

***Joint Initiative on Corporate Accountability and Workers'  
Rights***

**Background Study  
on Turkey**

**Version 2004-1**

**Basic Information on  
Labor Conditions and Social Auditing  
in the Turkish Garment Industry**

**July 2004**

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## 1. Introduction

The implementation of manufacturing codes of conduct is a central component of worldwide efforts to eliminate sweatshops and improve respect for the basic rights of workers in the global economy. Over the last several years, as codes and enforcement regimes have proliferated, it has become increasingly clear that better coordination and cooperation among different organizations in the field is essential if greater success and broader impact is to be achieved.

The Multi-Stakeholder Codes Initiative represents the first successful effort to unite leading code of conduct organizations in a program of collaborative work. The Initiative brings together six American and European organizations: Social Accountability International (SAI), the Clean Clothes Campaign (CCC), the Fair Labor Association (FLA), the Ethical Trading Initiative (ETI), the FairWear Foundation (FWF) and the Worker Rights Consortium (WRC). These organizations will carry out a joint code monitoring and remediation project with the goal of creating a replicable model for collaborative work and identifying the most efficient and effective methods of code enforcement. This project will lay the groundwork for the upward harmonization of monitoring systems and the potential creation of formal structures that will facilitate long-term cooperation among monitoring groups, global brands, and local actors.

Participants in this project have chosen Turkey as the location of the pilot project. This Background Study at once provides a space for information-sharing among participating organizations, while informing present and future project partners about various characteristics of Turkey's textile and garment sector.

This Study is based upon the original research conducted for the FairWear Foundation by Sule Necef Daldal (University of Marmara) and Engin Sedat Kaya (DS K/TEKSTL ) and additional information from Emre Ertan, who are based in Turkey, with contributions from Bettina Musiolek (FWF). The portions of this report that are not taken from the FWF report reflect contributions from the six groups involved in this project and some additional research. Sources are cited where available. In keeping with the guidelines provided by the FairWear Foundation with regard to background studies, it is a working document and will be updated as the project evolves.

Full texts of the relevant legislation can be found on the ILO site:

<http://www.ilo.org/public/english/region/eurpro/ankara/legislation/law4857.htm>

This Study provides an overview of the economic significance of Turkey's textile and garment sector internationally; the labour practices in this sector; applicable labour laws; various organizations engaged labour-related work in Turkey; and company activities in this context.

## 2. The Turkish Garment Industry in Context

In 2003, the World Fact Book reported that "Turkey's dynamic economy is a complex mix of modern industry and commerce along with a traditional agriculture sector that in 2001 still accounted for 40% of employment." The private sector is strong and growing rapidly, yet the state continues to play a major role in basic industry, banking, transport, and communication. The textiles and clothing industry, which is almost entirely in private hands, is the most important industry and largest exporter.

Erratic economic growth and serious imbalances marked the economic situation in Turkey in recent years. "Real GNP growth has exceeded 6% in many years, but this strong expansion has been interrupted by sharp declines in output in 1994, 1999, and 2001. Meanwhile, the public sector fiscal deficit has regularly exceeded 10% of GDP - due in large part to the huge burden of interest payments, which account for more than 50% of central government spending; inflation has remained in the high double-digit range" (World Fact Book, 2003).

Perhaps because of these problems, foreign direct investment in Turkey remains low - less than \$1 billion annually. In late 2000 and early 2001 a growing trade deficit and serious weaknesses in the banking sector plunged the economy into crisis, forcing Turkey to float the lira and pushing the country into recession. According to various media sources, results in 2002 were better, because of \$16 billion International Monetary Fund reform program that was put in place there, which required Turkey to tighten its fiscal policy. In 2003, inflation reached its lowest level since the early 1970s, allowing the central bank to cut interest rates; growth was estimated at about 4%.

Turkey continues to enjoy the benefits of the becoming a member of the European Customs Union in 1995. According to the most updated information available from the EU, as of 1999 Turkey was the EU's 7th biggest export destination (up from 9 in 1990) and 13th biggest exporter to the EU (up from 17 in 1990). There are indications that this trading relationship has further improved in recent years.

Other programmes have been put in place to increase exchange between EU countries and Turkey with a view to Turkey's possible future accession to the EU. In December 2002, the Copenhagen European Council decided that "if the European Council in December 2004, on the basis of a report and a recommendation from the Commission, decides that Turkey fulfils the Copenhagen political criteria, the EU will open negotiations without delay."

The US and Turkey together participate in the recently-established US-Turkey Economic Partnership Commission. According to the US State Department, trade

is relatively balanced between the two countries, with each exporting \$3 billion in goods to the other in 2001. The United States is Turkey's third largest export market.

Relations between the US and Turkey were strained in 2003 when Turkey refused to allow US troops to deploy to Iraq through its territory. Nonetheless, the US government pledged funds for projects relating to the energy sector, small and medium enterprises, and the privatization of the telecommunications industry at the end of 2003 (US State Department Media Note, 12/5/03).

The economic forecast for 2004 is not clear. Following the Istanbul bombings in fall 2003, various news sources reported that the economic consequences would be limited, but could delay the economic recovery that Turkey has been undergoing. Others reported that the economy was still on track with continued foreign investment. The CIA reported that "continued slow global growth and serious political tensions in the Middle East could result in negative growth in 2004" (World Fact Book).

### **3. Turkey's Garment Industry**

For the past several years, Turkey has ranked among the top ten biggest clothing exporters in the world, with about a 4% share of the world market. In terms of capital, it ranked 5<sup>th</sup> with a total turnover of US\$ 7.69 billion (ITKIB, 1998). Perhaps what is most striking about Turkey's textile and garment sectors are their rapid growth in recent years. Turkey's share of the international garment sector rose from 0.3% in 1980 to 3.2% in 2000. Likewise, in 1980 textile and apparel exports made up only 3.6% of Turkey's exports; in 2000, 36% of the country's total exports were textiles and apparel (Under Secretariat of Foreign Trade / General Directorate of Economic Research and Evaluations, 2002).

The textile and clothing industry has played an important role in the industrialization process and market orientation of the Turkish economy. Yarn making, cloth manufacturing, garment finishing, and related activities presently make up over 6% of the gross national product, 17.5% of industrial production (Under Secretariat of Foreign Trade data), around 19% of total industrial manufactured goods, and 21% of employment (Under Secretariat of Foreign Trade data). The Turkish apparel industry is currently working to transition from volume-oriented, cost-based contractor business to full-package production, which includes value-added activities such as design and product development. According to some analysts, the goal of Turkish apparel manufacturers in this transition is to capitalise on the experience of manufacturers, skilled labour, and

technological advantages to establish new markets for high quality, Turkish-designed apparel (Ercan, 2002).

### 3.1. Turkey's Apparel Exports

According to the Turkish Textile Industry, almost 70% of the products produced in this sector are exported.

With total garment exports valued at nearly US\$ 7.5 billion, Turkey's garment sector is now one of the world's leading garment suppliers with 65% of its garment exports ending up on the EU market; Germany is the EU's single largest importer of Turkish garments. See the data below detailing the major destinations of Turkey's garment exports.

**Table 1: Leading Export Markets for Turkish Apparel – 1999-2000**

COUNTRY	1999		2000		1999/2000 Rate of change %	
	Quantity (KG)	Value(\$)	Quantity (KG)	Value(\$)	Quantity	Value
GERMANY	62,399,881	2,704,060,127	70,808,129	2,633,959,612	13.5	-2.6
USA	34,976,373	928,417,400	47,539,731	1,193,337,121	35.9	28.5
UNITED KINGDOM	22,735,977	667,547,633	29,155,974	859,470,533	28.2	28.8
FRANCE	17,935,021	494,573,079	20,998,867	491,719,949	17.1	-0.6
THE NETHERLANDS	12,235,430	385,299,639	13,676,425	380,112,498	11.8	-1.3
BELGIUM-LUXEMBOURG	7,247,857	211,481,733	7,940,238	207,516,399	9.6	-1.9
ITALY	13,890,643	161,484,158	15,859,352	165,837,990	14.2	2.7
DENMARK	3,231,286	107,526,854	3,463,878	109,567,168	7.2	1.9
SWEDEN	2,699,355	94,084,435	3,207,185	105,687,722	18.8	12.3
RUSSIAN FEDERATION	8,403,768	129,758,000	6,698,456	103,108,879	-20.3	-20.5
SPAIN	17,660,743	75,632,770	19,684,157	86,896,210	11.5	14.9
AUSTRIA	2,519,895	96,839,437	3,051,866	86,048,876	21.1	-11.1
SWITZERLAND	2,315,859	73,504,674	2,390,786	69,647,614	3.2	-5.2
ISRAEL	4,674,683	43,328,208	5,437,265	67,076,067	16.3	54.8
SAUDI ARABIA	4,302,079	54,587,170	4,328,450	47,741,390	0.6	-12.5
<b>15 COUNTRY TOTAL</b>	<b>217,228,850</b>	<b>6,228,125,317</b>	<b>254,240,759</b>	<b>6,607,728,028</b>	<b>17.0</b>	<b>6.1</b>
<b>OTHER COUNTRY TOTAL</b>	<b>46,869,765</b>	<b>916,929,955</b>	<b>41,828,144</b>	<b>586,881,158</b>	<b>-10.8</b>	<b>-36.0</b>
<b>TURKEY'S TOTAL APPAREL EXPORTS</b>	<b>264,098,615</b>	<b>7,145,055,272</b>	<b>296,068,903</b>	<b>7,194,609,186</b>	<b>12.1</b>	<b>0.7</b>
<b>15 COUNTRIES' % OF TOTAL</b>	<b>82.3</b>	<b>87.2</b>	<b>85.9</b>	<b>91.8</b>	<b>4.4</b>	<b>5.4</b>

Source: Under Secretariat of Foreign Trade / General Directorate of Economic Research and Evaluations

**Table 2: Turkey's Textile and Apparel Exports to EU Countries- 1999-2000**

COUNTRY	1999		2000		1999/2000 Rate of change %	
	Quantity (KG)	Value (\$)	Quantity (KG)	Value (\$)	Quantity	Value
GERMANY	108,292,469	2,932,978,487	120,520,910	2,862,594,578	11.3	-2.4
FRANCE	49,553,307	639,258,987	50,210,108	622,105,432	1.3	-2.7
ITALY	147,423,586	501,811,496	143,587,928	507,163,873	-2.6	1.1
BELGIUM-LUXEMBOURG	31,971,999	288,018,806	28,328,749	272,032,318	-11.4	-5.6
THE NETHERLANDS	19,971,672	423,601,161	24,866,537	422,157,994	24.5	-0.3
UNITED KINGDOM	78,826,521	901,180,843	90,731,678	1,088,838,023	15.1	20.8
IRELAND	2,527,286	28,828,679	9,124,148	29,158,392	261.0	1.1
DENMARK	4,914,688	119,705,665	6,578,498	127,775,084	33.9	6.7
GREECE	29,413,392	100,455,892	25,586,254	93,286,526	-13.0	-7.1
SPAIN	55,363,824	151,233,031	57,608,335	168,060,264	4.1	11.1
PORTUGAL	23,929,257	61,707,060	17,646,945	49,786,101	-26.3	-19.3
AUSTRIA	5,022,655	109,801,528	4,738,395	97,821,070	-5.7	-10.9
FINLAND	1,265,622	17,383,082	2,033,454	20,168,463	60.7	16.0
SWEDEN	4,571,134	102,736,352	5,006,340	113,891,202	9.5	10.9
<b>EU TOTAL</b>	<b>563,047,412</b>	<b>6,378,701,069</b>	<b>586,568,279</b>	<b>6,474,839,320</b>	<b>4.2</b>	<b>1.5</b>
<b>TURKEY'S TOTAL TEXTILE &amp; APPAREL EXPORTS</b>		<b>9,878,695,711</b>		<b>10,013,377,005</b>		<b>1.4</b>
<b>EU'S % OF TURKEY'S TOTAL</b>		<b>64.6</b>		<b>64.7</b>		<b>0.1</b>

Source: Under Secretariat of Foreign Trade / General Directorate of Economic Research and Evaluations

**Table 3: Turkey's Textile and Apparel Exports to the USA - 1999-2000**

	1999		2000		1999/2000 Rate of change %	
	Quantity (KG)	Value (\$)	Quantity (KG)	Value (\$)	Quantity	Value
USA	84,246,090	1,150,199,055	92,129,287	1,424,600,214	9.4	23.9
<b>TURKEY'S TOTAL TEXTILE &amp; APPAREL EXPORTS</b>		<b>9,878,695,711</b>		<b>10,013,377,005</b>		<b>1.4</b>
<b>USA'S % OF TURKEY'S TOTAL</b>		<b>11.6</b>		<b>14.2</b>		<b>22.2</b>

Source: Under secretariat of Foreign Trade / General Directorate of Economic Research and Evaluations

### 3.2. Turkey's Imports of Textiles and Apparel

The textile and garment sectors also import large amounts of textile products. This is due in part to developed countries' continued domination of textile production internationally. While Turkey has a relatively high level of textile production, it also relies on textile imports for garment production. In fact, despite increases in capital investment for textile production and the ensuing increases in production in recent years, the rise in textile imports has been generated by Turkey's considerable increases in apparel production. The following tables provide detailed data about Turkey's textile and apparel imports from 1985 to 2000.

