

AFLCIO 1988

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TURKEY

The Government of Turkey has demonstrated through its actions that it does not respect, observe or enforce internationally recognized worker rights. The AFL-CIO therefore urges that Turkey's GSP eligibility be terminated.

BACKGROUND

In June 1987, shortly after the AFL-CIO petitioned to have Turkey removed from the list of beneficiary countries entitled to participate in the U.S. Generalized System of Preferences, Mr. Sevket Yilmaz, president of the Confederation of Turkish Trade Unions (or Turk-Is), complained about many of the same violations in an address to the 73rd Session of the International Labor Organization in Geneva. Mr. Yilmaz charged that Turkish law places the labor movement in a "legal strait-jacket" and that there is government "interference in, or control of, practically every activity which unions should normally be able to carry out free from state interference." Noting the many unkept promises by the government to bring its legislation into compliance with ILO standards, Yilmaz declared that "the time for expressions of good will and promises has passed." Since then, Turkish government officials have once again expressed their intention of adopting some labor reforms, but nothing tangible has yet emerged from these deliberations. Convinced that the time for relying on

these vague and fruitless promises has long passed, the AFL-CIO renews its petition calling for the withdrawal of Turkey's GSP benefits, because of its violations of worker rights.

FOIA

FREEDOM OF ASSOCIATION AND THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY

ILO Convention No. 87, Concerning Freedom of Association and Protection of the Right Organize, and ILO Convention No. 151, Concerning the Right to Organize and Bargain Collectively, contain provisions that describe internationally recognized worker rights. They are offered here to illustrate the standards against which Turkey's labor policies may be judged. Convention No. 87 includes:

- o Article 2, concerning the right of workers to establish and join organizations of their own choosing without previous authorization;
- o Article 3, concerning the right of unions to draw up their own rules, elect representatives and formulate programs without interference from public authority.

Convention No. 151 contains:

- o Article 4, which proscribes discrimination toward workers who are members of public employees' associations;
- o Article 9, which provides that public employees shall enjoy all civil and political rights essential for the exercise of freedom of association.

Although the right of workers to organize is specifically recognized by the Turkish constitution, the government has severely circumscribed that law in practice, in large part

through the promulgation of restrictive laws. In his address to the 73rd Session of the ILO in 1987, President Yilmaz of Turk-Is noted numerous examples of the denial of freedom of association:

- o civil servants, private school teachers, employees of religious institutions, and working students are all prohibited from establishing a union, or joining one that already exists;

- o a person must have 10 years' service as a 'worker' before being eligible to become an elected union leader;

- o a trade union officer may not be re-elected for more than four consecutive 3-year terms of office (i.e., 12 years total);

- o all types of political activity by unions are illegal (a union leader, for instance, may not serve on any governing body of a political party, even in a private capacity);

- o the Ministries of Finance, Interior and Labor are all empowered, at their sole discretion, to investigate the internal affairs of unions.

In March 1988, at the 14th World Congress of the International Confederation of Free Trade Unions in Australia, Mr. Cetin Gocer, National Secretary of Turk-Is, noted in an address that --

In spite of the promises which had been made by the Turkish government before various international platforms, serious divergences still exist between the national legislation and practice and Convention No. 98, and the universal principle of freedom of association is seriously violated.

This is fully consistent with the assessment provided in the ICFTU's most recent annual report on "Trade Union Rights: Survey of Violations 1986/87" (Brussels, June 1987), which summarizes the sorry state of affairs:

In Turkey, basic trade union rights continue to be seriously violated. In eleven provinces, including the main cities and industrial centers, emergency regulations remain in force with extensive powers for the authorities to restrict human and trade union rights. The labor legislation adopted in 1983, contains a range of provisions which restrict the right of trade unions to elect their officers and organize their internal administration in full freedom. The right to collective bargaining and to strike are severely curbed and any political action beyond the immediate economic and social issues is prohibited. Moreover, all civil servants remain excluded from the right to organize ...

The AFL-CIO reported on government and police intrusion into union affairs in our June 1987 petition. Such activities appear to have increased since then, especially after the meeting of Turk-Is union presidents in February 1988, which adopted an industrial action plan to publicize the plight of workers, suffering as they are from rapidly rising prices and slowly rising wages. The Prosecutor General's office summoned Turk-Is President Yilmaz and other top officials for questioning on several occasions, and insisted on having a copy of minutes of the executive board meeting at which the vote was taken.

