MLSS.

An overview of the MLSS statistics suggests a steady decline in CBA coverage since the 1980s. Calculations by Çelik and Lordoğlu (2006) show that the percentage of formal sector employees benefiting from CBAs was 46.9 percent in 1985 and declined to 18.3 percent in 2004. According to Kıvanç (2011), the number of workers covered by a CBA declined by half from 1990 to 2011.

It is necessary to remember some core provisions of the Labour Law in order to discuss the content of the CBA. Before the enactment of the current Labour Law in 2003, employers tried to enforce provisions facilitating flexible work relations in the CBAs; the new Labour Law institutionalised such flexibility.<sup>22</sup> Although it introduced some modern labour standards with respect to gender and restricted the use of subcontracted employees to the advantage of workers, it brought about several provisions that were more in line with employers' aspirations to reduce labour costs than with employees' need for stricter legal controls to protect their rights. First, Labour Law no. 4857, enacted in 2003, provided a legal basis for typical work arrangements such as part-time and fixed-term employment.<sup>23</sup> It did not impose any restriction on the cumulative duration or the number of successive contracts, which allows employers to be flexible about keeping employees on fixed-term contracts permanently. The Law restricted employment protection to workers who had worked for more than six months at the same workplace and to establishments hiring more than thirty workers. Domestic workers and agricultural workers were kept outside the scope of the Labour Law, which only covered registered workers with a social insurance number. Finally, the Law provided for several cases in which an employer could fire a worker before the expiry of the job contract without having to comply with the notice periods.

Those provisions gave sufficient leverage to employers wishing to justify and facilitate firing practices, protected small- and medium-scale enterprises from the costs of job protection and enabled and institutionalised the use of fixed-term contracts. Therefore the protection of

22. See Özdemir and Yücesan-Özdemir (2008) for details.

23. It is important to note that the Turkish government made a selective implementation of the requirements of European labour standards. Although the European directives on part-time and fixed-term employment conditions state that »part-time and fixed-term workers shall not be treated in a less favourable manner than comparable full-time and permanent workers«, this is not implemented in the Turkish context (see Taymaz and Özler, 2004).

Table 5: Workers Covered by CBAs in 2008/2009

	Number of CBAs covered	Number of work places covered	Number of workers
<b>2008</b>			
<b>Public</b>	1190	3328	107,258
<b>Private</b>	514	6295	155,528
<b>Grand total</b>	1704	9623	262,786
<b>2009</b>			
<b>Public</b>	1417	8912	288,531
<b>Private</b>	578	2632	216,265
<b>Grand total</b>	1995	11,544	504,796

Source: Ministry of Labour and Social Security (MLSS).

many workers depended on the extent to which CBA terms and conditions went beyond the core standards of national labour legislation. (Even though national legislation lays down the main legal principles concerning working conditions, job security and employment contracts, CBAs have their own »autonomy«, i.e. trade unions negotiate provisions in a CBA that bring more favourable conditions than those stipulated by labour law.<sup>24</sup>)

Currently, the strength of a CBA negotiated to the advantage of the workers relies on the negotiation capacity of the union leadership and the willingness of union members to undertake militant action. There are two types of CBAs: the sector-wide agreement between the legally recognised sectoral unions and the union of employers and the workplace agreement between one company and one union.<sup>25</sup> The workers in the public sector have historically managed to obtain better deals in terms of wage increases whereas in the private sector workers receive only index-linked pay rises.

A strong CBA typically regulates i) remuneration (wage, compensation for risk, bonus payments); ii) time (working hours, holiday, annual leave, maternity leave); iii) so-

24. According to Article 6 of the Union No. 2822, unless stated otherwise, job contracts cannot contradict collective bargaining agreements (Özveri, 2011).

25. Sector level agreements are signed between The Union of Textile Employers and TEKSİF Union; The Union of Metal Industry Employers and Metal Unions.

cial rights (child support, clothing, wedding and funeral allowances); iv) health and safety; v) the rights and duties of shop stewards (offices, time off for union activities); vi) job security (terms and conditions of dismissal); and vii) terms and conditions of hiring (use of subcontracted labour). According to Koç (1994), Turkish CBAs are normally detailed documents regulating several of these dimensions of working life.<sup>26</sup>

However, trade unions which have the capacity to sign strong CBAs are limited. Some trade unions have reached agreements with employers that allow social insurance premiums to be based on the minimum wage rather than on the real salary of the workers, which in the long run negatively affects pension payments. In return employers have become more cooperative in providing social assistance and allowances in addition to wages and adhere more strictly to the relevant provisions of the Law in areas like job security, terms and conditions of dismissal and use of fixed-term contracts.