**Table 4: Turkish Textile and Apparel Imports — 1985–2000**

YEAR	General Import (1000 \$)	Apparel Imports (1000 \$)	Apparel's % of General Imports	Textile Import (1000 \$)	Textiles % of General Imports	Textile + Apparel Imports (1000 \$)	Textile + Apparel % of General Imports
1985	11,343,000	1,467	0.01	287,839	2.54	289,306	2.55
1986	11,105,000	2,136	0.02	334,484	3.01	336,620	3.03
1987	14,158,000	2,309	0.02	548,491	3.87	550,800	3.89
1988	14,335,000	3,050	0.02	521,338	3.64	524,388	3.66
1989	15,762,573	6,617	0.04	624,280	3.96	630,897	4.00
1990	22,302,000	17,984	0.08	1,049,012	4.70	1,066,996	4.78
1991	21,047,000	26,516	0.13	872,912	4.15	899,428	4.27
1992	22,871,000	35,067	0.15	1,189,310	5.20	1,224,377	5.35
1993	29,429,000	47,473	0.16	1,591,948	5.41	1,639,421	5.57
1994	23,270,000	36,586	0.16	1,600,698	6.88	1,637,284	7.04
1995	35,709,011	59,729	0.17	2,621,797	7.34	2,681,076	7.51
1996	43,626,642	169,658	0.39	2,812,620	6.45	2,982,278	6.84
1997	48,558,721	230,545	0.47	3,379,316	6.96	3,609,861	7.43
1998	45,921,392	230,893	0.50	3,305,229	7.20	3,536,122	7.70
1999	40,691,529	199,636	0.49	2,573,359	6.32	2,772,995	6.81
2000	54,502,821	256,327	0.47	3,197,751	5.87	3,454,078	6.34

Source: Under secretariat of Foreign Trade / General Directorate of Economic Research and Evaluations

**Table 5: Turkish Textile Imports — 1999–2000**

COUNTRY	1999		2000		1999/2000 Rate of change %	
	Quantity (KG)	Value (\$)	Quantity (KG)	Value (\$)	Quantity	Value
ITALY	52,320,605	298,235,258	82,773,156	331,630,796	58.2	11.2
GERMANY	69,819,666	348,234,898	68,371,009	319,545,454	-2.1	-8.2
USA	49,543,636	140,568,477	220,925,217	316,749,028	345.9	125.3

SOUTH KOREA	54,874,908	169,857,938	51,149,488	193,667,278	-6.8	14.0
CHINA	43,068,145	139,718,596	55,462,051	190,918,894	28.8	36.6
GREECE	105,961,610	126,784,760	132,210,829	157,850,607	24.8	24.5
INDIA	45,676,014	81,280,358	82,085,807	152,830,675	79.7	88.0
FRANCE	14,204,425	102,466,346	18,683,525	105,636,123	31.5	3.1
UNITED KINGDOM	19,571,080	97,032,313	20,411,467	97,580,694	4.3	0.6
TURKMENISTAN	34,314,729	54,529,442	67,090,278	93,243,573	95.5	71.0
HOLLAND	9,281,626	83,988,971	9,406,152	89,564,591	1.3	6.6
SYRIA	20,917,661	22,195,228	69,247,224	74,347,229	231.0	235.0
PAKISTAN	6,337,213	18,332,619	31,686,773	68,390,523	400.0	273.1
TAIWAN	12,868,490	44,596,648	25,204,532	67,752,778	95.9	51.9
INDONESIA	19,823,256	36,643,799	31,507,713	64,031,883	58.9	74.7
<b>15 COUNTRY TOTAL</b>	<b>558,583,064</b>	<b>1,764,465,651</b>	<b>966,215,221</b>	<b>2,323,740,126</b>	<b>73.0</b>	<b>31.7</b>
<b>OTHER COUNTRY TOTAL</b>	<b>356,892,249</b>	<b>808,893,738</b>	<b>400,067,577</b>	<b>874,010,785</b>	<b>12.1</b>	<b>8.1</b>
<b>TURKEY'S TEXTILE IMPORTS</b>	<b>915,475,313</b>	<b>2,573,359,389</b>	<b>1,366,282,798</b>	<b>3,197,750,911</b>	<b>49.2</b>	<b>24.3</b>
<b>15 COUNTRIES' % OF TOTAL</b>	<b>61.0</b>	<b>68.6</b>	<b>70.7</b>	<b>72.7</b>	<b>15.9</b>	<b>6.0</b>

Source: Under secretariat of Foreign Trade / General Directorate of Economic Research and Evaluations

### 3.3. Garment Production

#### *Knitted and woven garments*

The fact that many of the companies and employees in the sector remain unregistered makes it impossible to find reliable data concerning the types of products, production scales, and the companies' shareholding structure, etc. Within this context, the most accurate information available is found in exportation figures supplied by the Under Secretariat of Foreign Trade and exporters' associations.

According to available data, knitted garments are the most important product in Turkey's garment sector. Turkey's knitted garment exports constituted 51.4% of total garment exports in 2000 and 49.64% in 2001. Woven garments constituted 34.6% of total garment exports in 2000 and 35.98% in 2001.

**Table 6: Garment Exports by Principal Categories — 1999–2001**

	1999			2000			2001		
	Quantity(KG)	Value (\$)	%	Quantity(KG)	Value (\$)	%	Quantity(KG)	Value (\$)	%

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61 Knitted Garments	10,389,549	3,787,215,610	53	11,196,537	3,728,649,685	51.38	13,120,150	3,641,200,082	49.64
62 Woven Garments	49,922,337	2,413,679,046	33.78	58,784,120	2,506,401,522	34.54	54,720,597	2,639,429,317	35.98
63 Other Garments	209,203,284	944,158,806	13.22	228,704,540	1,021,264,521	14.08	240,976,376	1,055,226,830	14.38
Total Garment Exports	269,515,170	7,145,053,462	100	298,685,197	7,256,315,728	100	308,817,123	7,335,856,229	100
Turkey's Total Exports		26,587,225,000			27,774,906,000			31,339,991,000	

Source: Under Secretariat of Foreign Trade / General Directorate of Economic Research and Evaluations

Tables 7 and 8 below provide more detailed information about the various kinds of knitted and woven apparel, respectively, that was exported by Turkey in 1999 and 2000. They also provide details of the quantity and value of each category of clothing exported.

**Table 7: Turkey's Knitted Apparel Exports  
(knitted or crocheted garments and accessories)**

T.HEADING	DESCRIPTION	UNIT	1999		2000		1999/2000 Rate of change %	
			Quantity	Value(\$)	Quantity	Value(\$)	Quantity	Value
61 01	Men's or boy's overcoats, car coats, capes, cloaks, anoraks, wind-cheaters, wind-jackets, and similar articles	PCS	752,183	8,870,462	693,194	6,763,774	-7.8	-23.7
		KG	405,298		333,195		-17.8	
61 02	Women's or girl's overcoats, car coats, capes, cloaks, anoraks, wind-cheaters, wind-jackets, and similar articles	PCS	1,209,376	11,051,159	1,386,684	11,814,202	14.7	6.9
		KG	453,173		572,778		26.4	
61 03	Men's or boy's suits, ensembles, jackets, blazers, trousers, bib and brace overalls, breeches and shorts	PCS	19,689,825	78,592,304	21,207,759	70,581,115	7.7	-10.2
		KG	349,770		331,973		-5.1	
61 04	Women's or girl's suits, ensembles, jackets, blazers, dresses, skirts, trousers, bib and brace overalls, breeches, and shorts	PCS	102,415,371	454,271,012	116,976,565	448,853,735	14.2	-1.2
		KG	2,015,073		2,044,924		1.5	
61 05	Men's or boy's shirts	PCS	20,030,348	119,790,267	15,168,289	86,931,914	-24.3	-27.4
		KG	100,625		29,242		-70.9	
61 06	Women's or girl's blouses, shirts and shirt-blouses	PCS	24,413,452	131,741,012	19,821,845	96,564,115	-18.8	-26.7

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		KG	68,214		72,047		5.6	
61 07	Men's or boy's underpants, briefs, nightshirts, pyjamas, bathrobes, dressing gowns and similar articles	PCS	45,898,393	76,565,419	53,969,394	78,058,764	17.6	2.0
		KG	12,723		21,833		71.6	
61 08	Women's or girl's slips, petticoats, briefs, panties, nightdresses, pyjamas, negligees, bathrobes, dressing gowns and similar articles	PCS	240,078,776	362,725,279	239,789,580	338,491,655	-0.1	-6.7
		KG	36,867		9,790		-73.4	
61 09	T-shirts, singlets and other vests	PCS	322,191,177	1,127,723,309	395,417,550	1,267,363,560	22.7	12.4
		KG	274,330		252,578		-7.9	
61 10	Jerseys, pullovers, cardigans, waistcoats, and similar articles	PCS	143,275,649	1,004,339,887	141,704,824	891,053,450	-1.1	-11.3
		KG	153,600		183,401		19.4	
61 11	Baby garments and clothing accessories	KG	3,803,164	68,612,990	4,134,574	68,844,599	8.7	0.3
		PAIRS	136,189		88,825		-34.8	
61 12	Track suits, ski suits, and swimwear	PCS	5,914,292	45,054,696	4,619,911	26,781,321	-21.9	-40.6
		KG	1,134		17,618		1,453.6	
61 13	Garments of knitted or crocheted fabrics with heading nos. 5903, 5906, 5907	KG	3,140	22,169	19,764	329,807	529.4	1,387.70
61 14	Other garments, knitted or crocheted	KG	2,092,350	41,835,958	2,563,553	47,443,858	22.5	13.4
61 15	Panty hose, tights, socks, stockings, and other hosiery	PAIRS	583,630,062	247,597,938	700,468,685	281,082,065	20.0	13.5
61 16	Gloves, mittens, and mitts	PAIRS	1,652,644	1,465,011	588,713	514,287	-64.4	-64.9
61 17	Other clothing accessories	KG	522,588	6,959,107	609,267	7,177,464	16.6	3.1
<b>TOTAL</b>			<b>3,787,217,979</b>		<b>3,728,649,685</b>		<b>-1.5</b>	

Source: Under Secretariat of Foreign Trade / General Directorate of Economic Research and Evaluations

### Table 8: Turkey's Woven Apparel Exports

T. Heading	Description	Unit	1999		2000		1999/2000 % rate of change	
			Quantity	Value(\$)	Quantity	Value(\$)	Quantity	Value
62 01	Men's or boy's overcoats, car-	PCS	4,153,818	72,865,454	3,524,002	58,487,063	-15.2	-19.7

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	coats, capes, cloaks, anoraks, wind-cheaters, wind-jackets and similar articles	KG	65,869		47,605		-27.7	
62 02	Women's or girl's overcoats, car-coats, capes, cloaks, anoraks, wind-cheaters, wind-jackets and similar articles	PCS	5,016,665	72,070,612	4,872,924	61,610,676	-2.9	-14.5
		KG	149,975		146,262		-2.5	
62 03	Men's or boy's suits, ensembles, jackets, blazers, trousers, bib and brace overalls, breeches and shorts	PCS	57,884,327	553,090,620	70,574,781	598,634,809	21.9	8.2
		KG	6,214,496		7,198,177		15.8	
62 04	Women's or girl's suits, ensembles, jackets, blazers, dresses, skirts, trousers, bib and brace overalls, breeches and shorts	PCS	1,018,804,392	930,260,561	142,807,388	1,055,919,743	-86.0	13.5
		KG	13,938,706		18,632,948		33.7	
62 05	Men's or boy's shirts	PCS	21,856,182	192,330,907	20,699,422	166,608,869	-5.3	-13.4
		KG	241,819		282,836		17.0	
62 06	Women's or girl's blouses, shirts and shirt-blouses	PCS	24,191,311	182,080,311	26,299,922	165,207,464	8.7	-9.3
		KG	343,215		314,826		-8.3	
62 07	Men's or boys' singlets and other vests, underpants, briefs, nightshirts, pyjamas, bathrobes, dressing gowns and similar articles	PCS	12,212,691	66,792,826	11,479,632	65,852,339	-6.0	-1.4
		KG	5,945,027		6,379,680		7.3	
62 08	Women's or girl's singlets and other vests, slips, petticoats, briefs, panties, nightdresses, pyjamas, negligees, bathrobes, dressing gowns and similar articles	PCS	17,159,720	196,318,967	20,387,001	187,088,322	18.8	-4.7
		KG	18,704,957		21,392,904		14.4	
62 09	Babies' garments and clothing accessories	KG	902,009	10,967,682	1,175,601	13,782,409	30.3	25.7
62 10	Garments, made up of fabrics of heading No 5602, 5603, 5903, 5906 or 5907	PCS	219,348	5,232,287	289,656	8,608,511	32.1	64.5
		KG	103,552		432,309		317.5	
62 11	Track suits, ski suits and swimwear, other garments	PCS	559,910	53,901,220	1,099,519	41,904,832	96.4	-22.3
		KG	2,542,438		2,253,453		-11.4	
62 12	Brassieres, girdles, corsets, braces, suspenders, garters	PCS	15,521,883	25,343,928	22,165,159	32,603,736	42.8	28.6

	and similar articles and parts thereof, whether or not knitted or crocheted	KG	74,406		43,349		-41.7	
62 13	Handkerchiefs	PCS	87,278	75,152	595,167	180,880	581.9	140.8
		KG	4,394		28,198		541.7	
62 14	Shawls, scarves, mufflers, mantillas, veils and the like	PCS	39,933,857	48,169,762	25,544,886	27,653,084	-36.0	-42.6
		KG	363,085		212,421		-41.5	
62 15	Ties, bow ties and cravats	PCS	1,045,894	1,249,836	1,336,874	1,561,147	27.8	24.9
		KG	19,207		33,164		72.7	
62 16	Gloves, mittens and mitts	KG	52,666	648,826	51,529	535,072	-2.2	-17.5
62 17	Other clothing accessories	KG	188,294	2,279,610	199,266	2,183,188	5.8	-4.2
<b>TOTAL</b>			<b>2,413,678,531</b>		<b>2,488,422,144</b>		<b>3.1</b>	

Source: Under Secretariat of Foreign Trade / General Directorate of Economic Research and Evaluations

### *Raw materials*

In 2000, the amount of clothing production in Turkey was estimated as 243, 000 tons. Cotton is an essential raw material for the clothing industry and Turkey is one of the traditional cotton producers in the world. Turkey is a large cotton producer, which is one of its important advantages in the textile and garment sectors. Turkey produces between 800,000 and 850,000 metric tons of cotton annually. Meanwhile, another 500,000 to 600,000 metric tons of cotton are imported by the textile and apparel sector.

The production needs for semi-finished products like yarns, fabrics, accessories are mostly met by domestic market. However, a certain portion of these products are imported.

### **3.4. Garment Production Centres in Turkey**

One of the most important distinguishing characteristics of the Turkish garment sector is that it operates mostly in an unregistered environment. This makes it virtually impossible to gain direct access to concrete data concerning the locations of production. Official records generally do not reflect the current situation.

For instance, the Ministry of Labour and Social Security's official reports estimate that 27,518 companies were operating in the garment and textile sectors in 2001, with a total of 518,779 workers employed in these two sectors July 2002. However, the Under Secretariat of Foreign Trade counts some 44,000 companies, and the sector's employee and employer associations estimate these numbers to be even higher. Both the employee and the employer associations have estimated that the sector employs at least 3 million workers. If these

estimates are accurate, it implies that the Ministry of Labour and Social Security has failed to capture more than 80% of the workforce in its statistics.

