

Turkish trade unions and industrial relations

ON THE OFFENSIVE

For: Social Europe
Solidarity Sustainability



3

This is one of a series of training modules produced as part of an ambitious European project, *Civil Society Dialogue: Bringing together workers from Turkey and the EU through a shared culture of work*, which aims to ensure better knowledge and understanding of one another and an awareness of the challenges and opportunities of future EU enlargement.

HOW TO USE THIS PUBLICATION

The training modules are intended to offer a short, clear introduction to the subject for a trade union audience, and each will have an educational activity that can be used in the classroom or with groups of members. A list of all the publications in this series can be found below, and copies can be downloaded from the ETUC website www.etuc.org/r/557

PUBLICATIONS IN THIS SERIES

1. Trade unions at the European level
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ETUC MANIFESTO

At its 11th Congress in Seville, Spain, in May 2007, the European Trade Union Confederation (ETUC) adopted a Manifesto for Action for the next four years. This manifesto highlights five main areas where the ETUC is committed to going 'on the offensive' on behalf of European workers:

- **the European labour market**
- **social dialogue, collective bargaining and worker participation**
- **better European economic, social and environmental governance**
- **a stronger European Union**
- **stronger trade unions and a stronger ETUC.**

FOREWORD

The European Trade Union Confederation at its Congress in 2007 voted in favour of the accession of Turkey to the European Union, 'provided that it meets, in reality and not on paper, the requirements of membership and the provisions of the EU Charter of Fundamental Rights. A transformation of Turkish society with full rights and freedoms should be sought and completed during the challenging process of negotiations'.

It was on this basis that the ETUC, and its affiliated organisations in Turkey and in the European Union, agreed to step up their cooperation and launch this ambitious project *Civil Society Dialogue: Bringing together workers from Turkey and the EU through a shared culture of work*, which aims to ensure better knowledge and understanding of one another and an awareness of the challenges and opportunities of future EU enlargement.

The central elements of the project are:

- 12 exchange and mutual understanding seminars for trade unionists coming from different regions of Turkey on the one hand and from different Members States of the European Union on the other
- 9 training seminars, in cooperation with European Industry Federations.

The project has also produced this series of training modules which will provide an important tool for building capacity within the ETUC, by enabling other workers and trade unionists from both the EU and Turkey to understand the challenges ahead and to accept cultural, social and political differences more readily.



Thanks are due to:

- ETUC affiliated organisations – European Industry Federations and the national trade union confederations from the EU and Turkey that have carried this project forward
- workers and trade unionists from the national unions in Turkey and the EU who have taken part in the different training activities
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I commend these training modules to trade unionists from the affiliated organisations of the ETUC. I encourage you to use them, so that we are all in a better position to defend workers' interests throughout Turkey and the European Union.

John Monks
General Secretary
European Trade Union Confederation

CONTEXT

The development of trade unions in Turkey has followed a pattern familiar to other European countries, but each stage has occurred somewhat later. Being dependent on the first workers' movements that appeared in the 1870s, trade unions were first established in the 1890s. Following certain social and political developments from 1908 onwards, trade unions and workers' movements grew, but as was repeated several times over the course of the next hundred years, they were suppressed in 1925. The first labour code of the Republican era was promulgated in 1936 based on the French model, but it did not recognise the right of association or the right to collective bargaining. Moreover, the Associations Act, adopted two years later and modelled on the fascist laws of Italy, banned all 'class-based organisations'. The ban was lifted in 1946, but the nascent trade unions were then banned again shortly afterwards.