Subcontracting poses significant challenges for CBAs. There is disagreement about whether the main employer or the subcontractor company is responsible for the subcontracted workers and hence whether the latter can benefit from the CBA signed by the main employer (Şen, 2002). When subcontractors are employers providing services in different sectors, it is extremely difficult for a sector-specific union to organise the majority of the workers and get legal recognition. One strategy is to force the employer to consider subcontracted workers as their direct employees but few unions are committed to organising subcontracted workers whose contracts may easily be cancelled by the main employer.

Even if CBAs that bring about solid social and economic rights for union members are signed, enforcement still remains a significant problem to be overcome. In fact, it is very common for employers to cite crisis periods as an excuse for not abiding by CBA provisions. Although

there are no accurate data about the enforcement of the CBAs, several examples, a few of which are cited here by way of illustration, point to serious problems of implementation. According to Özveri (2006), during the 1994 economic crisis, 7,060 workers who had not received their agreed pay rise went to court. In 2010, Türk Harb-İş, the union of the national arms industry workers, confirmed that for workplaces affiliated with the Ministry of National Security and Domestic Affairs several provisions of the CBAs including permissions, transfers, promotions and social rights had been suspended (*Emek Dünyası*, 2 October 2010). In 2012, *Sosyal-İş Union* claimed that the CBA it had signed with *Ankara's Çankaya Municipality* in 2011 had not been implemented.<sup>27</sup> Regular delays in the payment of wages, a common problem faced by unorganised workers, also applies to unionised workers during times of crisis.

Another significant problem remains the inadequacy of effective union structures able to guarantee the implementation and monitoring of the CBAs. Strong and democratic union structures where shop stewards and branch leaders are equipped with the necessary organising and intellectual skills to listen to problems, formulate solutions and increase members' involvement are needed for workers to be able to enjoy the rights defined by the CBAs. This requires the democratic election of shop stewards, training of members and horizontal communication networks to facilitate mutual learning.

## 2.2 Social Dialogue is Enhanced, but Remains Procedural

In Turkey, a well-institutionalised social dialogue has yet to flourish. Numerous mechanisms have been implemented, especially as part of the European Union accession process, but their weaknesses inhibit the creation of genuine social dialogue.

The first attempt to develop social dialogue was the establishment in 1995 of the Economic and Social Council (ESC) as part of Turkey's efforts to join the EU. It was designed as a consultative body to facilitate social re-

26. Historically, trade unions paid special attention to the obtaining of non-wage social rights in the CBAs. In their study of three sectors' CBAs for workers in the public sector (mining, road and transport) between 1963 and 1988, Ilgaz and Özçer (1988) found out that during 25 years, provisions changed depending on the changing balance of power between employers and employees as well as on the economic and social conditions of Turkey. Job security and restrictions to mass dismissals were prominent in the 1960s and health and safety measures were implemented in the 1970s. Social rights stayed significant components of the CBAs in all periods examined.

27. See [http://www.sosyal-is.org.tr/dosyalar/beldeas\\_basinaciklamasi\\_25012012.pdf](http://www.sosyal-is.org.tr/dosyalar/beldeas_basinaciklamasi_25012012.pdf).

conciliation and cooperation in planning social policy. In 2001, the rather ineffective Council was revitalised with the enactment of a special law defining its role, statutory duties and functions. The Labour Law enacted in 2003 anticipated the establishment of social dialogue mechanisms at the national, regional and sectoral levels. With the establishment of a Tripartite Consultation Board in 2004, it became obligatory for the Ministry of Labour and Social Security to consult with employees' and employers' representatives about issues regarding working life.<sup>28</sup> The European Commission regarded such developments as positive but it also emphasised the need to strengthen bipartite social dialogue between employers and trade unions, especially in the private sector.

The ESC was granted constitutional status in 2010, but it cannot be said to embody a genuine mechanism of social dialogue. Although the ESC is legally required to meet every three months, it has not convened since 2009<sup>29</sup> and even before that met very irregularly. The ESC has been criticised on the grounds that its meetings remain formalities and only aim to gather ideas without turning them into policy outcomes;<sup>30</sup> moreover, the government has a predominant role in setting and shaping the agenda and results of the meetings.<sup>31</sup> In fact, the 2009 Progress Report of the European Union pointed out the structural deficiencies of these social mechanisms and launched specific projects to encourage improvement (see Ağartan, 2010).

Apart from the ESC and the Tripartite Consultation, the administrative bodies of various state agencies also have a tripartite body geared to social dialogue. Despite the proliferation of tripartite bodies in those agencies, severe fragmentation of labour organisations, uneven government representation and subsequent state control and lack of transparent information inhibit the

development of a bottom-up practice that would empower partners equally and shape policy outcomes (see Uçkan, 2007).