In light of Turkey's failure to track a large percentage of production sites and numbers, it is necessary to use alternative sources to approximate this information. Trade information published by Turkish exporter associations can provide valuable insight into the size and location of the industry, since current foreign trade legislation requires producers to export goods through exporters' associations and by registered companies.

**Table 9: Exports of garments and ready-made garments by region of origin**

	1999	SHARE % 1999	2000	SHARE % 2000	2001	SHARE % 2001
Istanbul Garment and Ready-made Gar. Exp. Assoc. (ISTANBUL)	5,655,486	74.89	5,496,472	73.77	5,388,656	71.95
Aegean Garment and Ready-made Gar. Exp. Assoc. (IZMIR)	565,962	7.49	661,242	8.87	666,209	8.90
Denizli Garment and Ready-made Gar. Exp. Assoc. (DENIZLI)	417,146	5.52	414,947	5.57	479,733	6.41
Uludag Garment and Ready-made Gar. Exp. Assoc. (BURSA)	400,162	5.30	414,205	5.56	461,471	6.16
Mediterranean Garment and Ready-made Gar. Exp. Assoc.	160,127	2.12	145,088	1.95	149,504	2.00
Southeastern Anatolian Exp. Assoc. (garment record)	33,943	0.44	35,575	0.48	41,086	0.55
Eastern Anatolian Exp. Assoc. (garment records)	26,669	0.35	14,619	0.20	25,741	0.34
Antalya Exporters' Assoc. (garment records)	7,837	0.10	10,672	0.14	6,917	0.09
Black Sea Exporters' Assoc. (garment records)	683	0.01	224	-	5	-
<b>ASSOCIATION TOTAL</b>	<b>7,268,015</b>	<b>96.25</b>	<b>7,193,043</b>	<b>96.54</b>	<b>7,219,321</b>	<b>96.39</b>
<b>OTHERS*</b>	283,235	3.75	258,123	3.46	270,138	3.61
<b>TOTAL</b>	<b>7,551,250</b>	<b>100</b>	<b>7,451,166</b>	<b>100</b>	<b>7,489,459</b>	<b>100</b>

As details in Table 9 reveal, 75% of Turkey's garment exports are produced by the Istanbul Exporters' Association. This is followed by the Bursa, Izmir and Denizli Exporters' Associations. These 4 associations account for 95% of Turkey's total garment exports. We therefore can conclude that garment production in Turkey (and production for export purposes in particular) is most intense in Istanbul and the neighbouring cities. Within this context, the Thracian cities of Tekirdag and Kirklareli, to the west of Istanbul, rank among the most important

production centres. In addition, the cities of Izmir, Bursa, Denizli as well as the surrounding regions of these cities also constitute major garment production centres. Apart from these regions, the area including the cities of Adana, Gaziantep and Kahramanmaraş is important for textile production, as well.

### **3.5. Employment and Investment in the Garment Sector**

As mentioned above, because many of the sector's factories and employees working remain unregistered, no accurate employment figures are available. According to official statistics issued by the Ministry of Labour and Social Security, total employment in the garment and textile sectors is put at 518,779 employees as of July 2002. However, the employee and employer associations estimate textile and garment sector employment figures to be in excess of 3 million employees, while the Under Secretariat of Foreign Trade considers that the textile and garment sectors comprise 21% of total industrial employment or in excess of 2 million employees. The ITKIB has released similar figures. Other figures supplied by EURATEX (European Apparel and Textile Organisation), a senior organisation comprised of the European textile and garment manufacturers, show some 1,783,000 employees working in the Turkish textile industry (Economic and Social Forum for the Textile-Clothing Sectors, 14–15 May 2002, Lodz, Poland).

In terms of corporate data, accurate information remains unavailable for the same reasons. In its analysis of the garment sector, the Under Secretariat of Foreign Trade estimates the total number of companies in the sector at about 44,000 and that more than 80% of these companies are small- to medium-sized enterprises manufacturing ready-made clothing articles for export. There are a few government-owned companies in Turkey's garment sector but their production is mainly for local markets.

As of May 2002, there were some 205 foreign companies or companies with foreign shareholders operating in the Turkish garment sector (DIE data). While these companies are relatively few in number, they tend to be larger enterprises. See Appendix 1 for detailed information concerning these companies and their shareholding structures.

Concrete data concerning the levels of technology and the types of machinery and equipment used in the garment sector are also unavailable. However, the Under Secretariat of Foreign Trade's analysis and reports issued by the ITKIP indicate a fairly high level of technological development in the sector and that production is carried out with the latest machinery and equipment. Available information regarding textile machinery imports indicates that Turkey invested a considerable amount of capital in machinery for the purposes of textile (and apparel) production, particularly in the 1990s. Between the years 1995 and 2000,

Turkey's annual machinery and equipment imports were US\$ 1,518,000,000 (1995), 2,365,000,000 (1996), 1,952,000,000 (1997), 1,351,000,000 (1998), 505,000,000 (1999) and 920,000,000 (2000), respectively.

Both domestic and foreign investments in the Turkish textile and clothing industry have increased after 1990. Although some suppliers are large and well integrated, all make extensive use of subcontracting. This can range from weaving, dyeing, printing, embroidery to sewing. Sewing was the most common activity to subcontract. Suppliers' reasons for this include improved flexibility, less capital investment, and avoidance of costs including taxes, social security, etc.

## **4. Labour Conditions in the Industry**

### **4.1. Unregistered workers**

The fact that the Turkish garment sector has many small- and medium-sized sub-contracted enterprises that manufacture ready-made products for export plays an important role in determining the working conditions in this sector. In order to compete in the world market, factory managers experiment with various methods to decrease labour costs.

Among the unregulated producers, employment conditions at the individual locations are subject to serious fluctuations. The workforce is only hired when orders are placed, and immediately fired when orders stop coming in. This means workers have no continuity or assurance of steady labour and are constantly seeking employment or remaining unemployed for sustained periods.

During busy periods, workers may be forced to work very long hours for days or weeks on end. Although the legal work day is 7.5 hours and 45 hours weekly according to current labour legislation, employers and workers may agree to a flexible workweek of up to 11 hours daily, as long as the average working period for 2 months does not exceed 45 hours per week (Art. 63). Many factories use this practice to alter work schedules to 9 hours per day, 5 days per week. While this is legal, some factories take advantage of this flexibility and denote Saturday as an additional standard work day, adding 6 days to the workweek rather than just 5. Workers are then paid the standard wages for 45 hours while their work week was in fact 54 hours. This results in minimum wage and overtime deficiencies for workers, not to mention the requirement to adhere to an expanded work schedule. Current legislation limits overtime to 270 hours annually (Art. 41). However, workdays are often between 14–16 hours daily in many of the unregistered and informal workplaces, depending on the nature of a particular order, and workers may often be forced to work 6 or even 7 days per

week. Many times women and children are required to work night hours, which is prohibited under the law.

Most garment sector employers consider work codes and legislation as obstacles, and thus they prefer to operate in the informal sector by employing unregistered workers. Existing legislation considers unregistered operations and the employment of unregistered workers as illegal. However, enforcement and inspections are almost totally non-existent; and constant understaffing in the Turkish Labor Ministry means inspections and enforcement remain wholly inadequate.

In this environment, violations of Turkish and international labour standards are rife. Factories frequently do not make the state mandated social security payments for employees or falsify records to make a lesser payment. Most frequently, a false set of payroll records is submitted to the Social Security Department that shows employees earning only the minimum wage. This allows the employer to make a lesser contribution on the social security payment, as well as tax payments.

Another common manipulation occurs at the end of each year, when most facilities fire all of their workers and rehire them again in the new year. A facility may pay the required severance pay to the worker as well as a "bonus" to discourage the worker from reporting this practice to the government. The savings come to the facility by avoiding the higher severance pay later, as the amount owed increases exponentially with additional seniority.

One of the most important issues facing unregistered workers is that they find it next to impossible to join an existing trade union or to establish one of their own. According to Trade Unions Code no. 2821, workers must be currently employed and registered to be able to participate in or establish a labour union.

It is for this reason that the following data about rates of unionization in Turkey can be misleading. Only registered workers are counted in these statistics.

Table 10: Registered Employment and Levels of Unionisation (general)

	JANUARY 2002	JANUARY 2003	JANUARY 2004
TOTAL NUMBER OF WORKERS	4.564.164	4.686.618	4.857.792
NUMBER OF UNIONIZED WORKERS	2.648.847	2.717.326	2.806.927
LEVEL OF UNIONIZATION	% 58.03	% 57,98	% 57,78

Table 11. REGISTERED EMPLOYMENT AND LEVEL OF UNIONIZATION (TEXTILE & GARMENT)  
Figures per January

	2002	2003	2004
TOTAL NUMBER OF WORKERS:	512.599	538.709	588.821
NUM. OF UNIONIZED WORKERS:	427.987	440.111	462.010
LEVEL OF UNIONIZATION:	% 83,49	%81,68	%78,47

Table 12: Membership per union

NAME OF THE UNION	NUMBER OF MEMBERS January 2003	MEMBERS % January 2003	NUMBER OF MEMBERS January 2004	MEMBERS % January 2004
Öz p lik-	68.147	12.65	74.856	12.71
Teksif	301.224	55.91	311.718	52.93
Giyim-	480	0.08	479	0.08
Doku Ör-	1.288	0.23	1.203	0.20
Töbgis	590	0.10	588	0.09
Tekstil	65.842	12.22	69.811	11.85
Batis	1.965	0.36	2.764	0.46
Dokuma-	575	0.10	573	0.09
Tekstil-Sen			18	0.01

Source: Ministry of Labour

The fact that the level of unregistered operations is exceedingly high in the sector makes it easy for employers to use whatever kinds of labour are most advantageous for them. Some companies employ children at extremely low wages. Although no concrete figures are available on this subject, it is estimated that some 180,000 to 200,000 children are employed in the sector (DISK / Textile Workers Union, Research Department).

This unregulated environment has given rise to the employment of illegal foreign workers, a new phenomenon for Turkey. The employer associations and the Minister of Labour estimate that for 2001, there were more than one million illegally employed foreign workers in Turkey, and that at least half of them were working for extremely low wages. Illegal foreign labour is particularly common in the Istanbul and Thrace regions. The majority are immigrants from the various Balkan states, former-Russian Republics (especially from the Caucasus Mountains region), and various Middle Eastern nations.

The use of various types of labour in the sector and the high level of unregistered applications have led to an imbalance in wages and labour costs. In registered and unionised workplaces, labour costs can be 6 to 7 times higher than those in workplaces, which employ children or illegal foreign employees. [See the table below.]

**Table 13: Employment, Wages, and Labour Costs in Turkey's Textile and Garment sectors - September 2002 in US\$**

Workplace		Total number of employees	% of total textile & garment employees	average monthly wage	Average monthly labour costs	average hourly labour costs
Registered-Unionised (1)	Textile	90,000	3	230–248	424–454	1.88–2.02
	Garment			212–230	394–424	1.75–1.88
Registered-nonunionised (1) Group-1	Textile	90,000	3	175–194	333–363	1.48–1.61
	Garment			157–175	303–333	1.35–1.48
Registered-nonunionised (1) Group-2	Textile	120,000		139–157	273–303	1.21–1.35
	Garment			121–139	242–273	1.08–1.21
Only registered-nonunionised workplaces using "legal minimum wage" (1)		300,000	10	112	225	1
Unregistered/Informal workplaces ("sweatshops") (2)		2,040,000	68	133–151	133–151	0.44–0.50
Unregistered/Informal workplaces employing children and/or illegal foreign immigrant workers (2)		360,000	12	73–91	73–91	0.24–0.30

1 US \$ = 1,650,000 TL

\* Total employment in textile and garment sectors is approximately 3,000,000 (registered + unregistered).

1. Labour costs include all costs and expenses (wages, taxes, social security premium, other legal compensation, meal and transportation expenses, etc.).

2. According to Turkish Labour Legislation, the legal work limit is 225 hours per month. But in the informal sector, employees often work 280-320 hours per month, or an average of some 300 hours per month.

Source: D SK/TEKST L Research Department†

## 4.2. Unions in the Garment Sector

The garment sector's most significant characteristic from the viewpoint of work relations is the general lack of unionised workplaces.

A labour union can only negotiate a CBA if it represents at least 10% of the workers employed by the sector and has registered more than 50% of the workers employed by the workshop. These conditions inhibit collective bargaining.

Therefore, out of the 9 unions in the industry, only 3 have the right to collectively bargain for its members. The remaining 6 unions are quite unlikely to pass the 10 per cent threshold.

According to the 2003 report of the State Department, this requirement had the effect of favoring established unions, particularly those affiliated with Turk-Is, the confederation that represented approximately 80 percent of organized labor. The

ICFTU reports that, as a result of the law, workers in many sectors of economic activity were not covered by a collective agreement.

The ILO has called on the Government to rescind the 10 percent rule, stating that it violates ILO Convention 98 on the rights to organize and collective bargaining. However, both Turk-Is and the Turkish Employers' Organization favor retention of the 10 percent rule, since each confederation has an established membership area. The Government has taken no action to amend the rule.

Out of 9 million workers with labor contracts, approximately 1.3 million were in collective contracts.

The Ministry of Labour publishes the membership figures of all unions in the industry. However, it is thought that these data are not up to date and do not reflect real figures. Furthermore, the membership data does not reflect the number of active union members covered by collective bargaining. In the textile and garment industries, there are around 90.000 workers covered by collective bargaining and the majority of them are employed in the textile industry, not in the garment industry. In the Turkish garment industry, there are only 13 union organised workplaces. Total employment in unionised workplaces in the garment industry fluctuates between 15.000 and 18.000. Only one of these workplaces produces for multinational sportswear companies

The low level of unionisation in the private sector is a common problem in Turkey. However, in the garment industry the problem reaches a serious level. The most important obstacle for workers to exercise their union rights are the restrictive clauses in the labour law. Therefore, at least two million off-record workers in the industry remain completely outside the stipulation of the law. Another obstacle to unionisation are the requirement to undertake membership formalities at a notary public and the costs associated with this. Labour law stipulates that workers have to go to the notary public during working hours and in person; at a workplace in the process of unionisation this oftentimes turns out to be impossible.

