15. Turkey: Enhancing social partners' capacity and social dialogue in the new world of work

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1. INTRODUCTION

This chapter has been prepared within the framework of an International Labour Organization (ILO) and European Commission project on 'Enhancing social partners' capacity and social dialogue in the new world of work'. It focuses mainly on the representativeness of the social partners in Turkey, the development of collective bargaining and the attitudes of the social partners to digitalization. First, for a better overall understanding, we present a brief history of Turkish industrial relations. After that the key aspects of industrial relations and labour market challenges in Turkey are addressed. Primarily, social dialogue mechanisms are examined, as it is essential to describe social dialogue mechanisms in order to assess their capacity for tackling forthcoming challenges, such as digitalization. We then examine population statistics and unemployment. One of Turkey's main problems is high unemployment, especially among young people. Taking into consideration that digitalization will change labour market structures, current unemployment statistics gain more importance for the purposes of this chapter. Another important issue for Turkey is migration. This topic is examined through official statistics on migrants and published reports on migrant workers. Unregistered working by migrant workers is also a large problem facing the national labour market.

Global supply chains are also important for conditions in the Turkish labour market. Turkey has many factories which are producing mostly textiles and garments for various global brands. Working conditions in those workplaces are thus important and social dialogue is needed to find solutions to their problems.

Unionization rates and collective agreement coverage are very important for maintaining effective social dialogue. We look at trade union representativeness, taking account of the social partners' views and suggestions. We also look at collective bargaining and social partner autonomy, as well as the need for extension mechanisms considering the low coverage rate of collective agreements.

Finally, we examine digitalization and the social partners' attitudes towards it.

2. TURKISH INDUSTRIAL RELATIONS

During Turkey's Republican Era, which began in 1923, trade unions and collective rights were overshadowed by vigorous industrialization strategies. The new republic gave priority to the development and reformation of the war-stricken country. Accordingly, the Constitution of 1924 made no reference to collective labour rights. With a view to facilitating industry-based reforms and accelerating the country's economic development, policy-makers discouraged the establishment of trade unions and employer associations.

Until 1947, unions and employer associations had no legal status and attempts to establish such organizations were suppressed. After the Second World War, Turkey was transformed into a multi-party democracy and this led to the development of collective rights. The first year of Turkey's multi-party democracy was marked by the first Trade Unions Act. This ended the legal uncertainty afflicting such organizations.

Prior to the 1947 reforms, despite the existence of the Labour Code regulating individual employment relations, there was no specific legislation regulating collective rights. The Ministry of Labour was established in 1946, prior to the adoption of the Trade Unions Act. According to this Act, workers and employers were entitled to form unions and associations to assert their rights. However, the Act contained numerous restrictions regarding its scope and the autonomy of the relevant organizations, and it imposed a total ban on strikes and lock-outs.¹

In 1961, a new Constitution was adopted, in which collective bargaining and strike action were regulated as constitutional rights for the first time. Subsequently, in 1963, Laws 274 and 275 were adopted by the Turkish National Assembly, which became the main legal texts appertaining to trade unions and collective bargaining, as well as grievance procedures, strikes and lock-outs. These liberal laws remained in force for nearly two decades (Dereli 1998, pp. 35–40).

The 1961 Constitution and accompanying laws enabled the unions and employer associations to emerge and develop. The main bargaining level was the workplace, where the vast majority of unions were established. The unions' representative power and influence increased substantially, and collective agreement coverage was wide. Unfortunately, the coup d'état of 1980 hit freedom of association hard and the legal framework took an authoritarian turn. Many liberal laws and regulations were abolished and the military-driven administration generally took an obstructive stance.

After the abolition of the above-mentioned laws, the new Turkish Constitution of 1982 also regulated collective bargaining and strike action as constitutional rights. Accordingly, Articles 51, 53 and 54 of the Constitution guarantee the right to form associations, the right to collective bargaining and rights to strike and lock-out.

In 1983, two new laws were adopted: Law No. 2821 on trade unions and Law No. 2822 on collective bargaining, collective agreements and grievance procedures. These two laws were in force for 29 years and have been criticized for being restrictive as regards collective labour rights.

The scope of Laws Nos 2821 and 2822 was limited to employees; the legal status of public service workers' freedom of association was not regulated until 2001. In that year, following collective action by public servants, a new Law No. 4688 was enacted and limitations on the formation of public service unions were loosened.

In 2012, new legislation was prepared to regulate collective labour relations. The Law on Trade Unions and Collective Labour Agreements (Law No. 6356) is the current main legal tool in relation to Turkish collective labour relations (Dereli 1998, pp. 41–6; Yıldız 2016, p. 6). Implementation is supported by secondary legislation, which regulates the functioning of related institutions or procedures for determining representativeness.

It is important to acknowledge the relationship between domestic and international laws, such as treaties and conventions. The international treaties directly regulating citizens' economic and social rights were given priority over domestic law in the Turkish Constitution. According to Article 90 of the Constitution:

International agreements duly put into effect have the force of law. No appeal to the Constitutional Court shall be made with regard to these agreements, on the grounds that they are unconstitutional. In the case of a conflict between international agreements, duly put into effect, concerning fundamental rights and freedoms and the laws due to differences in provisions on the same matter, the provisions of international agreements shall prevail.

The final sentence of this Article states that, in event of conflict, international agreements on collective rights will prevail over national legislation. On this basis, the Universal Declaration of Human Rights, the European Convention on Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the ILO's Conventions Nos 87 and 98 and the European Social Charter (revised) have a direct impact on national practices and jurisdiction² concerning collective rights, if there is a conflict.

3. KEY ASPECTS OF INDUSTRIAL RELATIONS AND LABOUR MARKET CHALLENGES IN TURKEY

3.1 Social Dialogue Mechanisms

The Economic and Social Council (ESC) must be mentioned first in relation to national social dialogue mechanisms and institutions. In 2001, Law No. 4641 founded the ESC. According to that legislation, the ESC had 39 members in total, 15 of them from government, 12 from the workers' side and 12 from the employers' side. The ESC held eight meetings between 2001 and 2009. Since 2009, however, the ESC has not convened. As indicated by various European Commission reports,³ the ESC cannot be described as an active and appropriate institution for tripartite social dialogue at present.⁴ The Confederation of Turkish Employer Associations (TISK), a member of the ESC, has also stated that the ESC should be more effective.

Another multipartite institution is the Labour Assembly. This has a more venerable history than the ESC. It gathered 12 times between 1947 and 2019 as an advisory committee. The last Labour Assembly was convened on 23 May 2019. The theme was 'Working for a brighter future' and the meeting was dedicated to the ILO centenary. The Labour Assembly could be an effective platform for tripartite social dialogue on current economic, labour and social issues in Turkey.

In addition, the Labour Code regulates the Tripartite Consultative Board for improving consultation among government, workers' representatives (as well as public employee

representatives) and employers' representatives. The last meeting was held on 15 October 2018. Since then, the board has not been convened.⁵

The Committee for Determining Minimum Wages should also be mentioned. This is a tripartite commission which held annual meetings.

So, there are several legal mechanisms for multipartite or tripartite dialogue. However, notwithstanding the Committee for Determining Minimum Wages, their effectiveness is problematic. In order to gain positive results from these institutions and use them to promote social dialogue, meetings should be held on a regular basis.

The ILO's Ankara office implemented a project on promoting social dialogue between 2016 and 2019, of which the Ministry of Family, Labour and Social Services was the beneficiary.⁶ Arising from this project, a number of reports have been published, for example, on organizing and representing hard-to-organize workers, the Ministry of Labour, the contribution of social dialogue to economic development and growth, and social dialogue mechanisms in Turkey.⁷ They underline the importance of the social partners' own initiatives for fostering social dialogue. On their side, there is an expectancy on the part of the public authorities that social dialogue mechanisms at national level will not meet the current challenges. Instead, social partners will have to start social dialogue mechanisms and invite the public authorities to meetings.

During the interviews, public service union confederation Türkiye KAMU-SEN mentioned the linkage between social dialogue and democracy:

Social dialogue mechanisms are important factors for improving democracy. For foreign investment, stability, justice and trust in the country concerned are of crucial importance. Economically and politically developed countries are the most democratic. This is natural. Social dialogue mechanisms and developed and institutionalized democracy enhance a country's competitiveness, as well as global trade. In relation to Turkey, however, we cannot talk about efficient social dialogue mechanisms and a correlation between them.

TISK also underlines the importance and defines the major problems that effective social dialogue may help to overcome, as follows:

Successful social dialogue structures and processes have the potential to solve important economic and social problems, promote good governance, improve social and industrial peace and stability, as well as support economic progress.

However, social dialogue plays an important role in social security management, dissemination of national and international labour standards, forms of employment, gender equality and fair transition to low-carbon economies. It also helps to overcome the political and economic transition processes and mitigate the effects of the crisis.

It is known that the technological developments and digital transformation that go together with globalization have a profound effect on working life. Changes in working life, digitalization and the emergence of new business areas directly affect the competitiveness of countries. While these changes offer both opportunities and risks, more social dialogue is needed in order to adapt to these changes and to find solutions to the problems that may arise.

Although the official social dialogue mechanisms fall short in a number of ways, the social partners and government officials may gather in other forums. TISK organized a multipartite international event in order to promote social dialogue, and it explains the structure and mission of the event as follows:

The Joint Dialogue Forum, which was held on 11–13 October 2019 with approximately 400 participants, was attended by the Turkish Minister of the Family, Labour and Social Services, the chairs of the Confederation of Turkish Trade Unions (Türk-İş), the Hak-Is trade union confederation, the Confederation of Progressive Trade Unions of Turkey (DISK) and the heads of trade unions and employers' associations, and representatives of the International Organization of Employers (IOE), the International Trade Union Confederation (ITUC), the ILO and the World Economic Forum (WEF). The participants have formed working groups on the environment, the elderly, disabled people, women and children, which have made 15 recommendations. For each recommendation, concrete action was voted on by all participants and the social partners made a commitment to take action. The Forum also held a special session on occupational health and safety.

In addition to the Joint Dialogue Forum, TISK organized two Working Life Consultation Meetings in 2017 and 2018 to discuss recent developments with regard to working life.

In order to maximize the benefits of social dialogue for all parties, TISK has made a number of suggestions:

- Social dialogue mechanisms established at workplace level or the possibility of social dialogue through more active bodies should be provided to employees.
- Social dialogue should be established gradually at the workplace, sectoral and national level, and concrete outputs should be enshrined in law.
- As a consequence of globalization, labour market flexibility and constructive social dialogue mechanisms should be enhanced in order to adapt to new working styles and occupations, to ensure workers' adaptation to these processes and to foster international competitiveness.

In addition to tripartite mechanisms, collective bargaining functions at the bipartite level among the social partners.

3.2 Turkey's Main Challenges in the World of Work Concerning Labour Markets and the Labour Force

Prior to focusing on the social partners, social dialogue and the future of work, the main challenges facing Turkey's labour market have to be addressed. Turkey's population was established by TURKSTAT (the official statistical institution) as being over 83 million in 2019, according to data released in early 2020 (Table 15.1).⁸

The population growth rate was 1.24 per cent for 2017, 1.47 per cent for 2018 and 1.39 per cent for 2019. The numbers indicate that Turkey has a large population of working age. Creating new jobs is therefore a top priority. However, Turkey has been suffering from high inflation, as shown for the past 15 years in Table 15.2.