Trade unions do not wield sufficient power to have an impact on social legislation. The reason for this is two-fold: On the one hand, the government is reluctant to consider trade unions (except the ones close to them) as legitimate partners and tries to marginalise unions' views as regressive. For instance, because half of the working population in Turkey work for a very low wage, setting a minimum wage is one of the most important labour issues. Every year the Minimum Wage Commission, in which employers are represented by TİSK (Turkish Confederation of Employers' Unions) and employees by TÜRK-İŞ, meets to determine the minimum wage. The monthly minimum wage for 2012 was set at 886.50TL gross (ca. 380 euros) and 701.44TL net (ca. 300 euros), even though the hunger threshold for a four-person family is estimated to be 1011 TL (ca. 430 euros) and the poverty threshold 3197 TL (ca. 1360 euros).<sup>32</sup>

On the other hand, despite their criticism of the government's social policies, the trade unions themselves have proven unable to adopt long-term strategic plans to challenge these policies and offer viable alternatives, although they did become more active during the debates on the health-care reform between 2006 and 2008. Thanks to precursors such as the KESK affiliated health unions, the Turkish Association of Doctors (TTB) and the Turkish Chamber of Architects and Engineers (TMMOB), several unions, confederations, political parties and NGOs joined protests against the reform, which aimed to further marketise and privatise health care. However, they only succeeded in delaying rather than reversing the reform process.

A more recent example is the government's education reform which came into effect in September 2012. It replaced the existing 5+3-year obligatory primary and secondary education with the so-called 4+4+4-year system under which school children choose vocational training after the first four years. Despite protests organised by the KESK unions, which argued that such changes would lead to an increase in child labour and a decrease in girls' school enrolment rates, the government did not revoke the reform.

28. According to the By-Law on the Working Procedures and Principles of the Tripartite Consultation Board regarding Working Life, one representative from each workers' and public employees' confederations and three representatives from the employers' confederations with the highest membership are allowed to join the meetings.

29. In this meeting MEMUR-SEN, KAMU-SEN, TÜRK-İŞ, HAK-İŞ represented employees' side; MÜSİAD, TÜSİAD, TOBB, TESK, TİSK represented employers' side.

30. For instance DİSK confederation refused to join the ESC meeting in 2008 on the grounds the ESC should not be a means to approve government policy and a pseudo-consultation board. See <http://www.disk.org.tr/default.asp?Page=Content&ContentId=457>.

31. See Sariipek and Özsoy (2011) for a summary of criticisms.

32. Calculations are taken from DİSK Research Bureau.

### 3. Political Clout

#### 3.1 Political and Societal Challenges: Precarious Employment as a Threat to the Trade Unions

The National Employment Strategy (NES) is one of the most important political challenges currently faced by Turkish trade unions. Initially launched in 2010 and renewed and presented to the public in 2011, the NES is a strategic document charting a road map for the government to complete gradually evolving and sometimes interrupted labour reforms in the private sector. According to NES, unemployment stems from the rigidity of labour markets, so the solution lies in increasing flexibility and replacing existing forms of job security with opportunities to enhance individuals' professional skills to make them competitive on the market.

The replacement of direct severance payments from the employer with a special fund, the introduction of a regional minimum wage, the institutionalisation of flexible types of labour such as part-time work, temporary work, work on call or distance work (i. e. from home) and allowing private employment agencies to hire temporary workers are the most significant pillars of the NES.<sup>33</sup>

DİSK is overtly against the whole reform package. TÜRK-İŞ has certain criticisms and objects particularly to the erosion of severance payments. HAK-İŞ has adopted a less confrontational perspective, emphasising the need for a broader consultation process. Almost all unions perceive the issue of private employment agencies negatively. Even though there are ambiguities in the discourse and potential action points by confederations regarding these policies, there is no sign of the unions' launching well-targeted strategic campaigns to mobilise membership and to lobby for the interests of their members.

Public servants have also been affected by the government's ongoing programme to privatise and marketise public services, including making the conditions of employees in the public sector more precarious and flexible. Many workers in public companies have been transferred to contractual status, and new employees in the health and education sectors are also being recruited on the basis of fixed-term contracts.<sup>34</sup>

Unemployment, along with precarious and informal employment are ever-growing trends and present major societal challenges. Even though trade unions have voiced opposition to such trends, there are no clearly defined priorities or targets set by the unions to reverse them or offer alternatives. Some individual trade unions have taken some steps towards transforming constraints into opportunities. *Dev Sağlık-İş* in the health sector, for example, has a well-defined and clear strategy to organise subcontracted workers in public hospitals, while in the education sector *Türk Eğitim-Senhas* has recruited several contract teachers and widened its membership base. *Tümtis* organised warehouse workers who had no social insurance as well as a number of subcontracted workers in the cargo handling business. *Petrol-İş Novamed* mobilised the feminist movement to defend the rights of female workers. *Birleşik Metal-İş* offers training programmes to respond to the needs of young workers in the metal sector.