As in other countries, employers strongly oppose unionisation. Particularly small and medium sized enterprises engaged in export oriented subcontracting work as well as those facing the pressure of global competition are fiercely against unions. The contribution of the garment industry to national employment and export revenue is considerable and the state certainly does not want to risk losing this. For this reason, there is a covert policy of support for the industry to maintain its competitiveness on the basis of an intense level of labour exploitation.

There are 21 free trade and export processing zones. Union organizing and collective bargaining were permitted in the zones. Workers inside the zones were paid in foreign currency, giving them some protection against inflation.

In businesses employing more than 50 workers, a committee on workers' health and safety has to be constituted. This committee includes a union representative and workers are represented as well.

Turkey's apparel industry includes only about a dozen unionised workplaces with CBAs. A CBA can be negotiated on two distinct levels. The first is at the workplace level, which involves the labour union and the relevant employer. The second level allows employers to establish employer unions and to become members of those unions. The employer union negotiates the CBAs on behalf of its own members with the representative labour unions; the agreed-upon CBA only applies to member workplaces. This means these contracts are not valid at the sectoral level.

Turkey's Constitution and current legislation grant unions the right to operate freely within this framework. From this viewpoint, unions are protected by Turkish law. However, things are quite different in practice. During various union activities, the security forces and the police usually oppress the workers in favour of employers' efforts to block all attempts to unionise. Security forces commonly prevent union representatives from distributing fliers or talking with employees in the vicinity of the targeted workplace. Union representatives are often arrested and subjected to physical violence by Turkey's security forces.

Activities of unions in the industry tend to remain limited to engaging in collective bargaining, and to ensuring workplace compliance with collective bargaining agreements, dealing with grievances and undertaking efforts at unionising new workplaces. In addition, unions run educational programs on labour law, collective bargaining clauses and union related issues for workers.

In response to an identified need or a specific request, unions may call a meeting with employers on issues related to the workplace, the workers and working conditions. Also, "union representatives" who are present at every unionised workplace, are in constant contact with the management. Through the mechanism of union representatives, the implementation of collective bargaining agreements is safeguarded and possible grievances solved. This mechanism also ensures that the workplace operates in compliance with regulations on worker health and safety. On these issues, union representatives can request help from union leaders and experts if necessary.

Union members generally try to solve personal problems through union representatives. For example, workers who need request unpaid leave or money for personal reasons, tell this request to the management through the union representative.

In Turkey, collective bargaining agreements generally run for two years. Current labour regulations do not allow for bargaining at the sectoral level. Therefore, all bargaining agreements are negotiated at the firm level. Moreover, labour law allows employers to form and join employers' associations. The employers' association negotiate a collective bargaining agreement with unions represented at its members' workplaces; the agreement then reached covers all businesses that are members of the employers' association. This agreement between the employers' association and unions is only valid for workplaces that are members of the employers' association; hence, it is not an agreement at the sectoral level.

Current labour regulations do not allow for too many industrial action. For example, workers may exercise their right to strike only if an agreement cannot be reached through collective bargaining. Moreover, this right can only be exercised on condition of a highly bureaucratic and complex process. However, at workplaces that violate collective bargaining agreements unions can, in practice, undertake various forms of industrial action such as work stoppage, slowing down the pace of work, collective refusal to do overtime etc.

Unions also organise protest marches around particular issues to raise public consciousness.

All three unions that are active in the textile and garment industries are members of ITGLWF and ETUF:TCL. In particular ETUF:TCL organises educational seminars in Turkey, which a large number of representatives from member unions attend.

Current labour law stipulates that industrial relations disputes be settled through negotiations between the two sides and through courts. Moreover, if collective bargaining negotiations fail, the sides can consult an independent "High Mediation Council" made up of academics and legal experts for a solution.

It is difficult to say whether workers generally trust labour unions, as there is a general lack of information concerning the sector's various labour unions. It has been reported, however, that many workers are reluctant to participate in union activities for fear of losing their jobs. Many workers do not believe that unions have the power to protect their jobs.

### **4.3. Home-based work**

According to Simel Esim, Ergul Ergun and Dilek Hattatoglu's 2000 report on home-based work, home-based workers are part of the subcontracting network of producers in Turkey's garment export sector. The prevalence and extent of home-based work in Turkey is difficult to determine, because it is not accounted

for in most national statistics and policy. It is behind-the-scenes work done predominantly by women.

The life-cycle trend for home-based work is that younger single women start off working in more formal sector jobs in factories or in workshops and ateliers, and then move to different types of home-based work once they are married and have children. In some sectors home-based work also has strict age specifications, such as embroidery work in Denizli, Buldan and Babadag areas. Researchers predict a skills upgrading in some forms of home-based work (especially those where women have control over all stages of the production process) like in knitwear. Yet a countertrend of deskilling can also be observed in cleaning the seams of apparel, for example.

According to reports from workers, the pay and conditions of home-based work are worsening. In this type of subcontracted work, the major problems faced by women are finding a regular supply of work and negotiating a decent price for their work. As in other countries, there are many women looking for work and an intermediary or subcontractor can easily find women prepared to work for low pay. The recent earthquake has intensified the problems finding work.

In addition to low wage, home-based workers are challenged by deferred and delayed payments, and are responsible for paying all maintenance costs such as electricity, rent and meals. The conditions for home-based work vary considerably. In knitting, for example, women work at least three to four hours, at most 10 to 15 hours. Knitting women in Ankara a series of health problems as a result of the repetitive nature of work, long hours, and the chemicals involved, such as pain in the arms and the back, strained eyes, headache and sleeplessness (stressful nature of the work), coughing and breathing problems.

## 5. Turkey's Labor Law

Turkey's labour legislation is a product of the country's history as a secular, modern, industrialized republic, long interested in international trade and the development of high-quality products for export. As a result, industrial relations are relatively elaborate and there are long-term protections for workers including social security measures. While it is true that workers in agriculture have suffered from the law's emphasis on industry, *registered* workers in the textile and apparel sectors have stood to gain. Conditions in this sector in Turkey are generally better than they are for workers in other regions of the world with extensive textile and apparel production. Still, as explained above, there are areas for improvement in the *unregistered* industrial workplaces.

At the same time, discussion of labour legislation in Turkey must take place in the context of very recent history, especially the milestone law ratified by the President on June 9, 2003 (See Appendix III). This law has attracted controversy for the alleged negative effects that it is expected to have on many Turkish workers, and litigation is currently underway challenging numerous provisions. As it stands, however, the law expands the right of small businesses to fire workers without cause, it allows employers in general to dismiss workers during periods of financial crisis, and enables the extensive use of part-time and temporary labour.

At the same time, the law offers enhanced maternity leave, among other benefits to women workers, including the application of workplace regulation to "homebased workplaces." Furthermore, this law was passed to offset the impact of a job security law that requires employers seeking to fire workers employed for more than 6 months to provide a valid cause for the dismissal. Some Turkish experts consider this to be a union-friendly law, since it provides that workers cannot be dismissed for trade union membership. Weighing the various employer- and employee-friendly aspects of the reform, it is difficult to come to a conclusion about the impact it will have on workplaces in Turkey. The way the law is enforced over time, and the outcomes of litigation challenging certain aspects of the law, will provide further insights on this shifts in labour law.

The following section provides an overview of Turkey's record with respect to the international labour standards enumerated in the codes of the initiatives involved in this project. Information about the domestic legal framework, Turkey's ratification of relevant ILO and UN conventions, and the implementation of these standards is provided for each standard.

## **5.1. Child Labour**

### ***Domestic law:***

As a principle, the new labor act prohibits the employment of children younger than age 15. However, children who have completed the full age of fourteen and their primary education may be employed on light works that will not hinder their physical, mental and moral development, and for those who continue their education, in jobs that will not prevent their school attendance. (Art 71/1)  
Each employer has to demand age certificates before employing the child worker.

The working time of children who have completed their basic education and yet who are no longer attending school shall not be more than seven hours daily and more than thirty-five hours weekly. Their working time during the periods when

schools are closed shall not be exceeding the hours foreseen in the first subsection above. (Art 71/5)

Education is compulsory up to the age of 16. The age for entrance to apprenticeship was recently increased to 15 in an amendment of the law concerning Apprenticeship and Occupational Training.

Article 87. Before being admitted to any employment whatsoever, children and young employees aged between fourteen and eighteen (including those in their eighteenth year) shall be examined by the medical practitioner attached to the establishment or by an employees' health service, or in the absence of either, by the medical services of the nearest Social Insurance Organisation, health centre, government or municipal medical practitioners, in that order, and shall be certified as being physically fit for the job to be performed, taking into consideration the nature and conditions of the work.

Until they have reached the age of eighteen, such employees shall be subject to medical examinations at least every six months in the same manner, to determine whether or not there is any drawback in their continuing their employment; all such certificates shall be filed in the establishment and produced by the employer on request by any competent official. The Social Insurance Organisation may not refrain from conducting the first examination before the employee's admission to employment.

***Ratifications:***

- Convention No. 138 concerning Minimum Age for Admission to Employment, 1973 – ratified in 1998
- Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 – ratified in 2001
- Convention on the Rights of the Child

***Implementation:***

These laws are only enforced in the formal industrial sector. The 1994 Child Labour Survey conducted by the State Institute of Statistics indicated that of the nearly 12 million children in Turkey in the age group 6 - 14 years, meaning 5% of the working population are under-age workers. Most of these children work in the informal sector, especially in the agricultural and unregistered sectors and in small scale enterprises. However, as previously mentioned, unregistered textile and apparel sector companies make use of child labour (180,000–200,000 under the age of 15). While employers may legally employ children under 15 as apprentice workers, most employers do so while failing to follow the schooling

and training requirements of a legal apprenticeship program. Under the Apprenticeship Law, child apprentices must receive 8-10 hours of education per week. Furthermore, factories that employ children often engage in shift work and place children on rotating or night shifts, which is prohibited under the labour law. Further violations may result when proper documentation is not present or more than the allowable percentage of apprentices are employed at one facility. Most commonly, these workers engage in overtime, which is prohibited by law.

Various sources report that the government is actively seeking to tackle child labour.

## **5.2. Forced Labour**

### ***Domestic law:***

#### *Constitution*

Article 18: No one shall be forced to work. Forced labour is prohibited.

Article 50: No one is required to perform work unsuited to his age, sex, and capacity. Minors, women and persons with physical or mental disabilities enjoy special protection with regard to working conditions.

#### *Labor Act*

Article 41 requires the worker to agree to work overtime.

### ***Ratifications:***

- C158 ILO Termination of Employment Convention, 1982 – ratified on 04/01/1995

### ***Implementation:***

There is no evidence of Turkey's garment sector using forced (including bonded or prison) labour.

## **5.3. Health and Safety**

### ***Domestic Law:***

Various health and safety bylaws and regulations

The new Labour act has brought prominent innovations concerning occupational health and safety board, establishment physician, engineers or technical staff at work as well as the provisions regarding the rights of employees in case of a danger threatening their physical and mental health.

**Article 77.** With a view to ensure occupational health and safety in their establishments, employers shall take all the necessary measures and maintain all the needed means and tools in full; and employees are under the obligation to obey and observe all the measures taken in the field of occupational health and safety.

In order to ensure compliance with and supervision of the measures taken for occupational health and work safety at the establishment, the employer must inform the employees of the occupational risks and measures that must be taken against them as well as employees' legal rights and obligations and, in this connection, he must provide the employees with the necessary training on occupational health and safety. (The principles and methods of training shall be indicated in the regulation to be issued by the Ministry of Labour and Social Security.)

Under the Article 80, where a minimum of employees are employed and permanent work is performed for more than six months, the employer shall set up an occupational health and safety board. Employers are under the obligation to enforce the decisions of the occupational health and safety boards taken in accordance with the legislation on occupational health and safety.

Under the Article 81, in establishments where a minimum of fifty employees are employed, the employers are under the obligation, in order to meet needs of employees for medical treatment which fall outside those provided for by the Social Insurance Organization, to employ one or more physicians at the establishment and to set up a health unit with a view to protect the health of the employees, to take occupational health and safety measures and to provide first aid, urgent treatment and preventive health services depending on the number of employees and the risk factors involved.

According to the Article 82, with a view to conduct services for providing measures of safety at work and determining the measures aimed at preventing work accidents and occupational diseases as well as following up their execution, employers of establishments where a minimum of fifty employees are employed on a continued basis and where permanent work is performed for more than six months shall employ one or more engineers or technical staff, depending on the number of employees, the nature of establishment and the degree of accident risks involved.

Article 83 provides that in connection to occupational health and safety in an establishment, any employee faced with an imminent, urgent and life threatening

danger which may do harm to his health or endanger his bodily integrity may make an application to the occupational health and safety board with a request for the determination of the case and a decision for the adoption of necessary measures. The board shall hold an urgent meeting and decide on the same day, lay down the case in a written rapport. In establishments where there are no occupational health and safety boards, the request shall be made to the employer or the employer's representative. The employee may request the determination of the case and demand a written report to that effect. The employer or his representative must give a written reply. In the event the board takes a decision consistent employee's request, the employee may refrain from working until the necessary occupational health and safety measure is taken. The employee's wages and other rights shall be reserved during the period he refrains from work.

The right of employees to refuse to work where there is no safety and health board is not included in the above-mentioned act.

Fire safety regulations are listed in articles 109 through 141 of the Worker Health and Safety Statutes. These regulations are extremely detailed. All precautions, regulated by the number of workers employed, have to be implemented at the workplace; there have to be fire exits, fire extinguishers and related equipment. Moreover, groups have to be established that are responsible for intervening in case of fire. Monitoring on the issue is done by labour inspectors and if needed, it is possible to get expertise from a fire department affiliated with the local municipality.

The same statutes contain detailed specifications regarding toilets, drinking water, machinery safety, storage, security personnel, dining rooms, cafeterias etc.

According to Article 11 of the Statutes, "At the workplace, hallways must be wide enough to allow workers to pass through easily and to allow for a speedy evacuation of the workplace in case of danger; they must be illuminated with natural and artificial light. The distance between machines, motors and equipment utilised to run these as well as between other counters has to be sufficient to allow workers to work comfortably, but 80 cm. at minimum. The width of paths at the workplace must be arranged based on the number of workers that use them and the transport of materials, it must be at least 120cm."