The first trade union law of 1947 granted the government control over trade unions, but as before it did not recognise the right to engage in collective bargaining and the right to strike. However it led to the founding of the first well-established unions in the early 1950s (numbering 246 in 1952). The trade unions sought a national and international level of organisation, and unions from various sectors met in Istanbul on 18 February 1952 and laid the foundation of Türkiye İşçi Sendikaları Konfederasyonu (TÜRK-İŞ). As the biggest confederation in Turkey, TÜRK-İŞ was founded on 31 July 1952 by the unions from Ankara, Bursa, Eskişehir-Sakarya, Adana, İstanbul, İzmir and the Black Sea region, and by the Federation of Turkish Transportation Workers, the Federation of Hotel, Restaurant, Entertainment Workers and the Turkey Textile Workers Federation. The organisation concentrated on 'bread and butter' issues and saw itself as being above party politics, using lobbying and negotiation. Its main strengths were in the public sector and, geographically, in the industrial regions such as Istanbul, Izmir, Ankara and Adana.

By 1954 TÜRK-İŞ had nearly 120,000 members drawn from 146 unions.

A military coup in 1960 ushered in a new constitution but this time, following a referendum, the union laws of 1963 recognised the right to strike and to engage in collective bargaining, and this opened up a new period for using these rights freely. Although the Trade Union Act and the Collective Labour Agreement, Strike & Lock-out Act included certain limitations on union freedom, membership increased in this relatively more liberal regime, passing the one million mark by 1971. An important development during this period was the establishment, in 1967, of a second trade union confederation, Devrimci İşçi Sendikaları Konfederasyonu (DİSK), after a strike at a glass factory had led to a split in TÜRK-İŞ. This new organisation, which recruited mainly in the private sector, had a different interpretation of trade union strategy, putting an emphasis on social change. It developed apace until 1980, when it was closed down for eleven years following another military coup.

This relatively favourable environment for unions helped to explain the reasons for the military coup. During this period all strikes were banned, and prior permission was required for other union activities. However, this did not stop trade unions from organising, and gradually they were restored to health. After the elections of 1973, a third confederation, Türkiye Hak İşçi Sendikaları Konfederasyonu, (HAK-İŞ), was formed in 1976. The latter based its view of trade unionism on harmony between employers and employees.

Things to find out

Talk to any Turkish colleagues or friends in your workplace or union. What has been their experience of union membership in Turkey? Contrast this with your own experience.

A further military coup took place in 1980, and this put an end to trade union development for many years. Trade union laws were rewritten, trade union activity was suspended, and some trade unions were closed down. Unions found themselves hemmed in by various restrictions and, more importantly, adversely affected by the new government's economic policy of privatisation and liberalisation. There were large losses of membership and influence, as the informal economy employing unregistered workers burgeoned.

LEGAL BACKGROUND

The Turkish Constitution is in theory a guarantor of trade union rights. It affirms the right for employees 'to form labour unions... without obtaining prior permission' and 'to become a member of a union' (Article 51). Article 34 asserts the right to hold 'unarmed and peaceful meetings and demonstration marches without prior permission'. Articles 53 and 54 affirm the right of workers to 'conclude collective bargaining agreements and 'to strike if a dispute arises during the collective bargaining process'.

However, these freedoms are hedged around with catch-all exemptions, which are constantly invoked and applied. According to the Constitution, freedom of association, the rights to hold meetings, demonstrations and marches, and the right to be a union member may be restricted by law on the grounds of 'national security and public order, prevention of crime or protecting public morals or public health'. Article 54 states that 'the right to strike ... shall not be exercised in a manner contrary to the principle of goodwill to the detriment of society, and in a manner damaging national wealth'. Moreover, 'politically motivated strikes.., solidarity strikes... , occupation of work premises, labour go-slows and other forms of obstruction are prohibited'. These restrictions significantly obstruct the conduct of union business.

As do the latest laws that have been subsequently passed:

- Trade Union Law for Public Servants (no. 4668), adopted in 2001
- Trade Unions Act (no. 2821), adopted in 1983
- Collective Labour Agreement, Strike and Lockout Act (no. 2822), adopted in 1983.