#### 3.2 Societal Acceptance of Trade Unions is Low, their Political Influence Limited

Societal acceptance of trade unions is low. Surveys conducted between 2000 and 2004 on levels of public trust show that labour unions are among the least liked institutions. On a scale of 0–10 where 0 indicates no trust at all and 10 indicates full trust the percentage of the population who ranked unions between 6 and 10 in the 2000 and 2004 surveys was 34 and 38 respectively (Adaman, Buğra and Insel, 2008). Another survey of a sample of unionised and non-unionised workers in İstanbul and Kocaeli found out that 61.2 percent of non-unionised workers and 40 percent of unionised workers disagreed with the statement that in Turkey trade unions are reliable institutions. Moreover, 67.5 percent of non-unionised and 55.7 percent of unionised workers believe that trade unions are not fighting hard enough to protect and increase workers' rights (Urhan, 2005a). This lack of confidence is due not only to the negative image reinforced by an environment hostile to union activities, which portrays unions as illegal and criminal organisations, but also to certain trade unions themselves, which have inherited and continue to cultivate an anti-democratic and repressive union culture (see Özveri, 2006).

If we assess the political influence of the unions in terms of the degree of change in government behaviour and policy, we find that it was stronger during the 1990s

33. For details of those policies see Özsever (2012).

34. For an empirical analysis of how workers are affected by and resist those contractual changes see Sallan-Gül and Kahraman (2010).

and weaker during the 2000s. During the 1989–1995 period trade unions were involved in major demonstrations, marches and strikes in response to anti-labour policies and economic measures pursued by the government. Creative and diverse grassroots actions resulted in high wage increases in the public sector and radicalised the position of confederation leaderships vis-à-vis the government (see Koç, 2003). In 1993, this culminated in the establishment of the Democracy Platform, Common Voice of Workers with the participation of organisations such as TÜRK-İŞ, HAK-İŞ, DİSK and the Platform of Public Employees' Unions (currently KESK), which later dissolved owing to internal ideological and political tensions (Koç, 2011).

In the 2000s, the configuration of power among the trade-union confederations changed considerably with HAK-İŞ and MEMUR-SEN now regarded as actively supporting the incumbent AKP party. One could argue that the political influence of the incumbent government on those confederations is important, rather than *vice versa*. As mentioned in Chapter 1, TÜRK-İŞ leadership takes a more conciliatory attitude to governments in general and hence did not strongly oppose the Labour Law enacted in 2003, which changed working conditions dramatically and legalised some of the informal strategies used by employers.<sup>35</sup> The confederation recorded limited success in 2011 in reversing three amendments concerning labour relations before a new draft law was enacted.<sup>36</sup>

Trade unions such as DİSK and KESK are more critical in their standing vis-à-vis the government. Recently the platform of ten unions within TÜRK-İŞ joined this critical stance (see Chapter 1). Yet for the moment none of those confederations is able to exert real pressure on the government, and unions react to rather than set the political agenda. One should also note that several KESK confederation officers and KESK affiliated union leaders were arrested as part of a major investigation related to Kurdish political organisations.

One major event which ran counter to the general trend of a weakening of the trade-union movement occurred in late 2010 and early 2011, when workers from all over

Turkey employed by TEKEL (a state-owned factory in the tobacco sector) were threatened with being transferred to contract status and losing several of their rights. An initially local protest turned into unified resistance to government policy by political parties, social movements, NGOs and trade unions. Nevertheless, this resistance did not result in any long-term radicalisation of the labour movement.<sup>37</sup>

### 3.3 Affiliation with European and International Networks Increases

Regardless of their ideological orientation, most trade unions are willing to take part in exchanges with European labour organisations. Union leaders, staff and in some cases members attend seminars, conferences and workshops to learn about organising strategies, social dialogue mechanisms, tools of international solidarity, gender-specific instruments and the effects of macro-economic policies on trade unions. The European Trade Union Confederation (ETUC) established the EU–Turkey Trade Union Coordination Commission, which is responsible for providing Turkish trade-union confederations with relevant information about the EU, the European labour movement and the activities of potential social partners at the EU level. The ETUC also launched a three-year project (2008–2010) called »Civil Society Dialogue: Bringing Together Workers from Turkey and the European Union through a Shared Culture« which brought together workers from numerous sectors in conferences and education seminars (see Ağırtan, 2010).

Another novel and significant development of the 2000s is the increasing involvement of the global union federations in local conflicts between Turkish employers and trade unions, especially campaigns at multinational companies (MNCs). Below is an overview of ten case studies covering the years 2000–2012 where Turkish trade unions cooperated with their global federations to organise at MNCs.<sup>38</sup>

This analysis of ten case studies shows how a number of Turkish trade unions have started effectively exploiting international networks and instruments by going

35. See Yücesan-Özdemir and Özdemir (2008).

36. Three provisions of the Law which were removed by the government upon the initiative of Türk-İş were: i) legalisation of work from distance (from home) to facilitate flexible work relations ii) the increase of probation period to 4 months resulting in loss of severance payment for all workers iii) the extension of equalisation period for tourism workers.