Article 23, 24 and 25 of the Statutes include detailed regulations on elevators and staircases at the workplace. It is mandatory that staircases are built of material resistant to fire.

According to Article 26, "walls, ceilings, windows, doors and other parts of workshops, corridors, storage rooms, depots and maintenance rooms must constantly be clean and well kept."

Articles 31, 32, 33 and 34 of the Statutes relate in a detailed fashion to the quality of drinking water, how it should be transported and stored, and how it should be made available to the workers.

Article 36 of the Statutes defines how dining areas and cafeterias must be organised. According to this article, there must be sufficient tables and chairs in dining areas and cafeterias and all materials must satisfy rules for cleanliness and hygiene.

Regarding toilets, Article 38 of the Statutes stipulates the number of toilets based on the number of workers employed, requires that toilets for men and women be separate and lists in detail the rules of hygiene to be followed on this matter.

Article 39 of the Statutes requires that there be water taps and bathroom sinks for workers to wash their hands and faces.

***Ratifications:***

- C159 ILO Vocational Rehabilitation and Employment (Disabled Persons) Convention 1983 – ratified on 26/06/2000

***Implementation:***

According to the US State Department Human Rights report 2003: 'The law mandates occupational health and safety regulations, but in practice the Government did not carry out effective inspection and enforcement programs. The law allows for the shutdown of an operation if a five-person committee, which included safety inspectors, employee, and employer representatives, determined that the operation endangered workers' lives.' All units employing more than 50 workers must establish such an Occupational Health and Safety Committee, but there tends to be little clarity about the function of such Committees. There are limited circumstances under which a workplace may be shut down, or workers may be entitled to refuse to work as a remedy for hazardous working conditions.

But according to the US State Department Human Rights report 2003: 'In practice, financial constraints, limited safety awareness, carelessness, and fatalistic attitudes resulted in scant attention to occupational safety and health by workers and employers alike.'

Legal workplaces seldom encounter problems concerning workers' health and safety. However, because unionisation levels are so low and because the overwhelming majority of employers remain unregistered, current national legislation has very little influence on the working conditions of the employees.

Unregistered employees often work in unsafe and unhealthy environments.

#### **5.4. Freedom of Association and Right to Collective Bargaining**

##### ***Domestic law:***

###### *Constitution*

Article 33 specifies that everyone has the right to form associations, or become a member of an association, or withdraw from membership without prior permission. No one can be compelled to become or remain a member of an association.

Article 51 guarantees workers' right to form labour unions, employers' associations and higher organizations, without obtaining permission. No one may be forced to become a member of a union or to withdraw from membership. Membership in more than one labour union cannot be obtained at the same time and in the same work branch.

Article 53: Workers and employers have the right to conclude collective bargaining agreements in order to regulate reciprocally their economic and social position and conditions of work.

Article 54 specifies that workers have the right to strike if a dispute arises during the collective bargaining process.

The unions and their higher organizations may appeal to judicial authorities on behalf of their members and may hold collective bargaining meetings with the administration in accordance with their aims.

###### *Legislation*

###### Labour law

Art. 18 protects union members:

The following, inter alia, shall not constitute a valid reason for termination:

- a) Union membership or participation in union activities outside working hours or, with the consent of the employer, within working hours;
- b) Acting or having acted in the capacity of, or seeking office as, a union representative;

- c) The filing of a complaint or participation in proceedings against an employer involving alleged violations of laws or regulations or recourse to competent administrative or judicial authorities;

#### TRADE UNIONS ACT **Law No. 2821**

Turkey has ratified the ILO agreements no. 87 and 98. Furthermore, the Turkish constitution and labour law allows workers to freely establish trade unions, to become union members, and to engage in collective bargaining. However, current regulations contain seriously restrictive and anti-democratic clauses. A large number of workers cannot, therefore, in practice make use of their right to organize and to bargain collectively. Due to these restrictions, the millions of workers employed off-record in particular, cannot exercise their rights. Current law stipulates that in order for a worker to be a union member, s/he must be on the records as an employee:

**Article 2. Worker:** Any person working under a contract of employment shall be considered to be a worker.

Furthermore, a worker who wishes to join a union has to sign in five copies of the membership application form at a notary public (art. 22) and pay for this service approx. TL 20 million. Similarly, according to Art. 25, a person who would like to end his/her membership of a union and switch to another union has to do so at the notary public and pay TL 45 million for this service.

The labour legislation distinguishes between 28 sectors of employment and allows unions only to be active in the sector in which they have been established. The garment industry, together with the textile industry, is categorised under the "textile sector":

**Article 3.** Workers' trade unions shall be constituted on an industrial basis by workers employed in establishments in the same branch of activity with the purpose of their activity widespread throughout Turkey.

More than one trade union may be constituted in the same branch of activity. Workers' trade unions shall not be constituted on an occupational or workplace basis.

**Article 4.** The branch of activity covering an establishment shall be determined by the Ministry of Labour and Social Security.

'Yellow unions' are illegal:

#### **Article 38.**

It is unlawful to place any workers' trade union or confederation under the control of an employer or employers' organisation established by virtue of this Act or any other enactment, or to encourage or cause others to constitute a workers' trade union or confederation under their influence.

Specific regulations regarding collective bargaining are stated in the Agreements, Strikes and Lockouts Act (Law 2822)

**Article 13.** A workers' union that considers itself competent to conclude a collective labour agreement shall make application in writing to the Ministry of Labour and Social Security, requesting the ministry to determine that its membership within the branch of activity in which the union is constituted represents at least 10 per cent of the workers engaged in that branch, and to determine the number of workers employed and the number of members in the establishment or establishments to be covered by the agreement as of the date of such application.

***Ratifications:***

- C87 ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 – ratified 12/07/1993
- C98, Concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, 1949

***Implementation:***

The ICFTU in its Report For The Wto General Council Review Of The Trade Policies Of Turkey (Geneva, 17 and 19 December 2003) notes: “Despite some modifications in the field of freedom of association, the exercise of this right is still very restricted. According to Article 14 of the Trade Unions Act, trade union officials must have worked for at least ten years in the sector represented by the union before taking up office. If they want to join the union’s executive body they need to be a Turkish citizen.

Official permission is required to organise meetings and police must be allowed to the meetings and allowed to record the proceedings. There are legal restrictions on the right to organise for public sector workers. Fines can be imposed on employers who do not respect trade union rights; however, these fines are very small and not dissuasive enough. Regulations safeguarding trade union freedom and job security exist in Act No. 2822 and in the Labour Act No. 4857 (2003), yet it is generally considered that these do not provide sufficient protection of trade union leaders against transfer and dismissal. The law does not impose any obligation on the employer to reinstate dismissed trade unionists, other than union delegates. Act No. 2822 and the related Act. No. 2821 are expected to be changed in early 2004. “

The most important problem encountered by garment workers relates to freedom of association and the right of collective bargaining. Even the most

optimistic experts estimate that only 3 to 4% of all garment sector workers are members of a labour union and that only 1% of them actually benefit from their collective bargaining rights. Low levels of unionization are linked to restrictions that have been placed on freedom of association and the right to collective bargaining by the Turkish government as discussed above, including the requirement to prove that 10% of workers in an industry branch are members of a union before it can negotiate a collective bargaining agreement. According to the ICFTU: "The procedure is long and cumbersome and it is often very difficult to make free use of this right. The process has to be notarised, which is very expensive and provides a further deterrent to free collective bargaining."

Before strikes or lockouts can take place, there are a number of preliminary steps that the union or the employer must go through if the action is to be considered legal. In case of a strike, an employer may not hire substitute workers or use existing personnel to perform the work that would otherwise have been undertaken by striking workers.

According to the International Labor Organization, the government is too apt to rely on a law allowing it to suspend strikes citing national security or the public good. Moreover, the ICFTU reports that the ILO Committee of Experts on Freedom of Association has voiced concern about the lack of effective penalties against employers for anti-union discrimination, illegitimate requirements for forming a trade union and preventing enterprise-based unions and restrictions on the right to collective bargaining in the public sector.

## **5.5. Non Discrimination**

### ***Domestic law:***

#### *Equal treatment:*

##### *Constitution*

Article 10 provides that all individuals are equal without any discrimination before the law. In addition, no privilege may be granted to any individual, family, group or class. State organs and administrative authorities must act in compliance with the principle of equality before the law in all their proceedings.

##### *Labor Act*

According to the Article 5, no discrimination based on language, race, sex, political opinion, philosophical belief, religion and sex or similar reasons is permissible in the employment relationship. Unless there are essential reasons for different treatment, the employer must not make any discrimination between a full-time and part-time employee or an employee working under a contract made for an indefinite period. Except for biological reasons or reasons related to

the nature of the job, the employer must not make any discrimination, either directly or indirectly, against an employee in the conclusion, conditions, execution and termination of his employment contract due to the employee's sex maternity. Different remuneration for similar jobs or for work of equal value is not permissible. Application of special protective provisions due to the employee's sex shall not justify paying him a lower wage.

Article 18 provides that race, color, sex, marital status, family responsibilities, pregnancy, birth, religion, political opinion and similar reasons shall not constitute a valid reason for termination.

Special legal provisions for women workers:

Labor Act

Article 72: Boys under the age of eighteen and women irrespective of their age must not be employed on underground or underwater work like in mines, cable-laying and the construction of sewers and tunnels.

Article 73: This article provides the employment of the female workers in the night shifts under certain circumstances. According to the Article 69, night work is deemed to be the work carried out between 20.00 and 06.00 . However, the Ministry of Labor and Social Security may arrange the hours of the night work by regulations depending on the local conditions.

### **Ratifications:**

- C111 ILO Discrimination (Employment and Occupation) Convention, 1958 – ratified in 1967
- C100 ILO Equal Remuneration Convention, 1951 – ratified in 1967
- UN Convention on the Elimination of All Forms of Discrimination Against Women, 1979 – ratified in 2000
- Convention on the Elimination of All Forms of Discrimination Against Women
- C45 ILO Underground Work (Women) Convention, 1935 – ratified in 1938

### **Implementation:**

The provisions related to gender-based discrimination in employment are erratically enforced. This is in part due to the conflict that exists between the protectionist emphasis of, for example, Article 50 of the Constitution which states that work must be suited to the age, sex and capacity of the worker, and the equality in terms of hiring, remuneration, promotion etc. guaranteed by other

provisions of the Constitution and by the Labor Act. Discrimination against single women is relatively rare; however discrimination against women who have recently married and pregnant women in the realm of promotion, remuneration and termination is frequent, particularly in the textile and apparel industry. Women workers are sometimes terminated during the period of their maternity leave.

Discrimination is reported as more prevalent in unregistered workplaces. Although there is no accurate available research, observations indicate the existence of sex-based discrimination concerning wage scales. In such factories, while wages are said to be determined according to qualifications, as a rule, women earn significantly less than men.

## **5.6. Harassment and Abuse/Discipline**

### ***Domestic law:***

- Health and Safety provisions often apply
- While not binding, see: Memorandum of Understanding between the European Community and the Republic of Turkey on Turkey's participation in the Community Action Programme to combat discrimination (2001-2006). Resmi Gazete. 2003-02-21. No. 25027, pp. 67-72

The new provisions have been adopted about harassment with the new labor act:

Article 24 d: The employee is entitled to break the contract if, in cases where the employee was sexually harassed by another employee or by third persons in the establishment, adequate measures were not taken although the employer was informed of such conduct.

Article 25 II c: The employer may break the contract if the employee sexually harasses another employee of the employer.

### ***Ratifications:***

- C111 ILO Discrimination (Employment and Occupation) Convention, 1958 – ratified in 1967
- Universal Declaration of Human Rights – adopted in 1948

No ILO Convention aims at abuse/harassment exclusively.

### ***Implementation:***

Many women workers, particularly those in the unregistered workplaces, complain about being subjected to sexual harassment and threats.

During intense work periods, workers complain about the long hours and hard labour and are exposed to constant threats of being fired.

In some factories, employees are regularly abused by both employers and their representatives. Since unemployment rates are generally very high in Turkey, many employers have free reign, especially in unregistered workplaces. Therefore, infractions, including sexual harassment and physical abuse, often go unpunished.

## 5.7. Working Hours

### ***Domestic law:***

#### *Labor Act*

#### *Workweek:*

The standard workweek prescribed by law is 45 hours, with one day off per week. Under the law that came into effect in June of this year, private sector employers may choose to give workers a day off on a day other than a weekend.

Time periods reckoned as part of the statutory hours of work includes the time during which the employee has no work to perform pending the arrival of new work but remains at the employer's disposal (art. 66).

**Article 67.** The beginning and ending of the daily working time and rest breaks shall be announced to workers at the establishment.

**Article 68.** Employees shall be allowed a rest break approximately in the middle of the working day fixed with due regard to the customs of the area and to the requirements of the work in the following manner;  
fifteen minutes, when the work lasts four hours or less,  
half an hour, when the work lasts longer than four hours and up to seven and a half hours (seven and a half included),  
one hour, when the work lasts more than seven and a half hours.  
The breaks shall not be reckoned as part of the working time.

**Article 46.** The employees working in establishments covered by this Act shall be allowed to take a rest for a minimum of twenty-four hours (weekly rest day) without interruption within a seven-day time period, provided they have worked on the days preceding the weekly rest day as indicated in Article 63.  
For the unworked rest day, the employer shall pay the employee's daily wage, without any work obligation in return.  
For entitlement, the following shall be reckoned as days worked;

- a. time periods deemed to be part of the working time although no work has been done, and any periods of holidays, with or without pay, either statutory or based on contract
- b. up to three days' leave of absence in the event of the employee's marriage and up to three days' leave in the event of the death of the employee's mother, father, spouse, brother or sister, and child,
- c. any leave granted by the employer and any sick or convalescent leave based on a medical report, subject to a maximum of one week,

If the employer, without being obliged to do so by force majeure or economic reasons, suspends work on one or more days of the week, these days on which no work has been done shall be reckoned as days worked in order to be entitled to paid weekly rest day. If work is suspended in an establishment for more than one week on account of force majeure, the wages payable to employees for days not worked due to force majeure in accordance with subsections III of Articles 25 and 26 shall be paid also for the weekly rest day.