Also in February 1988, the Umraniye branch of the Automobile Workers Union (not a Turk-Is affiliate) received special police attention because of the union's protests against mass layoffs. The branch president, its secretary, and nine other union leaders were taken into police custody and questioned because of their union activities. At the same time, the Prosecutor General filed

charges against several local leaders of Turk-Is for distributing political leaflets prior to the November 29 national election.

Government intrusion into union activities extends even to the educational programs of Turk-Is affiliates. Before conducting a seminar, unions usually must first inform the local government officials of their plans and must submit details on the seminar agenda, including lists of instructors. Uniformed or plain-clothes police almost always appear at the event to check, sometimes sitting through the whole program and even videotaping it. If there is a last-minute change of instructors, the police insist on knowing why, and sometimes delay the opening or the continuation of a program until they are satisfied with the union explanations.

Both at the ILO conference in June 1987 and at the ICFTU World Congress in March 1988, Turk-Is leaders criticized the Turkish government for its violations against the right to bargain collectively. Several examples were cited by President Yilmaz and Secretary Gocer.

Before being able to enter into a collective bargaining contract for workers in a plant or office, a union must not only prove it has a membership of over 50% in that work site; it must also have signed up at least 10% of all workers in its whole work branch or industry (e.g., 10% of all auto workers nation-wide).

Severe restrictions on the right to strike include:

- o Prohibitions on strikes in a number of sectors that cannot reasonably be considered "vital";

- o Imposing compulsory arbitration by a government-controlled board in the case of disputes arising in sectors where strikes are prohibited;
- o Requiring a strike decision to be implemented within a narrowly defined period;
- o Outlawing all strikes in free trade zones for a period of 10 years.

Moreover, as Yilmaz and Gocer pointed out, the government is further undermining collective bargaining by promoting the adoption of individual work contracts which make it impossible for workers to remain members of unions. Under such contracts, workers receive wage increases but lose union rights. The government's announced intention is to negotiate individual contracts with as many of the 200,000 employees of state-run enterprises as possible.

OCUPATIONAL SAFETY AND HEALTH

Minimal safety and health standards are established by law, but observance of those standards is notoriously lax. Even where employees are covered by a collective bargaining contract, unions meet difficulties in getting employers to implement safety standards. According to one union leader, it may take as long as two years to force an employer to comply with minimal standards, such as the provision of safety shoes. It has been reported by Turk-Is representatives that work accidents happen every 50 minutes and a fatal accident occurs every 4 hours. The laxity in this field is confirmed by the State Department's 1987 country report:

In spite of constitutional guarantees, specific legal requirements, and labor union efforts, a considerable gap remains between ideals and realities of occupational health and safety levels.

INFORMATION CONCERNING THE REPORT BY THE UNITED STATES TRADE REPRESENTATIVE'S OFFICE ON TURKEY'S LABOR POLICIES

The Office of the U.S. Trade Representative asserts in its review of the AFL-CIO's 1987 complaint that "labor leaders have been able to engage in political activities in defense of the rights of their members." Yet that is not the case. As we have discussed above, labor leaders who engage in political activity, do so at their own risk, a risk that may entail arrest and imprisonment. The definition of 'political' depends on the whims of the Motherland Party and the Ozal government. Since these encumbered rights cannot be exercised freely, in many cases labor leaders choose not to exercise them at all because they legitimately fear the consequences.

The USTR response repeats a number of promises that have been made by Turkish officials to effect changes in Turkish labor law. The most specific promise refers to a date:

"The Minister of Labor has publicly announced that amendments to the Turkish Labor Law would be made before June, 1988."

On this first day of June 1988, we conclude that this has simply been another effort to pacify Turkey's own workers, and international observers, with inconclusive and unfulfilled promises of future improvements. Our experience with promises

has been understandably cautious, and we prefer to rely on firm consequences rather than statements of good intentions. The statements alone do not satisfy the requirement in U.S. law that a country be taking steps to improve its stance on worker rights. If Turkey were seriously interested in improving its human rights record, the country could and should have acted by now.

CONCLUSION

The government has long told the ILO and the international community that it intends to reform its labor laws and practices, but has not delivered on its promises. Continuing to grant GSP benefits to Turkey under these circumstances, therefore, will simply reward and reinforce that country's do-nothing attitude.