

A stylized world map composed of a grid of dots in various shades of gray, with several dots highlighted in red. The map is centered behind the title.

# Trade Unions in Turkey 2018

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- One out of every four workers in Turkey was protected by a collective bargaining agreement at the end of 1980s when the almost continuous decline of the coverage began. The lowest membership rate was 6 per cent in 2013; since then it has risen slightly to 7.6 per cent in 2017.
- The number of union workers rose from 1 million to 1.8 million between January 2013 and July 2018. Approximately 500,000 of these new members are public-sector subcontracted workers. Union density in the private sector (excluding public subcontractors) stagnates.
- Changes in much-criticized union laws of both workers and civil servants in 2012 are far from aligned with ILO conventions. The authorization process for collective bargaining of newly unionizing workers is still extremely difficult and the protection against unfair dismissal on the grounds of trade union membership has been weakened. Additionally, civil servants still do not enjoy the right to collective bargaining because the system introduced in 2012 does not include negotiation but merely consultation. Among other problems, civil servants are still not allowed to strike.
- The right to strike has also been further restricted. Since early 2017, the government has banned seven strikes by more than 150,000 workers. Due to this rising number of strike bans and arrests of union leaders, the International Trade Union Confederation declared that Turkey was among the ten worst countries for workers in 2018.



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## Introduction

This report is an extension and update of Dinler's *Trade Unions in Turkey* report published in 2012 by Friedrich Ebert Stiftung.<sup>1</sup> Dinler provides an effective summary of the historical background and the basic characteristics of Turkish unionism. This report focuses on the changes between 2012 and 2018 and rests more on statistical data, some of which were published after 2012 by several state agencies.

There have been some important changes in the union landscape of Turkey since 2012. Firstly, a new Unions and Collective Agreement Law was ratified in 2012. Secondly, since 2013, the Ministry of Labor and Social Security (MoLSS) has declared the numbers of members of all trade unions biannually. This is considered a reliable source by scholars and unions. Before that, membership statistics were entirely fictitious and exaggerated. New data allows observers to capture trends in union membership twice a year. Last but not least, the Turkish political scene has changed tremendously since 2012, and this transformation has implications for unions.

There is a clear legal distinction between workers and civil servants in Turkey. All employees except civil servants are defined as »workers« by Turkish Labor Law 4857. Workers and civil servants work under different labor laws (4857 and 657) and organize according to different union laws (6356 and 4688). The main difference in the labor laws of workers and civil servants is the much greater job security of civil servants compared to workers; nevertheless, civil servants are not allowed to strike.

Public workers, who are mostly manual workers<sup>2</sup> employed by State Economic Enterprises or various public institutions such as ministries, municipalities or banks, should not be confused with civil servants. Like private sector workers, public workers operate under labor law of 4857 and unionize according to union law of 6356. The number of public workers was nearly 500,000 at the beginning of 2018.<sup>3</sup> This number almost tripled in April 2018 for reasons explained below.

There are approximately 3 million civil servants, and around 17 million workers (including 3 million Turkish-citizen<sup>4</sup> informal workers) in Turkey as of 2018. This report focuses primarily on worker unionism, while the second section briefly summarizes recent developments in civil servant unionism. Table 1 outlines different groups of employees in Turkey, all of which have significant differences in terms of their access to rights to organize and collective bargaining.

Türk-İş, Hak-İş and DİSK are the confederations of the trade unions representing workers in private and public sectors, whereas Memur-Sen, Türkiye Kamu-Sen and KESK represent civil servants as confederations of trade unions. Table 2 illustrates the membership and emblems of the six strongest confederations functioning under two different legal frameworks.

## I. Worker Unionism

### 1. An Overview of Workers' Unionism in Turkey

Workers' unions in Turkey have not been always weak. They grew in the 1960s and 1970s and survived an anti-labor military rule between 1980 and 1983. They organized the strongest strike waves in the nation's history in the first half of 1990s and raised real wages, even exceeding pre-coup levels.<sup>5</sup> However, since then they have been losing power almost unceasingly.

Turkey did not publish reliable data on the number of union members before 2013. The membership data before 2013 was exaggerated for several historical reasons. However, MoLSS provides relatively credible data based on the number of workers who have worked under a collective bargaining agreement since the introduction of that right in 1963.

The industrial relations system of Turkey is reminiscent of the United Kingdom (UK) and the United States (US), in the sense that there are no particularly supportive mechanisms for collective bargaining, such as exten-

1. Dinler, 2012.

2. Manual worker refers to workers whose jobs involve mostly physical tasks. The term includes blue-collar workers but also service workers like janitors, security guards, municipal workers, postal workers etc.

3. See the website of Bütçe ve Mali Kontrol Genel Müdürlüğü <<http://www.bumko.gov.tr/TR,908/kadro-istatistikleri.html>>

4. TURKSTAT provides an estimation about the number of informal workers, but its data only includes Turkish citizens. The rising number of informal migrant workers are excluded. The arrival of 3.6 million Syrian refugees (because of Syrian Civil War) since 2011 has significantly increased the number of informal migrant workers in Turkey.

5. See Birelma, 2017: 273.



Table 1. Different groups of employees in Turkey

Level 1	Level 2	Level 3	Definition	Approx. numbers	Union density
Civil servants	Civil servants	Civil servants	Mostly white-collar public employees who work and organize according to different laws than workers (all the above).	3 million	Very high
Workers	Public workers	Public workers	Mostly manual workers working in the public enterprises and institutions.	0.5 million (until April 2018)*	Very high
	Private sector workers	Public-sector sub-contracted workers	Workers of subcontractors working for the public enterprises and institutions.	1 million (until April 2018)*	High (After an amendment in 2014)
		Formal private sector workers	Formal private sector workers (other than the public-sector subcontracted workers)	12.5 million	Low
		Informal workers I	Turkish citizens who work in an unregistered way	3 million	Zero**
		Informal workers II	Non-citizens who work in an unregistered way	?***	Zero**
TOTAL				20 million	

\* In April 2018, the government transformed nearly 900,000 public-sector subcontracted workers into public workers.

\*\* Informal workers cannot become a union member.

\*\*\* Only Syrian informal workers are estimated to be around 400,000.

Source: <http://www.hurriyet.com.tr/ekonomi/kayitli-3-686-kayit-disi-400-000-40024074>, accessed July 1, 2018.

sion procedures one sees in coordinated market economies like Germany.<sup>6</sup> Just like in the US and UK, Turkish unions must organize workplace by workplace to enlarge collective bargaining coverage. Therefore, collective bargaining coverage is a good proxy for union density, which is moderately higher than the bargaining coverage.

Graph 1 displays the trajectory of workers' collective bargaining coverage in Turkey since 1988. The ratio is calculated by dividing the number of workers covered by a collective bargaining agreement by the total number of workers. The total number of workers stands for all employees (including informal workers) except civil servants. One out of every four workers was protected by a collective bargaining agreement at the end of 1980s, when the almost continuous decline of union membership be-







gan. The lowest ratio was 6 per cent in 2013, and has risen slightly to 7.6 per cent in 2017.

Organizing in the private sector is extremely difficult in Turkey because the authorization process for collective bargaining is complicated as explained below. In the most comprehensive quantitative research on this issue, Özveri investigated the cases of unionization in four industries between 1983 and 2009 that resulted in lawsuits over authorization.<sup>7</sup> He found that in 73 per cent of the cases in which the court authorized the union as a result of the lawsuit, the employer busted the union during the lawsuit, which lasted an average of 424 days. In these 73 per cent of the cases, unions could not sign a collective contract despite they once organized the majority of the workers in the workplace as confirmed by the court. In a qualitative approach, Birelma scrutinized three cas-

6. Frege and Kelly, 2004: 38.

7. Özveri, 2013: 379.

Table 2. Membership of main trade union confederations in Turkey

Confederations representing workers (July 2018)		
		
Türk-İş	Hak-İş	DİSK
958,618	654,722	160,568
Confederations representing civil servants (July 2018)		
		
Memur-Sen	Türkiye Kamu-Sen	KESK
1,010,298	394,423	146,287

Graph 1. Collective bargaining coverage among workers %



Source: Ministry of Labor and Social Security (MoLSS) provides the number of workers for whom a union signs a collective contract within a year. The annual number of workers working under a collective contract is calculated as suggested by Çelik and Lordođlu (2006: 19). Turkish Statistical Institute (TURKSTAT) provides the numbers of all employees and civil servants.

es of unionization in the private sector ethnographically, exposing immense difficulties in the unionization and authorization process.<sup>8</sup> The research uncovers years of secret organizing, firings of nearly 80 workers due to union activities, and picket lines and protests of workers. In one of the three cases the union was busted even though it won the lawsuit, which took three and a half years.

Building on the data from newspaper reports of labor unrest, Emek Çalışmaları Topluluğu (Labor Studies Group) found that at least 2,258 workers among 81 cases were reported to be fired because they participated in union organizing in 2015.<sup>9</sup> This number does not include the cases in which the unionizing workers did not organize any protest. The next year, that number was 1,359 in 42 cases. Less labor unrest is related to the political turmoil caused by the coup attempt in July.<sup>10</sup> In 2017 the number was 857. Again, even fewer protests can be attributed to the state of emergency declared after the coup attempt and continued until July 2018.<sup>11</sup>

The increase in coverage since 2014, on the other hand, is due mostly to the unionization of workers employed by subcontractors working for public institutions. The number of these public-sector subcontracted workers is more than 1 million, which corresponds to a potential of a 6-point increase in the coverage. Thanks to the mobilization of these workers and some unions since the mid-2000s, the governing Justice and Development Party (AKP) enacted an amendment to Turkish Labor Law in 2014 that facilitates unionization of public-sector subcontracted workers. The amendment states that when a group of public-sector subcontracted workers successfully unionizes, they bargain and sign a collective agreement with the principal employer, namely the concerned public institution. Instead of the subcontractor, public institutions pay the additional wages and rights gained with collective bargaining. As expected, this amendment encouraged subcontractors to be less resistant to unionization because it would cause no financial burden for them. Since its enactment, many unions, even those that so far had ignored subcontracted workers, began campaigns to unionize them and in many cases have signed collective agreements.

