



INTERNATIONAL TRADE UNION CONFEDERATION
EUROPEAN TRADE UNION CONFEDERATION



Devlet Bahçeli
President of the MHP Group
Grand National Assembly
Ankara – Turkey
Email : devlet.bahceli@tbmm.gov.tr
Fax: + 90 – 312 – 420 5248

Brussels, 15 October 2012

HTUR/NT

Draft Collective Labour Relations Act

Mr Bahçeli,

We are writing to you on behalf of the International Trade Union Confederation (ITUC) which represents more than 175 million workers from 308 trade unions in 153 countries and the European Trade Union Confederation (ETUC) which represents 60 million workers in 85 trade union organisations in 36 European countries.

The Grand National Assembly of Turkey is currently debating the draft bill on Collective Labour Relations' Act. We strongly regret that despite major concerns expressed by the ITUC, the ETUC and the global trade union movement as well as the International Labour Organisation (ILO), the draft bill under discussion, even if showing some progress, is still far from meeting EU and international standards, and that fundamental trade union rights are still not fully enforced.

The Act that regulates the collective bargaining system and trade union freedoms is replacing two laws (2821 and 2822) that have been for many years under the scrutiny of the international trade union movement as well as the ILO supervisory bodies. The new Act was an opportunity for Turkey, a signatory of international fundamental conventions to meet international and European standards. The ITUC and the ETUC deplore that this seems not to be the case.

According to our information, the proposed Act still contains provisions that clearly infringe those standards. The hurdles to the free exercise of legitimate trade unions rights have not been

removed; hurdles that render impossible the free and full exercise by Turkish workers of their right to organize and to collective bargaining.

In a letter sent to the Turkish Prime Minister in December 2011, the ITUC and the ETUC along with some global union federations asked the government to make greater progress on labour rights when adopting a new law. The letter provided a detailed analysis of the draft law's shortcomings.

In April 2012, the ILO office through a Memorandum clearly pointed out the amendments to be brought to the draft in order to be in conformity with the ILO fundamental conventions including Convention 87 on Freedom of Association and Convention 98 on the Right to Organize and Collective Bargaining.

We deplore that the bill being discussed has integrated neither the ILO nor the trade union movement demands. On the contrary, it maintains the double numerical criteria. Furthermore while it would formally decrease the national threshold that is presently 10% at the same time, the government combines sectors and changes the basis of the calculation. This increases the number of workers per sector, hence de facto increasing rather than decreasing the threshold. Furthermore, many bureaucratic procedures for granting union membership or collective bargaining rights remain in place. They maintain the government's interference in unions' internal affairs in violation of the fundamental conventions.

The bill does not bring any new instruments to solve long-standing processes in the event employers take legal action objecting certifications. Whereas this is a common method to block the recognition of a trade union as bargaining partner.

Finally the right to strike already strongly restricted seems to be further limited.

This bill if adopted would have strong consequences for trade unions. Several of them would lose their certification as bargaining partners in many sectors. Many workers would therefore be deprived of the right to bargain collectively.

This bill is being discussed while the EU Commission has just released the Turkey 2012 Progress Report in which the Commission presents its assessment of what each candidate have achieved over the last year. This report clearly states that the current Turkish labour law is not meeting EU and ILO standards. It more specifically mentions the high thresholds for entering into collective bargaining as well as the restriction of the right to strike. Again the bill currently discussed does not include any improvements on those issues. This despite the government presenting it as being in conformity with ILO Conventions and international standards and as a step towards opening of 19th Chapter in terms of EU accession process.

Contrary to what the government is publicly saying the adoption of the bill, as it is drafted today, would not be a sign of progress towards a functioning democracy that would respect human rights including labour rights as this bill is clearly breaching fundamental European and ILO standards.

We urge you and your members in Parliament to make meaningful amendments to the bill on the Collective Labour Relations Act that would give more concrete freedoms for workers on a daily basis.

Thank you for your consideration.

We would appreciate a response to our letter at your early convenience,

Sincerely,



Sharan Burrow
ITUC General Secretary



Bernadette Ségol
ETUC General Secretary

Copy to:

Mr M. Recep Tayyip Erdogan, Prime Minister, Ankara - Turkey

Mr Jean-Maurice RIPERT, Head of EU Delegation to Turkey,

Embassy of Turkey, Brussels

Mr Stefan Füller, EU Commissioner for Enlargement and and Neighbourhood Policy

Mr László Andor, EU Commissioner for Employment, Social Affairs and Inclusion

Ms. Umit Deniz Efendioglu, Director, ILO office for Ankara

Mr. Dan Cunniah, Director, ILO Bureau for Workers' Activities, ACTRAV, Geneva