

CHAPTER 19 SOCIAL POLICY AND EMPLOYMENT

Priority 19.1 Establishment of conditions for an effective social dialogue at all levels, inter alia, by adopting new legislation eliminating restrictive provisions on trade union activities and ensuring full trade union rights

1 Schedule of legislative alignment

Table 19.1.1

No	EU legislation in force	Draft Turkish legislation	Scope	Institution in charge	Publication date
1	ILO Convention No. 87 and No. 98, European Social Charter	Law Amending the Law No. 2821 on Trade Unions and Law No. 2822 on Collective Labour Agreement, Strike and Lock-out	Rearranging the Trade Unions Law No. 2821 and the Law No. 2822 on Collective Labour Agreements, Strikes and Lock-outs with a view to expand union rights.	Ministry of Labour and Social Security	2009
2	ILO Convention No. 87, No. 98 and No. 151 European Social Charter	Law Amending the Law No. 4688 on Civil Servants' Trade Unions	Rearranging the Law with a view to expand union rights of public officials.	Ministry of Labour and Social Security State Personnel Presidency	2009
3	ILO Convention No. 87 and No. 98, European Social Charter	Regulation on Branch of Activity ¹	Introducing necessary changes in line with amendments to be made in the Trade Unions Law No. 2821 and Law No. 2822 on Collective Labour Agreements, Strikes and Lock-outs.	Ministry of Labour and Social Security	2009
4	ILO Convention No. 87 and No. 98, European Social Charter	Regulation on the Supervision of Workers' and Employers' Trade Unions and Confederation of Unions ²	Introducing necessary changes in line with amendments to be made in the Trade Unions Law No. 2821 and Law No. 2822 on Collective Labour Agreement, Strike and Lock-out.	Ministry of Labour and Social Security	2009
5	ILO Convention No. 87 and No. 98, European Social Charter	Implementing Regulation on Procedures, Principles and Identification of Competent Unions to Carry Out Collective Labour Agreements ³	Introducing necessary changes in line with amendments to be made in the Trade Unions Law No. 2821 and Law No. 2822 on Collective Labour Agreement, Strike and Lock-out.	Ministry of Labour and Social Security	2009

¹ It will be enacted after the adoption of the Trade Unions Law and of the Law on Collective Labour Agreement, Strike and Lock-out.

² It will be enacted after the adoption of the Trade Unions Law and of the Law on Collective Labour Agreement, Strike and Lock-out.

³ It will be enacted after the adoption of the Trade Unions Law and of the Law on Collective Labour Agreement, Strike and Lock-out.

Table 19.1.1 (Continued)

No	EU legislation in force	Draft Turkish legislation	Scope	Institution in charge	Publication date
6	ILO Convention No. 87 and No. 98, European Social Charter	Implementing Regulation on Application to a Referee or an Official Arbiter ⁴	Introducing necessary changes in line with amendments to be made in the Trade Unions Law No. 2821 and Law No. 2822 on Collective Labour Agreement, Strike and Lock-out.	Ministry of Labour and Social Security	2009
7	ILO Convention No. 87 and No. 98, European Social Charter	Implementing Regulation on the Measures to be Taken in cases of Strike and Lock-out ⁵	Introducing necessary changes in line with amendments to be made in the Trade Unions Law No. 2821 and Law No. 2822 on Collective Labour Agreement, Strike and Lock-out.	Ministry of Labour and Social Security	2009

2 Schedule of institutional capacity building requirements necessary for legislative approximation and implementation

Table 19.1.2

No	Requirements	Year
(Ministry of Labour and Social Security (DG Labour))		
1	Strengthening the institutional capacities of Departments operating in the field of improvement of union rights of DG Labour	2009

⁴ It will be enacted after the adoption of the Trade Unions Law and of the Law on Collective Labour Agreement, Strike and Lock-out.

⁵ It will be enacted after the adoption of the Trade Unions Law and of the Law on Collective Labour Agreement, Strike and Lock-out.

3 Financial requirements and resources

Table 19.1.3

(Euro)

Requirements (Ministry of Labour and Social Security (DG Labour))	Year	National Budget	EU sources	Other	Total
I- Investment					
II- Legislative approximation and implementation					
- Personnel					
- Training					
Trainings for DG Labour staff and social partners about the legislative adjustments which will be done in order to ensure approximation of the Laws Numbered 2821, 2822 and 4688, and related regulations to ILO and EU norms	2009	10,000			10,000
- Consultancy					
- Translation					
- Other					
Total		10,000			10,000

Priority 19.2 Providing an analysis of undeclared work in Turkey and drawing up a plan to tackle this problem in the context of an overall action plan for the enforcement of the acquis for the benefit of the entire workforce

It will be covered in the scope of the action plan which is envisaged to be finalised in 2009 with a view to meeting the opening benchmark.