8. Birelma, 2014.

9. Emek Çalışmaları Topluluğu, 2016: 26.

10. Emek Çalışmaları Topluluğu, 2017: 22, 28.

11. Emek Çalışmaları Topluluğu, 2018: 29.

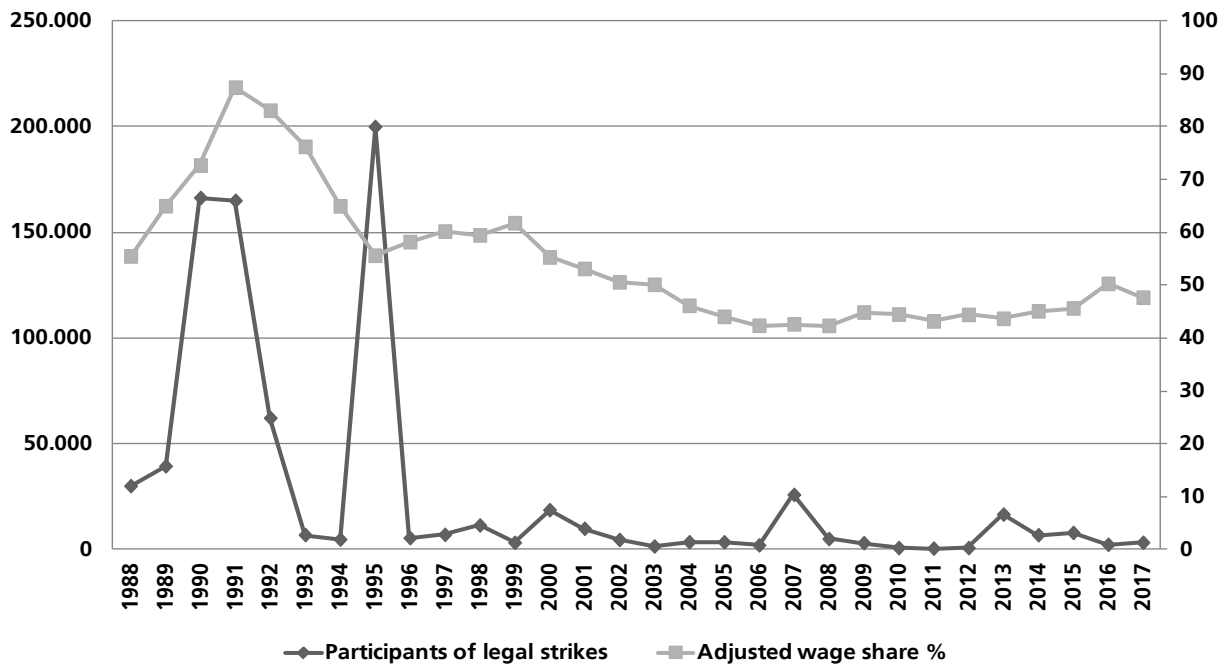
But how could workers and unions manage to win such a victory? Efforts of unions, other worker associations and ordinary subcontracted workers in covert or transparent ways, through formal or informal channels, accumulated and built a significant line of resistance. The bulk of public-sector subcontracted workers makes up the social base of the governing party. They are employed mostly through party channels and this has strengthened their hand. This fact rendered AKP more fragile to the demands and protests of this social base. Moreover, the forthcoming elections offered a political opportunity for the movement at a time when the vast AKP support of the last twelve years seemed to be eroding, as became obvious in the June 2015 elections when the party lost the majority in the parliament. In addition, an increasing number of industrial homicides in the last decade, the devastating massacre of 301 miners in May 2014, and their relationship with subcontracting mobilized a public outcry supporting workers' causes and demands. In this political environment, before the elections in June 2015 all three main opposition parties declared they would put an end to public subcontracting and transfer all of the existing subcontracted workers to regular positions in public institutions.<sup>12</sup>

In the face of ongoing demands of unions and subcontracted workers and leading up to elections in June 2018, AKP finally transitioned most the public-sector subcontracted workers (around 900,000) into regular public workers in April 2018. Because it is much easier for public workers to unionize, we can foresee that the increase in the collective bargaining coverage since 2013 will continue for the next couple of years and the coverage will probably reach around 10 per cent.

The number of striking workers is another important indicator to estimate the power of workers' unions. MoLSS provides the number of workers who participate in the legal strikes. According to workers' union law the only legal way to stage a strike is if the collective bargaining process does not result in an agreement. Therefore, MoLSS' striking worker data does not include wild-cat strikes or other spontaneous strikes of non-union workers; however, it still provides an important indicator of union power and activity. Graph 2 reveals the number of participants of legal strikes organized by unions

12. For a detailed analysis of subcontracted workers' struggle and victory see Birelma, 2017.

Graph 2. Striking workers and wage share



Source: The number of participants of legal strikes is provided by MoLSS. Adjusted wage share is calculated by AMECO, the annual macro-economic database of the European Commission's Directorate General for Economic and Financial Affairs.

on the left y-axis and wage share on the right y-axis. Wage share is the part of the national income allocated to wages and is probably the best indicator to estimate the total value of wages in a country in general from a distribution of income perspective.<sup>13</sup>

As Graph 2 illustrates, the strike waves in 1990 and 1991 achieved a great increase in wages and wage share. The economic crisis of 1994 led employers to reduce wages which resulted in another strike wave in which nearly 200,000 workers participated in 1995. However, this time their strikes were largely unsuccessful and the year 1995 marked the last massive outcry of the labor movement. In the next twenty-two years, legal strikes almost vanished. Inevitably, wage shares reached their lowest levels.

The reason for declining strikes is not only unions' growing hesitation due to their shrinking power resources. Table 3 presents the strikes banned by the AKP governments since 2002. Birleşik Metal-İş Union of DİSK Confederation and Kristal-İş Union of Türk-İş Confederation are leading by each having four banned strikes. As men-

tioned above, after the coup attempt in July 2016 the government declared a state of emergency, which continued until July 2018. The table reveals that the government imposed strike bans much more often under the state of emergency. While there were eight strike ban cases involving nearly 40,000 workers in fourteen years between 2003 and 2016, the recent period of one-and-a-half years since the beginning of 2017 witnessed seven strike ban cases involving more than 150,000 workers. Due to this rising number of strike bans and cases of arrests of union leaders, the International Trade Union Confederation (ITUC) declared that Turkey was among the ten worst countries for workers in 2018.<sup>14</sup>

Dinler notes that numerous new mechanisms of tripartite social dialogue have been introduced in Turkey »especially as part of the European Union accession process.«<sup>15</sup> Despite the proliferation of new tripartite bodies, »uneven government representation« and »subsequent state control,« among other factors, inhibit »the development of a bottom-up practice that would empower partners

13. Bengtsson and Ryner, 2015; ILO and OECD, 2015.

14. ITUC, 2018: 27.

15. Dinler, 2012: 11.

Table 3. Strikes banned by AKP governments (2003–2018)

	Year	Workplaces	Number of workers approx.	Unions
1	2003	Petlas	350	Petrol-İş
2	2003	Şişecam	5,000	Kristal-İş
3	2004	Şişecam	5,000	Kristal-İş
4	2004	Pirelli, Goodyear, Bridgestone	5,000	Lastik-İş
5	2005	Erdemir Mining	400	T. Maden-İş
6	2014	Şişecam	5,800	Kristal-İş
7	2014	Çayırhan and Çöllolar Coal Mines	1,500	T. Maden-İş
8	2015	Turk. Employers Association of Metal Industries	15,000	Bir. Metal-İş
9	2017	Asil Steel	600	Bir. Metal-İş
10	2017	Employers Union of Electromechanical Metal Ind.	2,200	Bir. Metal-İş
11	2017	Akbank	14,000	Banksis
12	2017	Şişecam	6,500	Kristal-İş
13	2017	Mefar Pharmaceuticals	500	Petrol-İş
14	2018	Turkish Employers Association of Metal Industries (MESS)	130,000	Türk Metal, Birleşik Metal-İş, Çelik İş
15	2018	Soda Sanayii A.Ş. (Şişecam)	540	Petrol-İş
		<b>Total</b>	<b>192,390</b>	

Source: Çelik (2018), Hürriyet Newspaper, <http://www.hurriyet.com.tr/petrol-is-soda-sanayiinde-isciler-isyerini-te-40845838>.

equally and shape policy outcomes.«<sup>16</sup> The quality of tripartite social dialogue has worsened recently as criticized by various unions, especially after the declaration of the state of emergency in July 2016. As of July 2018, it had been a year since the Tripartite Consultation Board was convened by MoLSS. The government did not convene the board even to consult about the most dramatic development of recent years, namely, the transformation of nearly 900,000 public-sector subcontracted workers into regular public workers in April 2018.

## 2. Legal framework: Unions and Collective Agreement Law of 2012

Military rule between 1980 and 1983 enacted two very restrictive union and collective agreements laws that went into effect in 1983. One of the main reasons why

union density has fallen since the end of the 1980s was that the 1983 union laws made the unionization of new workplaces much more difficult. The unions, European Union and the ILO raised the need for a new union law in the mid-2000s. However, the government, influenced by business interests, decided to keep the main restrictions of the former union laws intact.

The Unions and Collective Agreement Law of 2012 number 6356 is not based on consensus between all social partners. One of the three main workers' union confederations, DİSK and several member unions of Türk-İş Confederation opposed various articles of the new law.<sup>17</sup> Even though the new law introduces limited improvements regarding to the founding and internal functioning of unions and union membership, it maintains many restrictions of the previous law, especially related to collective bargaining and striking.

16. Ibid.

17. Çelik, 2013.



