

THE GENERAL CRITICISM OF NEW TRADE UNIONS AND COLLECTIVE LABOUR AGREEMENT ACT IN TURKEY

Prof.Dr. Banu Uçkan Hekimler
(Anadolu University, Turkey)

Prof.Dr. Alpay Hekimler
(Namık Kemal University, Turkey)

The General Characteristics of Turkish Industrial Relations

- low union density
- decentralized collective bargaining
- authoritarian state figure
- hostile labour-employer and labour-state relations



The Historical Background of Turkish Collective Labour Law

1947 Trade Unions Act No:5018

1961 Constitution

1963 Trade Unions Act No: 274

1963 Collective Labour Agreement, Strike and Lock-out Act No:275

1982 Constitution

1983 Trade Unions Act No: 2821

1983 Collective Labour Agreement, Strike and Lock-out Act No: 2822

2012 Trade Unions and Collective Agreement Act No: 6356

Trade Unions and Collective Agreement Act No: 6356

The Right to Organise

- Basic requirements for union founders
- To found international trade unions and open representative offices in Turkey
- The minimum age for union membership
- The protection of union shop stewards
- The basic organising models: industrial unions and confederations
- The reduced industrial branches (from 28 to 20)
- Online application for union membership or resignation by using the e-government gate

Trade Unions and Collective Agreement Act No: 6356

The Right to Bargain Collectively

- The decentralised collective bargaining: establishment, enterprise, and multi-employer (group) agreements
- Framework collective agreement is an industry-level agreement signed between trade unions and employers' associations affiliated with the confederations taking part in the Economic and Social Council.
- Two major and controversial stipulations concerning authorisation for collective bargaining: representation of at least 1% of the total number of employees in the concerned industry and representation of more than half of the total number of employees in the concerned workplace.

Trade Unions and Collective Agreement Act No: 6356

The Right to Strike

- Strikes for interest disputes and defensive lockouts are legal
- Strike bans at funeral and mortuary, city water, electricity, natural gas, petrochemical works, fire fighting and hospitals
- Removed strike ban in civil aviation industry (Turkish airlines strike in 2012)
- Strike ban at stock exchange and financial services (Capital Markets Act)
- Postponement of legal strikes and lockouts = a transformation of 'postponement' into 'prohibition'

Strike Postponements on the Grounds of National Security and Public Health (2002-2015)

Date of Governmental Decree	Reasons	Sector	Trade Union
17 May 2002	National Security	Rubber	Lastik-İş
25 June 2003	National Security	Rubber	Petrol-İş
8 December 2003	National Security	Glass	Kristla-İş
14 February 2004	National Security and Public Health	Glass	Kristal-İş
21 March 2004	National Security	Rubber	Lastik-İş
1 September 2005	National Security	Mining	Maden-İş
27 June 2014	National Security and Public Health	Glass	Kristal-İş
30 January 2015	National Security	Metal	Birleşik Metal-İş

Conclusion

The new act fails to bring meaningful and progressive improvements for union rights.

Most of the provisions and practices of the government still violate ILO Conventions Nos. 87 and 98.

The new act will pave the way for centralised and state-controlled trade unionism.



Thank you for your attention!
Questions and comments are welcome 😊

buckan@anadolu.edu.tr
ahkimler@hotmail.com

