A Labour Unions’ Perspective on Turkish Labour Law in the Light of EU Accession

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As covered by other parts of this book, labour unions are core actors lobbying for International Labour Standards (ILS). Simultaneously they are subject of labour regulations, such as the fundamental principles and rights at work, of the International Labour Organisation (ILO) and ILO Convention 87 regarding freedom of association and the protection of the right to organise. It is a widely held opinion, that unions of employees and employers are, furthermore, crucial for the enforcement of labour regulation. This is even more the case if states lack the capacity to apply national or international labour regulation.

This article looks at the accession process of Turkey to the European Union (EU). In this process Turkey is expected to transpose the *acquis communautaire*, thus, to incorporate all EU legislation into its own legal body.¹ Part of the EU’s legislation concerns labour rights. The adoption of the Union’s labour legislation is widely believed to improve Turkey’s deficient capacities concerning the regulation of labour (Taymaz/Özler 2005: 1). Besides the transposition of the *acquis*, the realisation of the freedom of association and an enhanced social dialogue are demands of the EU, which has repeatedly criticised the role of the social partners in Turkey as underdeveloped (COM 1998 to COM 2006). The Union’s call for social dialogue and freedom of organisation can be understood as an expression of the conviction, that social partners are crucial for the implementation of labour standards. Taymaz and Özler confirm this view when they write that these issues have been put on the agenda by the EU to “support social partners’ capacity-building efforts to develop and implement the acquis” (2005: 1).

Assuming that the social partners play a special role in implementing labour regulation, there is need for action especially concerning Turkish labour unions. Although Turkish unions have been influential societal actors in the past, they have been weak during the past three decades. Today “it is obvious that employer unions and other employer organizations (...) have more influence directly on the government and on the decision-making process than do labour unions” (Öke 2005: 33). Hence, in this article I will not focus on the develop-

¹ This article is a comprehensive review of all my research done dating up to December 2006.
ment of both social partners but solely on Turkey’s labour movement. Building on the aforementioned arguments, not the mere transposition of the acquis, but also the Turkish unions’ advancement will be crucial for the successful application and implementation of EU labour standards in Turkey. Hence, at the centre of this research is the transposition of EU labour law in Turkey, the involvement of Turkish union federations and their point of view regarding this process.

The research question is thus twofold. On the one hand I will analyse whether the acquis has been adopted and whether this led to an improvement of the regulation of labour in Turkey. On the other hand I am interested in whether the Turkish unions gained influence on the development and the implementation of labour law and can, therefore, help apply the acquis. By looking at these two aspects, I follow two main demands formulated by the EU for Turkey’s accession process. For the evaluation of whether these demands have been fulfilled I rely on the EU’s assessment of the progress Turkey has made in the accession process and on the Turkish labour union federations assessments of the same matter.

1 Structure of the Article

For this case study, legal texts on the regulation of labour of the EU and Turkey have been evaluated and English language literature on Turkey’s economy in general and labour legislation in particular has been analysed. As literature on labour unions and their federations is scarce, leading officials of the three blue-collar federations Türkiye İşçi Sendikaları Konfederasyonu (Türk-İş, Confederation of Turkish Trade Unions), Türkiye Devrimci İşçi Sendikaları Konfederasyonu (DİSK, Confederation of Progressive Trade Unions of Turkey) and Türkiye Hak İşçi Sendikaları Konfederasyonu (Hak-İş, Confederation of True Trade Unions of Turkey) were interviewed. The Turkish union sector is highly fragmented politically and structural. There are more than 100 unions for industrial or blue-collar workers alone. Research on the individual demands and

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2 Today, next to the unions, the most important actors in the field of labour regulation are the employers union the Turkish Confederation of Employer Associations (Türkiye İşveren Sendikaları Konfederasyonu, TİŞK) and the influential interest group, the Turkish Industrialists’ and Businessmen’s Organisation (Türk Sanayicileri ve İşadamıları Derneği, TÜSİAD) and the Ministry of Labour and Social Security (Çalışma ve Sosyal Güvenlik Bakanlığı, CSGB).

3 The interview with the Secretary General and the Head of the Law Section of DİSK was conducted in October 2006 in Istanbul. The interviews with the president of Türk-İş and the Assistant to the President and Responsible for International Affairs of Hak-İş were conducted in December 2006 in Ankara.

4 White-collar workers have separate unions, which are not part of this research. They have been excluded, because they face a whole set of different problems. In fact, white-collar workers and their unions face even bigger obstacles in organising. They have only recently been given the right to collective bargaining and to organise, but they still do not have the right to strike.