## The Founding and Internal Functioning of Unions and Union Membership

The 2012 law simplified the founding and internal functioning of unions. The obligation of notarization to join and leave a union has been abolished. This obligation was one of the most pronounced complaints of unions about the 1983 law because it caused a significant financial burden and unwieldy bureaucracy. The new law replaced notarization with an online system in which the worker becomes a union member through an online portal of the Turkish state. Thus, once a worker applies for union membership online, MoLSS is notified of the membership, which is then submitted to the union for approval. This however results in infringements of the privacy of personal information. As one of many problematic outcomes of this procedure, unions claim that some employers are asking for their workers' portal passwords to check if they are union members, especially at the point of hiring.

By keeping the former limitation, the new 2012 law only permits unions to be established at the level of industry and does not allow unions at the levels of workplace or profession. A union organized only at a single workplace cannot sign a collective agreement, because it will not exceed the industrial threshold. A union of a particular profession is not allowed either because what determines which union to join is not the individual's profession but the industry of that workplace. A union can organize only workers of a specific industry and the composition of any industry branch is defined by the government in an arbitrary way.

The new law limits the right to sue for union compensation in case of dismissal due to trade union activity. Union compensation is a special compensation (different than and in addition to the severance payment). If a worker is dismissed due to union membership or activity and can prove this at the court, he or she will get union compensation, which cannot be less than the worker's annual wage. With the new law, the workers of workplaces employing fewer than 30 workers lose the right to union compensation. The Joint Report of EU-Turkey Joint Consultative Committee points to this change as one of the three areas of particular concern about the new law, because an estimated 95 per cent of companies are small-scale enterprises and 50 per cent of the registered workers work for those compa-

nies.<sup>18</sup> This limitation functions as an increased restriction of collective bargaining.

## Authorization of Collective Bargaining

The new union law kept two thresholds of the abrogated union law for the authorization of collective bargaining with only minor changes. The first threshold concerns workplace membership. While the law maintains the workplace membership threshold at 50 per cent, the threshold for establishments with more than one branch has been reduced to 40 per cent.

The second threshold is industry wide. Before the 2012 law, a union had to represent at least 10 per cent of the total number of registered workers in the relevant industry to be authorized for collective bargaining. The new law reduced this threshold to 1 per cent for unions that are members of one of the three main confederations named above. However, the threshold for other unions (which were not members of these three confederations) was 3 per cent. Upon the application of the main opposition party, in 2015 the Constitutional Court lowered the threshold to 1 per cent for all unions. However, this reduction from 10 to 1 per cent is not as dramatic as it sounds, because the new law also changed the statistical system of the membership count. Before the enactment of new union law, the most recently announced official rate of union density in 2009 was 60 per cent. This rate was based on unreliable and deliberately exaggerated membership records. The very same rate first declared by the new system in 2013 was 9 per cent. So, mathematically the actual decrease in the industry threshold was not 90 but 33 per cent. Furthermore, the number of industries was reduced from 28 to 20, which caused an automatic increase in some industries' thresholds in terms of number of workers. Although it is still an improvement, the existing 1 per cent threshold practically precludes new, independent unions from obtaining authorization.

The problems related to the authorization of collective bargaining are not limited to the thresholds. The mechanism itself is problematic and the new law kept this mechanism intact. Even if a union exceeds two thresholds and applies to the ministry for authorization, and the minis-

18. EU-Turkey Joint Consultative Committee, 2013, pp. 5.

try authorizes the union after checking the membership numbers, the employers have the right to reject the authorization by filing a lawsuit. The employers can file a lawsuit, for example, claiming that they employ more workers than it appears in the records of MoLSS, or claiming they have another branch. Such allegations would raise the workplace threshold, which would mean that the union had not met the representation requirement. Claiming that the workplace belongs to another industry than the union's industry is also another common legal tactic. These lawsuits are aimed less at winning than at buying time as employers rely on the excessive length of legal proceedings in Turkey to wear down their workers.

Unions do not have authority to start collective bargaining until the court declares it, which takes nearly two years. In this way employers buy great amount of time for union-busting. Employers usually fire leaders of unionization and unions mostly respond by building picket lines in front of the workplace. Meanwhile, management tends to intimidate, suppress and/or bribe other union workers. In many cases, after nearly two years of proceedings and union-busting campaigns, many workers get exhausted and resign from the union. During this process, union workers cannot legally strike, because according to the union law workers can strike only if their union has agreement authority in their workplace. In numerous cases, by the time the court authorizes the union, most of the frustrated and demoralized members have already resigned the union.<sup>19</sup>

Özveri's research has uncovered how in most cases unions cannot sign a collective agreement due to union busting even though they won the lawsuits at the end.<sup>20</sup> In only 27 per cent of the cases in which the court authorizes the union as a result of the lawsuit the union could sign a collective contract. In the rest of the cases the union was busted.

#### Restrictions on the Right to Strike

Just like the law it replaced, the new law bans all strikes other than those organized in case of disagreement during collective bargaining. In other words, slowdowns,

solidarity strikes, general strikes, strikes to enforce collective agreement, etc. continue to be illegal. Moreover, the new law maintains the government's power to ban any kind of strike for the sake of national security or public health.<sup>21</sup> Therefore, one of the three main areas of concern of the *Joint Report* about the new law was the »continued limitations on the right to strike.«<sup>22</sup>

The new law also keeps the general ban on strikes in banking and urban transportation; however, with legal pressure from the main opposition party, the Constitutional Court lifted the ban in these industries in 2014. In November 2016, the government made a move to bypass that ruling by exploiting the state of emergency. Using an executive order, the government ratified an amendment to the Unions and Collective Agreement Law 6356 that extended the conditions under which the government can ban a strike. Hereafter governments can ban strikes in banking and urban transportation even only if the strikes »pose a threat to the economic and financial stability.« Before this amendment, governments could only ban a strike if it posed a threat to »national security or public health,« which they can interpret very broadly.

### 3. Trends in Workers' Union Membership and Landscape

In January 2013, the Ministry began to announce biannually the new union membership data based on an online system that is generally acknowledged as reliable. The number of union workers rose from 1 million to 1.8 million in five-and-a-half years between January 2013 and July 2018. The share of union workers among registered workers rose from 9.2 to 12.8 per cent in that period. The real union density of workers, which is the share of union workers among all workers including informally employed Turkish citizens, rose from 7.8 to 10.9 per cent during the same period. Graph 3 illustrates the union density of workers together with collective bargaining coverage between 2012 and 2017. The gap between the two has risen from 1.7 in 2012 to 3.2 points in 2017, which reveals that a growing number of union workers cannot use the right of collective bargaining. This is due largely to the problematic mechanism of authorization for collective bargaining, which kept intact by the new union 2012 law as noted above.

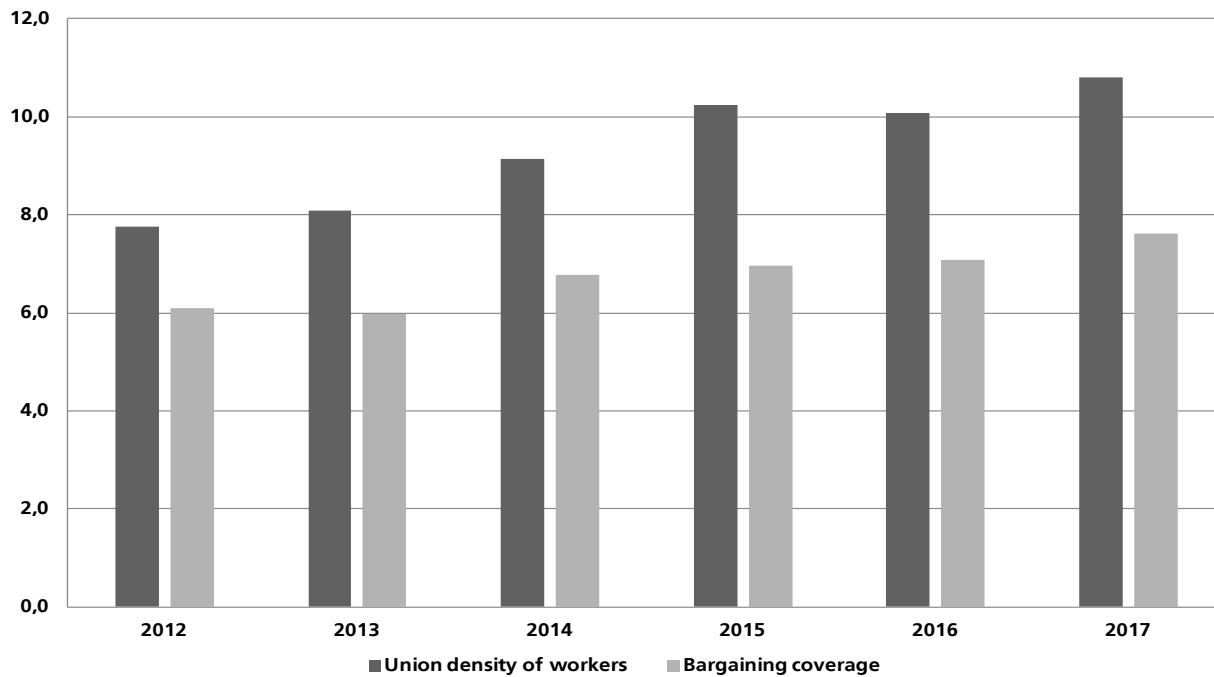
19. For a detailed ethnographic account of such a case see Birelma, 2014, pp 153–206.

20. Özveri, 2013: 379.

21. Caniklioğlu, 2013.

22. EU-Turkey Joint Consultative Committee, 2013, pp. 4.

Graph 3. Union density of workers



Source: Ministry of Labor and Social Security (MoLSS) provides the number of union workers. Turkish Statistical Institute (TURKSTAT) provides the numbers of all employees and civil servants.

The rise of union workers within five-and-a-half-years is significant. As mentioned above, public-sector subcontracted workers are a large share of this newly-added 800,000 union workers. A calculation based on the membership increase of the unions, which mainly recruited public-sector subcontracted workers in the last five-and-a-half years, yields an estimation that more than 500,000 of the new members are public-sector subcontracted workers. According to this calculation, the union density in the private sector (excluding public subcontractors) clearly stagnates.