Moreover there are serious concerns regarding the implementation of existing legislation. Turkey has been often criticised on account of 'discrepancies between the legislation and practice, on the one hand, and the Convention (ILO 87), on the other, concerning, the rights of workers in the public and private sectors without distinction whatsoever to establish and join trade union organisations of their own choosing, and the right of workers' organisations to draw up their own constitution and rules, to elect their representatives in full freedom and to organise their activities without interference by the authorities'. (*Report of the Committee on the Application of Standards of the International Labour Conference of the ILO – 98th Session 2009*). Similar concerns have been expressed by the International Trade Union Confederation in its *Annual Survey of Violations of Trade Union Rights*.

Within the context of Turkey's accession to the European Union there are plans to amend these three laws. The EU has set an ambitious benchmark for the opening of negotiations – 'To ensure that full trade union rights are respected in line with EU standards and the relevant ILO conventions, in particular as regards the right to organise, the right to strike and the right to bargain collectively. To this effect, Turkey needs to eliminate existing restrictions and to adopt fully revised legislation in this area for both private and public sectors'. The accession of Turkey will, in part, be dependent on whether this benchmark is reached.

LABOUR MARKET

According to Eurostat figures, total employment in Turkey stands at approximately 23 million for 2008. The informal economy is larger than the formal one, and trade unions are restricted to recruiting registered workers. The rate of labour force participation (those working or actively looking for work) is low, hovering at around 45% of the working age population compared to over 70% in the EU. This means that the ratio of workers to the entire working population, when the self employed and unpaid family workers are taken into consideration, is relatively low. Small and medium sized enterprises (SMEs) are particularly important, and they determine the direction that is taken by the economy: firms with less than ten employees accounting for nearly 60% (EU average=30%) of all workers and their owners often seen as more anti-union than the managers of larger firms. Another factor inhibiting the growth of unions is the large size of the agricultural sector.

HOW TO BECOME A TRADE UNION MEMBER

The situation is different for workers in the private sector on the one hand and civil servants in the public sector on the other. At the moment the way the law is implemented means that a new trade union member in the private sector must visit a public notary to certify five copies of the application form which is then forwarded to the trade union. It is then required to send a copy of the application form to the Ministry of Labour and Social Security. This undoubtedly has a dissuasive effect on unionisation.

A visit to a public notary is not necessary for civil servants in the public sector. However unionisation is hampered by the fact that membership is illegal for many categories of civil servants.

TURKISH TRADE UNIONS

For workers there are three main trade union confederations in Turkey: TÜRK- İŞ, HAK-İŞ & DİSK, all of which are members of the ETUC. As can be seen from the table below, the largest of these, TÜRK-İŞ had just over two million members in 2005. This has increased to just over two and a quarter million members in 2009, with 33 affiliated unions. HAK-İŞ had nearly 370,000 members in 2005 and has seen its membership increase to 440,000 members in 2009, with 8 affiliated unions. DİSK had almost 400,000 in 2005 and has also seen an increase in membership to just over 425,000 members in 2009, with 17 affiliated unions. Of the overall figure for membership in 2009 17% were women. The sectors with the highest number of trade union members in 2009 were metal and textiles, followed by general services and the food industry. The sector with the most women union members is the textile industry.

UNION MEMBERSHIP – WORKERS’ TRADE UNION CONFEDERATIONS (2005–2009)

Workers’ trade union confederations	Members	
	2005	2009
TÜRK-İŞ	2,067,884	2,239,341
HAK-İŞ	369,136	441,917
DİSK	399,676	426,232
Others	109,233	125,189
Total	2,945,929	3,232,679
Union density	58.65%	59.88%
Total number of workers eligible to be union members	5,022,584	5,398,296

Ministry of Labour and Social Security, 2005, 2009

These official statistics give a high figure for union density of just under 60%. This figure may well be conditioned by the fact that there is a difference between legal membership and real membership, given that a worker who becomes temporarily unemployed may still remain a member of his or her union. Moreover, the total number of workers eligible to be union members, just over 5 million, is significantly lower than the 23 million mentioned above in the figures concerning total employment.