Especially in the last quarter of 2018 and the first quarter of 2019, then, Turkey suffered high inflation of around 20 per cent. Although it decreased considerably by November 2019, inflation is still in double digits. A large population with a huge working-age segment and high inflation are not Turkey's only labour market problems. Unemployment is also a big issue (Table 15.3).

The unemployment rate for July 2019 (14.1 per cent) is the highest value for 14 years. Its lowest value between 2005 and 2019 was 8 per cent in June 2012. In the same month,

Table 15.1 Population by year, age group and gender, Turkey, 2016–19

	Age group	Total	Male	Female	Total %	Male %	Female %
2016	Total	79 814 871	40 043 650	39 771 221	100.0	100.0	100.0
	0–14	18 925 782	9 715 020	9 210 762	23.7	24.3	23.2
	15–64	54 237 586	27 409 238	26 828 348	68.0	68.4	67.5
	65+	6 651 503	2 919 392	3 732 111	8.3	7.3	9.4
2017	Total	80 810 525	40 535 135	40 275 390	100.0	100.0	100.0
	0–14	19 033 488	9 769 101	9 264 387	23.6	24.1	23.0
	15–64	54 881 652	27 732 601	27 149 051	67.9	68.4	67.4
	65+	6 895 385	3 033 433	3 861 952	8.5	7.5	9.6
2018	Total	82 003 882	41 139 980	40 863 902	100.0	100.0	100.0
	0–14	19 184 329	9 846 565	9 337 764	23.4	23.9	22.9
	15–64	55 633 349	28 123 283	27 510 066	67.8	68.4	67.3
	65+	7 186 204	3 170 132	4 016 072	8.8	7.7	9.8
2019	Total	83 154 997	41 721 136	41 433 861	100.0	100.0	100.0
	0–14	19 212 345	9 859 547	9 352 798	23.1	23.6	22.6
	15–64	56 391 925	28 524 329	27 867 596	67.8	68.4	67.3
	65+	7 550 727	3 337 260	4 213 467	9.1	8.0	10.2

Source: TURKSTAT (www.tuik.gov.tr, accessed 10 April 2020).

Table 15.2 Annual rate of inflation, Turkey, 2004–20 (annual rate of change, percentage)

	January	February	March	April	May	June	July	August	September	October	November	December
2004	10.59	9.48	8.40	7.87	7.31	7.08	7.79	8.45	8.01	9.43	9.47	9.35
2005	9.23	8.69	7.94	8.18	8.70	8.95	7.82	7.91	7.99	7.52	7.61	7.72
2006	7.93	8.15	8.16	8.83	9.86	10.12	11.69	10.26	10.55	9.98	9.86	9.65
2007	9.93	10.16	10.86	10.72	9.23	8.60	6.90	7.39	7.12	7.70	8.40	8.39
2008	8.17	9.10	9.15	9.66	10.74	10.61	12.06	11.77	11.13	11.99	10.76	10.06
2009	9.50	7.73	7.89	6.13	5.24	5.73	5.39	5.33	5.27	5.08	5.53	6.53
2010	8.19	10.13	9.56	10.19	9.10	8.37	7.58	8.33	9.24	8.62	7.29	6.40
2011	4.90	4.16	3.99	4.26	7.17	6.24	6.31	6.65	6.15	7.66	9.48	10.45
2012	10.61	10.43	10.43	11.14	8.28	8.87	9.07	8.88	9.19	7.80	6.37	6.16
2013	7.31	7.03	7.29	6.13	6.51	8.30	8.88	8.17	7.88	7.71	7.32	7.40
2014	7.75	7.89	8.39	9.38	9.66	9.16	9.32	9.54	8.86	8.96	9.15	8.17
2015	7.24	7.55	7.61	7.91	8.09	7.20	6.81	7.14	7.95	7.58	8.10	8.81
2016	9.58	8.78	7.46	6.57	6.58	7.64	8.79	8.05	7.28	7.16	7.00	8.53
2017	9.22	10.13	11.29	11.87	11.72	10.90	9.79	10.68	11.20	11.90	12.98	11.92
2018	10.35	10.26	10.23	10.85	12.15	15.39	15.85	17.90	24.52	25.24	21.62	20.30
2019	20.35	19.67	19.71	19.50	18.71	15.72	16.65	15.01	9.26	8.55	10.56	11.84
2020	12.15	12.37	11.86									

Source: TURKSTAT (www.tuik.gov.tr, accessed 10 April 2020).

Table 15.3 Main seasonally adjusted labour force indicators, Turkey, 2018–20 (age 15+)

Months	Labour force, labour force participation and employment rates					Unemployment rates (%)		
	Labour force (000s)	Employed (000s)	Agriculture (000s)	Unemployed (000s)	Labour force participation rate (%)	Employment rate (%)	Total	Youth (15–24)
2018 January	32 076	28 908	5 500	3 168	53.1	47.9	9.9	11.8
February	32 068	28 898	5 426	3 170	53.1	47.8	9.9	11.7
March	32 036	28 825	5 366	3 210	53.0	47.7	10.0	11.9
April	32 145	28 812	5 365	3 333	53.1	47.6	10.4	12.3
May	32 152	28 727	5 318	3 425	53.1	47.4	10.7	12.6
June	32 306	28 783	5 284	3 522	53.3	47.5	10.9	12.8
July	32 299	28 746	5 256	3 553	53.2	47.4	11.0	12.9
August	32 473	28 849	5 215	3 624	53.5	47.5	11.2	13.0
September	32 397	28 705	5 223	3 692	53.3	47.2	11.4	13.3
October	32 521	28 738	5 283	3 783	53.5	47.2	11.6	13.6
November	32 434	28 484	5 207	3 950	53.3	46.8	12.2	14.2
December	32 331	28 200	5 178	4 131	53.0	46.3	12.8	14.9
2019 January	32 325	27 988	5 159	4 336	53.0	45.9	13.4	15.7
February	32 499	28 037	5 135	4 462	53.2	45.9	13.7	16.0
March	32 639	28 104	5 129	4 536	53.4	45.9	13.9	16.2
April	32 568	28 032	5 048	4 536	53.2	45.8	13.9	16.2
May	32 434	27 896	5 024	4 538	52.9	45.5	14.0	16.3
June	32 539	28 016	5 057	4 523	53.0	45.6	13.9	16.2
July	32 623	28 016	5 119	4 607	53.0	45.5	14.1	16.5
August	32 652	28 078	5 112	4 574	53.0	45.6	14.0	16.4
September	32 579	28 094	5 104	4 485	52.8	45.6	13.8	16.1
October	32 595	28 213	5 010	4 382	52.8	45.7	13.4	15.7
November	32 602	28 328	5 051	4 274	52.7	45.8	13.1	15.3
December	32 406	28 191	4 954	4 215	52.3	45.5	13.0	15.1
2020 January	32 150	28 090	4 922	4 060	51.8	45.3	12.6	14.6

Source: TURKSTAT (www.tuik.gov.tr, accessed 10 April 2020).

youth unemployment was 15.1 per cent, also the lowest value in the same period. The population growth rate, population density in the working-age segment, high inflation and unemployment are crucial issues and need to be properly addressed.

In a country in which youth unemployment stands at 22.9 per cent (January 2020) and the not in education, employment or training (NEET) rate was 28.6 per cent at the end of September 2019,⁹ government and social partners have to act. The trade unions in particular have to focus on 'outsiders' more than they have done before. Otherwise the consequences will be harsh for working life and future generations. This situation will only worsen with digitalization and changes in the structure of work.

The social partners are focusing on unemployment. At the confederation level, DISK summarizes the current status as 'the appearance of unemployment: desperate, young and female' in its report issued in January 2020.¹⁰ Türk-İş also considers unemployment to be a large problem¹¹ and, in order to reduce its negative social effects, has proposed an amendment on the conditions of eligibility for unemployment payments. Türk-İş is calling for the simplification of the conditions of unemployment payments so that more unemployed people are able to meet these. The president of the Hak-İş confederation's has also declared that they are hoping for a fall in the unemployment rate, to 5 per cent.¹² On the employer's side, TISK's president, too, considers unemployment to be a major problem, which can be solved through more flexible working practices.¹³

In addition to the social partners' distinct perception of unemployment as a main problem, the government has established a number of incentives to tackle it. Employers are entitled to a cut in social security contributions if they employ young workers and/or women in addition to current employees. Although these incentives are appreciated, it is evident that they are not capable of bringing about a great improvement. Tripartite social dialogue would be one way of seeking appropriate solutions to the unemployment problem.

3.3 Migration

Another problem facing Turkey is the massive number of migrants within its territory. Mainly owing to the Syrian crisis, according to the United Nations High Commissioner for Refugees (UNHCR), Turkey is hosting 3.6 million Syrians and 400 000 refugees and asylum seekers of other nationalities.¹⁴ Only 1.7 per cent of them are living in temporary accommodation centres, with over 98 per cent of refugees live in urban, peri-urban and rural areas (UNHCR 2019). Owing to legislation,¹⁵ Syrians cannot be granted 'refugee' status from Turkey. In order to shelter them in the country, Turkey grants 'temporary protection' status to Syrians. The latest statistics show that 3 587 578 Syrians in Turkey are registered as having temporary protection status (Figure 15.1).

Temporary protection status does not give people the right to work directly. Any foreign-born worker who wants to work in Turkey has to obtain a work permit. The International Workforce Directorate General, under the Ministry of the Family, Labour and Social Services, deals with work permits. The latest official statistics for 2017 indicate that a total of 87 182 of work permits were issued, 20 966 of them to Syrians. Only 1641 work permits were issued to women. The official statistics for 2018 and 2019 have not been released, but the Ministry of the Family, Labour and Social Services has stated that 31 185 Syrians had been granted work permits by the end of March 2019.¹⁶

Source: Republic of Turkey, Ministry of Interior, Directorate General of Migration Management (last updated on 3 April 2020) (<https://data.tuik.gov.tr/Bulten/Index?p=Adrese-Dayali-Nufus-Kayit-Sistemi-Sonuclari-2020-37210>, accessed on 10 April 2020).

Figure 15.1 Syrian refugees in the scope of temporary protection by year, Turkey, 2011–20

There is a marked imbalance in the number of work permits issued to Syrians living outside temporary accommodation centres in urban, peri-urban and rural areas under temporary protection status in 2017 and in 2019. It is evident that many Syrians are working informally, without a work permit.

The ILO's national office is running several projects on Syrian refugees.¹⁷ Its Ankara office estimates that of the 2.1 million Syrians of working age in Turkey, 1 million are working. According to the ILO:

Syrian refugees are mostly employed informally in low-skilled jobs such as seasonal agricultural work, construction, manufacturing and textiles. They work long hours in unsafe conditions, receiving below minimum wage rates, or even not being paid at all. Ongoing research on the socio-economic situation of non-Syrian refugees indicates that, in a similar vein, they also mostly work informally in low-skilled occupations, however, sectors and occupations differ according to nationality and ethnic group.¹⁸

Informal work is not an issue for Syrians or foreigners alone. For the period 2014–18, according to the official statistics, over 33 per cent of work in Turkey was unregistered (Figure 15.2).