1 Schedule of legislative alignment

No legislative alignment is envisaged under this priority at this stage.

2 Schedule of institutional capacity building requirements necessary for legislative approximation and implementation

No institutional capacity building requirement is envisaged under this priority at this stage.

3 Financial requirements and resources

No financial requirement is envisaged under this priority at this stage.

Priority 19.3 Finalisation of the work on the Joint Inclusion Memorandum (JIM) and the Joint Assessment Paper on Employment Policy Priorities (JAP) and active implementation of both follow-up processes

1 Schedule of legislative alignment

No legislative alignment is envisaged under this priority at this stage. However, it is envisaged that studies on the Joint Inclusion Memorandum (JIM) and the Joint Assessment Paper on Employment Policy Priorities (JAP) in response to the European Social Inclusion Strategy and the European Employment Strategy are to be completed by the Ministry of Labour and Social Security in 2009.

2 Schedule of institutional capacity building requirements necessary for legislative approximation and implementation

No institutional capacity building requirement is envisaged under this priority at this stage. However, it is planned that monitoring committees will be established in order to ensure effective follow-up of JIM and JAP processes.

3 Financial requirements and resources

No financial requirement is envisaged under this priority at this stage.

Priority 19.4 Continuing transposition of the acquis and strengthening the related administrative and enforcement structures including the labour inspectorates, in association with social partners

1 Schedule of legislative alignment

Table 19.4.1

No	EU legislation in force	Draft Turkish legislation	Scope	Institution in charge	Publication date
1	Directive No. 2000/79/EC	Civil Aviation Labour Law	Regulating the working conditions of employees working in the civil aviation business by a special law.	Ministry of Labour and Social Security	2009-2010
2	Directive No. 2000/79/EC	Implementing Regulation Establishing the Procedures and Principles on the Daily Wages and Accommodation in Compliance with the Daily Needs and Recovery Requirements of the Aviation Personnel ⁶	Regulating the working conditions of the employees working in the civil air transport business.	Ministry of Labour and Social Security	2010
3	Directive No. 2000/79/EC	Implementing Regulation Establishing the Procedures and Principles on the Civil Aviation Time, Air Mission Time, Resting Time and Medical Control Time of the Aviation Personnel ⁷	Regulating the working conditions of the employees working in the civil air transport business.	Ministry of Labour and Social Security	2010

⁶ It will be enacted after the adoption of Civil Aviation Labour Law.

⁷ It will be enacted after the adoption of Civil Aviation Labour Law.

Table 19.4.1 (Continued)

No	EU legislation in force	Draft Turkish legislation	Scope	Institution in charge	Publication date
4	Directive No. 94/33/EC	Law Amending the Labour Law No. 4857	According to the Article 71 of the Labour Law, employment of children below the age of 15 is forbidden. On the other hand, the Labour Law does not cover all the fields in which children are employed. Necessary amendments in terms of employment of children below the age of 18 in the field of fine arts such as cinema, theatre, music, ballet, and dance as well as for other artistic activities such as circus, television, movie making, advertising and modelling shall be introduced in Turkish legislation.	Ministry of Labour and Social Security	2009-2010
5	ILO Convention No. 182	The Prime Minister Circular regarding Time Bound Policy and Programme Framework in Prevention of Child Labour	Preventing child labour for the target groups defined in “Time Bound Policy and Programme Framework in Prevention of Child Labour” (working at streets, working at SMEs for heavy and hazardous jobs, working as seasonal workers in agricultural sector) through integrated, participatory and multilateral approaches within 10 years.	Ministry of Labour and Social Security	2009
6	Directives No. 89/391/EEC	Occupational Health and Safety Law ⁸	Harmonization with the EU legislation on occupational health and safety.	Ministry of Labour and Social Security State Personnel Presidency	2009