For civil servants there are three main confederations: Türkiye Kamu Çalışanları Sendikaları Konfederasyonu (Türkiye KAMU-SEN), Memur Sendikaları Konfederasyonu (MEMUR-SEN); and Kamu Emekçileri Sendikaları Konfederasyonu (KESK) – KESK is the only organisation affiliated to the ETUC.

UNION MEMBERSHIP – CIVIL SERVANTS’ TRADE UNION CONFEDERATIONS (2005–2009)

Civil servants’ trade unions confederations	Members	
	2005	2009
MEMUR-SEN	159,154	376,355
Türkiye KAMU-SEN	316,038	375,990
KESK	264,060	224,413
Others	8,365	4,696
Total	747,617	1,017,072
Union density	47.18%	57%
Total number of civil servants eligible to be union members	1,584,490	1,784,414

Ministry of Labour and Social Security 2005, 2009

In 2005 they each had eleven affiliates with a total membership of approximately 160,00 for MEMUR-SEN, 264,000 for KESK and 316,000 for Türkiye KAMU-SEN. By 2009 MEMUR-SEN had 376,000 members, Türkiye KAMU-SEN had 375,000 members and KESK had 224,000. Of the overall figure for membership in 2009 approximately 30% were women. The sector with by far the highest number of trade union members in 2009 was education, instruction and science, followed by health and social services.

COLLECTIVE BARGAINING

For workers in the private sector the law does not recognise industry-wide collective bargaining, and so the common form of collective bargaining is at enterprise level. A union must have attained a membership level of at least 10% in the industrial sector and at least 50% (+ 1) at the workplace concerned, to be able to engage in any collective bargaining process. Once a trade union has been authorised by the Ministry of Labour and Social Security (MLSS), there follows a prescribed timetable of actions to try to arrive at a deal between the ‘social partners’. Negotiations begin and continue for a maximum of sixty days. If agreement is reached copies are sent to the MLSS for registration. If no agreement is possible, a mediator from a list approved by the MLSS is appointed by the court, and a maximum period of twenty-one days is allowed for further talks.

For civil servants in the public sector there is no right to collective bargaining as such, but a process which can lead to an ‘agreement text’ which is not applied directly but passed on to the Council of Ministers which approves ‘appropriate’ regulations.

COLLECTIVE AGREEMENTS (2003–2008)

Year	Number of agreements	Number of workplaces	Number of workers
2003	1,607	7,806	629,240
2004	1,482	7,922	325,386
2005	3,977	14,388	587,456
2006	1,704	5,456	304,392
2007	1,975	9,738	466,429
2008	1,704	9,623	262,786

Labour Statistics 2008 – Ministry of Labour and Social Security, 2009

As can be seen from the table above, the number of agreements in the private sector has remained relatively stable, over the last six years, with the exception of 2005. There has been an increase in the number of workplace covered, but generally the number of workers covered has decreased. Agreements last for two years, so in the period 2007–2008 only 729,215 workers (466,429 + 262,786) were covered by collective agreements – a figure which is considerably lower than the number of union members for 2009 and as such gives a better indication of the number of trade union members determined by the Ministry of Labour and Social Security. As of 2009 the sectors with by far the highest number of collective agreements, and establishments and workers covered by collective agreements were general services and metal.

With the number of workers outside the process of collective bargaining so high, it is clear that the power of trade unions to represent workers' interests is limited. One way that trade unions try to influence working lives for the better is through the setting of the minimum wage. This is often taken as a guide, even in the informal sector of the economy and many wage-earners never earn more than this. Its level is set by a commission comprising five government

appointees, five members from the employers' association and five from TÜRK-İŞ. However as the employers and union representatives rarely agree, the government has the prevailing influence on the Minimum Wage Commission.