#### *Dispersion of working hours*

The new act entitles the employer to disperse the working hours in an unequal manner over a period of two months.

Article 63: In general terms, working hours is forty-five hours maximum weekly. Unless the contrary has been decided working time shall be divided equally by the days of the week worked at the establishment.

Provided that the parties have so agreed, working time may be divided by the days of the week worked in different forms on condition that the daily working time must not exceed eleven hour. In this case, within a time period of time of two months, the average weekly working time of employee shall not exceed normal weekly working time. This equalizing period may be increased up to four months by collective agreement.

Working time is thus determined by the collective labor contract between the trade union and the employer and in the absence of a collective contract the individual labor contract will determine this issue (No written form has been required for the individual contract).

This is up to the employee and in lack of a collective contract, the employee must consent the division of the working hours by the individual contract or later.

### *Compensatory Work*

Article 64: In cases where time work has been considerably lower than normal working time or where operations are stopped entirely for reasons of suspending work due to force majeure or on the days before or after the national and public holidays or where the employee is granted time off upon his request, the employer may call upon compensatory work within two months in order to compensate for the time lost due to the unworked periods.

Compensatory work shall not exceed three hours daily, and must not exceed the maximum daily working time in any case.

Unlike the short-time work (see below), the compensatory work requires no consent of either the Turkish Employment Organization or the union signatory to the collective agreement.

### *Downtime (suspension of work), short-time work and its pay*

In case of the short-time work the employer can not remunerate the employee due to a general economic crisis or a force majeure. As a result, short-time work has to be accepted by the Turkish Employment Organization because of the payment made by it.

Article 65: The employer who temporarily shortens the weekly working time in his establishment or who temporarily suspends work wholly or partially in his establishment due to a general economic crisis or force majeure must communicate this matter along with the reasons, immediately to Turkish Employment Organization and to the union signatory to the collective agreement if there is one.

The acceptability of the request shall be decided by the Ministry of Labor and Social Security. The methods and principles of procedure shall be indicated in a regulation.

In cases where work is suspended or shorter working hours are applied at the establishment for at least four weeks due to the above-mentioned reasons, employees shall be paid benefits for short-time work corresponding to the time not worked. Short-time work shall not exceed the period during which force majeure was effective and in any case three months. In order to have the right to insurance benefit payments for working shorter, the employee must meet the conditions required for the entitlement to unemployment benefits both in terms of his length of employment and the number of days for which unemployment insurance contributions should have been paid.

The daily amount of benefit payment for working shorter is the same as the unemployment benefit.

If work is suspended in an establishment for more than one week on account of force majeure, the wages payable to employees for days not worked due to force majeure because preventing the employee from performing his duties for more than one week or because of Force majeure necessitating the suspension of work for more than one week in the establishment where the employee is working. shall be paid also for the weekly rest day (art 47).

*Overtime:*

Overtime has been arranged by the Article 41:

Overtime may be performed for such purposes as 'the need to increase output.' 'Overtime work is work which, under conditions specified in this Act, exceeds forty-five hours a week. In cases where the principle of balancing is applied in concordance with Article 63, work which exceeds a total of forty-five hours a week shall not be deemed overtime work, provided the average working time of the employee does not exceed the normal weekly working time.

Wages for each hour of overtime shall be paid increasing the amount of normal hourly wage by fifty percent.

In cases where the weekly working time has been set by contract at less than forty-five hours, work that exceeds the average weekly working time done in conjunction with the principles stated above and which may last only up to forty-five hours weekly is deemed to be worked at extra hours. In work extra hours, each extra hour shall be paid by increasing the amount of normal hourly wage twenty-five percent.

If the employee who has worked overtime or at extra hours so wishes, rather than receiving overtime pay he may use a free time of one-hour and thirty minutes for each hour worked overtime and one hour and fifteen minutes for each extra hour worked.

The employee shall use the free time to which he is entitled within six months, within his working time and without any deduction in his wages.

No overtime work shall be done in (...) night work stated in Article 69.

The employee's consent shall be required for overtime work.

Total overtime work shall not be more than two-hundred seventy hours in a year.'

Overtime work and its methods shall be indicated in a regulation to be issued.

**Article 44/47.** The issue of whether or not work will be done on the national day and public holidays will be decided by the collective agreement or by employment contracts. The employee's consent is required if there is no provision in the collective agreement or in employment contracts.

Employees shall be paid a full day's wages for the national and public holidays on which they have not worked; if they work instead of observing the holiday, they shall be paid an additional full day's wages for each day worked.

*Annual Vacation:*

**Article 53.** Employees who have completed a minimum of one year of service in the establishment since their recruitment, including the trial period, shall be allowed to take annual leave with pay.

The right to annual leave with pay shall not be waived.

(...)

The length of the employee's annual leave with pay shall not be less than; fourteen days if his length of service is between one and five years, (five included),

twenty days if it is more than five and less than fifteen years,

twenty-six days if it is fifteen years and more (fifteen included).

For employees below the age of eighteen and above the age of fifty, the length of annual leave with pay must not be less than twenty days.

**Article 54.** In the computation of the length of service required to qualify for annual leave with pay, the total period during which the employee has been employed in one or more establishments belonging to the same employer shall be taken into consideration. Furthermore, any length of time spent by an employee in an establishment covered by this Act plus any length of time previously spent by the same employee in an establishment belonging to the same employer but not covered by this Act shall also be considered.

**Article 57.** The employer must pay the employee using his annual leave the remuneration corresponding to his leave period either as a lump sum or as an advance payment prior to the beginning of the leave.

The annual leave remuneration of employees who are not paid daily, monthly or weekly but who are remunerated according to an indefinite period of time or amount of money, such as a piece-rate, (...), must be calculated on their average daily earnings by dividing the total wages earned during the previous year by the number of days actually worked during that year.

*Maternity Leave:*

Article 74 provides that in principle female employees must not be engaged in work for a total period of sixteen weeks, eight weeks before confinement. In

case of multiple pregnancies an extra two week period shall be added to the eight weeks before confinement during which female employees must not work. However, a female employee whose health condition is stable as approved by a physician's certificate may work at the establishment if she so wishes up until three weeks before delivery. In this case the time during which she has worked shall be added to the time period allowed to her confinement.

The time periods mentioned above may be increased before and after confinement if deemed necessary in view of the female employee's health and the nature of her work. The increased time increments shall be indicated in the physician's report.

If the employee so wishes, she shall be granted an unpaid leave up to six months after the expiry of the sixteen weeks, or in case multiple pregnancy, after the expiry of eighteen weeks indicated above. This period shall not be considered in determining the employee's one year of service for entitlement to annual leave with pay.

*Night Shifts:*

**Article 69.** For the purposes of working life, "night" means the part of the day beginning not later than 20.00 hours and ending not earlier than 6.00 hours, and lasting not longer than 11 hours in any case.

(...)

Night work for employees must not exceed seven and a half hours.

Suitability of employees for night work shall be certified by a health report to be obtained before they begin work. Employees who are employed on night work shall be subjected by the employer to a periodic health examination at least once every two years. The costs of employees' health examinations shall be met by the employer.

(...)

The employer is under the obligation to submit to the relevant regional directorate of labour the list of employees who shall be employed on night shifts as well as a copy of the health reports issued before the said employees have begun work and then given periodically.

In establishments where operations are carried on day and night by alternating shifts of employees, the alternation of shifts must be so arranged that employees are engaged on night work for not more than one week and are then engaged on day work the following week. Alternation of work on night and day shifts may also be carried out on a two-week basis.

The employee whose shift will be changed must not be engaged on the other shift unless allowed a minimum rest break of eleven hours.

**Article 73.** Children and young employees under the age of eighteen must not be employed on industrial work during the night.

The principles and methods for employing women who have completed the age of eighteen on night shifts shall be indicated in a regulation to be prepared by the Ministry of Labour and Social Security upon receiving the opinion of the Ministry Health.

*Sick Leave:*

When an employee fulfills the conditions of 90 days premium, he will be entitled to a benefit which covers 2/3 of his last wage in case of a treatment in a medical center and half of his last wage in case of a treatment outside a medical center.

***Ratifications:***

- C. 14 ILO Weekly Rest (Industry) Convention, 1921 (No. 14) – ratified in 1946

***Implementation:***

As discussed in section 4.1 above, aspects of the labour code relating to working hours are not enforced in unregistered workplaces. Workers in these facilities do not have access to many of the protections provided by law. Please see the discussion in that section for further information.

## **5.8. Compensation**

***Domestic Law:***

*Labor Law*

Excerpts form the most relevant articles:

**Article 32.**

Wage payment must not be made in bonds, coupons or another paper claimed to represent the national currency valid in the country or by any other means whatsoever.

Wage may be paid on a monthly basis at the latest. The time of remuneration may be reduced down to one week by employment contract or by collective agreement.

**Wage account slip:**

**Article 37.** In wage payments which the employer makes at the establishment or through a bank, he must deliver to the employee a signed slip showing the wage account and bearing the special mark of the establishment.

This slip must indicate clearly the date of payment, the pay period, all supplements to basic wages such as overtime earnings, payments for weekly rest days and national or general holidays, and all deductions such as taxes, insurance contributions, reimbursement of advance payments, payments for alimony and sequestrated deductions.

**Deductions of fines from wages:**

**Article 38.** No employer may impose a fine on an employee's wage for reasons other than those indicated in the collective agreement or the employment contract. The employee must be notified at once, together with the reason, of any wage deductions as fines.

Deductions made in this way must not exceed three days' wages in any one month, or in the case of piece work or amount of work to be done, the wages earned by the employee in two days.

These deductions shall be credited within one month to the account of the Ministry of Labour and Social Security in a bank established in Turkey and must be designated by the Ministry for use in the training of and social services for employees. Every employer must maintain a separate account in his establishment showing such deductions.

*Fair Wage:*

The idea of a "fair wage" is enshrined in the Constitution (Article 55) though there is relatively little elaboration of this concept in legislation or through the courts.

*Minimum Wage:*

The Ministry of Labor is obliged legally to set minimum wages at least every 2 years through a minimum wage board, a tripartite government-industry-union body called the Minimum Wage Commission--which historically it had done annually. The parameters within which the Commission must make its determination are set in part by the Constitution, which asserts that the cost of living and the economic situation of the country are the relevant factors to take into account.

The current minimum wage (june 04) in Turkey is untaxed 318 millions TL and taxed (including social premiums) 444 millions TL.

*Social Security:*

Article 60 of the Constitution states that everyone has the right to social security. This includes benefits for industrial accidents and sickness, health insurance, maternity, disability, old age and death. It also covers almost all costs of a modest level of medical care.

***Ratifications:***

- C95 ILO Protection of Wages Convention, 1949 – ratified in 1961
- C26 ILO Minimum Wage-Fixing Machinery Convention, 1928 (No. 26) – ratified in 1975
- C102 ILO Social Security (Minimum Standards) Convention, 1952 – ratified in 1975

## **Implementation:**

### *Wages*

The Ministry has fulfilled the obligation to re-examine the minimum wage at least every two years, and has, in fact, adjusted the minimum wage every year. As of January 1<sup>st</sup>, 2004, the monthly gross minimum wage is 423,000,000 TRL for workers over age 16, and 360,000,000 TRL gross for workers under 16.

A tripartite government-industry-union body called the Minimum Wage Commission reviewed the minimum wage every 6 months. In December, the Commission set the monthly net minimum wage rate at \$216 (303 million lira). The minimum wage did not provide a decent standard of living for a worker and family. However, most workers earned considerably more than the minimum wage. Turk-Is has unsuccessfully called on the Ministry of Labor to exercise its authority to waive income tax and social security deductions for minimum wage earners. Workers covered by the labor law, who constituted approximately one-third of the total labor force, also received a hot meal or a daily food allowance and other fringe benefits that, according to the Turkish Employers' Association, accounted for approximately 62.7 percent of total compensation.

The minimum wage alone would not be enough to provide for the needs of even a very small household, as labour rights advocate note, but fortunately almost all workers receive more than the minimum wage in basic wages. The prevailing wage for registered facilities in the textile and apparel industry is close to US\$2 per hour. Wages for unregistered workers are markedly lower, however.

The two labour union confederations, Türk-İş and Hak-İş, and one union representing public servants (Kamu-Sen) publish monthly data concerning the minimum cost of living for a family of 4 (since many married Turkish women do not work outside the home, it is expected that a single income should provide adequately for a family).

According to information published by Türk-İş in September 2002:

- The minimum cost of living for a family of 4 is 1,039,000,000 TL per month (approximately US\$ 630);
- The minimum food costs for a family of 4 is 348,487,000 TL (approximately US\$ 211).

**Table 14: The Current Net Legal Minimum Wage and Its Cost to Employers**

	Workers Over 16		Cost to Employer
Legal Minimum Wage		Legal Minimum Wage	
Social Insurance Organisation Premium	35,122,500	Social insurance organisation (SIO) premium 19.5% (employee share)	63,878,742

Unemployment insurance premium 1%	2,508,750	Unemployment insurance premium 2%	6,551,666
Income tax 15%	27,486,562	SIO premium employee share difference	10,739,161
Stamp tax 0.6%	1,505,250	Unemployment insurance premium share difference	767,083
Net legal minimum wage	184,251,938 (112 US\$)	Total cost to employer	332,811,652 (202 US\$)

Comparing the figures provided in Table 14 with union estimates for cost of living clearly show that monthly income incomes do not fulfil the minimum requirements for a family of 4 — even for those employed at registered and unionised workplaces.

According to information from the US Embassy 'that it would be difficult for a single worker, and impossible for a family, to live on the minimum wage without support from other sources. Most workers earn considerably more; however, workers covered by the labor law constitute only about one-third of the total labor force. The U.S. Embassy did not identify any studies on the living wage in Turkey.'

Union representatives have consistently disagreed with the way the commission calculates the minimum wage. They believe that the legal minimum wage should make it possible for the worker and his/her family to live decently in accordance with current economic and social conditions and it should not compromise basic human dignity. They made recommendations to the commission about ways to measure a living wage more accurately. However, the commission, which is reportedly dominated by industry and government representatives, failed to institute most of them. The outcome is sub-standard living conditions.

The piecework system is uncommon in the sector; registered and unionised workplaces offer set monthly wages. Some unregistered employers offer weekly and while others pay monthly wages. Weekly wage schedules are more common among smaller workplaces.