37. For further information see Bulut (ed.) (2010). For excellent interviews with TEKEL workers see Yılmaz (2011) and Türkmen (2012).

38. Some Turkish trade unions started organising MNCs and their suppliers before 2000, but this trend intensified only in the 2000s, with the exploitation of international networks. For an analysis of the petroleum, chemicals and rubber sector see Bulut.



Table 6: Internationalisation of Turkish Labour Movement (2000 – 2012)

Case	Initial organization	Employer strategies	Local struggle and international pressure points	Length and result
<b>Koop-İş</b> <b>PRAKTIKER</b> Global home product company with German origin in different cities of Turkey	2004: Organising campaign starts. 2008: 392 workers out of 759 in 6 different cities and 10 different IKEA shops become union members.	Employer fires 21 union members. 2008: Employer takes the risk of paying 100.000 liras and declares that it forgot to declare 47 workers to the Ministry by making those workers registered in order to nullify union recognition.	- Demonstrations but no daily picket line. - National labour centre, TURK-İŞ writes a letter to CEO of Praktiker and said that Praktiker Bau- und Heimwerkermarkt Holding AG respects union rights and the same attitude should be adopted in Turkey. - German union VER.Dİ supports Koop-İş.	7 years (victory) 19 February 2009 Protocol: - Unionisation rights will be respected. - No harassment and firing of the workers for union reasons. - Unionisation will continue, but outside of workplaces. 26 May 2011: Collective bargaining agreement (CBA) signed.
<b>Koop-İş</b> <b>IKEA</b> Global home products company with Swedish origin in large cities of Turkey	2007: Organising campaign starts. 2010: Joint meeting with UNI Approximately 300 members	- Employer fires union members or puts pressure to make them resign. - Changes the departments of union members. - Give low performance grades to union members.	Corporate social responsibility strategy: IKEA Way, IWAY Codes of Conduct 06/2011: Cooperation agreement with UNI (Global Organising Campaign) 08/2011: Swedish Handels Union organized at IKEA in Sweden visits Koop-İş.	4 years (continues) Organising campaign continues to get union recognition.
<b>Tez-Koop-İş</b> <b>TESCO-KİPA</b> Multinational company in different cities of Turkey	2003: Organizing starts in working class neighbourhoods, co-villagers' associations, women and student organizations, local coffeehouses. 2004: More than 50 per cent of the workers join the union 2006: 3,922 workers (among 7,644) became union members in 14 cities more than 100 shops 2010: 4678 members	2004: Employer protests majority decision 50 % + 1 (by saying that the union can not organize security workers) and the union loses.	UNI Global Union Network Support 02/2012: Massive protests against employer by workers and public mobilization.	9 years (continues) 11/2010: Tez-Koop-İş gets union recognition but the employer uses the right to protest. The court case continues
<b>Tez-Koop-İş</b> <b>IBM</b> Multinational IT company in Istanbul	2007: Organising starts 2008: Applies for union recognition on March 26 2010: Gets union recognition	- Employer protests majority decision. The court rejects. - Employer protests that Tez Koop-İş cannot organize their sector. The court rejects. - Employer fires union representatives. - Employer transfers its workers to a new company IBM Global Security to reduce majority.	- UNI's visit to Turkey to support the campaign. - Lawsuits for reinstatement of the fired workers. - Online strike action.	3 years (defeat) 13 April 2010: CBA negotiations start. Union has to go on strike if CBA negotiations fail. Employer puts pressure on workers. Majority of workers do not go on strike and union loses recognition.