The ILO's Ankara office published the outcome of a needs analysis in 2018, focusing on what needs to be done by trade unions and employers' associations in order to maintain decent work for Syrians who are under temporary protection in Turkey.¹⁹ According to the report, there is a consensus about an open door policy towards Syrians among workers' confederations (DISK, Hak-İş and Türk-İş) and the employers' confederation (TISK). In addition, workers' confederations underline the necessity of registered

employment for Syrians with the same conditions as national workers. However, the majority of trade union representatives have stated that there are negative attitudes towards Syrians among their members owing to concerns about rising unemployment. That is, unregistered employment makes Syrians much cheaper than registered national workers. This report reveals that there is very limited contact with Syrians and trade unions at institutional level. As regards employers' associations, the situation is the same (Erdogdu 2018, p. 61). Erdogdu (2018, p. 80) also notes that migration issues in relation to working life have not been on the agenda of tripartite social dialogue mechanisms such as the Tripartite Consultative Board or the Labour Assembly. As a consequence, needs analyses have highlighted the need for training to create an inclusive working environment for Syrian workers (Erdogdu 2018, pp. 105–8).

Source: SGK (Institution of Social Security), accessed 10 April 2020 at http://www.sgk.gov.tr/wps/portal/sgk/tr/calisan/kayitdisi_istihdam/kayitdisi_istihdam_oranlari.

Figure 15.2 Unregistered work in Turkey 2014–18

Unregistered work affects both the social partners. Informal work causes worker exploitation in every aspect of working life, and unfair competition between employers. In addition, the state is losing tax revenue and social security contributions, which also affects future generations. There is no doubt that unregistered work should be a joint topic for tripartite social dialogue.

3.4 Global Supply Chains

Another substantive issue that needs to be better understood among the challenges facing the Turkish labour market are working conditions at the suppliers of global brands. Turkey is one of the top 25 textile and garment producing countries. According to a survey, conducted by Impact Centre Erasmus (Erasmus University Rotterdam) and ASN Bank (Maas et al. 2016), Turkey is in the supply chain of nine different textile and garment brands.²⁰

One of the biggest groups with a significant number of suppliers in Turkey is Inditex. Inditex and IndustriAll launched a programme in Turkey based on the Global Framework Agreement. The Joint Turkey Programme began in 2013 and aims to strengthen worker

participation in large Turkish factories. The purpose of the programme was defined by Inditex as follows: 'By opening up new channels of communication between workers and managers, local union representatives and the employer, all sides are building trust and finding common purpose for positive change. Workers selected their own representatives who were trained in the principles of collective bargaining.'²¹ In order to achieve this goal Inditex and IndustriAll carried out training programmes for workers in three factories. Over 800 workers benefited from these programmes in 2016.²²

Inditex also focuses on migration as a key topic concerning Turkey. The company launched a remediation plan to support Syrian workers in the country. The initial aim was to prevent any type of exploitation, including violations of their human rights. Subsequently, Inditex and the Refugee Support Centre (MUDEM, a non-profit organization) put their efforts into ensuring that refugees have fair working conditions and rights. In this context, MUDEM inform workers of their rights and advise them to legalize their employment status in Turkey, teach them Turkish and translate the necessary documents, such as regulations, procedures and health and safety topics.²³

Another international group, the Ethical Trade Initiative (ETI), also focuses on Syrian refugees working in Turkey's garment sector. The ETI launched a programme to encourage better employment conditions for both Turkish and Syrian workers. In partnership with ITKIB (General Secretariat of Istanbul Textile and Apparel Exporters' Associations), the UN refugee agency UNHCR, and the International Middle East Peace Research Centre, the ETI trained 178 suppliers on the employment of Syrian refugees in line with a 'law and decent work' agenda.²⁴

According to a survey conducted within the ETI project, factories in the first circle of international brands' supply chains do not have significant numbers of Syrian workers. As an example, in the first circle suppliers of a firm with around 400 suppliers in Turkey, there are around 20 Syrian workers in total. However, there are no Syrian members of trade unions in the textile sector and it seems that the unions have not prioritized this issue (Korkmaz 2018, p. 104).²⁵ One reason for this is the widespread informal working among Syrians. Although the four trade unions that are entitled to conduct collective bargaining in Turkey do not have any Syrian members, they are involved in programmes promoting legal and registered working among Syrians. Nevertheless, they have not made much effort to register them. According to researchers, one reason for that is the trade unions' institutional weakness. Only the Oz-Iplik Is trade union, which is affiliated to the Hak-İş confederation, is involved in the Hak-İş project for the employment of Syrians. Researchers consider this to be the most substantial effort directed towards Syrian workers even though they do not have any Syrian members. The Deriteks trade union, too, has shown solidarity with Syrian migrants, encouraging its members to rent accommodation to them, setting rentals and organizing its members to donate household items to Syrian migrants. However, Deriteks has not done anything about registering Syrian workers as members either (Korkmaz 2018, p. 111).

In addition to these multipartite initiatives, national researchers have also conducted studies on Syrians in the textile sector. One research project was conducted November 2015 and January 2016. The researchers (Mutlu et al. 2018) focused on 300 Syrians and 303 Turkish workers in the textile sector in Istanbul. A number of major issues were uncovered (Mutlu et al. 2018, p. 29). First, the proportion of child labour among the 300 Syrians working in the textile sector was 29 per cent. All of the Syrian workers and half

of the Turkish workers within the scope of the survey were working informally. Another infringement of national legislation concerned working hours. Although the legal working week is 45 hours in Turkey, only 2.3 per cent of these workers were in compliance with this. The rest were working the following hours: 46–50 hours (14.26 per cent), 51–55 hours (32.17 per cent), 56–60 hours (19.73 per cent), 61–65 hours (16.58 per cent) and more than 65 hours (14.93 per cent) (Mutlu et al. 2018, p. 81).

Excessive working hours are widespread in the textile sector. Employers in the first circle of brand supply chains told the researchers that the brands' purchasing practices were the primary cause of excessive working hours and informal work. According to them, the brands demand production that is 'as quick and cheap as possible'. In order to meet their demands, first-circle factories are obliged to subcontract. The researchers described this situation as follows:

As we heard from business associations in our fieldwork, unpredictable orders from many different buyers, and downward pressure on prices, put significant stress on suppliers. Young buyers, who lack experience, reportedly do not well understand the structure of the Turkish industry and the frequency and risks of subcontracting. They also reportedly disregard price components of production, including labour costs, minimum wages, and health and safety, and tend to set unreasonably low prices. This frequently leads suppliers to outsource production, often to undeclared factories that provide services at a lower cost, partly through exploiting workers. (Goethals and Korkmaz 2017, p. 13)²⁶

In order to be ready for the future world of work, the ongoing structural problems must be tackled. The high inflation rate and high unemployment create significant problems that are exacerbated by migration and informal working. The social partners have to be more effective in tackling these existing problems, as well as being ready to face the forthcoming challenges of digitalization and the changing world of work. In the following sections, we focus on the three items that were selected as most important by the social partners in this project: the representativeness of the social partners, the development of collective bargaining, and the social partners' attitudes to and role in digitalization.

4. STRENGTHENING THE REPRESENTATIVENESS OF SOCIAL PARTNERS

4.1 Formation and Legal Capacity of Trade Unions and Employer Associations

The establishment of trade unions and employers' organizations is free and no prior authorization is required. Trade unions and employers' organizations have legal personality. They are established by an association of at least seven workers or employers for the purpose of protecting and promoting their common economic and social rights and interests in labour relations. The same principles are valid for public service trade unions.

These organizations can be formed by workers and employers, on the basis of branches of activity. These branches of activity are determined by the annex to Law No. 6356, according to which there are 20 of them.²⁷ Article 5 of Law No. 4688 prefers the term 'service branches' to 'branches of activity' and defines 11 different service branches in which public service trade unions can be established.²⁸

Employer associations and trade unions, as well as public service trade unions may form confederations according to both of the codes. A confederation can be established by five trade unions established in different branches of activities or service branches.

4.2 Representativeness of trade unions

4.2.1 Representativeness of trade unions

In Turkey, the Ministry of the Family, Labour and Social Services releases biannual statistics (in January and July) of the total number of workers and the number who are affiliated to a trade union. The competency and authority of the trade unions, examined in section 5.2 of this chapter, can be determined in accordance with these statistics. The latest official statistics for trade union membership were released in January 2020.²⁹ The numbers of workers and of those affiliated to a trade union can be seen in Figure 15.3.

Figure 15.3 Total workers and trade union-affiliated workers, Turkey, 2018–20

As Figure 15.3 shows, trade union-affiliated workers can be described as a minority, with a unionization rate of around 13 per cent. However, these data published by the Ministry of the Family, Labour and Social Services are based on registered workers. A recent survey on unionization carried out by DISKAR (DISK's research centre), issued in February 2019 (DISKAR 2019), takes informal work into consideration when determining the unionization rate. The difference between unionization rates can be seen in Figure 15.4.

Concerning solutions for strengthening trade unions, trade unionists tend to underline impartiality and member support. They have to be independent of the state and other social actors. By contrast, if a trade union is granted by management or other sources it does not help their cause. According to the trade unionists, only by fulfilling these basic requirements will trade unions be capable of protecting workers' rights.³⁰

4.2.2 Strategies for recruiting new members

To maintain their existence, gain support and attain power trade unions need to reach and register new members. According to the Türk-İş, which is the largest trade union

Figure 15.4 Unionization rates, Turkey, 2018–19

in Turkey, ‘awareness raising has to be realized among workers in order to gain new members. The most important obstacle to unionization is workers’ lack of knowledge about trade unions and their functions. This lack of knowledge also leads to prejudices against trade unions’. This approach is shared by other trade unions,³¹ as is the belief in the natural bond between democratization and unionization indicated during the interviews in relation to workers’ perception of unionization.³²

Sometimes this situation causes another misuse of freedom of association, as one trade union interviewee explained:

Occasionally some workers try to ‘instrumentalize’ the right to join to a trade union only on the condition of a forthcoming dismissal on grounds of different causes. In that scenario, workers only think about gaining extra compensation on the grounds of dismissal due to trade union membership. This approach diminishes the importance of trade unions as well as the freedom of association.

One suggestion for informing workers in industrial zones made during the interviews was workers’ offices, which would help trade unions to identify the specific problems with working conditions in that industrial zone. This would also facilitate workers’ union registration.³³

In general, trade union representatives declare that some employers are against trade unions. In order to eliminate this hostility, a suggestion made during the interviews was to make it possible for employers’ social security contributions to be tax deductible. This would be a useful incentive for employers to alter their attitude towards trade unions and collective bargaining.³⁴

DISK approaches the representativeness problem in the light of ILO Convention Nos 87 and 98. Underlining the issue that Turkey has contradictory practices and legislation in relation to these conventions, Turkey has been identified as among ‘the world’s ten worst countries for workers’ in the ITUC global rights index. They face obstacles in daily working life regarding their current members and potential members. A DISK representative states:

The double threshold system, long legal cases to determine the branch of activity and/or authority of a trade union, deterrent trials against workers and dismissals on the grounds of unionization restrict the right to organize. It may take years for us to sign a collective agreement due to de facto and de jure pressure. Anti-trade union utterances by some employers or politicians create another obstacle for registering new members.