*Social Security:*

Workers also receive Social Security (including health insurance, coverage for workplace injuries and accidents, old age and life insurance), funded through employer and employee contributions. There is no government contribution, though the program is administered through a tripartite governing body with government representation. As explained above, unregistered workers do not benefit from this system.

The insurance covers work injury, occupational disease, sickness, maternity leave, disability, old age and death. The system is in deficit because it is inefficiently administered (late collection of premiums), there is a high ratio of active to inactive insured workers and inflation rates have been high over many years. Out of the total population of just over 61 million (1995) it is estimated

that 41 million people are receiving pensions and benefits from social security institutions (See: ILO, Child Labour in Turkey, Ankara 1997).

The retirement age for men is 55 and women is 50 (subject to a minimum number of days worked); men may retire after 25 years of service and women after 20 years of service. The government is planning revisions such as increasing the age of retirement and linking benefits to actual premiums paid.

#### *Tax rates*

There does not seem to be a threshold below which no income tax is paid. The minimum tax rate is 25% after social costs are deducted. It is no wonder that lower paid workers prefer to work in the informal sector where they might be able to avoid paying the social costs and tax; they could effectively increase their take home pay by 55%. The 25% minimum applies to incomes from 0-US\$2,958 per annum; the rates increase progressively to a maximum of 55%.

#### *Non-Wage Benefits*

Workers whose employment is covered by labour law (about 1/3 of the total labour force of 24 million) are also entitled to, and almost invariably receive significant non-wage benefits such as food and transportation allowances, subsidies for children's education etc. The basis for such benefits is the same provision of the Constitution that provides for a fair wage. For the textile and apparel industry, such benefits would bring the total compensation package for registered workers to about US\$3 an hour. In addition, workers also receive four annual bonuses, with each equivalent to one month's wages.

### **5.9. Legally binding employment relationship**

#### ***Domestic law:***

The labour law is not valid for apprentices or establishments with three or fewer employees. It is valid for persons working under labour contractors:

**Article 2: (...)** The connection between the subcontractor who undertakes to carry out work in auxiliary tasks related to the production of goods and services or in a certain section of the main activity due to operational requirements or for reasons of technological expertise in the establishment of the main employer (the principal employer) and who engages employees recruited for this purpose exclusively in the establishment of the main employer is called "the principal employer-subcontractor relationship". The principal employer shall be jointly liable with the subcontractor for the obligations ensuing from this Labour Act, from employment contracts of subcontractor's employees or from the collective agreement to which the subcontractor has been signatory.

The rights of the principal employer's employees shall not be restricted by way of their engagement by the subcontractor, and no principal employer –

subcontractor relationship may be established between an employer and his ex-employee. Otherwise, based on the notion that the principal employer-subcontractor relationship was fraught with a simulated act, the employees of the subcontractor shall be treated as employees of the principal employer. The main activity shall not be divided and assigned to subcontractors, except for operational and work-related requirements or in jobs requiring expertise for technological reasons.

#### *Labour contract*

A written agreement has been required for fixed term contracts while written agreement is not necessary for the indefinite term contracts. However, the fixed term contract is an exceptional case in Turkey. The indefinite term contract has been considered as a general rule.

**Article 11.** An employment contract is deemed to have been made for an indefinite period where the employment relationship is not based on a fixed term. An employment contract for a definite period is one that is concluded between the employer and the employee in written form, which has a specified term or which is based on the emergence of objective conditions like the completion of a certain work or the materialisation of a certain event.

Art. 8: In cases where no written contract has been made, the employer is under the obligation to provide the employee with a written document, within two months at the latest, showing the general and special conditions of work, the daily or weekly working time, the basic wage and any wage supplements, the time intervals for remuneration, the duration if it is a fixed term contract, and conditions concerning the termination of the contract.

#### *Employment contracts based on a "gang contract":*

**Article 16.** The contract concluded between an employer and a gang of employees represented by one of the employees acting as the gang leader is called a gang contract.

The gang contract must be made in written form irrespective of the duration of employment contracts which will emanate from it. The gang contract must specify the identity and wage of each employee separately.

Once each employee named in the gang contract begins work, an employment contract is deemed to have been concluded between the employer and the employee with the conditions specified in the gang contract. However, the provision of Article 110 of the Obligations Act also apply to the gang contract. The employer or his representative must pay the employees' wages separately as each employee named in the gang contract begins work. For the gang leader's acting as an intermediary or for any other reason, no deductions may be made on behalf of the gang leader from the wages of employees who form the gang.

#### *Personnel files*

**Article 75.** The employer shall arrange a personnel file for each employee working in his establishment. In addition to the information about the employee's identity, the employer is obliged to keep all the documents and records which he has to arrange in accordance with this Act and other legislation and to show them to authorised persons and authorities when requested.

The employer is under the obligation to use the information he has obtained about the employee in congruence with the principles of honesty and law and not to disclose the information for which the employee has a justifiable interest in keeping as a secret.

*Protection against unjust dismissal*

The new act has adopted the employment system in accordance with the 158 ILO Convention which had been already ratified by Turkey. We will mention the articles related to that system:

Article 18: The employer, who terminates the contract of an employee engaged for an indefinite period, who is employed in an establishment with thirty or more workers and who meets a minimum seniority of six months, must depend on a valid reason for such termination connected with the capacity or conduct of the employee or based on the operational requirements of the establishment or service.

Article 19: The notice of termination shall be given by the employer in written form involving the reason for termination which must be specified in clear and precise terms.

The employment of an employee engaged under a contract with an open-ended term shall not be terminated for reasons related to the workers' conduct or performance before he is provided an opportunity to defend himself against the allegations made. The employers' right to break the employment contract in accordance with Article 25/2 of the Labor Act is, however, reserved.

Article 25 includes the right of the employer to dismiss his/her employee in case of a just cause which gives the right of dismissal to the employer without paying any compensation. In this case the provisions mentioned above are not applicable. These are very serious reasons for the termination of the contract (eg. Harassment of another employee).

*Social Security:*

Workers also receive Social Security (including work accident and occupational diseases, health, maternity, old age, disability, death insurances as well as the unemployment insurance). Social insurance is mandatory for all workers. A certain amount of the contributions has to be paid by the employer.

There is no government contribution except the unemployment insurance. As explained above, unregistered workers do not benefit from this system.

The insurance covers work injury, occupational disease, sickness, maternity leave, disability, old age, death and unemployment

#### *Retirement*

The retirement age for men is 60 and woman is 58. Besides, payment of a minimum 7000 days premium or period of 25 years insurance with a minimum payment of 4500 days premium is required.

#### ***Implementation:***

The social insurance system is in deficit because it is inefficiently administered (late collection of premiums), there is a high ratio of active to inactive insured workers and inflation rates have been high over many year.

Fixed term contracts has been concluded in very exceptional cases such as the high level stuff. Turkish law does not allow the conclusion of this contract in the garment sector since the completion of a certain work(the objective condition) does not exist in this sector. The textile workers are also engaged with a indefinite term contract.

Current labour legislation contains legally binding employment relationships. However, since most companies remain unregistered, there is a wide discrepancy between the legal aspect and the workday reality. There are no binding relationships at unregistered workplaces. Only registered workers can collect unemployment and severance pay.

Workers employed on a contract basis (either indefinite-duration or fixed-duration contracts) are entitled to notice before termination, and must give notice before they resign. The notice required is related to the length of employment, and ranges from two weeks to two months. If either party breaks the contract without notice, it must compensate the other party by paying an amount equal to the pay that the worker would have received during the notice period. Certain exceptions to the required notice period apply, and are laid out in Article 17 of the Labor Act. The required notice period is routinely adjusted during collective bargaining, and the payment in lieu of notice provision is strongly enforced against employers, though less often against employees.

*Please also see Appendix II, which provides additional information on Turkish Labor Law and Regulations.*

## **6. Organisations Working on Turkish Labour Issues**

### **6.1. Turkish Organizations**

#### ***ITKIB***

The “Exporters Associations” began providing its services in 1940 to various regions in Turkey and is a prime example of state and private sector cooperation. In 1970, the ITKIB was restructured when the Ready-Wear and Textile Exporters merged with the leather and carpet exporters. It currently consists of the Association of Exporters of Istanbul Ready-Wear Manufacturers (IHKIB), the Uluda Ready-Made Exporter Associations, the Aegean Ready-Made Exporter Associations, and the Denizli Ready-Made Exporter Associations.

The ITKIB has moved beyond mere export regulation issues. In the 1980s, the ITKIB contributed significantly to the export-led re-organisation of the textile and garment sector. Its recent strategy has been to develop Turkey as a full-package producer of high-end apparel with its own brands directed at both the EU and North American markets.

For more information: <<http://www.itkib.org.tr>>

#### ***TGSD (Turkish Clothing Manufacturers' Association)***

The Turkish Clothing Manufacturers' Association (TCMA) was established in 1976. It is Turkey's oldest garment sector non-governmental organisation and represents the Turkish clothing industry at the national and international levels. It is a member of the International Apparel Federation and EURATEX. The current Board of Directors consists of 28 members. Seven permanent staff members work together with the Secretary-General, to implement decisions taken by the Board.

The Association consists of various departments including international relations and research, accounting membership relations, and public relations. Various study groups made up of Association members work on the clothing sector's various aims and goals such as drawing attention to the priorities and finding solution for the problems encountered by the Turkish clothing industry. They also do research that focuses on the industry's future needs. The association is also involved in lobbying activities both in Turkey and abroad.

After corporate social codes were imposed on Turkish manufacturers, the TGSD entered into a joint social “certification programme” program with the ISO, the Istanbul Chamber of Industry (see 4.3.). This programme mainly focuses on occupational health and safety issues (see 5.2.).

The TGSD has over 400 members who represent Turkey's leading clothing manufacturers and various prominent clothing industry foundations and institutions. It is not an "employers trade union" as defined by Turkish law.

For more information: <<http://www.tgsd.org/>>

### ***ISO (Istanbul Chamber of Industry)***

The Istanbul Chamber of Industry was established in 1952 by some 700 leaders of Turkey's major industries. Its membership reached 2000 in 1962 and, as of January 2000, has expanded to more than 8800 members. It is Turkey's oldest and largest chamber of industry. The ISO is a semi-governmental institution similar to Chambers of Industry worldwide. Its goals include further development and improvement of its services. It considers itself an NGO and shares some NGO's characteristics in that it has assumed some public responsibilities. For the last two years, it has been engaged in social auditing activities together with the TGSD garment industry association.

For more information: <[www.iso.org.tr](http://www.iso.org.tr)>

### ***DS K / TEKSTL - (Trade Union)***

TEKSTL - (the Textile Workers' Union), established in 1965 as the "Istanbul Textile Worker's Union," held its first Congress on 21 November 1965. It is one of only three of Turkey's trade unions operating in the textile and garment sectors that have the authority to negotiate a CBA with employers. It is affiliated nationally to the DS K Confederation, and internationally to the ITGLWF. Its regional organisation is the ETUF:TCL.

The TEKSTL - headquarters is located in the Merter region (in greater Istanbul), one of Turkey's major garment production centres. A large majority of the region's companies serve as sub-contractors or indirect suppliers for European and American multinational corporations.

The union has also established significant contacts with garment workers from the informal sector. In fact, it is the only trade union actively seeking contact with these workers. Many garment workers trust the DS K/TEKSTL to supply them with the necessary information concerning their rights. The union is also known for providing legal services, especially in cases involving workplace issues.

The union has its membership mainly in and near Istanbul and Bursa as well as the greater Thrace region.

The union claims a membership of some 85,000 workers, but restrictive clauses in Turkey's labour legislation exclude unionised informal workers from Ministry of Labour statistics. Official governmental figures put DS K/TEKSTL union membership at 64,389 as of July 2002.

ITGLWF documents (Financial Report, June 2000) prepared by the Federation put the number of active members at 16,490. But active union membership decreased significantly down to 12,160 during the recent economic crises, losing many of its members from the Istanbul, Bursa, and Thrace regions. Actually, the union is a significant presence at only two garment factories. The union has 10 branch offices and 5 regional representative offices at the national level.

The union's primary objectives is to forge a new trade union movement to counter the old and outmoded ways of doing union business. It even changed its name from the "Istanbul Textile Worker's Union" to the "Textile Workers' Union". The Union was strengthened by activities surrounding the 1975 Congress when it decided to operate within the framework of DS K, whose objectives and principles it shared. In 1980, its 74,000 members suffered a setback when a military coup d'etat significantly interrupted their activities for a long period of time. Many of the union's representatives were arrested and imprisoned after the coup. Finally, after 11 years, they were acquitted by the Military Supreme Court in July 1991. DS K and its affiliates were reinstated in 1991 and a dramatic restructuring process led to huge increases in union membership, which gave it the power to negotiate collective bargaining agreements on behalf of its members.

For more information: <tekstil@superonline.com>

### ***TEKSF (Trade Union)***

TEKSF is the largest textile and garment sector trade union in Turkey. It is also Turkey's oldest union. Ministry of Labour statistics put membership figures at 298,343 as of July 2002. TEKSF is a trade union affiliated nationally to the Türk- Confederation, and internationally to the ITGLWF Its regional organisation is the ETUF:TCL.

ITGLWF documents (Financial Report, June 2000) put the active member figure at 80,000. The recent economic crises have taken their toll on membership totals; current estimates of active membership is put at around 65,000 workers. The overwhelming majority of its members are from the textile sector. The union currently represents the workers of several garment factories. The union has 38 branch offices and 2 representatives' offices at the national level. TEKSF 's representatives see the major issue regarding labour rights as the right to

organise. It welcomes the activities of multi-stakeholder code organisations in Turkey as a leverage point for change.

"In our country, the beginning of the union struggle of the textile workers is closely related to the origins of union activity in Turkey. Textile workers may very well have formed the union movement's vanguard that arose during the 1940s. TEKSİF, therefore, has a rich and colourful history that mirrors Turkey's union movement in general. TEKSİF has matured over the years and has attained its current status by having survived all the struggles."

It is understood that ETUF/TCL has undertaken a project with their local affiliates, Euratex, and ILO (ACTRAV) on organizing in the free zones.

For more information: <[http:// www.teksif.org.tr/](http://www.teksif.org.tr/)>

### ***Oziplik-Is (Trade Union)***

Oziplik-Is is affiliated nationally to the Hak-Confederation, and internationally to the ITGLWF. Its regional organisation is also the ETUF:TCL.