Case	Initial organization	Employer strategies	Local struggle and international pressure points	Length and result
<b>Deri-iş</b> <b>DESA</b> Supplier of the global garment company in Düzce	2008: Organising campaign starts	April 2008: Employer fires 44 workers who joined the union. 24 August 2009: Employer signs a protocol with Deri-iş: - 6 workers are reinstated, 6 more will be reinstated later and the remaining ones will start work when customer orders are re-placed. - The unionization rights of workers will be protected.	- Supply chain pressure: Deri-iş contacts the Spanish buyer Elcorte Ingles, which stopped buying from DESA until labour rights are respected. - Cooperates with international unions (ITGLWF, ETUF:TCL). - Help from Clean Clothes Campaign (CCC). - Lawsuits for reinstatement. - Picket line (11 months in Sefaköy, 15 months in Düzce).	4 years (continues) Some workers were reinstated in 2009 and picket lines were closed. Protests and picket lines start again in 2011 since the employer violates protocol.
<b>Deri-iş</b> <b>TREXTA</b> Local leather company in Çerkezköy producing mobile phone covers for Blackberry, Apple and Nokia	August 2011: Organising starts December – January 2012: Organising campaign accelerates in Çerkezköy (service buses, homes)	- Employer harasses and intimidates union members. - Employer fires union members on the grounds of low performance.	- Customer pressure: Nokia audits the factory in November 2011. - Global union federations send protest letters (ICEM, IMF and ITF). - Petition campaign for fired workers. - Picket line from February 2012.	7 months (continues)
<b>Petrol-iş</b> <b>NOVAMED</b> Produces dialysis machines for German Fresenius Medical Care in Antalya	2004: Organising campaign starts 2006 (May): More than 50 per cent of workers join the union 2006 (June): Petrol-iş gets union recognition	Employer objects to majority decision.	26 September 2006: 82 out of 316 workers go on strike National and international feminist movements give support (Platform of Solidarity for Novamed workers)	3 years (initial victory, later defeat) December 2007 Strike ends and CBA (2008–2010) is signed.
<b>Petrol-iş</b> <b>STANDARD PROFIL</b> Global supply company of automotive seals in Düzce	2009: Organising starts. 70 per cent of 1300 workers join the union March 2011: Petrol-iş applies for union recognition	- Employer harasses workers - Employer objects to sector	- IFC ombudsman organizes union training at workplaces - ICEM and IMF give international support - »Join the Union Campaign« in Düzce with short films, billboards	3 years (continues) Union recognition procedures pending because of the employer's objection to the sector.
<b>Tümtis</b> <b>UPS</b> Global delivery company with US origin in 30 different cities in Turkey	End of 2009: Clandestine organising starts at neighbourhoods, homes, use of personal networks April 2010: Union activities are noticed by employer	- Employer intimidates and harasses workers who want to join the union - Employer fires in total 163 workers (direct employees and subcontracted workers) in Izmir and Istanbul - UPS CEO's indirect talks (wants to accept union and perhaps severance payments, but not unionization) - Riot police comes to picketing line	- Picket lines in Izmir and Istanbul line since 124 days - Global Action Day 1 <sup>st</sup> of September in 40 cities - ITF support - Teamsters facilitate dialogue - UPS CEO's indirect talks (wants to accept union and perhaps severance payments, but not unionization) - UPS Europe travels to Turkey 8 Sep. 2010	2 years (victory) - 24 January 2011: Protocol is signed to reinstate 151 fired workers - July 2011: Tümtis gets union recognition - 24 December 2011: CBA is signed.

Case	Initial organization	Employer strategies	Local struggle and international pressure points	Length and result
<p><b>Teksif</b>  <b>ABBATE</b>                      Supplier of global garment company in Istanbul and Bilecik</p>		<ul style="list-style-type: none"> <li>- Employer intimidates workers, threatens the workers who join the union.</li> <li>- 2004: 47 workers are fired for joining the union.</li> </ul>	<ul style="list-style-type: none"> <li>- The representatives of Liz Claiborne, an Abbate customer puts a sign on the factory in Esenler stating to contact them in case Abbate fires workers.</li> <li>- Another customer (NEXT) assigns an auditor (Özer Altunal) in order to make investigation about labour rights since NEXT is member of ethical trade Initiative (ETI).</li> </ul>	<p>15 months (partial victory in reinstatement, defeat in organising)</p> <ul style="list-style-type: none"> <li>- 6 September 2005: 37 of 47 workers who were fired for joining the union are reinstated as a result of the court decision.</li> <li>- Inability to reach majority threshold to get union recognition</li> </ul>

The table is based on data compiled by the author from internet sources and trade unions' congress reports. 10 case studies are selected according to the role, diversity and significance of international tools and networks. ICEM: International Federation of Chemicals, Energy, Mine and general Workers' Unions; ITF: International Transport Workers' Federation; UNI: Union Network International (for skills and services); IMF: International Metal Workers' Federation.

beyond traditional relations between global federations and local unions. With the support of their federations, Turkish unions have attempted to pressurise employers in multiple ways. In the DESA, TREXTA and ABBATE campaigns, customer companies which expect their suppliers to respect labour rights intervened in the disputes. In the STANDARD PROFIL campaign, conditions at the international finance agency enabled company workers to participate in a series of training sessions aimed at encouraging union membership and undermining the negative image of unions portrayed by the employer. In the UPS campaign, unprecedented global days of action in several countries forced the employer to start negotiations, which led to a successful settlement.<sup>39</sup> Here the direct support and cooperation of the relevant global federation (ITF for *Tümtis*, UNI for *Koop-İş*, ICEM for *Petrol-İş*), including solidarity visits and protest letters, were crucial. When the home union for the relevant global company becomes involved in a dispute, this puts effective pressure on the international employer, who then pushes local managers to negotiate with the local union (as in the case of American Teamsters for UPS and Swedish Handels for IKEA).