The newly-added 800,000 union workers since 2013 led to a significant transformation of the union landscape in the last years. If we assume that no union worker has changed her union, the share of confederations among new members can be illustrated as in Graph 4.

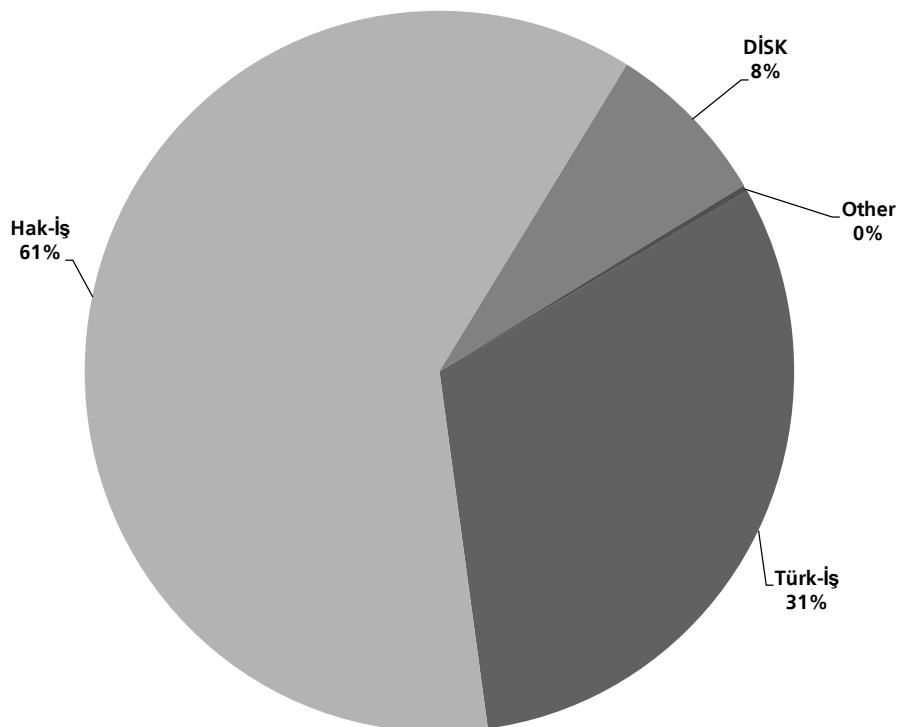
As a result, shares of the three main confederations among union workers have changed significantly since 2013. While the share of Hak-İş grew from 16.6 to 36.3 per cent, the shares of Türk-İş and DİSK decreased from 70.8 to 53.2 per cent and from 10 to 8.9 per cent respectively. The share of other minor confederations and inde-

pendent unions fell from 2.6 to 1.6 per cent in that period. In July 2018 Türk-İş, Hak-İş and DİSK had 958,618, 654,722 and 160,568 members respectively.

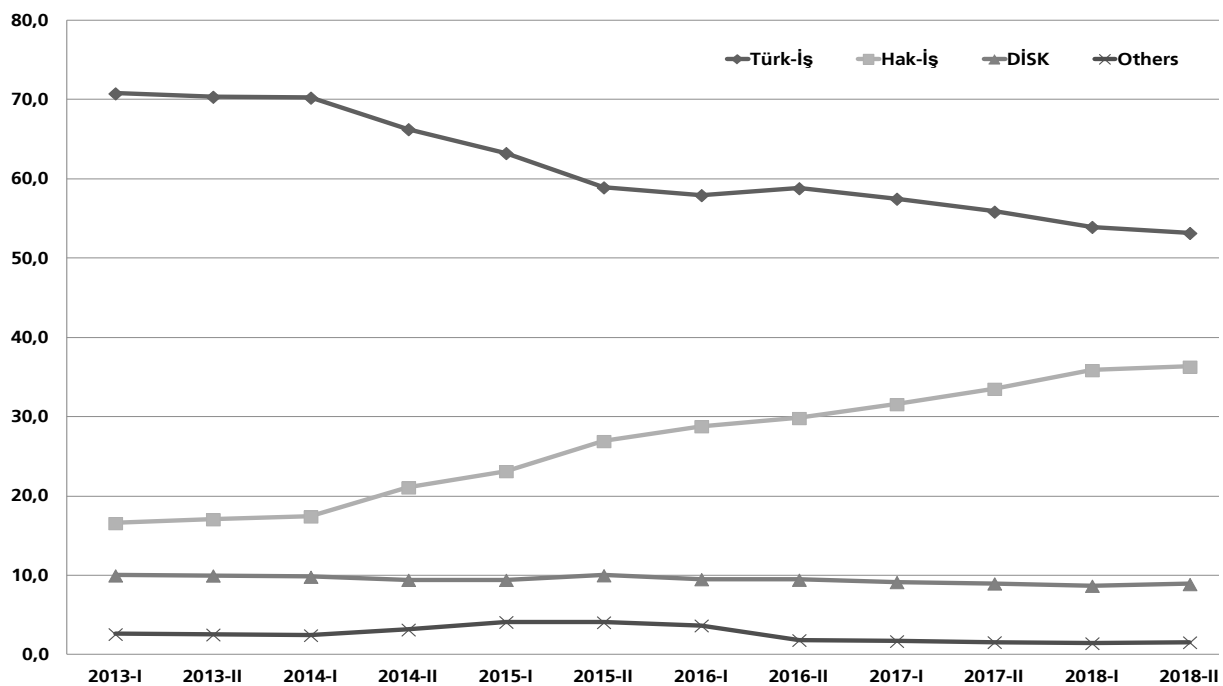
As mentioned before, according to Turkish union law, unions can be established only at the level of industry, and the industries are defined by the government. The 2012 union law defined twenty different industries and these show very different union density rates, as Table 4 summarizes. MoLSS provides the number of formal workers and union workers in each industry. Table 4 presents approximate union density figures among each industry's workers including informal workers. TURKSTAT produces the data of informal workers in eighteen industries defined according to international standards. MoLSS, however, defines twenty industries, some of which are defined in a rather arbitrary way as explained below. This information is calculated by adjusting the data of these different sets of industries.

First, note the great difference in the number of workers employed in different industries as defined by MoLSS. While the communication industry employs nearly 62,000 formal workers, the curiously combined indus-

Graph 4. Shares of Confederations Among New Members Btw. 2013–2018



Graph 5. Shares of confederations among members %



Note: The suffix »-I« stands for January, while »-II« stands for July.



Table 4. Approx. union density including informal workers among 20 industries (2018, July)

		Union density including informal workers (approx. %)	Union density among formal workers (%)	Number of formal workers of the industry	Number of union workers
1	Security serv. and arms manufacturing	37.4	41.1	295,265	121,397
2	Municipal work and general services	34.7	43.5	1,012,090	439,903
3	Banking & finance	33.5	34.4	290,563	99,877
4	Energy	26.5	27.4	248,051	68,047
5	Communication	19.3	21.0	68,725	14,417
6	Cement & glass manufacturing	17.2	19.8	180,393	35,755
7	Mining	16.8	17.2	206,273	35,480
8	Metal industry	15.8	18.2	1,582,714	287,428
9	Food manufacturing	10.7	12.3	610,841	75,162
10	Petro-chemistry	9.7	11.1	491,679	54,696
11	Transportation	8.7	10.4	732,647	76,465
12	Textile & garment manufacturing	7.8	9.0	1,055,766	95,278
13	Tree & paper manufacturing	7.8	9.0	240,117	21,569
14	Shipbuild., sea transp. & warehousing	7.6	9.1	177,756	16,219
15	Media	6.6	7.2	91,443	6,596
16	Health and social services	6.5	12.0	406,501	48,686
17	Agriculture, fishing, forestry	5.8	22.4	156,968	35,108
18	Trade, retail, office & education	4.4	5.2	3,473,776	180,787
19	Hospitality and entertainment	2.5	3.4	994,168	33,873
20	Construction	2.3	3.1	1,805,928	55,412
	<b>Total</b>			<b>14,121,664</b>	<b>1,802,155</b>

try of »trade, retail, office and education« employs nearly 3.5 million formal workers.

Just like the »trade, retail, office and education« industry, some other industries above need clarification, since their composition is not coherent with any international standard. »Security services and arms manufacturing« combines security services provided by private sector with arms manufacturing, where public employment has a significant share. Because public institutions have subcontracted their security services since the 2000s, there is a significant share of public-sector subcontracted workers in this industry. »Municipal work and gener-

al services« combines most of the services provided by municipalities with so-called »general services« which mostly implies janitorial and cleaning services. Historically, public workers employed by municipalities lead the unionization in this sector. Public-sector subcontracted workers working in municipalities or as cleaners in other public institutions have joined them since 2014. »Shipbuilding, sea transportation and warehousing« is another arbitrarily defined industry. While all other forms of transportation were united in 2012 in the transportation industry (eleventh in the above table), sea transportation was excluded. According to international standards, warehousing is also mostly considered to be a part

Table 5. Top 15 worker unions with highest number of members (2018, July)

		<b>Confed.</b>	<b>Date of est.</b>	<b>Industry</b>	<b>Number of members</b>	<b>Share among formal workers of the industry (%)</b>
1	Hizmet-İş	Hak-İş	1979	Municipal w.	286,356	28.3
2	Türk Metal	Türk-İş	1963	Metal ind.	209,429	13.2
3	Genel-İş	DİSK	1962	Municipal w.	76,925	7.6
4	Belediye-İş	Türk-İş	1974	Municipal w.	74,904	7.4
5	Tez-Koop-İş	Türk-İş	1962	Trade, office	63,969	1.8
6	Tes-İş	Türk-İş	1963	Energy	60,627	24.4
7	Koop-İş	Türk-İş	1964	Trade, office	59,021	1.7
8	Yol-İş	Türk-İş	1963	Construction	53,070	2.9
9	Teksif	Türk-İş	1951	Textile	48,196	4.6
10	Öz Büro-İş	Hak-İş	2011	Trade, office	46,291	1.3
11	Çelik İş	Hak-İş	1965	Metal ind.	45,121	2.9
12	BASİSEN	Türk-İş	1964	Banking	41,242	14.2
13	Petrol-İş	Türk-İş	1950	Petro-chem.	37,796	7.7
14	Öz Finans-İş	Hak-İş	2013	Banking	37,380	12.9
15	Güvenlik-İş	Türk-İş	2011	Security serv.	34,205	11.6

of transportation industry, while shipbuilding companies are usually included in the metal industry.<sup>23</sup>

The top three industries with highest union density are »security services and arms manufacturing,« »municipal work and general services« and »banking and finance.« They all have a greater share of public workers and/or public-sector subcontracted workers. The next three industries (energy, communication and cement & glass manufacture) seem to share the experience of relatively recent privatization that did not result in the total erosion of the membership base under the rule of new private employers. The industry with greatest union density and highest private sector membership base is the metal industry, which includes the manufacturing of consumer durables and automobiles.