⁸ Implementing Regulations that were based on the Occupational Health and Safety Regulation will be linked to the new Occupational Health and Safety Law when it is adopted in 2009: The implementing regulations in question and relevant EU Directives are as follows: Implementing Regulation on Health and Safety Signs at Workplaces (92/58/EEC, 2007/30/EC), Implementing Regulation on Health and Safety Precautions for Work With Display Screen Equipment (90/270/EEC, 2007/30/EC), Implementing Regulation on Noise (2003/10/EC, 2007/30/EC), Implementing Regulation on Vibration (2002/44/EC, 2007/30/EC), Implementing Regulation on Safety and Health Requirements at Construction Sites (92/57/EEC, 2007/30/EC), Implementing Regulation on Health and Safety Precautions for Chemicals at Work (98/24/EC, 2000/39/EC, 2006/15/EC, 2007/30/EC), Implementing Regulation on Protection of Workers From Risks in Explosive Atmospheres (99/92/EC, 2007/30/EC), Implementing Regulation on Health and Safety Precautions Related to Carcinogens and Mutagen Substances at Work (2004/37/EC), Implementing Regulation on Health and Safety Precautions for Exposure to Asbestos at Work (83/477/EEC, 91/382/EC, 98/24/EC, 2003/18/EC, 2007/30/EC), Implementing Regulation on Minimum Health and Safety Requirements at Workplaces (89/654/EEC, 2007/30/EC), Implementing Regulation on the Minimum Safety and Health Requirements for the Use of Work Equipment by Workers at Work (89/655/EEC, 2001/45/EC, 2007/30/EC), Implementing Regulation on the Use of Personal Protective Equipment at Workplaces (89/656/EEC, 2007/30/EC), Implementing Regulation on Manual Handling (90/269/EEC, 2007/30/EC), Implementing Regulation on Health and Safety Requirements in Underground and in Surface Mines (92/104/EEC, 2007/30/EC), Implementing Regulation on Health and Safety Requirements in the Mineral- extracting Industries through Drilling (92/91/EEC, 2007/30/EC), Implementing Regulation on Occupational Health and Safety at Temporary or Fixed-Term Employment (91/383/EEC, 2007/30/EC), Implementing Regulation on the Prevention of the Risks Related to Exposure to Biological Agents, (2000/54/EC), Implementing Regulation on the Minimum Health and Safety Requirements for Work on Board Fishing Vessels (93/103/EC, 2007/30/EC) and Implementing Regulation on Conditions of Health and Safety at Work of Pregnant Workers and Workers Who Have Recently Given Birth or Are Breastfeeding (92/85/EEC, 2007/30/EC).

Table 19.4.1 (Continued)

No	EU legislation in force	Draft Turkish legislation	Scope	Institution in charge	Publication date
7	Directive No. 2004/40/EC	Implementing Regulation on the Protection of Employees' Health and Safety from the Risks Arising from Exposure to Electromagnetic Field	Harmonization with the EU Directive on Protection of the Health and Safety of Employees from Risks Arising from Exposure to Physical Agents.	Ministry of Labour and Social Security	After 2011
8	Directive No. 2006/25/EC	Implementing Regulation on Optical Radiation	Determining minimum health and safety requirements regarding the protection of employees from artificial radiation they are exposed to at their workplaces.	Ministry of Labour and Social Security	2011
9	Directives No. 90/270/EEC, 89/656/EEC, 89/391/EEC, 89/655/EEC, 91/383/EEC and 92/85/EEC	Implementing Regulation on the Occupational Health and Safety of Public Officials ⁹	Enacting the necessary secondary legislation as soon as the law on the Occupational Health and Safety of public officials enters into force.	State Personnel Presidency	2009
10	Directives No.98/59/EC, 2001/23/EC, 91/533/EEC, 97/81/EC, 2003/88/EC, 99/70/EC, 99/63/EC, 96/71/EC, 2002/74/EC, 2001/86/EC, 2003/72/EC, 2002/14/EC, 94/45/EC, 2002/15/EC, 2005/47/EC, 91/383/EEC, 99/95/EC, 80/987/EEC,2006/54/EC, 2004/113/EC, 86/613/EEC 2000/78/EC and 2000/43/EC	Law Amending Certain Laws ¹⁰	<p>Although Labour Law No. 4857 of 22/5/2003 has been prepared pursuant to the EU legislation in the field of Social Policy and Employment, both in this Law, and in laws such as Civil Servants' Law, Maritime Labour Law, Turkish Criminal Law and Civil Law, there is a need for several amendments. Besides, there had been several amendments in the EU legislation after the adoption of Law No. 4857.</p> <p>Moreover, it is necessary to revise the laws making arrangements in the field of social policy and employment according to changing conditions.</p> <p>Action plan being prepared with regard to the opening criterion is a package including legislative measures to be made to ensure harmonization in the field of Social Policy and Employment.</p>	Ministry of Labour and Social Security	After 2011

⁹ It will be enacted after the adoption of Occupational Health and Safety Law.