STRIKES

There are strict procedures for the declaration of a strike in the private (and state enterprise) sector. In fact strikes are illegal in numerous industries: for example, in the production of coal for water, electricity, gas and coal power plants; in banking and public notaries. Equally, strikes are illegal in many types of establishments: for example, all health, educational and training institutions.

Even if the procedures have been followed to the letter there may still be a postponement of strike action by the Council of Ministers on the grounds of a threat to general health or public security. If a strike is postponed by the Turkish authorities, then it is considered to be illegal in practice, and it is not possible to recommence industrial action. This power is used extensively; for example it was used four times in the rubber sector in the period 2000–2005, and twice successively in the glass sector. If the strike is considered unlawful, then the person who calls the strike shall be liable to a term of imprisonment of not less than three months and not more than six months and to a fine of not less than 50,000 Turkish Lira and not more than 100,000 Turkish Lira. Participants in illegal strikes are liable to fines of between 5,000 and 80,000 Turkish Lira.

There is no provision within the law for strike activity in the public sector.

STRIKES (2003–2008)

Year	Number of strikes	Number of workplaces	Number of workers	Number of work-days not worked
2003	23	30	1,535	144,772
2004	30	47	3,557	93,161
2005	34	57	3,529	176,824
2006	26	44	2,061	165,666
2007	15	793	25,920	1,353,558
2008	15	38	5,040	145,725

Labour Statistics 2008 – Ministry of Labour and Social Security, 2009

As can be seen from the table above, there are relatively few strikes during this period. The same goes for workplaces concerned, workers on strike and work-days not worked. The exception is the year 2007, where the vast majority of industrial action was to be found in the communications industry at the time of the privatisation of the leading telephone company Türk Telekom.

Activity

Reviewing trade union experience in Turkey

AIMS

To enable you to:

- improve your understanding of the Turkish trade union situation

TASK

Consider the features inhibiting the development of Turkish trade unions.

What could be done to improve collective bargaining in Turkey?

What problems does the informal labour market cause for trade union development?

FURTHER INFORMATION

The European Trade Union Confederation (ETUC) was set up in 1973 to promote the interests of working people at European level and to represent them in the EU institutions. The ETUC's objective is an EU with a strong social dimension that safeguards the wellbeing of all its citizens. At present, the ETUC has in membership 82 national trade union confederations from 36 European countries, as well as 12 European Industry Federations, plus observer organisations in Macedonia, Serbia, and Bosnia and Herzegovina. Other trade union structures such as EUROCADRES (the Council of European Professional and Managerial Staff) and EFREP/FERPA (European Federation of Retired and Elderly Persons) operate under the auspices of the ETUC. In addition, the ETUC coordinates the activities of the 45 IRTUCs (Interregional Trade Union Councils), which organise trade union cooperation at a cross-border level.

The ETUC is one of the European social partners and is recognised by the European Union, by the Council of Europe and by EFTA as the only representative cross-sectoral trade union organisation at European level.

www.etuc.org

PROJECT PARTNERS

	Algemeen Belgisch Vakverbond – Fédération Générale du Travail de Belgique – ABVV-FGTB	www.fgtb.be/
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	Türkiye Hak İşçi Sendikaları Konfederasyonu – HAK-İŞ	www.hakis.org.tr/
	Türkiye İşçi Sendikaları Konfederasyonu – TÜRK-İŞ	www.turkis.org.tr/
	Trades Union Congress – TUC	www.tuc.org.uk/
	European Federation of Food, Agriculture and Tourism Trade Unions – EFFAT	www.effat.org/
	European Metalworkers' Federation – EMF	www.emf-fem.org/
	European Federation of Public Service Unions – EPSU	www.epsu.org/
	European Transport Workers' Federation – ETF	www.itfglobal.org/etf/
	European Trade Union Federation: Textile, Clothing and Leather – ETUF-TCL	www.etuf-tcl.org/
	UNI-Europa	www.uni-europa.org/



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