There are 169 active worker unions as of July 2018 according to MoLSS. Table 5 illustrates the top fifteen unions with the highest number of members. Although

the Hak-İş union Hizmet-İş has taken first place, Türk-İş confederation maintains its supremacy with ten unions among the top fifteen. The only DİSK union among the top fifteen is Genel-İş. Unions of municipal work and general services dominate the top of the list.

When the change in the number of members between January 2013 and July 2018 is scrutinized, the ranking alters (see Table 6). Although Türk-İş dominates all other confederations regarding the number of member unions with the highest number of members, Hak-İş unions had the highest increment of new members between 2013 and 2018 as demonstrated in Table 6. Hizmet-İş welcomed more than 235,000 members in five years, which marks a nearly six-fold increase in its membership.

The bottom of this list is also interesting as illustrated in Table 7. There we find those unions that lost the most members in the last five years among the 164 active workers' unions. With 6,649 members, Teksif (a Türk-İş union of textile workers) has lost the most members. Two independent unions, BANKSİS and Turkon-İş, which

23. Akdemir and Odman, 2008, 77.

Table 6. Top 15 worker unions with highest number of additional members (2013–2018)

		<b>Confed.</b>	<b>Date of est.</b>	<b>Industry</b>	<b>Additional members</b>	<b>Members in July 2018</b>
1	Hizmet-İş	Hak-İş	1979	Municipal w.	235,277	286,356
2	Türk Metal	Türk-İş	1963	Metal ind.	57,695	209,429
3	Öz Büro-İş	Hak-İş	2011	Trade, office	40,303	46,291
4	Genel-İş	DİSK	1962	Municipal w.	35,459	76,925
5	Öz Finans-İş	Hak-İş	2013	Banking	34,437	37,380
6	Güvenlik-İş	Türk-İş	2011	Security serv.	33,966	34,205
7	Belediye-İş	Türk-İş	1974	Municipal w.	33,590	74,904
8	Koop-İş	Türk-İş	1964	Trade, office	30,932	59,021
9	Öz-İş	Hak-İş	2011	Security	27,415	29,351
10	Öz Sağlık-İş	Hak-İş	2014	Health	25,741	28,548
11	Öz Güven-Sen	Hak-İş	2015	Security serv.	25,478	28,491
12	Yol-İş	Türk-İş	1963	Construction	20,685	53,070
13	Öz Taşıma-İş	Hak-İş	2013	Transport.	20,525	21,407
14	Çelik İş	Hak-İş	1965	Metal ind.	17,628	45,121
15	Tes-İş	Türk-İş	1963	Energy	14,745	60,627

Table 7. Bottom of the list of unions according to difference in membership (2013–2018)

		<b>Confed.</b>	<b>Date of est.</b>	<b>Industry</b>	<b>Additional members</b>	<b>Members in July 2018</b>
160	Tek Gıda-İş	Türk-İş	1952	Food manu.	-3,269	27,910
161	G. Maden-İş	Türk-İş	1946	Mining	-3,478	7,940
162	Turkon-İş	Indepen.	1992	Hospitality	-3,972	3,222
163	BANKSİS	Indepen.	1983	Banking	-5,266	6,318
164	Teksif	Türk-İş	1951	Textile	-6,649	48,196

lost nearly 5,000 and 4,000 members respectively, and another Türk-İş union, Genel Maden-İş, which lost 3,478 members, follow Teksif in reverse order at the bottom of the list.

One week after the coup attempt in July 2016, the government closed down the small workers' union confed-

eration Aksiyon-İş with an executive order. The reason was the alleged allegiance of Aksiyon-İş to a particular religious community that the government alleged was the power behind the coup. Aksiyon-İş was founded in 2014 and its twenty unions had nearly 30,000 members in January 2016. Dozens of executives of the confederation were detained in March 2018.

#### 4. A Closer Look at the Three Confederations

##### Türk-İş

Formed in 1952, Türk-İş (The Turkish Confederation of Workers' Unions) is the oldest workers' union confederation and historically it was mainly based on unions of public workers. Türk-İş has adopted a position of »above party politics« and maintains a conciliatory attitude vis-à-vis governments as noted by Dinler.<sup>24</sup> Although its supremacy has been weakened, most union workers in Turkey are still Türk-İş members. As noted above, the share of Türk-İş member workers among all union workers have decreased from 71 to 53 per cent in the last five years.

As Graph 6 reveals, Türk Metal is by far the largest union of Türk-İş, comprising almost the quarter of the confederation's membership. As Table 8 illustrates, Türk Metal has added more than 50,000 new members in the last five years. Nichols and Sugur rightfully state that »any

24. Dinler, 2012.

ranking of the trade unions that are important to the modern sector would have to put Türk Metal at the top of the list.«<sup>25</sup> On the other hand, based on their fieldwork, they conclude that Türk Metal »embodies the worst aspects of the corporatist ideology and practice that characterised the early years of the Republic.«<sup>26</sup> The leadership of Turk Metal changed in 2009, which might have led to some moderate change in Turk Metal's practices compared to the period of Nichols and Sugur's research. However, in 2015, ten thousands of Türk Metal members in more than ten factories staged wildcat strikes to protest the union and the collective agreement it signed.<sup>27</sup> This massive and unexpected outburst of workers' protest seemed to ignite a new wave of change in Turk Metal, which has become relatively more militant as indicated by the increasing number of protests it staged while organizing new workplaces in 2017.<sup>28</sup>

25. Nichols and Sugur, 2004: 165. Similarly, Wannoffel (2011: 556) underlines that in contrast with other unions of the industry Türk Metal enjoys the support of MESS, the employer federation of metal industry.