The main problem with reaching new members on the workers' side is thus a lack of awareness of trade unions and inadequate legal protection.³⁵

Birlesik Metal-İs trade union has suggested special protective measures during workplace unionization. For example, employers should not be able to say anything, whether positive or negative, about trade unions. Also, other than on justified grounds, no employment contract can be terminated during a trade union's efforts to organize at that workplace. A system imposing industrial bans may also help to protect workers during the initial phases of unionization.³⁶

On the employer's side, as regards TISK, they have no difficulty reaching new members. They provide their members with assistance and information on domestic and international developments in relation to working life. TISK also plays an important role in launching projects to meet their member associations' needs. These projects and services include the following:

- Given the lack of skilled labour and the difficulties experienced by the business world in this regard, studies have been carried out in Turkey on 'Improving the vocational and technical education system and increasing the contribution of the private sector to on-the-job training programs'.
- In order to contribute to the development of employment and support companies in qualified staff training, the Global Apprenticeship Network (GAN Turkey) was established in coordination with the Turkish Confederation of Employer Associations in 2015 at the recommendation of the Global Apprenticeship Network (GAN Global), which was established in 2013 at the initiative of the IOE and Business at OECD (BIAC) and with the support of the ILO. GAN Turkey is still in operation.
- Furthermore, UK National Education Institution training in occupational health and safety (NEBOSH) training courses were provided free of charge to 200 people in the workplaces of our members at their request.
- Within the scope of the OHS Forum Theatre Event, 110 plays were performed free of charge at the workplaces of our members at their request. This is planned to be increased to 200 plays.

As an employer representative, one of TISK's priorities is capacity-building among its members in relation to sustainability. In this context, TISK provides the foundation for the UN Global Compact Turkey Network. The platform has a significant impact on increasing corporate sustainability in the business world. This may be regarded as one of TISK's services.

An important trade union tool for recruiting new members is the provision of new services. Historically, trade unions are main actors in wage development and collective bargaining. In addition, they may provide services, such as cheap holiday accommodation, discount shopping at supermarkets, and hospitals and/or private schools for their

members. Turkmetal reports that it provides training in various areas for its members and their families; for example, training related to drug use and oral hygiene. They also issue their members with discount cards for various supermarkets. In addition, women's boards have been proposed in workplaces at 152 different employers, within the context of group collective agreements with MESS (Turkish Employers' Association of Metal Industries). The main purpose of these boards is to eliminate violence and discrimination. Complementary health insurance was also included in the group collective agreement, to be financed by MESS.³⁷

The second biggest trade union in the metal sector, Birlesik Metal-İs, also provides new services for its members, such as seaside holiday options at the union's training facilities, issuing and disseminating various publications, assistance with hospital care for members suffering severe and long-term illnesses. DISK, to which Birlesik Metal-İs is affiliated, tries to improve its members' capacities with training activities, publications, and social and cultural events. These efforts enable members to participate actively in democracy.

The employers' association, MESS, is the signatory party of group collective agreements with Turkmetal and Birlesik Metal-İs. During our interview, they declared that approaching new members does not constitute a problem for them and they had registered 28 new companies in 2019.

MESS also provides additional services for its members. This includes cash support for payment of the employer's social security contributions. In the event of strikes and lock-outs, they can also provide cash assistance from the MESS Strike and Lock-out Assistance Fund.

Concerning the complementary health insurance, MESS also mentioned that the group collective agreements of 2017–19 provided 130 000 employees and their families with access to free health care with complementary health insurance, financed by MESS. To date, complementary health insurance has been used 460 000 times for treatment and for more than 10 000 operations. MESS also provides various training courses in the workplace and promotes grants for vocational training.

Tez Koop-İs also provides new services, such as vacation possibilities at the union's training facilities, mainly at the seaside, complementary health insurance, deductions for members at private hospitals, schools and dental clinics. In addition, there are special provisions on the elimination of domestic violence and the prevention of bullying in collective agreements.

There are two ways of providing new services. The first is to offer deductions or promotions from the manufacturers and/or service providers for trade union members. The second is for the union itself to provide services.³⁸ Turkish trade unions generally prefer the first option.

Trade unions use social media and communications actively to reach new members. They think that this is the best way to contact potential and existing members.³⁹

4.3 Representativeness of Public Service Trade Unions and Assessments of Registering New Members

The Ministry of the Family, Labour and Social Services releases annual statistics on unionization rates among public employees. Trade union representativeness and

registration of new members have different dynamics among public service employees. Since 2002, unionization rates have developed as listed in Table 15.4.

Table 15.4 Public service employees and unionization rates, Turkey, 2002–19

	Total public service employees (who can join a trade union)	Total public service employees who are affiliated to a trade union	Unionization rate (%)
2002	1 357 326	650 770	47.95
2003	1 272 267	788 846	62.00
2004	1 564 777	787 882	50.35
2005	1 584 490	747 617	47.18
2006	1 586 324	779 399	49.70
2007	1 617 410	855 463	52.89
2008	1 691 299	931 435	55.07
2009	1 784 414	1 017 072	57.00
2010	1 767 737	1 023 362	57.89
2011	1 874 543	1 195 102	63.75
2012	2 017 978	1 375 661	68.17
2013	2 134 638	1 468 021	68.77
2014	2 270 558	1 589 964	70.03
2015	2 354 314	1 679 028	71.32
2016	2 452 249	1 756 934	71.64
2017	2 431 228	1 684 323	69.28
2018	2 484 580	1 673 318	67.34
2019	2 549 094	1 702 644	66.79

Source: Ministry of Family, Labour and Social Services statistics, accessed 10 April 2020 at https://www.ailevecalisma.gov.tr/media/12228/2019_uyesayilari.pdf.

The unionization rate is high, but it cannot be said that there are no problems with representativeness and recruitment of new members. Türkiye KAMU-SEN Confederation states that they face political pressure and that their members and potential members suffer from discrimination regarding promotion, reinstatement and posting to lower ranking or worse positions. However, Türkiye KAMU-SEN tries to improve its members' quality of life with its social facilities.

As regards the autonomy and self-governance of public service trade unions, Türkiye KAMU-SEN has its critics:

Unfortunately, many of the trade unions are influenced by ideological zealotry. Although efforts to promote trade unionism, prevent exploitation of labour, protecting legal rights of public servants are weakened by some of the public servants' trade unions which are close to political power, they keep gathering more and more members. This oxymoron is the best example of trade union's ideological quandary. Even though they do not realize any action for promoting civil servants' working conditions, they continue to register new members. They act like a civil appendix of the political power by manipulating crowds through a certain ideological aim. The important point for a trade union must be the position of itself towards labour exploitation. In order to determine these, long-term actions of a trade union and/or confederation have to be analysed. As Türkiye KAMU-SEN, we have realized our first mass action in 1994. Consecutively in 1995, 1996, 1997, 2000, 2002, 2006, 2009 [and] 2012 we have organized protest

in order to promote rights of public servants as well as democracy. The latest action was in 2014 concerning an 'additional rise' for public servants, 25 000 public servants have involved in this action.

4.4 What Has to Be Done for the Social Partners in Order to Be More Effective in the Changing World of Work?

In order to be ready for the new challenges, the social partners must have the ability to react properly. It will be beneficial for all the partners to be proactive in relation to the future of work. During the interviews, social partners were asked what is needed to enable them to be more effective. On the employer's side, in order to play a more effective role in the changing world of work, MESS lists major problems and solutions as follows:

- combating the structural unemployment problem and creating new jobs;
- the ability of enterprises to rapidly adapt to changing production conditions and competition in domestic and international markets;
- combating unregistered employment;
- improving employment options for groups such as women, young people and people with disabilities, and facilitating their first job by using assured flexicurity mechanisms.

TISK's suggestions are similar:

As change accelerates, decision-makers, business and its representative organizations need to be innovative, adaptable and more flexible in order to ... take advantage of opportunities. It is important that employers' organizations cooperate more closely with governments and trade unions to establish a regulatory and institutional framework to monitor global and domestic developments and minimize negative impacts. It should proactively support its members in providing some services, such as training, counsel, representation or support. It should provide support to its members in matching skill trainings with the demands of the education and business community.

DISK interprets its main need as follows: 'Unless full compatibility with ILO Conventions is realized in the sense of freedom of association, there is no way for trade unions to be effective. Thus far, the hands of trade unions have been tied.'

5. SUPPORTING SOCIAL PARTNER AUTONOMY

5.1 Levels of Collective Bargaining

5.1.1 Collective bargaining for workers and employers

According to Law No. 6356, there are three levels of collective bargaining: the workplace, the enterprise and the group. There is also another type of agreement. According to Article 2 of Law No. 6356, a framework agreement can be concluded at sectoral level between unions and employers' associations that are members represented in the ESC. This is not a type of collective agreement in legal terms. It is an agreement that can be

concluded about vocational training, health and safety at work, social responsibility and employment policies. However, Law No. 6356 stipulates that only a collective agreement can contain provisions on the conclusion, content and termination of employment contracts. A framework agreement can be considered to be a policy statement or a roadmap for the signatory parties, instead of a binding collective agreement. As a general principle, there can be only one collective agreement in the relevant bargaining unit (workplace or enterprise) in Turkey (Directorate-General for Employment, Social Affairs and Inclusion 2018, pp. 6–7).

The Law also mentions group collective agreements, which cover workplaces and enterprises in the same sector. The main difference between enterprise and group collective agreements is the number of employers involved. If there is only one employer (whether a natural or a legal person) who runs an enterprise, an enterprise collective agreement has to be concluded. This is mandatory for enterprises within the meaning of Law No. 6356. If there is more than one employer (whether natural and/or legal persons) in the same sector and the same trade union is authorized in their workplaces or enterprises, they can conclude a group collective agreement.

Group collective agreements cannot cover contractual terms and conditions for an entire sector. Only one trade union can represent the workers and the same trade union has authority and competency in several workplaces and/or enterprises. The employer side consists of employers active in the same sector who have chosen to be a part of a negotiating group. The main difference between a framework agreement and a collective agreement is the scope of provisions. A framework agreement does not contain provisions about the terms of an employment relationship. There are several group collective agreements in the metal, textile and cement sectors. This is not a mandatory level of collective bargaining. If the social partners do not wish to negotiate a group collective agreement, they can conduct separate and independent collective bargaining for every workplace or enterprise (Directorate-General for Employment, Social Affairs and Inclusion 2018, p. 7).

The legal determination of collective agreement levels and types has been deemed contrary to the ILO's Conventions by some trade unions. In order to comply with international standards, levels and types of collective agreement have to be decided by the social partners.⁴⁰

5.1.2 Collective bargaining for public servants

According to Law No. 4688, collective bargaining for public servants can only be about financial and social rights. For example, collective bargaining cannot discuss issues such as promotion, work regulation or disciplinary procedures. This has repeatedly been criticized by the ILO's Committee on the Application of Standards on the grounds that limiting the subjects for collective bargaining is contrary to Convention No. 98.

