

Geneva, 07 March 2016

Mr. Ahmed Davudođlu
Prime Minister
Republic of Turkey
Çankaya Mahallesi, Ziaur Rahman Caddesi,
Çankaya Ankara
Turkey

Sent by email to bimer@basbakanlik.gov.tr; ozelkalem@basbakanlik.gov.tr; and by telefax: +90-312-422 18 99 ((and e-mail to Mission of Turkey to the United Nations at mission.turkey@ties.itu.int))

IndustriALL Global Union Calls on Turkish Government to pull back the draft bill allowing Labour Broker system

Dear Mr. Prime Minister,

I am writing this letter to you on behalf of [IndustriALL Global Union](http://www.industriall-union.org), representing more than fifty million workers in manufacturing, energy and mining sectors in 140 countries, including Turkey with 19 affiliates belonging to major national confederations.

IndustriALL Global Union is aware that a draft bill, which foresees substantial modifications over the Labor Law, coded 4857, and Turkish Employment Agency Law, coded 4904, was submitted by your government to the National Grand Assembly of Turkey a while ago. We are further aware that the relevant expert Parliamentary Commission has recently endorsed this draft, and it is expected to come up for consideration at the Grand Assembly.

I want to express the deep concern and outrage of IndustriALL Global Union's family, along with our Turkish affiliated unions, about the potential severe consequences of such a bill in the labour market and trade union activities since the main objective of the draft is to give the right to private employment agencies to hire workers to companies in various sectors under very vague circumstances.

The proposed draft, in its current version, would certainly create a slave labor market through a labour broker system, which is unacceptable to IndustriALL Global Union.

Even though we understand your Government seems to want to bring some protection to seasonal rural work and home services, the draft bill gives opportunity to companies to use agency work in case of "unforeseen increase in business volume of enterprise" or "periodical business increases". It goes without saying that such circumstances can be claimed to exist any time in today's production system. This would mean a huge shift in labor market from permanent to short-term contracts.

IndustriALL Global Union recalls the same attempt by the previous government in 2009 to enact a law by Parliament giving "Private Employment Agencies" broad rights to place temporary workers in enterprises, however the President of the country at that time vetoed the bill with strong arguments, which are still valid in Turkey.

Like in 2009, this time again the draft bill was submitted without hearings or direct input from the country's main labour organizations. As we said at that time, creating such a labour broker system in a society is equivalent to "placing dynamite under the social structures since it will potentially create the 21st century employment relationship based on slavery.

It is obvious that if this draft is enacted, millions of workers will go to agency work contract rather than permanent; even though it is so limited, job protection would disappear; severance and notice payments would be unreachable; and discrimination against workers would be rampant.

This type of unsecured and unprotected, in our terminology, precarious work in all its forms undermines workers' rights, their pay and their working conditions throughout the world. But for workers trapped in triangular employment relationships, officially employed by an agency or contractor, but actually working for another company, there is often little chance to join a union and no chance to bargain collectively on their terms and conditions of employment. These workers are effectively trapped between the agency and the company they work for, with neither taking responsibility for their fundamental human rights.

The increasingly widespread use of agency work is taking workers outside the scope of collective agreements and shrinking the bargaining unit so small that union capacity to bargain effectively is being significantly undermined, in some cases irretrievably. Our global union has bitter experiences on agency work and other forms of triangular employment relationship and how it is undermining international labour standards.

I would like to let you know that IndustriALL Global Union supports and credits Turkey's main trade union organizations for immediate and effective opposition to this proposed draft bill at the Parliament. We will continue to do our utmost to make sure that social rights, social security, and other benefits of workers would not disappear with such proposed draft bill.

IndustriALL Global Union therefore calls on the Turkish Government to pull back the draft bill allowing labour broker system, and to establish proper dialogue with all the union organizations to develop policies and instruments towards permanent, direct and secure employment based on fundamental human and trade union rights.

I anticipate your quick reaction and reply.

Sincerely,



Jyrki Raina
General Secretary

CC:
Mr. Süleyman Soylu, Minister of Labor and Social Security
(iletisim@csgb.gov.tr and faks: +90 (312) 212 72 30)

IndustriALL Global Union's Turkish Affiliates