26. Ibid.

27. For details see Emek Çalışmaları Topluluğu, 2016; Korkmaz, 2015.

28. Emek Çalışmaları Topluluğu, 2018: 35.

Graph 6. Türk-İş unions' share among Türk-İş membership

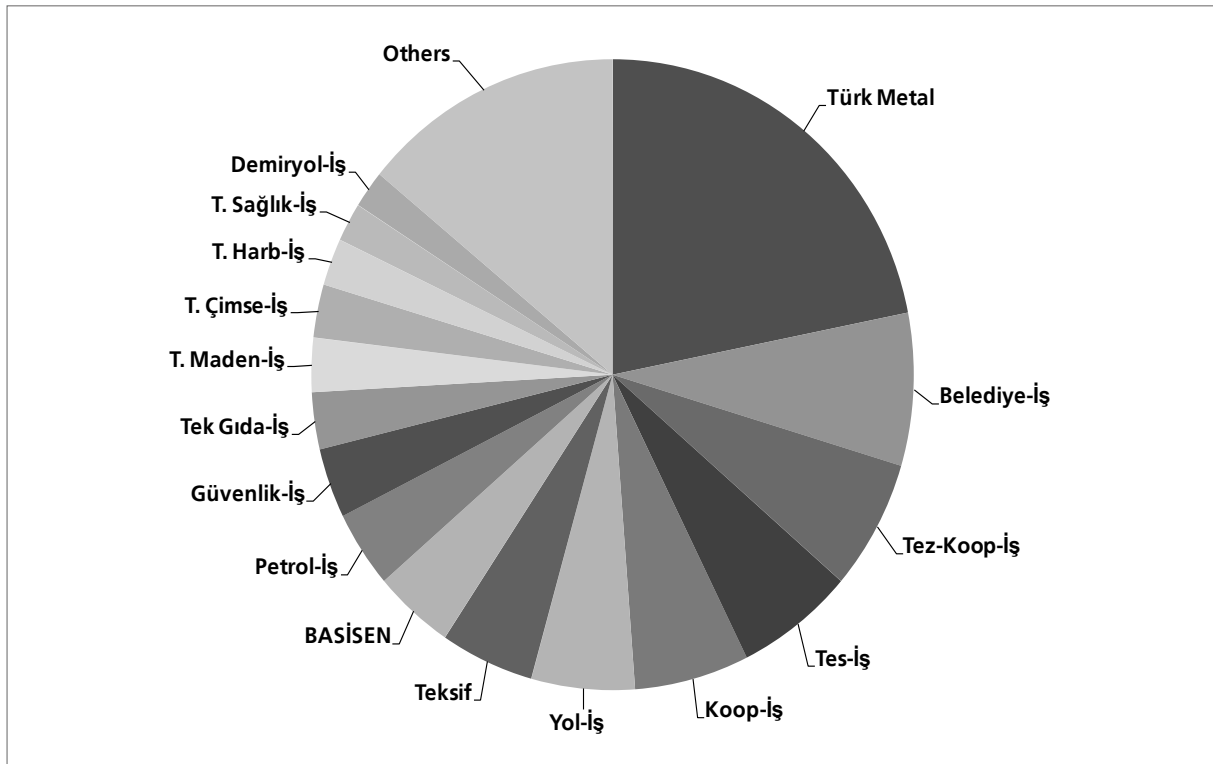




Table 8. Türk-İş unions in detail, ranked according to the number of members

		Industry	Date of est.	Rank among unions of industry	Number of members	Formal share in the indus. %	Share among Türk-İş members %	Difference in the # of members since 2013
1	Türk Metal	Metal ind.	1963	1/12	209,429	13.2	21.8	57,695
2	Belediye-İş	Municipal w.	1974	3/12	74,904	7.4	7.8	33,590
3	Tez-Koop-İş	Trade, office	1962	1/15	63,969	1.8	6.7	13,650
4	Tes-İş	Energy	1963	1/5	60,627	24.4	6.3	14,745
5	Koop-İş	Trade, office	1964	2/15	59,021	1.7	6.2	30,932
6	Yol-İş	Construction	1963	1/10	53,070	2.9	5.5	20,685
7	Teksif	Textile	1951	1/15	48,196	4.6	5.0	-6,649
8	BASİSEN	Banking	1964	1/6	41,242	14.2	4.3	3,111
9	Petrol-İş	Petro-chem.	1950	1/6	37,796	7.7	3.9	10,404
10	Güvenlik-İş	Security	2011	1/10	34,205	11.6	3.6	33,966
11	Tek Gıda-İş	Food manu.	1952	2/9	27,910	4.6	2.9	-3,269
12	T. Maden-İş	Mining	1958	1/7	26,718	13.0	2.8	2,517
13	T. Çimse-İş	Cement & glass	1963	1/7	26,028	14.4	2.7	5,886
14	Türk Harb-İş	Security	1963	4/10	23,238	7.9	2.4	2,104
15	T. Sağlık-İş	Health	1961	2/7	19,095	4.7	2.0	13,831
16	Demiryol-İş	Transport.	1952	2/9	18,309	2.5	1.9	3,746
17	Hava-İş	Transport.	1962	3/9	18,097	2.5	1.9	4,600
18	Toleyis	Hospitality	1977	1/11	15,765	1.6	1.6	1,753
19	BASS	Banking	1972	3/6	14,710	5.1	1.5	4,264
20	T. Haber-İş	Communication	1962	1/3	13,490	19.6	1.4	-2,713
21	Şeker-İş	Food manu.	1963	3/9	12,986	2.1	1.4	-2,681
22	Tarım-İş	Agriculture	1961	2/7	9,838	6.3	1.0	-115
23	TÜMTİS	Transport.	1949	4/9	8,601	1.2	0.9	1,826
24	G. Maden-İş	Mining	1946	2/7	7,940	3.8	0.8	-3,478
25	Türk Deniz-İş	Shipb., sea tran.	1983	1/6	6,864	3.9	0.7	2,328
26	Kristal-İş	Cement & glass	1965	2/7	6,825	3.8	0.7	78
27	Ağaç-İş	Paper manu.	1949	2/8	4,900	2.0	0.5	2,454
28	Selüloz-İş	Paper manu.	1952	3/8	4,036	1.7	0.4	768
29	T. Dok Gemi-İş	Shipb., sea tran.	1947	3/6	3,865	2.2	0.4	1,620
30	Deriteks	Textile	1948	4/15	3,380	0.3	0.4	1,576
31	Basın-İş	Media	1963	2/4	2,245	2.5	0.2	454
32	TGS	Media	1952	3/4	1,256	1.4	0.1	439
33	T. Orman-İş	Agriculture	1975	3/7	63	0.0	0.0	-661
	<b>Total</b>				<b>958,618</b>		<b>100</b>	

Dinler underlines a development in Türk-İş as a possible sign of change in the confederation.<sup>29</sup> Ten unions within Türk-İş, called the Platform of Unification of Union Power (Sendikal Güç Birliği Platformu), challenged the confederation leadership at the 2011 congress. Their candidates could not be elected to the executive board of the confederation, but they created a power bloc within the confederation and decided to act together on issues regarding labor legislation, international relations and women's rights. They aimed to build a radical alternative to the dominant bureaucratic structure and conciliatory stance of the confederation. This initiative seemed to dissolve by 2015, likely due to changes in leadership of several unions of the Platform, such as of Hava-İş in 2013.

As one of the members of this Platform, TÜMTİS (transportation industry), with the support of Global Unions, won an impressive series of organizing victories in large-scale, international firms in the 2010s.<sup>30</sup> TÜMTİS has attracted international attention not only because of its

inspiring victories but also because of the heavy prison sentences received by its fourteen Ankara branch officials. In April 2017, the Turkish Court of Appeal approved the decision of the local court and TÜMTİS officials received prison sentences ranging from 1.5 years to 6.5 years »for recruiting new members and obstructing the freedom of conducting business.«<sup>31</sup> This irrational reasoning was shocking even in terms of the declining legal standards in Turkey.

### Hak-İş

Turkish labor unions are divided among ideological lines similar to those in France and Italy.<sup>32</sup> Embracing an Islamist ideology Hak-İş (The Right Confederation of Workers' Unions), established in 1976, is close to the unionism of social Catholicism in Europe as scrutinized by Hyman.<sup>33</sup> It embraced a non-confrontational, integrationist

29. Dinler, 2012.

30. See Birelma, 2018.

31. ITUC, 2018: 27; Birelma, 2018: 222.

32. For France and Italy see Frege and Kelly, 2004: 38.

33. Hyman, 2000: 38–65.

Graph 7. Hak-İş unions' share among Hak-İş membership

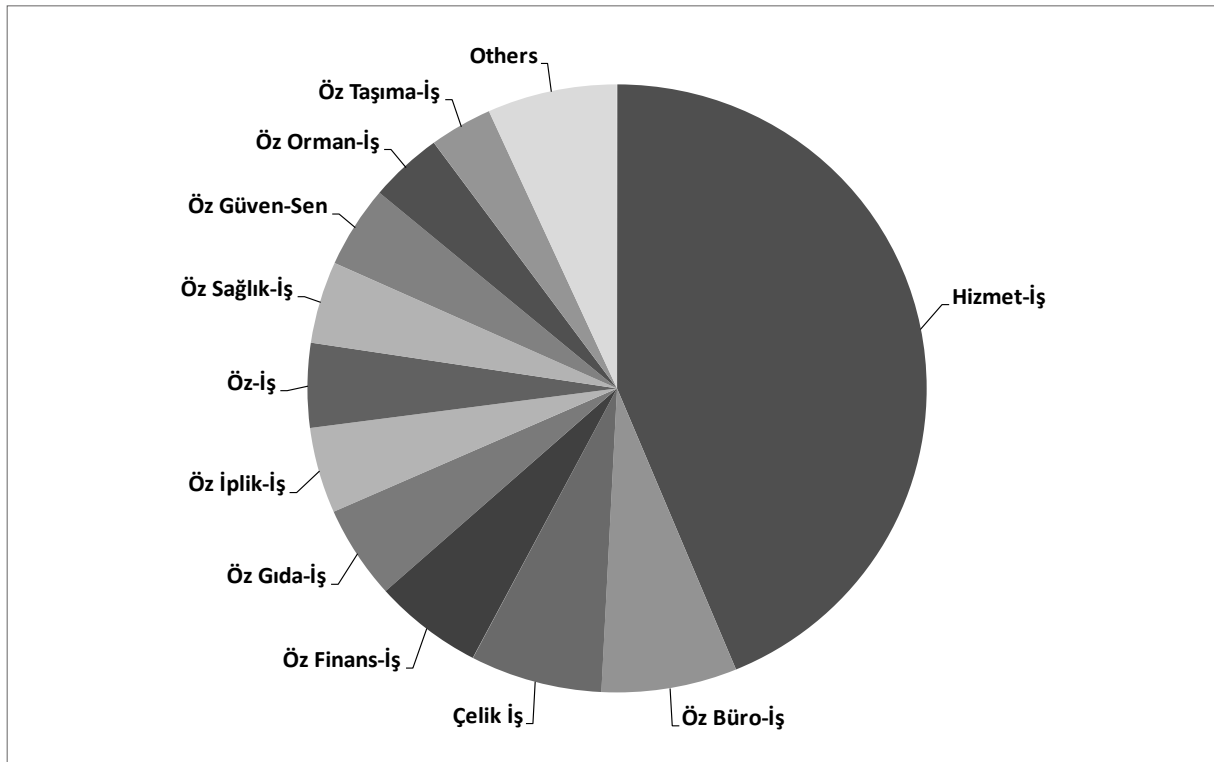


Table 9. Hak-İş unions in detail, ranked according to the number of members

		Industry	Date of est.	Rank among unions of industry	Number of members	Formal share in the indus. %	Share among Hak-İş members %	Difference in the # of members since 2013
1	Hizmet-İş	Municipal w.	1979	1/12	286,356	28.3	43.7	235,277
2	Öz Büro-İş	Trade, office	2011	3/15	46,291	1.3	7.1	40,303
3	Çelik İş	Metal ind.	1965	2/12	45,121	2.9	6.9	17,628
4	Öz Finans-İş	Banking	2013	2/6	37,380	12.9	5.7	34,437
5	Öz Gıda-İş	Food manu.	1976	1/9	32,416	5.3	5.0	11,445
6	Öz İplik-İş	Textile	1978	2/15	29,827	2.8	4.6	12,821
7	Öz-İş	Security	2011	2/10	29,351	9.9	4.5	27,415
8	Öz Sağlık-İş	Health	2014	1/7	28,548	7.0	4.4	25,741
9	Öz Güven-S.	Security	2015	3/10	28,491	9.6	4.4	25,478
10	Öz Orman-İş	Agriculture	2003	1/7	25,130	16.0	3.8	1,350
11	Öz Taşıma-İş	Transport.	2013	1/9	21,407	2.9	3.3	20,525
12	Oleyis	Hospitality	1947	2/11	13,085	1.3	2.0	6,728
13	Öz Ağaç-İş	Paper manu.	1980	1/8	11,624	4.8	1.8	4,244
14	Enerji-İş	Energy	2013	2/5	6,717	2.7	1.0	6,661
15	Liman-İş	Shipb., sea tran.	1963	2/6	5,119	2.9	0.8	1,979
16	Medya-İş	Media	2012	1/4	2,697	2.9	0.4	2,137
17	Öz Toprak-İş	Cement & glass	2014	3/7	2,139	1.2	0.3	1,380
18	Öz İletişim-İş	Communication	2014	2/3	912	1.3	0.1	730
19	Öz Petrol-İş	Petro-chem.	2003	4/6	894	0.2	0.1	433
20	Öz İnşaat-İş	Construction	2015	2/10	625	0.0	0.1	567
21	Öz Maden-İş	Mining	2011	3/7	592	0.3	0.1	495
	<b>Total</b>				<b>654,722</b>		<b>100</b>	

approach based on harmony between employers and employees.<sup>34</sup> Hak-İş leadership has championed a unionism based on the concept of social dialogue, and they are proud that the concept has become widely accepted among those in the labor movement lately.