There is only one level of collective bargaining and collective agreement for public servants. The negotiations are carried out for all public service employees and all public sector workplaces. Collective bargaining for public service trade unions is conducted between the Public Employers' Delegation (PED) and the Public Service Employees' Trade Union Delegation (PSUD). The PSUD is composed of 15 members. The head of the delegation is determined by the confederation with the most members among public service employees affiliated to a trade union. The trade unions with the most members

in each branch appoint a representative, and the first three confederations by number of members each names a representative. The most representative rule is applied when determining the members of the PSUD.

The method of collective bargaining among public service employees was criticized by the Committee of Experts on the Application of Conventions and Recommendations in 2019:

The Committee had also noted the observation of Türkiye KAMU-SEN in this regard, indicating that many of the proposals of authorized unions in the branch are accepted as proposals relating to the general section of the agreement, meaning that they should be presented by a confederation pursuant to the provisions of section 29 and that this mechanism deprives the branch unions of the capacity to directly exercise their right to make proposals. Noting that although the most representative unions in the branch are represented in the PSUD and take part in bargaining in branch-specific technical committees, their role within the PSUD is restricted in that they are not entitled to make proposals for collective agreements, in particular where their demands are qualified as general or related to more than one service branch, the Committee had requested the Government to ensure that these unions can make general proposals. The Committee notes the Government's indication in this regard that it is only natural that the proposals concerning all public servants are tabled by members representing those confederations in the PSUD that are higher level union organizations and that, during the four collective bargaining rounds that have taken place since the inception of the system in 2012, public service unions have participated in the negotiations as members of the PSUD and could in this way influence the general proposals. The Committee notes that the Government's indications seem to confirm that within PSUD only confederations can make proposals relating to issues concerning more than one branch. Given the fact that, where joint bodies are set up for the conclusion of collective agreements, and the statutory conditions for participation in these bodies are such as to prevent the most representative trade union in the branch from involvement in said bodies, the principles of the [ILO] Convention are impaired, the Committee again requests the Government to ensure that Act No. 4688 and its application enable the most representative unions in each branch to make proposals for collective agreements – including on issues that may concern more than one service branch – affecting public servants who are not engaged in state administration. (ILO 2019, p. 170)

As the Committee clearly stated, the main public servants' trade unions in the sector can make proposals within the PSUD only to a limited extent.

5.2 Two Important Terms: Competency and Authority

There are two main requirements for collective bargaining and collective agreements in Turkish collective labour law, competency and authority. A competent trade union is a trade union that represents at least 1 per cent of workers in the relevant sector. This is the first prerequisite for a trade union to engage in collective bargaining. The Ministry of the Family, Labour and Social Services issues biannual statistics on the membership of trade unions at sectoral level. The second requirement is authority. An authorized trade union is a trade union that represents the majority (50 per cent plus one) of workers at the workplace in concluding a collective agreement at this level. To be considered an authorized trade union for the conclusion of an enterprise level collective agreement, at least 40 per cent of the workers at that enterprise have to be members (Sur 2017, pp. 263–81; Directorate-General for Employment, Social Affairs and Inclusion 2018, p. 7).

As regards unionization, most workers want to be a member and they put some effort into achieving this. Problems arise if employers are hostile to trade unions and do not want one in their enterprise. Some employers may offer extra benefits to persuade workers to renounce their union membership, while others fire workers who join a union.⁴¹

The period during which a union is waiting for recognition is the most precarious for the workers. According to trade unionists,⁴² the legal protections are not badly designed on paper, but are not effective enough in practice to protect workers who have been discriminated against (including dismissal) on the grounds of their union membership.

Trade unions have put forward various models for authorization. Birlesik Metal-İs has suggested the establishment of an independent board⁴³ to take charge of determining the authorized trade union and the imposition of a deadline. As an example, this independent board would have to make its decision within four months, otherwise the authority would be conferred on the trade union that applied for it.⁴⁴ Tez Koop-İs has also demanded simplification of the authorization procedure.

The double threshold system, which has been criticized by the ILO especially in respect of the 1 per cent threshold (ILO 2019, p. 169), puts additional pressure on trade unions. A union that meets the 1 per cent threshold needs to register enough workers as members at the workplace or enterprise level within a short period of time, otherwise some employers will put pressure on workers to resign from the union.⁴⁵ Some trade unions approach the double-threshold system positively; in their opinion, if there was no threshold, trade unions would proliferate excessively. One interviewee declared that ‘before 1980 there were 956 trade unions; after 1980 the number of trade unions had decreased while the number of trade union members remained almost same’. He continued, ‘before 1980, trade unions were like granulated sugar; after that, they became cubes: together and strong’.

Another issue is employers’ legal objections to trade union authority. These objections can disrupt activities whether they are legally justified or not. Owing to judicial delays, trade unions risk losing their majority in workplaces where the employer takes legal action. During the proceedings, the courts demand information from the Ministry of the Family, Labour and Social Services in order to determine the number of members and the authority of the trade union concerned. Sometimes the list of trade union members is provided to the courts by the Ministry and the information enables the employer to identify them. This may lead to pressure or even dismissal.⁴⁶

5.3 Collective Bargaining Coverage

The Ministry of the Family, Labour and Social Services releases official statistics every year on various aspects of working life. One indicator included is the number of collective agreements. The latest official statistics, for 2017, were released in December 2018. Figure 15.5 presents total workers, unionized workers and workers covered by a collective agreement for the period between 2014 and 2017.

According to July 2017 statistics from the Ministry of the Family, Labour and Social Services on workers and trade union membership, there were 13 581 554 workers, 1 623 638 of whom were trade union members. Among these, only 800 288 – just under half – were covered by a collective agreement.⁴⁷

Figure 15.5 Coverage of collective agreements, Turkey, 2014–17

The number of workers presented as covered by a collective agreement in these statistics is the total number working at the relevant workplaces, but the number of workers actually within the scope of these agreements is much lower. This means that there can be different working conditions, wages and other pecuniary rights even in the same workplace. This depends on workers' membership of the trade union that signed the agreement. Another option is for workers who are not members of the signatory trade union to pay a solidarity contribution to benefit from the collective agreement. As a consequence, workers who are not members of the signatory trade union and do not pay a solidarity contribution to it cannot demand the same wage as members.

One of the main problems with the low coverage of collective agreements is the segmentation of workers on a blue-collar/white-collar basis. Most white-collar workers do not consider themselves workers and they may be omitted from the scope of a collective agreement. This can obstruct a great many workers from enjoying the collective rights recognized by the Constitution and other legal documents. This should be corrected as soon as possible.⁴⁸

According to the trade unions, the procedure of collective bargaining is complex and very detailed. Another shortcoming is that the legal regulations put all the responsibility on the trade unions, even if the employer's side does not accept them as a counterparty and does not even communicate with them. If the employer does not attend meetings and has no contact with the union, Law No. 6356 nevertheless imposes all the relevant procedures, including obligatory mediation. The law should be amended urgently to prevent employer behaviour which obstructs freedom of association and the right to collective bargaining.⁴⁹

Furthermore, coverage of collective agreements among public service employees differs from among workers in general. Article 28 of Law No. 4688 states that, excluding the collective agreement bonus, all public servants will be within the scope of collective agreement provisions, irrespective of trade union membership.

5.4 Extension Mechanism in Turkey

Extensions can be used to increase collective agreement coverage. This does not occur in Turkey, however, although there is an explicit article in Law No. 6356. According to the first subparagraph of Article 40 of Law No. 6356:

The President of the Republic may, upon the request of any of the trade unions or employers' associations or any of the employers within a sector, or at the request of the Minister of Family, Labour and Social Services, after receiving the opinion of the Higher Board of Arbitration, extend a collective labour agreement concluded by the trade union with the largest number of members in the sector in which the workplace for which an extension is to be made is established, either in whole or in part or after making the necessary changes to all or some of the workplaces not covered by any collective labour agreement within the same sector. The Higher Arbitration Board shall declare its opinion on the related subject within fifteen days.

Between 1963 and 1980, extension was never used, and in 1983–2012 there were only 18 instances of extension. Between the two periods, after the military coup in 1980, there were bans on strikes and lock-outs, and for the years 1980–83 there were as many as 63 extension decisions for different workplaces in various industrial branches.⁵⁰

Regarding the Ministry of the Family, Labour and Social Services, despite the article about extension, neither trade unions nor employer's associations (and employers) apply for extension, owing to various concerns. For the trade unions, extension can have a negative impact on unionization rates. Implementing extension in non-unionized workplaces faces opposition from the employers' side on the grounds of cost increases. On this issue, the Ministry underlines that there is no restriction on extension, so the social partners need to be more enthusiastic about it.

According to Türk-İş, the extension of collective agreements could be used on condition of deducting a contribution from workers who will benefit from it, which is then paid to the trade union that signed it. If any worker does not want to be within the scope of that extended agreement, they can be excluded.⁵¹ Another approach to extensions requires that they are used only on condition of deducting solidarity contributions to the signatory trade union. If that requirement is not met, the usage of extension mechanisms would undermine trade union membership.⁵² DISK has declared that extension mechanisms should be implemented widely. The low coverage of collective agreements and low unionization rates are leaving workers unprotected, so in order to overcome this, DISK suggests that the extension mechanism regulated in Law No. 6356 should be imposed on non-unionized workplaces.⁵³

Birlesik Metal-İs assumes that extension mechanisms may cause an increase in non-unionized workplaces. According to the interviewee: 'Extension mechanisms [may lead] workers to think that they do not need to be a member of a trade union. They can be used only on condition of the termination of extension if a trade union starts registering members at that workplace.'⁵⁴ According to the employers' association MESS approach, extensions covering most of a sector are beneficial if needed to keep the peace.

TISK, too, takes a positive approach to extension mechanisms, defining its attitude as follows:

There is no doubt that being subject to the same provisions of the collective agreement for workers working in the same sector will ensure equality and labour peace.

However, it is important to take into account the effect of extension of the scope of agreements, which are the product of the mutual will of workers and employers, as well as on freedom of contract and trade union activities.

5.5 Autonomy of the Social Partners

In Turkey, the social partners can engage in bargaining on every aspect of working life. That is, they can bargain about the conclusion, contents and expiry of contracts of employment. Turkish law, of course, enshrines numerous provisions to protect workers. For example, overtime work must be remunerated with at least a 50 per cent bonus per hour. However, the social partners can agree to pay overtime work at a higher rate. There are also statutory provisions in the Labour Code that the social partners cannot deviate from; for example, compensation for invalid termination of an employment contract cannot exceed eight months' salary. The minimum wage is determined nationally by a tripartite board.

Regarding the autonomy of the social partners, the opinions of trade unions and employers' associations differ. The unions did not mention any problem with the room provided for collective bargaining by legislation. By contrast, MESS remarked on the limitation to wage bargaining, which they see as arising from the attitude of the trade unions. They explained that they want flexibility in order to adapt to digitalization and emerging economic reality. Considering the rapid development of technology and the changes brought about by digitalization in business life, the impediments to social autonomy are thought to be eliminated by increasing the level of knowledge and awareness. Another topic for MESS is the trade unions' attitude towards their demand that the duration of collective agreements should be set at three years. Each contract period is preceded by four or five months' preparation, after which negotiations begin. Negotiations officially go on for two months. In the event of conflict, mediation may begin. Therefore, at least eight to ten months out of every 24 are spent on collective bargaining. This corresponds to about half of the work schedule, and the system may disrupt investment and production decisions. In addition, according to MESS, legislation on working conditions generally includes mandatory provisions. This restricts the employer's right to manage and conduct collective bargaining as it sees fit, which may make it difficult to reach agreement.

