

Geneva 9 October 2012

Mr. Recep Tayyip Erdoğan
Prime Minister
Republic of Turkey
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Draft Collective Labour Relations' Act

Dear Prime Minister Erdoğan,

I am writing this letter to you on behalf of IndustriALL Global Union, which represents more than fifty million workers in energy, mining and manufacturing sectors from 700 trade unions in 140 countries. Our global union family is happy to have nineteen affiliates from Turkey.

IndustriALL Global Union understands that the draft bill on Collective Labour Relations' Act, which is supposed to replace the existing two laws: 2821 and 2822, has been included, as a priority, on the agenda of the Grand National Assembly of Turkey. We further understand that the parliamentary debate starts this afternoon.

As you will recall, all global trade unions, including our three founding organizations, sent you a detailed letter about our concerns on this draft bill. In addition, the International Labour Organization (ILO) issued a memorandum that unequivocally stated that a series of points among the proposed amendments was in clear violation of core labour standards, including Convention 87 on Freedom of Association and Protection of the Right to Organize, and Convention 98 on the Right to Organize and Collective Bargaining.

We are now very much outraged to have noticed that neither our concerns, which were in line with clear demands from the Turkish trade union movement, nor the ILO's clear expert opinion have been taken into account in the new proposed bill.

IndustriALL Global Union is involved in many cases in Turkey where our sisters and brothers at the workplace face severe challenges and difficulties in exercising their fundamental rights as guaranteed by international conventions, which the Government of Turkey has ratified but has not properly put into practice. In addition to freedom of association cases, this year, and for more than ten months, Turkish trade unions have been prevented from exercising their right to collective bargaining. As a result, our global union submitted a complaint against your government before the International Labour Organization.

We are very much disappointed that your Government, which claims to have achieved improvements towards a functioning democracy with genuine human rights, has actually not taken significant steps on labour rights.

The Constitution of the Republic of Turkey recognizes the right and freedom of workers to join a trade union. Nevertheless, according to the official figures from your Minister of Labour and Social Security, the number of workers covered by collective agreements has substantially declined. Overall union density is around five per cent, but in the private sector is around two per cent. In practice, union organizing is all but impossible due to the lack of adequate legislation to enforce the fundamental workers' rights.

Although there are some modest improvements, this draft bill on the agenda of the Parliament is a far cry from being in compliance with international labour standards. If this draft were enacted, many trade unions would lose their certification as bargaining partners in their respective sectors. This would certainly further infringe upon the right to freedom of association.

The draft bill in question seems to be incapable to bring about any new instrument to solve long-standing judgment processes in the event that employers took legal action objecting certifications issued by the Ministry of Labour. Unions in Turkey have to face, on a regular basis, employers filing complaints alleging that a trade union does not have the required majority for bargaining purposes, which blocks the recognition of trade union rights and results in thousand of dismissals of workers who just try to exercise their fundamental rights.

If real progress were to take place, all bureaucratic procedures for union membership and collective bargaining authorization processes should be eliminated. Furthermore, we are disturbed to learn that restrictions on the right to strike have been included in the draft bill with expansion of strike prohibitions and postponements.

The Collective Labour Relations' Act in Parliament does not cover the free exercise of fundamental trade union rights, the right to organize, the right to collective bargaining and the right to strike. On the contrary, its provisions are in breach of ILO standards as well as EU norms.

We strongly urge you to make the necessary revisions to the draft bill in a meaningful dialogue with the whole union movement in Turkey.

Sincerely,



Jyrki Raina
General Secretary

CC:
Faruk Çelik, Minister of Labour and Social Security of Turkey
Sharan Burrow, General Secretary, ITUC
Ulrich Eckelmann, General Secretary, IndustriALL Europe
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