¹⁰ It will be enacted in the form of a social harmonization package.

Table 19.4.1 (Continued)

No	EU legislation in force	Draft Turkish legislation	Scope	Institution in charge	Publication date
11	Directives No.98/59/EC, 2001/23/EC, 91/533/EEC, 97/81/EC, 2003/88/EC, 99/70/EC, 99/63/EC, 96/71/EC, 2002/74/EC, 2001/86/EC, 2003/72/EC, 2002/14/EC, 94/45/EC, 2002/15/EC, 2005/47/EC, 91/383/EEC,-99/95/EC, 80/987/EEC,2006/54/EC, 2004/113/EC, 86/613/EEC 2000/78/EC and 2000/43/EC	Implementing Regulations on the Law Amending Certain Laws ¹¹	Although Labour Law No. 4857 of 22/5/2003 has been prepared pursuant to the EU legislation in the field of Social Policy and Employment, both in this law, and in laws such as State Officials Law, Maritime Labour Law, Turkish Criminal Law and Civil Law, the need for amendments have still been pursued. Besides, there had been several amendments in the EU legislation after the adoption of Law No. 4857. Moreover, it is necessary to revise the laws making arrangements in the field of social policy and employment according to changing conditions.	Ministry of Labour and Social Security	After 2011
12	Directives No. 96/34/EC and 92/85/EC	Law Amending the Civil Servants' Law and the Labour Law	Creating a parental leave which enables mother and father to share unpaid leave for the care of children.	Directorate General on the Status of Women	2009

¹¹ It will be enacted after the adoption of "Law Amending Certain Laws" in the form of a social harmonization package.

2 Schedule of institutional capacity building requirements necessary for legislative approximation and implementation

Table 19.4.2

No	Requirements	Year
(Ministry of Labour and Social Security (DG Labour))		
1	Institutional capacity building for DG Labour and its regional offices to monitor the implementation of labour law effectively and to carry on the work on the forthcoming harmonisation of legislation.	2009-2010
(Ministry of Labour and Social Security (Labour Inspection Board))		
2	Strengthening institutional capacity of the Head of Labour Inspection Board on its effective and continuous inspections, with the aim of contributing to the implementation of the EU acquis that are transposed to our domestic law.	2009-2011
3	Employment of 118 assistant labour inspectors.	2009
(Ministry of Labour and Social Security (DG Occupational Health and Safety))		
4	Strengthening institutional capacity of the DG Occupational Health and Safety for implementing the legislation in the field of occupational health and safety, ensuring implementation in the field of optic radiation ¹² , strengthening regional laboratories and encouraging implementation of occupational health and safety measures at workplaces.	2009-2011
(Ministry of Justice)		
5	Capacity building of the labour courts and establishing new labour courts.	2009-2010

¹² It is planned to carry out a project in this area after the adoption of Implementing Regulation on Optic Radiation. However, as the project budget will be set up later, there is no information regarding the project within the schedule of financial requirements and resources.

3 Financial requirements and resources

Table 19.4.3.1

(Euro)

Requirements (Ministry of Labour and Social Security- DG Labour)	Year	National Budget	EU sources	Other	Total
I- Investment					
II- Legislative approximation and implementation					
- Personnel					
Employment of 3 interpreters at DG Labour	2009-2010	90,000			90,000
Employment of 10 Assistant Experts at DG Labour	2009-2010	360,000			360,000
- Training					
Trainings for 1100 personnel at DG Labour and its regional offices on EU Acquis	2009-2010	20,000	170,000		190,000
Trainings for Child Labour Unit of DG Labour about the protection of working young people at work (Directive No. 94/33/EC)	2009-2010		4,000		4,000
- Consultancy					
Consultancy during the harmonisation of legislation on EU labour law, gender equality and anti-discrimination	2009-2010		300,000		300,000
Consultancy for Child Labour Unit which is under DG Labour about the protection of working young people at work (Directive No. 94/33/EC)	2009-2010		6,000		6,000
- Translation					

Table 19.4.3.1 (Continued)

(Euro)

Requirements (Ministry of Labour and Social Security- DG Labour)	Year	National Budget	EU sources	Other	Total
- Other					
Expenditures of books, newsletters, brochures, etc. made for information in the field of social policy and employment	2009-2010		50,000		50,000
Expenditures of the seminar which is to be held by the Child Labour Unit of DG Labour	2009-2010		1,000		1,000
Promoting gender equality in working life ¹³	2009-2011	50,000	950,000		1,000,000
Total		520,000	1,481,000		2,001,000