For other organising campaigns not discussed here researchers have pointed to the local use of international framework agreements (IFAs) signed between global union federations and multinational companies (Berber-Ağtaş, 2009). IFAs guarantee core labour standards in the relevant multinational company, so local unions can use these documents as a starting point for putting pressure on the local employer and formulating demands. Nevertheless, the success of organising an eventual collective bargaining agreement depends on local struggles and conditions.<sup>40</sup>

International support cannot work without a strong organising effort on the ground. Union members, leaders and staff put an extraordinary amount of time, energy and resources into recruiting new people, mobilising their families, conducting legal battles and garnering public support. Long-term picket lines in front of workplaces in which dismissed workers are to legally press demands for reinstatement are costly and may last several months. Nevertheless, they enhance public visi-

bility and send a strong message to the employer that the vigilant union is determined to record a real success. Reaching out to broader segments of civil society, such as the feminist movement in the case of organising female workers (NOVAMED and DESA), contributes immensely to the eventual success of the campaigns. Unfortunately, employers' informal and legal tactics delay union recognition and the eventual conclusion of a CBA. While *Koop-İş* signed a CBA after seven years of initial organising at *Praktiker*, *Tez-Koop-İş* succeeded in obtaining the legal authority to sign a CBA only after nine years of initial organising at *TESCO KİPA* in 2012. Tactics of this kind also resulted in the failure of an originally dynamic and successful campaign at *IBM*. The relatively short UPS campaign (two years from the initial organising to the signing of the CBA) can be explained by the fact that the employer did not use any delaying tactics after the protocol was settled because of very strong international pressure exerted by the affiliates of the global federation. We can thus conclude that if legal barriers are avoided, strong organising efforts with international backing are likely to yield the best outcome.

## 4. Prospects

### 4.1 Organisational Structures Are Unable to Meet New Challenges

Organising campaigns launched by trade unions at MNCs require enhanced industry research and better communication networks with global federations and foreign trade unions organised in the relevant MNCs in different countries. This means trade unions will need to foster and encourage cooperation with their international partners' research and organising departments. Moreover, both at the global and the local level the development of corporations alongside supply chains require joint organisation campaigns by two or more trade unions in order to yield tangible successes. This poses a real challenge, because it means an internal restructuring of the trade unions and the building of a collective working culture among the unions themselves.

Another organisational issue concerns the weaknesses of trade unions in the post-organising and post-CBA period. Militant trade unions have persisted in organis-

39. For a detailed analysis of the instruments of struggle and solidarity used in the UPS campaign, based on primary data, see McGrath and Dinler (2011).

40. For empirical case studies see Fichter, Sayim and Berber-Ağtaş (2011).

ing workers in an extremely anti-union environment in which employers' use aggressive strategies, but they are less successful in increasing members' involvement in the union once a collective bargaining agreement has been concluded.

Societal challenges will intensify if the policies described in Chapter 3 are fully implemented. The introduction of health service fees together with changes in severance payments and the unemployment insurance fund mean that workers in general and trade-union members in particular will lose some of their rights, while the increase in informal and precarious employment will mean that only trade unions that go beyond their traditional membership base will be able to grow.

#### 4.2 Economic Crisis Hits Union Membership and Requires New Strategic Priorities

The most dramatic result of the financial and economic crisis was a sharp increase in unemployment. Between March 2008 and March 2009, the period when the effects of the crisis were felt most, unemployment among non-agricultural workers increased from 13.4 to 18.9 percent and youth unemployment increased from 19.8 to 27.5 percent.<sup>41</sup> Equally worrying was the number of dismissals among unionised workers who were supposed to be more protected in crisis conditions. TÜRK-İŞ statistics for this period reveal that more than 42,000 union members lost their jobs during the crisis.<sup>42</sup>

TÜRK-İŞ, DİSK and KESK interpreted the reasons for the crisis and the solutions from a similar perspective. They all saw the roots of crisis mainly in liberal economic policies benefiting capital groups and the main solution in demand-side, labour-friendly policies aimed at creating jobs, increasing wages and boosting the welfare state along with a revision of the budget in favour of education and health. They also wanted to put a stop to employers' using the crisis as an excuse to fire workers on the grounds of a decline in business. DİSK was more

overtly radical in suggesting restrictions on short-term financial returns, the introduction of progressive taxation and the transfer of the administration of the social fund for the poor to the trade unions.<sup>43</sup> On 15 February 2009 they co-organised a big demonstration under the slogan »We Will Not Pay the Cost of the Crisis: Unified Struggle against Unemployment and Poverty«. T. KAMU-SEN endorsed macro-economic policies to increase demand, wages and employment and advocated social policies to overcome the crisis.<sup>44</sup> MEMUR-SEN, while acknowledging the devastating effects of the crisis, supported the measures suggested and implemented by the government.<sup>45</sup>

These reactions and suggestions for macro-level solutions had little impact on the day-to-day activities of the trade unions. Although the trade unions were critical of the government's way of handling the crisis, they did not necessarily adopt a strategy of their own to respond to the crisis at workplaces. Two surveys among unionised youth workers in the post-crisis period found out that half of young workers thought their trade unions did not pursue effective policies against the crisis. According to young workers, fear of unemployment, pressure by the employer, informal and flexible work, the existence of small-scale enterprises (where legal job security does not exist), insufficient legal protection for workers as well as the lack of confidence in trade unions all present obstacles to organising (Lordoğlu and Kiroğlu, 2010).