When evaluating legal restrictions on social partner autonomy, workers employed by sub-subcontractors should be mentioned. For over a decade, workers employed by a subcontractor within the scope of a public procurement agreement constituted a source of great unrest in the field of labour law and social policy. Massive law suits were filed by subcontractor workers against public institutions with legal status as principal employer. These law suits mainly concerned differences in wages and other social and economic rights between state workers and subcontracted workers.

This situation has aroused public opinion against the sub-contracting system in the public sector. In December 2017, a decree was issued and most public sector subcontractor workers were deemed to be regular or direct workers of the relevant public institution. This decree has many provisions, related to both individual and collective labour law. Considering the aim of this chapter, however, only the collective bargaining aspects are discussed.

According to Decree No. 696, for workers who have transferred from subcontractor to permanent worker status at a public institution, their wages and social benefits are fixed at the statutory level. Even if they are covered by a collective agreement, the provision on wages and social benefits cannot exceed the amount laid down in a model agreement concluded by the High Board of Arbitration for public sector subcontractors. The decree fixes an upper limit on wage increases and social benefits up to 2020, which constitutes an infringement of the autonomy of collective bargaining, which is recognized as a constitutional right in Turkey (Yıldız 2018, p. 10).

Another restriction has been imposed on Law No. 6356 by Decree No. 696. According to a new article added to Law No. 6356, government, public employers' associations and employer confederations can sign framework agreement protocols for workers in the public sector. This will be binding for the trade unions affiliated to the signatory confederation during the period of validation. That is, if the protocol is in force, no trade union can sign a collective agreement with a higher wage increase than that decided in the protocol. This article was criticized by trade unionists during the interviews.⁵⁵

The autonomy of public service trade unions is very limited regarding collective bargaining, which for public servants is limited by the law to financial and social rights. Article 28 of Law No. 4688 excludes working time, promotion and careers, as well as disciplinary sanctions. The Committee of Experts once again noted that this restriction is contrary to ILO Convention No. 98 in 2019 (ILO 2019, p. 170).

5.6 Industrial Action and the Social Partners

Although strike action is a right in the Constitution and in Law No. 6356, in practice strikes are rare. The ban on strikes and lock-outs has been regulated broadly in Turkish

Figure 15.6 Number of strikes and lock-outs, Turkey, 2008–17

legislation. The list of prohibitions is as follows: life- or property-saving; funeral and mortuary; production, refining and distribution of city water; electricity; natural gas and petroleum, as well as petrochemical works, whose production starts from naphtha or natural gas; in workplaces operated directly by the Ministry of National Defence, the General Command of the Gendarmerie and Coast Guard Command; firefighting carried out by public institutions; and in hospitals.

In addition to this wide ban on strikes and lock-outs, there is an article on suspending strikes. According to Article 63 of Law No. 6356, the President can suspend a strike or lock-out for 60 days, on the grounds of public health or national security, by decree. During that postponement, the social partners can conclude a collective agreement. If they are unable to conclude a collective agreement, they may not go on strike or impose a lock-out. That is, in Turkish legislation, if a strike is suspended by decree of the President, the strike is prohibited. The system regards the solution of the conflict as compulsory arbitration by the High Board of Arbitration (Yıldız 2016, p. 307).

Article 63 was criticized by the Committee of Experts in 2019, which stated that 'for a number of years, the Committee, along with the Committee on Freedom of Association (CFA), has been requesting the Government to ensure that section 63 of Act No. 6356 is not applied in a manner so as to infringe on the right of workers' organizations to organize their activities free from government interference' (ILO 2019, p. 165). The Committee regards Article 63 as an infringement of ILO Convention No. 87.

Restrictions on the right to strike are a massive problem for Turkey, according to DISK and Birlesik Metal-İs. The ban on the right to strike related to conflicts of rights is of particular importance. The suspension of strikes is also contrary to international agreements. These restrictions weaken trade union power.⁵⁶

According to Law No. 4688, public servants do not have the right to strike. If there is a dispute during the collective negotiations between the PSUD and the PUD, the conflict has to be addressed to the Public Employee Arbitration Board.

However, in 2003, a public-school teacher joined a strike called by Egitim-Sen, and was punished by a wage cut. The first-instance court rejected the application made by the union on behalf of the teacher about this punishment. Egitim-Sen appealed against this judgment and the result was positive. According to the Board of Administrative Circuits of the Council of State, the punishment was illegal. This decision was based on Article 11 of the European Convention on Human Rights. After that decision, another application was made to the Constitutional Court. As a result, in judgment No. 2013/8463, the Constitutional Court stated that the applicant's 'right to organize' regulated in Article 51 of the Constitution had been violated, and their legal fees should be compensated by the state (Yıldız 2016, p. 310).⁵⁷

Another important decision was made by the Seventh Circuit of the Court of Appeal. In 2013, approximately 100 workers at Mersin Port occupied their workplace, blocking the gates with machinery and preventing other workers from entering the workplace. After that occupation, the employer dismissed several workers, one of whom, who was the union representative at the workplace, sued. The Court of First Instance rejected this, stating that the dismissal was justified on the grounds of participating in an illegal strike. The applicant appealed against that decision and the Seventh Circuit of the Court of Appeal declared that, according to ILO Conventions, the European Convention on Human Rights and the European Social Charter, collective actions, including strikes, are

a human rights. In light of this international legislation and Article 90 of the Turkish Constitution, workers' actions aiming to improve working and living conditions, including occupations of workplaces, on condition they are peaceful, have to be regarded as exercising a democratic right. These collective actions cannot be declared illegal, on condition that they comply with the proportionality principle. As consequence, the Seventh Circuit of the Court of Appeal stated that the dismissal was unlawful and the worker had to be reinstated by the employer.⁵⁸

6. SOCIAL PARTNERS AND DIGITALIZATION

Digitalization is still a mysterious word in relation to working life. There are both optimistic and pessimistic views. There are also non-committal views.

As regards the social partners, it is logical to begin with the attitudes of the union confederations. Türk-İş began to deal with the concept of Industry 4.0 institutionally in January 2019. Digitalization is not yet an issue for them, however. According to DISK, digitalization is leading to job insecurity, uncertainty and more abuses. Digitalization, and specifically platform work, make industrial relations more equivocal. One DISK representative expressed their concerns as follows:

Who is the employer of a courier [rider] who works through a platform? The application, the sender or the receiver? Or the producer of the transported good? If the courier has a work accident during a delivery who will be responsible? These are hard questions for workers and public authorities. Digitalization is a new tool for outsourcing.

The public servants' trade union confederation, Türkiye KAMU-SEN, has a suggestion about preparing for digitalization. In order to tackle the challenges, it proposes launching a 'Trade Union 4.0'. The main idea is to establish a permanent and country-wide centre tasked with finding solutions to possible problems arising from digitalization. This centre will help to harmonize digitalization and workforce needs. In addition, they suggest starting programmes to identify future jobs that will be needed, and jobs that may be eradicated, because of technological changes. For the second group, the necessary means for step-by-step transition must be created. After that initial step, the education system has to be developed to introduce these changes to society, especially to children. They also underline the importance of legal changes that need to be planned.

On the employers' side, at confederation level, TISK focuses on digitalization as an important topic. TISK states its concerns as follows; 'Digital transformation is the most important subject on our agenda and this is not only specific to Turkey, this is a problem facing employers in other countries as well. Turkey has great potential to adapt to new technologies, employment creation or software investment in new digital industry.'

TISK is also taking steps to be more effective in dealing with the challenges. They describe their efforts as follows:

At TISK, we are conducting Future of Work research in cooperation with McKinsey & Company. Through this research, we will be able to demonstrate in detail the transformation of sectors and businesses in Turkey, as well as of the skills used in working life. In the meantime, we will mobilize the social dialogue parties on the priority steps to be taken in order to be prepared most effectively for the future that will be transformed by digitalization.

In addition, in order to help individuals, especially young people, to acquire more skills and develop them in the workplace, we are trying to encourage employers to offer as many and varied on-the-job training programmes as possible through the GAN Turkey on-the-job training network. It is important that employers increase their on-the-job training programmes, instil a lifelong training culture in their employees, and communicate the importance of their participation in these programmes in a motivating manner through incentives.

As to the steps needed, TISK underlines the importance of cooperation between government, employers and workers. TISK states that:

In this sense, governments and employers need to invest in new lines of business and there are a lot of job areas open for improvement in this regard.

Trade unions should also make demands and recommendations regarding digital transformation in collective bargaining processes, such as skills transformation and investment in blue-collar workers in particular.

Determining a common roadmap for the future business community through public–private cooperation will be one of the most important aspects of preparation for this change. This roadmap should include planning appropriate business transition paths by sector, reviewing practices related to workers' reacquisition or relocation, and proposals for transition to a new business world.

Cooperation between public institutions, the private sector, educators and legislators in this field will help to improve the system in general and provide new skills for employees.

At TISK, we have started to participate in and support this change thanks to the Technology Centre established and run by one of our member unions in order to develop the skills of the employees of medium-sized companies and support business by sharing good practices.

Regarding digitalization on the government side, the Ministry of the Family, Labour and Social Services is putting its efforts into awareness-raising and capacity-building. The topic of the Twelfth Labour Assembly was 'Working for a Brighter Future'. The Ministry, too, has launched a project to support decent work for the future. This project, founded by the European Union (EU), encompasses training in e-trade, digital literacy, future jobs and awareness-raising as regards the future of work. One aim of the project is to promote cooperation and coordination between workers and employers' organizations, as well as universities and other institutions. In addition, the National Employment Strategy (2020–2023) will contain 'the Future of Work Basic Policy Axis'. In order to realize these goals the Ministry prioritizes active participation of social partners.

The Ministry of the Family, Labour and Social Services also recognizes the importance of investments aimed at workers, including lifelong learning programmes. Naturally, preparing for the future of work demands multilateral efforts. The Ministry of the Family, Labour and Social Services lists the following as important in efforts to strengthen social dialogue and capacity-building in order to meet the challenges of the future of work, including digitalization:

- In order to tackle the challenges of digitalization the education system has to be adapted to keep up with technological change.
- Tripartite strategies on digitalization will be a pillar of the system.
- Protecting fundamental rights of workers regardless of their employment status.
- Adaptation of social policy and the world of work to demographic change. Youth unemployment and older people's difficulties entering the labour market have to be taken seriously.

- Managing migration-related problems.
- Adaptation to new production and working methods owing to digitalization and robots. At that point, flexicurity has to be a preference, rather than an obligation, for workers.
- Investments are needed in the green economy, the care economy, the transformation of jobs and digital infrastructure.

Tez Koop-İs is a trade union in the commerce sector, in which it has the majority of members. In commerce, digitalization has taken the form, among other things, of e-commerce and automatic cash machines. These latter were first introduced in some of the supermarkets in which Tez Koop-İs organizes. Some customers were unsure how to use this technology, however, and so workers were recruited to help them. This emphasizes that digitalization will not occur in the same manner and at the same speed throughout the world. With regard to developed countries, e-commerce has led to the closure of some supermarkets, but in Turkey traditional commerce and e-commerce still coexist. Also, Tez Koop-İs has called for measures to reskill workers. This remains obscure, however, as we still cannot be sure which areas of work will be needed in the future. At that point, they think that social dialogue mechanisms will help.