Many scholars claim that AKP, the governing party since 2002, supports Hak-İş due to ideological affinities and the same scholars explain the rapid growth of Hak-İş especially in 2010s with this support.<sup>35</sup> As noted above,

34. Dinler, 2012.

35. Çelik, 2015; Doğan, 2013; Erdinç, 2014; Gürcan and Mete, 2017.

Hak-İş' share among all union workers grew from 17 to 36 per cent since 2013, which corresponds to nearly half million new members.

As calculated by Hak-İş unions' reports, more than 400,000 public-sector subcontracted workers seem to have become Hak-İş members since 2013. Indeed, more than 200,000 of them have become member of Hizmet-İş as early as 2016.<sup>36</sup> Hizmet-İş, the biggest workers' union in Turkey, which grew nearly six-fold in the last five years, comprises 44 per cent of Hak-İş membership.

36. Hizmet-İş, 2016: 4.

Twelve new Hak-İş unions were established since 2011 in eleven industries, none of which Hak-İş represented before. Those which grew rapidly organized mainly public-sector subcontracted workers. The only exception is Öz Finans-İş in the banking sector, which organized public workers employed by two public banks, Ziraat Bankası and Halk Bank.<sup>37</sup> On the other hand, Çelik-İş, Öz Gıda-İş and Öz İplik-İş are the three biggest Hak-İş unions with members predominantly employed by the private sector.

### DİSK

DİSK (The Confederation of Progressive Trade Unions), founded in 1967, is close to the class unionism of three ideal types of trade unionism as defined by Hyman.<sup>38</sup> As Dinler underlined it remains »the most radical confed-

eration in its critical attitude towards government policy and labor rights.«<sup>39</sup> DİSK lost a large portion of its membership to Türk-İş between 1980 and 1991, when it was suspended by the 1980 military coup. DİSK never recovered from this loss, and with the rise of Hak-İş in the 2000s, it became the third confederation in terms of membership. Its share among union workers decreased from 10 to 8.9 per cent since 2013.

DİSK has the most unbalanced distribution in terms of the shares of unions within the confederation membership. Two unions, Genel-İş and Birleşik Metal-İş comprise 67 per cent of the confederal membership. Ten of twenty-one DİSK unions have less than five hundred members. Only seven of twenty-one DİSK unions have the authorization to sign collective agreements, while the rest do not exceed the industrial threshold.<sup>40</sup>

39. Dinler, 2012.

37. Nearly 45 thousand employees of public banks (mostly white-collar) are not civil servants but public workers.

38. Hyman, 2000.

40. Two of the seven authorized DİSK unions do not actually exceed the industrial threshold, but they are deemed exempt from the threshold, because they used to exceed the threshold before the introduction of the new membership registration system in 2013.

Graph 8. DİSK unions' share among DİSK membership 2018

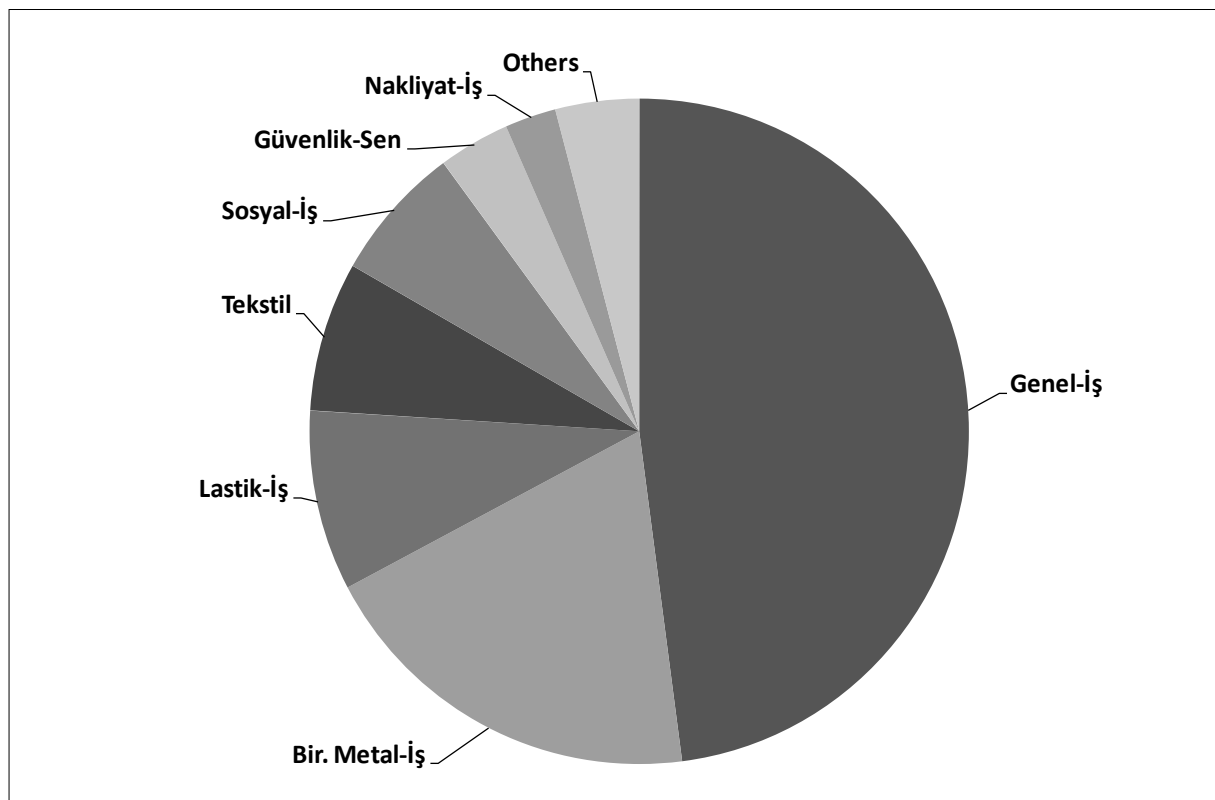


Table 10. DİSK unions in detail, ranked according to the number of members

		Industry	Date of est.	Rank among unions of industry	Number of members	Formal share in the indus. %	Share among Hak-İş members %	Difference in the # of members since 2013
1	Genel-İş	Municipal w.	1962	2/12	76,925	7.6	47.9	35,459
2	Bir. Metal-İş	Metal ind.	1949	3/12	31,058	2.0	19.3	4,997
3	Lastik-İş	Petro-chem.	1949	2/6	14,050	2.9	8.8	6,882
4	Tekstil	Textile	1965	3/15	11,666	1.1	7.3	1,463
5	Sosyal-İş	Trade, office	1966	4/15	10,623	0.3	6.6	3,377
6	Güvenlik-Sen	Security	2013	5/10	5,621	1.9	3.5	5,593
7	Nakliyat-İş	Transport.	1975	5/9	4,019	0.5	2.5	1,230
8	Gıda-İş	Food manu.	1947	4/9	1,730	0.3	1.1	-58
9	D. Turizm İş	Hospitality	2011	4/11	1,515	0.2	0.9	1,508
10	Enerji-Sen	Energy	2007	3/5	676	0.3	0.4	397
11	Dev Sağlık-İş	Health	1974	3/7	538	0.1	0.3	-696
12	Dev. Yapı-İş	Construction	1970	3/10	445	0.0	0.3	408
13	Basın-İş	Media	1947	4/4	398	0.4	0.2	-148
14	C. Keramik-İş	Cement & glass	1968	4/7	272	0.2	0.2	263
15	Limter-İş	Shipb., sea tran.	1976	4/6	271	0.2	0.2	137
16	Tümka-İş	Paper manu.	1971	5/8	267	0.1	0.2	-326
17	D. Maden-S.	Mining	1959	4/7	205	0.1	0.1	27
18	Bank-Sen	Banking	1972	6/6	109	0.0	0.1	-384
19	Sine-Sen	Trade, office	1978	9/15	103	0.0	0.1	88
20	Bir.Tar.Or.İş.	Agriculture	2014	4/7	62	0.0	0.0	58
21	D. İletişim-İş	Communication	2013	3/3	15	0.0	0.0	7
	<b>Total</b>				<b>160.568</b>		<b>100</b>	

Genel-İş is a DİSK union that has organized the most new members since 2013 by far. Similar to other unions in municipal work and general services, almost all of these new members seem to be public-sector subcontracted workers. While Lastik-İş and Birleşik Metal-İş' growth is based on private sector organizing, Güvenlik Sen's new members are also mostly public-sector subcontracted workers.

Internal debates have always been present in DİSK. The general assembly of 2016 revealed that there are some serious tensions within the confederation, which seem to have further reduced the confederation's already limited capacity. However, after the recent change of DİSK leadership in May 2018, the disagreements seem to be in the process of resolution.

## II. Civil Servant Unionism

### 1. Amendments in the Union Law of Civil Servants in 2012

In Turkish law, civil servants' individual and collective rights are regulated by entirely different laws than those for workers in the private and public sectors. As mentioned earlier, there are 3.1 million civil servants in Turkey as of 2018.