¹³ To be financed by the Project titled "Promoting Gender Equality in Working Life-TR 080 218" under Pre-Accession Financial Assistance 2008 Programme

Table 19.4.3.2

(Euro)

Requirements (Ministry of Labour and Social Security (Board of Labour Inspection))	Year	National Budget	EU sources	Other	Total
I- Legislative approximation and implementation					
- Personnel					
- Training					
- Consultancy					
- Translation					
- Other					
Improving the labour inspection system ¹⁴	2008-2009	74,880	1,300,000		1,374,880
Total		74,880	1,300,000		1,374,880

¹⁴ Financed by the project titled "Improving the Labour Inspection System-TR 0603.10" under Pre-Accession Financial Assistance 2006 Programme

Table 19.4.3.3

(Euro)

Requirements (Ministry of Labour and Social Security (DG Occupational Health and Safety))	Year	National Budget	EU sources	Other	Total
I- Investment					
II- Legislative approximation and implementation					
- Personnel					
- Training					
- Consultancy					
- Translation					
- Other					
Improving occupational health and safety at workplaces ¹⁵	2009-2011	143,000	3,932,000		4,075,000
Development of regional laboratories of occupational health safety centre ¹⁶	2009-2011		1,800,000		1,800,000
Total		143,000	5,732,000		5,875,000

¹⁵ Financed by the project titled "Improving Occupational Health and Safety at Workplaces-TR 0702.20" under Pre-Accession Financial Assistance 2007 Programme

¹⁶ Financed by the project titled "Development of Regional Laboratories of Occupational Health Safety Centre -TR 0702.21" under Pre-Accession Financial Assistance 2007 Programme

Table 19.4.3.4

(Euro)

Requirements (Ministry of Justice)	Year	National Budget	EU sources	Other	Total
I- Investment					
Furnishing expenses of judge room, hearing hall and court's office for in total 76 new labour court planning to establish	2009-2010	1,500,000			1,500,000
II- Legislative approximation and implementation					
- Personnel					
Nomination of one judge, 3 court clerks, one court director and one bailiff for in total 76 new labour court planning to establish	2009-2010	30,000,000			30,000,000
- Training					
Training of judges	2009-2010	150,000	150,000		300,000
- Consultancy					
- Translation					
- Other					
Total		31,650,000	150,000		31,800,000

Priority 19.5 Enhancing capacity to assess and monitor labour market and social developments

1 Schedule of legislative alignment

No legislative alignment is envisaged under this priority at this stage.

2 Schedule of institutional capacity building requirements necessary for legislative approximation and implementation

Table 19.5.2

No	Requirements	Year
(Ministry of Labour and Social Security)		
1	Establishing Vocational Guidance Centres in 81 Provincial Directorates of ISKUR, enhancing capacities of the existing ones and ensuring that all those centres function at EU standards.	2010-2012
2	With the aim of identifying, analysing and planning activities in the field of human resources development at national, regional and local levels, increasing institutional capacities of 81 Provincial Directorates.	2010-2012
3	Setting occupational barometers and labour force profiles at local and regional levels, monitoring the developments and changes in labour market, and thus enhancing policy-making and cooperation capacities of Provincial Employment Boards.	2010-2012

3 Financial requirements and resources

Table 19.5.3

(Euro)

Requirements (Ministry of Labour and Social Security) ¹⁷	Year	National Budget	EU sources	Other	Total
I- Investment	2010-2012	600,000	2,400,000		3,000,000
II- Legislative approximation and implementation					
- Personnel					
- Training	2010-2012	1,250,000	3,750,000		5,000,000
- Consultancy	2010-2012		2,000,000		2,000,000
- Translation					
- Other					
Active employment measures and support to Turkish Employment Organization at local level ¹⁸	2008-2009	4,000,000	16,000,000		20,000,000
Total		5,850,000	24,150,000		30,000,000

¹⁷ Ministry of Labour and Social Security Turkish Employment Organisation will propose a project under Pre-Accession Financial Assistance (IPA I: Component) 2009 Programme in order to meet 1st, 2nd and 3rd requirements under the Table 19.5.2.

¹⁸ Financed by the Project titled "Active Employment Measures and Support to Turkish Employment Organization at Local Level–TR 06.02.03" under Pre-Accession Financial Assistance 2006 Programme.