



SCREENING CHAPTER 19 SOCIAL POLICY AND EMPLOYMENT

AGENDA ITEM: SOCIAL DIALOGUE

**Country Session: The Republic of TURKEY
21 March 2006**



CONTENT

- Freedom of association
- Freedom to negotiate
- Ability to sign agreement
- Social Dialogue Mechanisms (Tripartite, bipartite, enterprise)
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FREEDOM OF ASSOCIATION

Freedom of association is provided for workers and employers by Article 51 of the Constitution and regulated by Law on Trade Unions.

The following ILO Conventions concerning freedom of association have been ratified by Turkey:

- C 87- The Freedom of Association and Protection of the Right to Organize Convention, 1948
- C 98- Right to Organize and Collective Bargaining Convention, 1949
- C 151- Labour Relations (Public Service) Convention, 1978



FREEDOM TO NEGOTIATE

For workers and employers, right to collective bargaining is provided by Art. 53 of the Constitution and regulated by Law on Collective Agreement, Strike and Lock-out.

For civil servants, right to negotiate collectively is provided by Art. 53 of the Constitution and regulated by Law on Civil Servants' Trade Unions.



ABILITY TO SIGN AGREEMENTS

Workers and employers organizations are entitled to conclude collective agreements.

(Constitution Art.53; Law on Trade Unions - Art. 32 and Law on Collective Agreement, Strike and Lockout - Art. 12)



TRIPARTITE SOCIAL DIALOGUE MECHANISMS: NATIONAL LEVEL

1. TURKISH ECONOMIC AND SOCIAL COUNCIL (ESC)

- Turkey ratified ILO Convention No: 144 Tripartite Consultation to promote the implementation of ILO standards on 12.07.1993.



2. LABOUR ASSEMBLY:

- Established in 1945 simultaneously with the Ministry of Labour and Social Security (MoLSS).
- Represents the first institutionalisation of tripartite concertation.
- Convenes at the initiative of the MoLSS to handle labour issues.



3. TRIPARTITE CONSULTATION BOARD:

Labour Law

- **Tripartite Consultation Board was established (Art. 114),**
- **ensures effective consultation between the government and confederations of employers', workers' and civil servants' unions,**
- **promotes labour peace and industrial relations, as well as enables social partners to monitor preparation and implementation of legislation on labour life.**



- **The Board is composed of**
 - **the heads of units of the Ministry or its affiliated bodies, depending on the agenda,**
 - **one representative from each of the confederations of trade unions,**
 - **three representatives from the most representative confederation of employers' unions,**
 - **one representative from each of the confederations of civil servants' unions.**

- **The Board is chaired by the Minister or the Undersecretary of MoLSS.**



4- OTHER FORMAL TRIPARTITE PLATFORMS FOR SOCIAL DIALOGUE

➤ Within the Turkish Employment Organisation:

- General Assembly,**
- Board of Management,**
- Unemployment Insurance Fund Management Board,**
- Occupational Standards Committee**
- Provincial Employment Boards**

➤ Within the Social Insurance Institution:

- General Assembly**
- Board of Management**



➤ **Under the Labour Law:**

- **Board empowered to determine how to spend fines imposed upon employers not recruiting the required number of disabled and ex-convicts (Art. 30)**
- **Board Empowered to Spend Fines Imposed upon Workers' Wages (Art. 38)**
- **The Minimum Wage Committee (Art. 39)**
- **Committee Empowered to Decide on Closure of the Workplaces or Cessation of Work therein for OHS reasons (Art.79)**



BIPARTITE SOCIAL DIALOGUE MECHANISMS

- **At national level, there is no bipartite social dialogue platform.**
- **At sectoral level, although it is not common, bipartite consultation practices have been launched by workers and employers organizations in the sectors of metal, textile, construction and cement, in the form of joint actions, primarily in the field of vocational training.**



SOCIAL DIALOGUE MECHANISMS: ENTERPRISE LEVEL

- Turkey has ratified ILO Convention No. 135 on Workers' Representatives, 1971.
- European Works Councils and Workers' representatives are not regulated by our legislation. However, consultation takes place on certain issues between the employer and representatives of the trade union authorized to bargain collectively (Law on Trade Union, Article 34-35).
- OHS Councils at workplace level operate at bipartite+ and they are consulted on OHS issues (Labour Law, Art. 80).



STATISTICS

Statistics concerning trade union membership/collective agreements coverage are compiled annually by the MoLSS.



SOCIAL PARTNERS

WORKERS:

- TURK-IS (The Confederation of Turkish Trade Unions)
- DISK (The Confederation of Progressive Trade Unions)
- HAK-IS (The Confederation of Real Trade Unions)

EMPLOYER:

- TISK (Turkish Confederation of Employer Associations)



CIVIL SERVANTS:

- KAMU-SEN (Confederation of Public Employees Unions)
- KESK (Confederation of Public Workers Unions)
- MEMUR-SEN (Confederation of Civil Servants Unions)
- BASK (Confederation of Independent Public Servants

Unions)

- Confederation of employers' unions is affiliated to UNICE.
- Confederations of workers' unions are affiliated to ETUC.



ADMINISTRATIVE CAPACITY: EU FUNDED PROJECT

Strengthening Social Dialogue, for Innovation and Change in Turkey

- Started 01.02.2006 for twenty-two months.
- Beneficiaries: MoLSS and Social Partners.
- Objective of project is to assist the MoLSS as well as the social partners to strengthen social dialogue at all levels to accelerate the process of approximation and implementation of the *acquis* and to prepare them to fulfil their future responsibilities in the framework of the EU social policies.



THANK YOU FOR YOUR ATTENTION