After an amendment to the constitution in 2010 and an additional amendment to the Public Employee Unions and Collective Agreement Law numbered 4688 in 2012, civil servants acquired the right to collective bargaining

for the first time. Ever since, every two years a collective agreement has been signed. However, negotiations are limited to less than one month and the law maintained the ban on strike for civil servants. If the social partners cannot reach an agreement during the bargaining, a special arbitration board makes the final decision. The government determines most of the members of this board. Therefore, the Joint Report of EU-Turkey Joint Consultative Committee states that the salary fixing system as foreseen by Law No. 4688 for civil servants cannot be called collective bargaining. According to the report, this system does not involve »negotiation« but merely »consultation.« In some respects, the new law makes collective bargaining even more restrictive. For example, in the former law a majority of votes in each of the groups within the Collective Agreement Committee (30 members: 15 employers, 15 employees) was required to sign the agreement. However, according to the 2012 law, only the heads of both groups, representing the largest organizations, sign on behalf of 3 million civil servants.<sup>41</sup>

In the same vein, the law maintained the ban on unionization of several civil servants such as judges, public prosecutors, policemen or military personnel.<sup>42</sup> Nearly 600,000 civil servants in 2018 were not legally eligible to join a union. As the Joint Report of EU-Turkey Joint Consultative Committee reveals, the three main civil servants' union confederations did not consider the new law an improvement.

## 2. Changing Landscape of Civil Servants' Unionism

There are three main confederations of unions representing civil servants: Türkiye Kamu-Sen (est. 1992), KESK (est. 1995) and Memur-Sen (est. 1995). Civil servant unions are also divided along ideological lines. Türkiye Kamu-Sen is close to the nationalism of the National Action Party, KESK is left-leaning, while Memur-Sen has ties to Islamism.<sup>43</sup> In terms of politics and ideology KESK and DİSK on the one hand, Memur-Sen and Hak-İş on the other hand broadly correspond to each oth-

er<sup>44</sup>; however, the same cannot be said for the pairing of Türkiye Kamu-Sen and Türk-İş. While Türk-İş embraces a position of »above party politics« and always try to build close relationships with the governing parties, Türkiye Kamu-Sen has a stronger ideological tendency.

67 per cent of nearly 2.5 million civil servants eligible to join a union were union members in 2018. This ratio has slightly increased from 62 per cent in 2003. The landscape of civil servants' unionism, on the other hand, has changed even more tremendously than the worker unions. Memur-Sen had 42,000 members in 2002, which grew to more than one million in 2018. This corresponds to an increase from 6 to 60 per cent of union member civil servants as revealed by Graph 9. As of July 2018, Memur-Sen, Türkiye Kamu-Sen and KESK have 1,010,289; 394,423 and 146,287 members respectively.

Despite its skyrocketing membership, ITUC refused Memur-Sen's application for membership twice, in 2006 and 2011, claiming that Memur-Sen's independence as a union is questionable. In 2018, MoLSS nominated Memur-Sen as the workers' delegate to ILO Conference, because its membership exceeded that of Türk-İş in 2017. Until 2018, Türk-İş was the workers' delegate of Turkey to ILO Conferences since it was established in 1952. Memur-Sen's nomination provoked a reaction from Türk-İş, DİSK, KESK and Türkiye Kamu-Sen, which led to ITUC's objection to ILO's Credentials Committee. The Committee approved the objection and criticized the unilateral determination of the delegation by the government without the agreement of the most representative organizations.<sup>45</sup>

After the coup attempt in July 2016 and the ensuing state of emergency, the government closed down Cihan-Sen, a small civil servants' union confederation, with an executive order. Similar to the case of Aksiyon-İş, the government charged allegiance of Cihan-Sen to a particular religious community it claimed was the power behind the coup. Cihan-Sen was founded in 2014 and its ten unions had 22,000 members in July 2016.

KESK has suffered since 2012 from arrests and trials. In 2012, 72 KESK members and executives were arrested based on alleged relations with the PKK. In 2013, all of them were released, but the trial continued until 2017.

41. EU-Turkey Joint Consultative Committee, 2013, pp. 7.

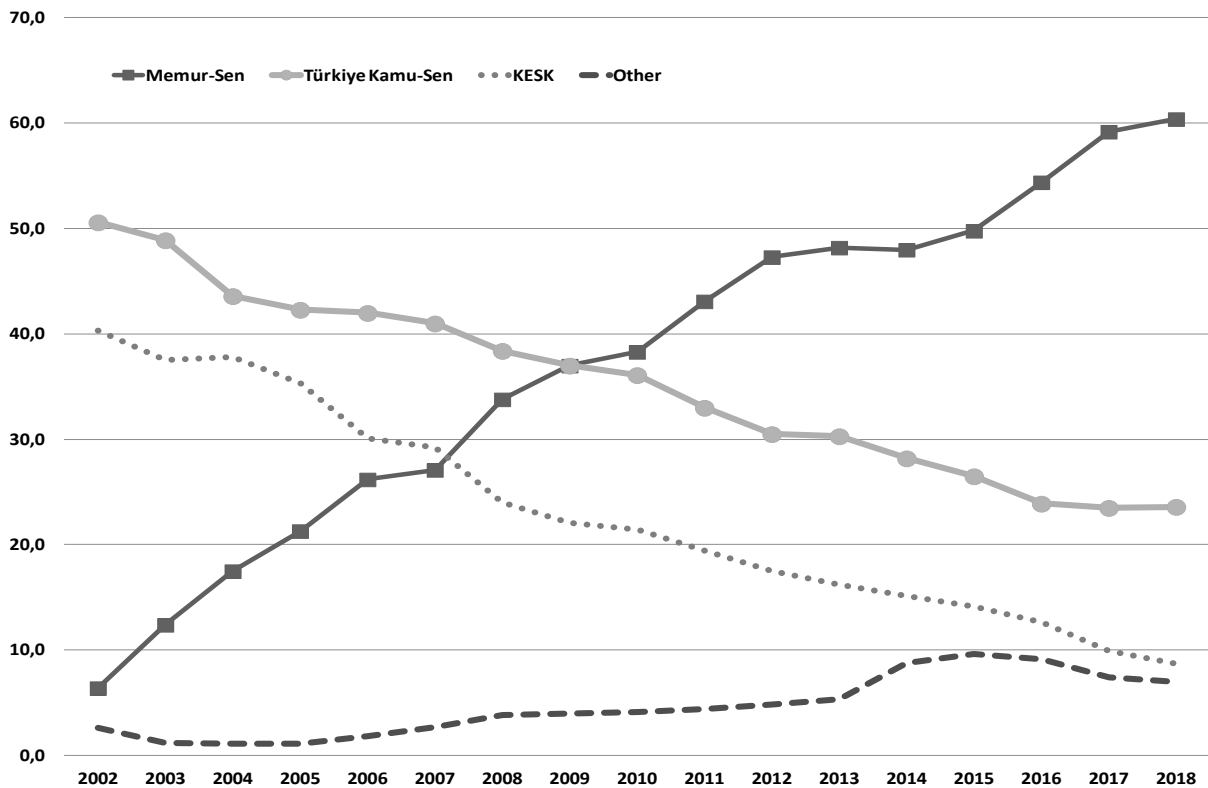
42. Çelik, 2014: 297–298; EU-Turkey Joint Consultative Committee, 2013, pp. 6.

43. See Koç and Koç, 2009: 99; Koç and Koç 2014: 19. Specifically for Türkiye Kamu-Sen, see <<http://www.ortadogugazetesi.net/haber.php?id=57807>>.

44. See Erdinç, 2014: 166.

45. ILO, 2018: 28–30.

Graph 9. Shares of confederations among union member civil servants (%)



During the state of emergency between July 2016 and July 2018 nearly 126,000 civil servants were fired. As of August 2018, almost 7,000 of them were reinstated. A KESK report in 2017 notes that 67 per cent of the fired civil servants were union members, while KESK's share was 3 per cent (3,249 people).<sup>46</sup> The number of fired KESK members increased to 4,218 by January 2018.<sup>47</sup> Besides dismissals, other repressive measures towards KESK members continued during the state of emergency. In August 2017, 682 teachers in the southeastern provinces, all members of KESK, were subject to compulsory reassignment to other provinces for »participating in marches contrary to the Turkish Republic's fight against terrorism.«<sup>48</sup> Furthermore, several KESK leaders were arrested during the state of emergency. According to a KESK report, 66 KESK members and executives were prisoners as of January 2018.<sup>49</sup>

46. KESK, 2017.

47. KESK, 2018: 3.


48. ITUC, 2018: 27.

49. KESK, 2018: 8.

## Conclusion

Unions in Turkey are neither helpless nor hopeless. There are 1.7 million unionized civil servants and 1.8 million union workers, which makes a total of 3.5 million union members in the country. Among nearly 20 million total employees (including informal workers), 3.5 million union members marks a significant social base and power resource.

Despite its drawbacks, the mobilization and ensuing victory of public-sector subcontracted workers exemplifies the potential of the unions, especially if they apply cumulative pressure. Workers and unions forced the government to implement this huge de-privatization of nearly one million subcontracted workers. To assess the significance of this, one should recall that AKP was the power behind the skyrocketing subcontracting in the public sector. Due to ideological and competitive differences, the three confederations of workers' unions did not coordinate or collaborate in this struggle. Nevertheless, they acted for the same cause and the cumulative pressure had positive effects.



Furthermore, wildcat strikes on an unprecedented scale by metal workers in May 2015 and by shoe-maker artisans and workers in September 2017<sup>50</sup> may be the symptom of a more common subjectivity among workers that unions can tap into and mobilize. In the former case, the massiveness and militancy at the very heart of the Turkish economy, in the latter case, the cooperation of Turkish, Kurdish and Syrian workers of subcontracting micro-enterprises against big brands were more than inspiring for the future of the labor movement.

For workers, the authorization process for collective bargaining as the law prescribes is the major obstacle to unionization in the private sector. Without the right to strike, civil servants are still far from enjoying the right to collective bargaining. Demanding relevant and specific amendments to the union laws, or mobilizing for the annual tripartite negotiations for the workers' minimum wage (which also affects civil servants' wages) can de facto unite unions to put cumulative pressure on the government.

Although the rise of authoritarianism and arbitrary rule in Turkey renders not only unions but all egalitarian and democratic forces of the country increasingly vulnerable, AKP is highly dependent on and sensitive to the support of the working class, and the party leadership is well aware of that.

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50. Emek Çalışmaları Topluluğu, 2018: 52-54; Hak İnisyatifi, 2017.





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