Turkmetal notes, in relation to digitalization, that Turkish industry has not yet reached a level at which production by robots is an issue. Also, they are allying with trade unions in other Mediterranean countries and organizing conferences. Turkmetal says that, when the time comes, it will do whatever is necessary to adapt to digitalization. The union has also prepared a report on Industry 4.0. According to a Turkmetal representative, even if digitalization, including production by robots, causes unemployment, it will be temporary. New types of jobs and new types of profit distribution will develop, and workers will be able to work less.⁵⁹

Birlesik Metal-İs also assumes that mass production by robots will not come to Turkey soon because its labour force is cheaper than in most countries. However, if production by robots does become mainstream, distribution problems will occur.⁶⁰

The employers' approach to digitalization is more detailed than that of the trade unions. In 2017, MESS, which is affiliated to TISK, started to work on the MESS Technology Centre (MEXT), one of the largest in the world in volume and scope, to support its members in the process of digitalization and technological transformation, and to accelerate their efforts in this field. The Technology Centre will start training in January 2020 and in June 2020 will be at full capacity.

The Technology Centre, which will be implemented within the scope of this project, will host more than 10 000 domestic and foreign participants annually, with 40 employees, more than ten training halls, a conference centre with a capacity of 250 people, and a model factory equipped with the latest technology, all in an area of 1000 square metres.

These are some of the main services MESS will offer to its members:

- Production Maturity Assessment – the compliance of member workplaces with the digital transformation and the adequacy of their existing applications will be examined by experts from abroad in terms of production lines, technical infrastructure, organizational structures and corporate cultures in factories. For each member, they determine targets and target levels, produce a roadmap and offer guidance to

businesses on attaining their ideal level. MESS will conduct this process with the Fraunhofer Institute, Europe's largest organization for applied science research and development. Then, detailed reports will be produced on areas open to development will be made. These evaluations are supposed to be repeated every two years and any changes measured.

- Competence Development Programme – training programmes have been created to enable employees working in MESS member companies to develop their skills in new technologies, digital transformation and Industry 4.0. Within this, the employees were put into four main groups: Senior Managers (CXOs and Owners), Mid-level Managers, Engineers/Experts and Team Leaders/Operators. The training was supposed to increase motivation and basic knowledge with regard to industrial transformation, and change and development issues. The contents, methodologies, durations and target outputs were determined by conducting interviews with universities and academies who provide similar training worldwide. This programme is supposed to provide training to more than 20 000 employees annually. This training can be given abroad, in the workplace, in the MEXT training rooms as well as online. As part of this programme, 'Go & See' events are to be organized periodically with the participation of senior executives of MESS member companies. Within the scope of these activities, examples of best practices implementing the most advanced technologies globally, where the transformation process has been completed, will be examined and field visits will be conducted.
- Ecosystem – in the ecosystem to be formed with MEXT; the idea is to bring together the most successful companies and institutions around the world with which MESS members can collaborate in transformation processes. Within this framework, it is planned to allocate workspaces for certain periods within the MEXT framework to competent organizations in order to provide the highest quality service with regard to training, software and technical solutions. These institutions are intended to be at the forefront in terms of service quality and brand awareness around the world. Within the ecosystem, regular meetings and events will be held with the participation of experts from world-renowned universities and research institutes, at which members will have the opportunity to exchange information, supplement their technical know-how and reinforce cooperation.
- Model Factory – in the 1000 square metre factory area, 40 people in groups will be given training at the same time, under the leadership of the relevant training experts, to examine the latest applications in industrial technologies. In this field, which will be continuously updated in line with technological developments, the aim is to enable members to experience the most advanced applications and solutions in a model production structure similar to their own production processes. The model factory, which is designed to serve nearly 8000 employees per year, will see the latest applications in production. The solutions in the model factory will be the fastest adaptable alternatives to existing factories and thus accelerate the transformation processes of MESS members.

MESS also has opinions about the future of work. According to 'The future of jobs' report published by the World Economic Forum in 2020, it is predicted that, by 2025, 75 million jobs will have been eliminated worldwide.⁶¹ However, it claims that 133 million

new jobs and 58 million more positions will be created. Most new business opportunities are linked to technological development. MESS declares that they accept that digitalization will change jobs and work organization in the metal industry. This situation is expected to lead to changes in business models and management systems. Some of these will change completely, others will remain the same. In this context, the existing workforce will be retrained within the framework of skills and competences to adapt to these changes. Employees will need to have more digital skills. There will also be a need for non-digital skills and capabilities, however, such as a good understanding of the digital world and the creation of new business models for this new world.

In this context, the effects of digitalization on employment and skills need to be evaluated together. The first step will be to configure the education system to meet the rapidly changing labour market needs. In a second step, the cost of this restructured training system and the training to be provided will have to be faced.

Given the speed of technological development, cooperation between educational institutions and organizations, vocational and technical education institutions and industry is vital for improving the quality of labour. MESS underlines that government support will be needed to reduce the costs of adaptation to digitalization. Social dialogue is another tool for shaping technological change. It is important that the social partners work together to shape training on the acquisition of digital skills. In addition, MESS underlines the importance and necessity of Labour Code amendments in order to tackle the challenges.

7. CASE STUDIES

7.1 Case Study 1: Reinstatement of Workers through Social Dialogue

The ETI and three of its member brands – Next, Primark and Tesco – were made aware of a dispute at one of the sock factories in their supply chain. Local members of Deriteks (and global union IndustriAll) alleged that they had been dismissed by their employer on the basis of their union membership.

The ETI and member brands reached out to both the employer's and the union's management to hear all sides of the story, which can be summarized as follows:

- Deriteks had started to organize at the factory concerned without formal notification of the management.
- The management did not feel it necessary to contact the union before implementing dismissals at the factory.
- Deritek's efforts to have workers reinstated were rejected by management, which claimed the workers were being dismissed on the grounds of downsizing.

The ETI and member brands therefore collaborated with IndustriAll and asked Deriteks and the employer to come to the table to discuss what steps could be taken. At the first meeting, a channel of communication was established, with both parties nominating contact points who, it was agreed, should be in constant dialogue with each other. As a goodwill gesture, the employer also agreed that the right to freedom of association and

to organize would be recognized and encouraged at the factory. A public announcement was subsequently made during the factory's working hours in the presence of Deriteks, the ETI, member brands and IndustriAll. On the issue of the dismissed workers, factory management asked the ETI to conduct an independent assessment to find out whether the dismissals were made in response to trade union membership. While the ETI was making preparations to conduct an independent assessment, the goodwill of the employer in making the freedom of association announcement and in transparently asking for an independent assessment was recognized by all parties, including the union. In its contacts with management, Deriteks respected the importance of the announcement at the factory and avoided provocative forms of organization during the negotiations.

Effectively with the support of international brands, and with the fruitful cooperation of IndustriAll, mutual trust was gradually built and progress made as meetings were held. As a final step, the employer agreed to revisit the decision on the dismissal of the unionized workers. Upon discussions with the trade union, the workers were reinstated with their wages compensated for the time they were away from work.⁶²

This incident is a good example of protecting workers' fundamental rights through international workers' organizations. The workers were dismissed just after they joined a trade union. Unionization rates are around 10 per cent. The interviewees from workers' organisations declared that the main problem about registering new members and organizing at new workplaces is employer discrimination and anti-trade union practices. Multipartite efforts by various organizations are effective in protecting workers' fundamental rights.

7.2 Case Study 2: The Joint Training Project (OEP)

The Joint Training Project (OEP) was launched by MESS and the Turkish Metal Union (TÜRK-METAL) in 2000. The project was evaluated as a best practice by the ILO in a publication entitled 'Unionization, Freedom and Development'.⁶³ The OEP has an important function that gives employees a positive outlook on personal, family, trade union, workplace, production and country values. With OEP training, by creating a skilled, productive and productive workforce, the company invests in the future of its employees and contributes to enterprises in global competition. Depending on rapidly changing needs and subjects, the educational contents are periodically updated by joint decision of MESS and TÜRK METAL, with the assistance of expert trainers.

In 2019, 'Communication and Motivation' and 'Happiness and Psychology Workshop' training courses were held within the framework of the project. Through this training, non-violent communication methods are shared with employees both at work, at home and in their social lives. Since the beginning of the training in 2000, over 200 000 employees have participated in the Joint Training Programme.

The representatives of the trade unions and employers' associations we interviewed mentioned various instances of good practice as regards social dialogue:

- In General Electric's factory in Turkey, where Birlesik Metal-İs organizes the workforce, there is workers' representation and management participation even though Turkey is not an EU member (Birlesik Metal-İs).

- Tez Koop-Is organizes joint training with employers on workers' fundamental rights at the workplace. Social dialogue solves problems at workplaces and helps to maintain peace at work.

8. CONCLUSIONS

In the face of such structural problems as high inflation and unemployment rates, migration and informal work, Turkey has to find adequate solutions. The problems already affecting labour markets will worsen with digitalization. Lack of representativeness will be an aggravating factor. In order to tackle these problems, social dialogue mechanisms, especially tripartite methods, have to be used actively and efficiently. Trade unions have to be more inclusive regarding labour market outsiders. Employers, for their part, need to focus not only on flexibility, but also on creating more and new jobs. Government, in turn, has to support the social partners and do its best to maintain an appropriate environment for investment and social dialogue.

The interviews carried out for this research reveal that neither social partner is content with the current state of social dialogue. This is a good point to start from. The social partners can join together and decide what they need to do in order to promote more effective social dialogue. In my view, the social partners should be ready to initiate the processes they need, such as tackling the challenges arising from illegal working by migrants. Traditionally, the social partners wait to be invited by the government or ministries to seek solutions through social dialogue. To be more effective, they have to strengthen bipartite social dialogue. They should be capable of carrying on social dialogue on the major problems of the labour market. A proactive approach is important for both sides.

This research confirms that migration is not particularly important to the social partners. This is mainly because there are few migrants in the workplaces where these trade unions are organized. Also, they do not have migrants as registered members. This also confirms the opinion that trade unions favour insiders over outsiders.

Concerning digitalization, the trade unions' approach is not as well developed as that of the employers. However, the trade unions need to be well prepared. Currently, they believe that this issue pertains primarily to the government and the employers. However, digitalization will affect workers more profoundly. There may be mass dismissals, or large numbers of workers will need to retrain to stay in work. These scenarios and their effects have to be assessed and solutions developed. This cannot be deemed the sole responsibility of employers or workers. Strategies and solutions reached through social dialogue would benefit all.

NOTES

1. For further information on this era, see Dereli (1998, pp. 33–5).
2. For some examples of legal interpretation of the priority of international agreements over conflicting national legislation, see Y22HD, 27 June 2019, 4095/14387, Kazancı İçtihat Bankası (30 October 2019) YHGK, 13.12.2018, 1168/1928, Daniştay 10.D, 19 October 2009, 4835/8958 Kazancı İçtihat Bankası (28 October 2019).