#### 4.3 Recommendations for Future Prosperity of Trade Unions

Trade unions need to invest financial and human resources as well as intellectual and practical energy in the following six areas in order to grow and contribute to a strong and sustainable labour movement:

43. <http://www.tes-is.org.tr/TR/Genel/BelgeGoster.aspx?F6E10F8892433CFFA6AA849816B2EF907A48226BB53664>, <http://www.disk.org.tr/default.asp?Page=Content&ContentId=608>

44. T. Kamu-Sen; <http://www.kamusen.org.tr/ShowContent.aspx?itemID=172>.

45. <http://www.yildirimkoc.com.tr/usrfile/1323898382a.pdf>. It is important to note that, contrary to several other developing countries where expansionary monetary and fiscal policies coupled with anti-poverty programmes were implemented to respond to the crisis, Turkish government did not change macro-economic strategies and chose to provide incentives for employers to reduce labour costs in exchange for creating employment and training to increase professional skills. For more details see Öniş and Güven (2011).

41. Those are official figures based on Turkish Institute of Statistics (TUIK) Household Workforce Survey, March 2009. See Yaprak (2009) for condensed analysis. The real rates are expected to be much higher, given the high levels of informal workers who also lost their jobs.

42. <http://www.koopis.org.tr/haberler24/42-bin-sendikali-isci-isten-cikarildi.php>.

**1) Hire strategic researchers to advise on union strategy:**

Research by trade unions on workers is currently limited<sup>46</sup> and should increase in order for unions to gain a better understanding of their members' backgrounds, needs and aspirations. Strategic research to examine key relationships with employers in terms of strengths and weaknesses should be institutionalised to guide union strategy. Bilingual staff with previous corporate research expertise should be hired in order to advise union leaders.

**2) Implement a new training curriculum:**

Trade unions have accumulated considerable experience<sup>47</sup> and this should be passed on by training a group of activists who will in turn train their co-workers. Such training should focus not only on basic knowledge about unions and workers' rights, but also on organisational skills, such as mapping, planning, strategic decision-making, identifying workplace problems, building communication networks, and emotional skills, such as building self-confidence and assertiveness training. Experienced leaders should be used as human resources to train young workers.

**3) Continue grassroots organisation and reach out to workers in precarious employment:**

Those unions which have increased their membership since the 1980s have adopted the »organising« model rather than the »service provider« model (see Selamoğlu, 2003). Pro-active unions use many different kinds of venues (homes, coffee houses, city centres, and public transport as well as the workplace) to reach out to workers. Yet organising should not only be about recruiting members, but also about increasing workers' participation at all levels. In view of the shrinking formal sector unions should also focus on precarious, informal and subcontracted workers (see Selçuk, 2005).

**4) Exploit international networks of the global labour movement:**

A number of unions which recognised the benefits of cooperating with global un-

ion federations have set clear targets to organise in multinational companies. More trade unions should be equipped with the skills and human resources to engage in similar networking activities. Joint organising and training projects, regular attendance of international conferences by members who speak foreign languages and the transfer of skills between different countries' unions can be productive ways of exploiting such networks.

**5) Build new union structures to increase members' involvement, delegate power and give a voice to underrepresented groups:**

This includes electing (not appointing) workers' leaders, establishing additional structures to strengthen participation (such as organising committees and workers' councils at local, regional and national levels), increasing the power of the council of branch leaders from different regions vis-à-vis the Executive Board. Women and youth members should be positively discriminated in decision-making structures and they should be allowed to set up the necessary structures to communicate their demands and translate them into action.

**6) Foster cooperation mechanisms for joint organising campaigns and campaign for union-friendly legislation:**

Joint organising campaigns constitute an intelligent way to use organising energies in supply chains and organised industrial sites. In the past, the DISK confederation launched regional coordination councils to facilitate joint organising campaigns for its affiliates, especially in organised industrial zones consisting of hundreds of industrial workplaces in a range of diverse sectors, but these did not function well in practice (Urhan, 2005b). Such attempts could be revived. Moreover, branch platforms (such as the platform of union branches in big cities within confederations) can be more effectively used for public campaigns. Putting joint pressure on the government for union-friendly legislation and policy necessitates a commitment at the level of the confederations' leadership.

46. Few examples include *Kristal İş* research on glass workers (1993), on industrial workers by *Türk Metal Sen* (1995), membership profile research by *Birleşik Metal İş* (1995, 1999) and by *Petrol-İş* (1994 and 1997) (see Uçkan, 2002).

47. Good examples include, amongst others, *Harb-İş* family trainings, *Birleşik Metal-İş* youth worker training. See Tarih Vakfı and Friedrich-Ebert-Stiftung (1999).

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