3. European Commission Turkey 2019 Report, Brussels, 29 May 2019, p. 85, accessed 5 December 2019 at <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-turkey-report.pdf>. EU Commission Turkey 2018 Report, Brussels, 17 April 2018, p. 84, accessed 5 December 2019 at <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-turkey-report.pdf>.
4. For further information about the ESC, see Bedir et al. (2018, pp. 13–18).
5. During the interviews, the Confederation of Progressive Trade Unions of Turkey (DISK) criticized this situation.
6. For further information see <http://sosyaldialog.org/news> (accessed 2 December 2019).
7. For these reports, see <http://www.sosyaldialog.org/yayin> (accessed 2 December 2019).
8. TURKSTAT population statistics, accessed 10 April 2020 at www.tuik.gov.tr.
9. Accessed 3 February 2020 at https://www.tisk.org.tr/yayin/495155925_turkiye-istatistikleri---eylul-2019.pdf.
10. Accessed 3 February 2020 at <http://disk.org.tr/wp-content/uploads/2020/01/DISK-AR-Ocak-2020-Istihdam-Issizlik-Raporu.pdf>.
11. See <http://www.turkis.org.tr/dosya/WqEBXerIgcMe.pdf> (accessed 3 February 2020).
12. See http://www.hakis.org.tr/haberler.php?action=haber_detay&id=2903 (accessed 3 February 2020).
13. See <https://www.hurriyet.com.tr/ekonomi/tisk-baskani-akkol-issizlikle-etkin-mucadele-icin-esnek-calisma-sart-41361909> (accessed 3 February 2020).
14. Among these the majority are Afghans (172 000) and Iraqi nationals (142 000) (Heinrich Böll Stiftung 2019).
15. For further information about national legislation see Heinrich Böll Stiftung (2019, pp. 13–19).
16. See <https://multeciler.org.tr/turkiyedeki-suriyeli-sayisi/> (accessed 10 April 2020).
17. For further information, see https://www.ilo.org/ankara/projects/WCMS_379375/lang--en/index.htm (accessed 12 December 2019).
18. See https://www.ilo.org/ankara/projects/WCMS_379375/lang--en/index.htm (accessed 12 December 2019).
19. See https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-ankara/documents/generic_document/wcms_618781.pdf (accessed 29 January 2020).
20. This survey focuses on Adidas, KappAhl, M&S, Nike, Puma, Esprit, Gap, H&M and Inditex Group. M&S, Inditex group and H&M had 85, 183 and 216 suppliers, respectively, in Turkey at the date of the Impact Centre Erasmus and ASN Bank's report (Maas et al. 2016).
21. Source: <https://www.inditex.com/our-commitment-to-people/our-suppliers/workers-at-the-center/joint-turkey-programme> (accessed 12 December 2019).
22. See http://static.inditex.com/annual_report_2016/en/our-priorities/sustainable-management-of-the-supply-chain/supply-chain-programmes-workers-at-the-centre.php (accessed date 12 December 2019). See also Inditex Annual Report, p. 67.
23. Inditex Annual Report 2016, p. 79. In 2016, Inditex initiated 131 individual remediation cases, addressing the needs of each worker and their families.
24. Source: <https://www.ethicaltrade.org/programmes/syrian-refugees-working-turkeys-garment-sector> (accessed 12 December 2019).
25. Mr Korkmaz worked as a counsellor on the ETI's Turkey programme.
26. See also, Korkmaz (2018, p. 108) on criticisms made by Turkish employers of brands' purchasing practices.
27. These are hunting and fisheries, agriculture and forestry; food industry; mining and stone quarries; petroleum, chemicals, rubber, plastics and medicine; textiles, garments and leather; wood and paper; communication; press, publication and journalism; banking, finance and insurance; commerce, offices, education and fine arts; cement, clay and glass; metal; construction; energy; transportation; ship constructing and naval transportation, warehouse and storage; health and social services; accommodation and entertainment; defence and security; and general works.
28. These are offices, banking and insurance services; education and science services; health and social services; local administration services; press, publication and communication services; culture and art services; public works, construction and rural services; transportation services; agriculture and forestry services; energy, industry and mining services; and religion and foundation services.
29. See <https://www.ailevecalisma.gov.tr/media/35790/2020-ocak.pdf>.
30. Interviews with Turk-İs, Birlesik Metal-İs and Tez Koop-İs.
31. Turkmetal and Tez Koop-İs.
32. Turkmetal and Tez Koop-İs.
33. Turk-İs.
34. Turk-İs.
35. Turk-İs, Tez Koop-İs and Birlesik Metal-İs.
36. Birlesik Metal-İs; the Canadian model can be taken as an example according to this view.

37. Turkmetal.
38. This was suggested by one of the trade union representatives as a personal opinion.
39. Turkmetal, Tez Koop-İs.
40. Birlesik Metal-İs.
41. Birlesik Metal-İs.
42. The observations of Turk-İs, Tez Koop-İs, Birlesik Metal İs and Turkmetal are the same on this matter.
43. The same demand was made by Tez Koop-İs.
44. Birlesik Metal-İs.
45. Turk-İs, Birlesik Metal-İs.
46. Turk-İs, Birlesik Metal-İs; Tez Koop-İs.
47. Source: https://www.ailevecalisma.gov.tr/media/3302/calisma_hayati_2017.pdf (accessed 5 December 2019).
48. Turkmetal, Birlesik Metal-İs and Tez Koop-İs.
49. Turk-İs, Tez Koop-İs.
50. For further information on the extension mechanism in Turkey compared with those of EU countries, see Baycık (2019, p. 43).
51. Turk-İs.
52. Tez Koop-İs.
53. See <http://disk.org.tr/2016/08/sendikalaşma-ve-toplu-is-sozlesmesi-raporu/> (accessed 13 December 2019).
54. Birlesik Metal-İs.
55. Tez Koop-İs.
56. Birlesik Metal-İs, DISK.
57. See <https://www.resmigazete.gov.tr/eskiler/2014/12/20141204-10.pdf> (accessed 1 December 2019).
58. Y7HD, 11 June 2014, 7358/13055. For further information see *Calisma ve Toplum*, 2014/4, Gulmez (2014); Yıldız (2016, p. 311).
59. Turkmetal.
60. Birlesik Metal-İs.
61. Accessed 29 July 2021 at <https://www.weforum.org/reports/the-future-of-jobs-report-2020>.
62. See <https://www.ethicaltrade.org/blog/industrial-relations-turkey-solving-workplace-disputes-social-dialogue> (accessed 9 December 2019).
63. The report's original name was 'Freedom of association and development', https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_160208.pdf (accessed 29 July 2021).

BIBLIOGRAPHY

- Baycık, G. (2019), 'Extension in European Union Member States and Recommendations for Turkey', Ankara, accessed 5 December 2019 at https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-ankara/documents/publication/wcms_683781.pdf.
- Bedir, E., Y. Uyanik, S. Demirci and N. Karaman (2018), 'Analyses and evaluation of social dialogue mechanisms in Turkey', report, ILO, Ankara, accessed 14 July 2021 at https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-ankara/documents/publication/wcms_666549.pdf.
- Dereli, T. (1998), *Labour Law and Industrial Relations in Turkey*, Istanbul: Menteş.
- Directorate-General for Employment, Social Affairs and Inclusion (2018), 'Peer review on "The organisation, outcomes and effectiveness of social dialogue"', Belgium, 23–24 October', European Commission, Brussels, accessed 29 July 2021 at <https://ec.europa.eu/social/main.jsp?pager.offset=10&catId=89&langId=en&newsId=9204&tableName=news&moreDocument=yes>.
- DISKAR (2019), 'Türkiye'de Sendikalaşma, Toplu İş Sözleşmesi Kapsamı ve Grevler (2013–2019)', Istanbul, accessed 10 October 2019 at <http://disk.org.tr/wp-content/uploads/2019/02/Sendikalaşma-Arastirmasi.pdf>.
- Erdogdu, S. (2018), 'Türkiye'de Geçici Koruma Altındaki Suriyeliler İçin İnsana Yakışır İşlerin Desteklenmesi, İsci ve İşveren Örgütleri Ne Yapmalı?', accessed 29 January 2020 at https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-ankara/documents/genericdocument/wcms_618781.pdf.

- Goethals, S. and E. Korkmaz (2017), 'What's changed for Syrian refugees in Turkish garment supply chains?', accessed on 10 December 2019 at https://www.business-humanrights.org/sites/default/files/Syrian%20Refugeess%20in%20Turkey_Public%5B2%5D.pdf.
- Gulmez, M. (2014), 'Toplu Eylem Hakkına Dahil Protesto Grevleri Yasa Dışı Grev Değildir', *Çalışma ve Toplum*, **4**, 233–56.
- Heinrich Böll Stiftung (2019), 'Report on Turkey's asylum law and policies', December, Heinrich Böll Stiftung, Istanbul, accessed 12 December 2019 at <https://tr.boell.org/sites/default/files/2019-12/ASYLUM%20ENG-S.pdf>.
- International Labour Office (ILO) (2019), *Application of International Labour Standards 2019, Report of the Committee of Experts on the Application of Conventions and Recommendations*, Geneva: ILO, accessed 9. December 2019 at https://ilo.primo.exlibrisgroup.com/discovery/delivery/41ILO_INST:41ILO_V2/1258339380002676?lang=en.
- Korkmaz, E. (2018), 'Eren Türkiye'de Tekstil Sanayisinin Sosyal Taraflarının Mülteci İşçilerin İstihdamına Bakışı', *Çalışma ve Toplum*, **1**, 93–119.
- Maas, K., M. Oosterling-Vermeulen, H. van der Zwaan-Plagman and C. Scheltus (2016), 'Garment companies and living wage Sustainable investment and social impact measurement: the case study of ASN Bank', Impact Centre Erasmus and ASN Bank, October, accessed 12 December 2019 at https://www.business-humanrights.org/sites/default/files/documents/Publication_living_wage_ASN_Bank.pdf.
- Mutlu, P., K.Y. Misirli, M. Kahveci, A.E. Akyol, E. Erol, İ. Gümüştan, et al. (2018), 'Suriyeli Göçmen İşçilerin İstanbul Ölçeğinde Tekstil Sektörü Emek Piyasasına Eklendiği ve Etkileri', *Çalışma ve Toplum*, **1**, 69–92.
- Sur, M. (2017), *İş Hukuku Toplu İlişkiler*, 7th edn, Ankara: Turhan Kitabevi.
- United Nations High Commissioner for Refugees (UNHCR) (2019), 'Turkey fact sheet', October, accessed 12 December 2019 at <https://www.unhcr.org/tr/wp-content/uploads/sites/14/2019/11/UNHCR-Turkey-One-Pager-Fact-Sheet-Oct2019.pdf>.
- Yıldız, G.B. (2016), 'Determining the scope of freedom of association with regard to right to strike', in R. Blainpain and F. Hendrickx (eds), *Labour Law and Social Progress Holding the Line or Shifting the Boundaries?*, Alphen on the Rhine: Wolters Kluwer, pp. 301–12.
- Yıldız, G.B. (2018), 'The fundamental aspects of collective bargaining in Turkey: past, current and future', Peer Review on 'The organisation, outcomes and effectiveness of social dialogue', Belgium, 23–24 October 2018 (peer review).