Ministry of Labour statistics put membership numbers at 67,440 as of July 2002. ITGLWF documents (Financial Report, June 2000) put active membership at 5,153. The overwhelming majority of its membership is from textile sector. But the union does not represent any garment factories in particular.

Oziplik-Is has demanded the immediate ratification of the ILO Conventions, particularly those concerning the rights to organise and collective bargaining, and their proper institution into Turkish law.

"The labour union's principles and aims are to fight against all kinds of anti-democratic social trends such as fascism, communism, capitalism, etc. as well as struggling to eradicate poverty, ignorance, misery, and unemployment within the framework of the national, democratic, and social legal state with its basis in human rights and the national constitution. Furthermore, it strives to offer its members services that will ultimately lead to social justice and the realization of contemporary civilised standards" (source: Oziplik-Is website).

For more information: <<http://www.oziplikis.org.tr/>>

### ***The Working Group on Women Home-based Workers in Turkey***

The Working Group on Women Home-Based Workers in Turkey is an informal network of interested individuals, who are professionals, researchers and

activists. The Working Group was formed following a workshop on women home-based workers in Turkey in October 1999 by some organizers and participants from the workshop.

While the launching of the working group is recent, individual efforts to raise awareness around home-based work in Turkey date back to 1994. Some of the initial efforts included translation and distribution of key documents on home-based work (written by HomeNet) to the key stakeholders. While the SEWA experience in India provided the initial catalyst for organizing among women home-based workers in Turkey, continued communications with HomeNet and WIEGO helped evolve the thinking that led to the October 1999 workshop. WIEGO is a worldwide coalition of institutions and individuals concerned with improving statistics, research, programs, and politics in support of women in the informal sector of the economy, based in the USA. Following the workshop, the working group emerged with the main objective contributing to increased visibility of women home-based workers in Turkey among public, key stakeholders including trade unions, related state organizations and ministries, and researchers.

More specific goals included:

- Introducing the ILO convention on home-based work as a standard for home-based work in Turkey for research and national policy;
- Creation of a national policy around home-based work is a key area that the working group is concerned with;
- Helping women home based workers to share experience, create and develop their own organizations.

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### ***Association of Labour Inspectors***

The Association of Labour Inspectors (ISMUFDER) of the Ministry of Labour and Social Security was established in April 1988. Its headquarters is located in Ankara and the ISMUFDER is a member of the International Association of Labour Inspection and calls itself an NGO with a voluntary membership. Its members are state labour inspectors. Its main objective is to support the social and economical cooperation between its members and oversee and assist their professional and cultural development. It also performs research on matters such as labour inspection, labour economics, industrial relationships, labour and social

security law, and worker's health and safety. It also wants to affect change and publish its findings.

For more information: <<http://www.ismufder.org>>

### ***Association of Public Accountants and Financial Advisors of Istanbul***

The Association of Public Accountants and Financial Advisors of Istanbul was established in March 1990 in Istanbul. Its main objective is to ensure cooperation and the exchange of data between its members.

For more information: <<http://www.ismmmo.org.tr>>

### ***SIMDER***

The Insurance Inspectors Association of the Presidency of the Social Insurance Organisation is a judicial organisation based in Ankara. They call themselves a voluntary membership NGO. Members are state social insurance inspectors.

SIMDER was founded in 1971 and played an important role in the struggle of Social Inspectors to establish their credentials as auditing personnel, and ensured that they are respected in both private and public sectors. Social Insurance Inspectors' main role is to check that companies are registered with the State Social Insurance.

For more information: <[www.simder.org](http://www.simder.org)>

### ***TÜKODER***

The Association for the Protection of Consumers (Tuketiciyi Koruma Dernegi, TUKODER) was founded in October 1990.

Tükoder is an independent consumer NGO with 23,000 members that does not accept funding from state or industry sources. It is a member of Consumers International and its representatives are democratically elected and are mainly volunteers. TUKODER has some 40 branch offices.

Its first activity in 1991 was to establish a "Consumer Complaints Bureau" together with the local municipal government of Kadikoy, Istanbul. That same year, TUKODER also organised the first of its annual panels on International Consumers Day (March 15). Tükoder deals with large volumes of general and

individual consumer complaints like bread prices, fast food, bank fees, and bridge tolls in Istanbul. It successfully lobbied for a consumer protection law.

For more information: <[www.tuketicikoruma.org](http://www.tuketicikoruma.org)>

Additional information on these and other groups working in Turkey can be accessed in Appendix IV: the Potential Partner Matrix.

## **6.2. International Organizations Engaged in Labor-related Work in Turkey**

### ***ILO Local Office in Turkey (ILO Ankara Branch Office)***

The ILO Ankara Branch Office was established in 1976. Its principal functions include:

- To represent the ILO in Turkey;
- To promote the ILO's policies, programmes and International Labour Standards in Turkey;
- To develop, implement, and monitor the various T.C. programmes and projects;
- To administer fellowship programmes both for Turkish nationals abroad and for foreign fellows in Turkey.
- To collect and analyse information about Turkey.
- To maintain the ILO Ankara Information Resource Centre and Publication Sales Programme.

The ILO participates in various activities in Turkey in cooperation with local organisations including:

- 17 October 2002: The Project Steering Committee meeting of the "Integrated Programme for the Elimination of the Worst Forms of Child Labour in Izmir"
- 29 November 2002: "Increasing the Attendance Retention and Performance Rates of Working Children", within the framework of the IPEC Action Programme
- 31 October–1 November 2002: Gender Training for IPEC and its partners in Turkey, various Arab States and Eastern Europe
- 15 October 2002: The Global Compact launch in Turkey, organised jointly by TS K and UNDP
- 9 September 2002: "Labour Market Policy for Restructuring in Turkey: The Need for More Active Policies", held by the ILO Ankara Branch Office
- As of October 2003, the ILO (ACTRAV) has been working with ETUF/TCL local affiliates and Euratex on organizing in the free zones

For more information: <[www.ilo.org](http://www.ilo.org)>

English version: <<http://www.ilo.org/public/english/region/europe/ankara/>>

### ***The Friedrich Ebert Foundation in Turkey***

This Foundation was founded in Turkey through a liaison office set up in Istanbul in 1988. In 1996, a second office opened in Ankara. The Foundation's activities can be summed up as follows: It holds meetings in order to help develop relationships between Turkish and German parliamentarians. Its aim is to promote Turkey's relations with the West, and to this end it holds special conferences for Turkish and foreign politicians as well as experts on the various issues. The Foundation has been organising the Social Democracy Forum — Ankara since 1990. It currently funds eight to ten research projects in the areas of economics and the social sciences annually.

For more information: <<http://www.festr.org>>

### ***University of Oslo, Norway***

Hege M Knutsen, Associate professor of Human Geography at the University of Oslo in Norway is researching how the changing terms of competition internationally (i.e., end of quotas) are going to affect the Turkish garment industry and workers.

## **7. Compliance-related Activities Focusing on Turkey**

### ***The ISO and TGSD's Social Certificate***

In Turkey, corporate social responsibility is a fairly new concept. In 1999, the Turkish Clothing Manufacturers' Association initiated a project called "Social Obligation Specifications". The result was a document called the "Social Obligations Specifications in Turkey", which was also reviewed by the Istanbul Chamber of Industry. This document established a working standard for Turkish companies doing business internationally. The standard was based on internationally accepted standards, and in particular Code no. 1457 of current Turkish legislation. The Istanbul Chamber of Industry awards certificates to companies that comply with the provisions of the social obligation specifications. The Clothing Manufacturers' Association strives at a broad interpretation of this certificate among the textile and garment sectors leading companies. The Clothing Manufacturers' Association is a member of EURATEX, which offered a great deal of assistance in this process.

Companies that apply to the Turkish Clothing Manufacturers' Association to obtain the Qualifying Certificate are subject to an inspection by the Istanbul Chamber of Industry. The inspection is carried out on two levels: the monitoring level and the verification level. The monitoring process fees vary between US\$ 500 and 1250, while the verification fees vary between US\$ 400 and 1000, depending on the number of a company's employees. The association expects companies awarded this certificate to successfully do business with leading textile companies worldwide, such as Benetton, Gap, Disney, Sisley, Adidas, Nike, H&M, C&A, Levi Strauss, Diesel, Little Big, Guess, DKNY, and Reebok etc., without any further audits.

In practice, the individual foreign companies may demand different specifications from Turkish manufacturers. The Turkish Clothing Manufacturers' Association attempts to come to some kind of agreement concerning these specifications.

The specifications include provisions regarding:

- The employment process and non-discrimination rules
- Working hours
- No forced labour
- No exploitation of child labour
- Wages
- Leaves
- Freedom of association and the right to collective bargaining
- Regulation of conduct and a ban on harassment
- Safe and healthy working environment

The specifications of the TGSD-ISO conform to those of the ILO and the FWF, in general. The most important difference is in the specification regarding the definition of the lowest wage, which is defined as a living wage in ILO Convention 26 and 131 and in the terms of the FWF, but as a minimum wage in the TGSD-ISO specifications.

A worker's "leave" is defined under a special title and is meant to be in line with current legislation.

"Regulation of conduct and the ban on harassment" is also treated under a special title, which is particularly important because of the prevalence of this problem in the Turkish garment sector.

Please note: This section will be updated by MSI project participants as more information is gained about ongoing compliance activities in Turkey.

## **8. Company Compliance Programs in Turkey** *(as of October 2003)*

To inform the next steps of design and fine-tuning the approach to the pilot project, particularly with regard to company involvement, the following questions were asked of companies participating in one or more of the six multi-stakeholder groups involved in this project:

1. How many apparel/textile suppliers do you have in Turkey?
2. What portion of your worldwide supply chain does this constitute?
3. In what regions of Turkey are these suppliers primarily based?
4. With how many of your Turkish suppliers do you have a long term relationship (more than X years with an expectation of likely continuation)?
5. Do you anticipate that your sourcing from Turkey will grow or diminish in the next 2-5 years?
6. What is the range of products you source from Turkey?
7. What kinds of capacity-building activities (e.g. training, coaching, and assistance in implementing corrective actions) have you undertaken with your Turkish suppliers to ensure compliance with your code or the standard to which you seek their compliance?
8. Do you plan to expand, or to introduce, such capacity building activities in Turkey in the next two years?

The matrices below provide summaries of company responses to these questions. While these should not be seen as a representative sample of US and European companies producing apparel in Turkey, they can nonetheless provide insights into different company approaches to the country.

ETI Company Responses regarding Suppliers in Turkey								
Company	Q1. No. of Apparel/Textile Suppliers?	Q2. % of worldwide supply chain?	Q3. Regions suppliers are based?	Q4. With how many suppliers do you have a long term relationship ?	Q5. Expectation that sourcing from Turkey will grow/diminish over the next 2-5 years	Q6. Range of products sourced from Turkey?	Q7. Types of Capacity-building activities undertaken with Turkish suppliers?	Q8. Plans to expand or introduce capacity building activities in Turkey in the next 2 years?
<b>Company 1</b>	80 suppliers of womens, mens and childrenswear	23%	Mainly based around North/West and South side of Istanbul. Also have suppliers in and around Ankara, Adana, Denizel, Bursura and Malatya	no response	no response	knitted & woven fabrics, Casual, Formal, Leather, Accessories	Training (informal), briefing & management tools	Just established regional office for Q&A and other support
<b>Company 2</b>	2	18%	Istanbul & Adana	Both (2)	Diminish	Ladies trousers and some jeans	On the job training/coaching & support from expatriate and local staff members	Maintain current levels
<b>Company 3</b>	No garments but bedding & towels	0	n/a	0	n/a	N/A	n/a	Na
<b>Company 4</b>	"VERY FEW"	1-2%	Istanbul only	1	diminishing at the moment	Clothing	none	n/a

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Company	Q1. No. of Apparel/Textile Suppliers?	Q2. % of worldwide supply chain?	Q3. Regions suppliers are based?	Q4. With how many suppliers do you have a long term relationship ?	Q5. Expectation that sourcing from Turkey will grow/diminish over the next 2-5 years	Q6. Range of products sourced from Turkey?	Q7. Types of Capacity-building activities undertaken with Turkish suppliers?	Q8. Plans to expand or introduce capacity building activities in Turkey in the next 2 years?
<b>Company 5</b>	7 agents and 54 factories	4% of supply base	Marmara (Istanbul, Tekirdag, Bursa, Adapazari	working with nearly all for three years and 27 for over three years	Grow as our Istanbul office grows the business	Childrenswear, (mens and ladies)	Supplier seminars, updates re changes in legislation, training visits for all new suppliers	yes, these will increase as business increases
<b>Company 6</b>	Small amount of cut & sew garments only	Not a strategic country	n/a	0	n/a	Na	Na	Na

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Company	Q1. No. of Apparel/Textile Suppliers?	Q2. % of worldwide supply chain?	Q3. Regions suppliers are based?	Q4. With how many suppliers do you have a long term relationship ?	Q5. Expectation that sourcing from Turkey will grow/diminish over the next 2-5 years	Q6. Range of products sourced from Turkey?	Q7. Types of Capacity-building activities undertaken with Turkish suppliers?	Q8. Plans to expand or introduce capacity building activities in Turkey in the next 2 years?
<b>Company 7</b>	6 Suppliers - 1 joint venture, 5 '3rd party' partners	40% of worldwide supply chain	Mainly Tekirdag with the exception of 1 supplier in the Duzce region.	All	Remain the same	Denim, woven outwear I.e. trousers, shorts, skirts, shirts, jackets and knitted products I.e. t-shirts, sweatshirts, tracksuits and fleeces	Awareness training, coaching and supervision from expat teams on implementation of corrective actions. Assistance and advice from Compliance Manager	Capacity building activities will develop in line with sourcing, I.e. it will grow if our sourcing grows.
<b>Company 8</b>	7 Suppliers	25%	All suppliers based within 1 hours drive from Istanbul	3 of the suppliers we have had dealings with for over 3 years.	Remain the same	All types of hosiery	Training and coaching methodology being developed with suppliers.	Yes

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Company	Q1. No. of Apparel/Textile Suppliers?	Q2. % of worldwide supply chain?	Q3. Regions suppliers are based?	Q4. With how many suppliers do you have a long term relationship ?	Q5. Expectation that sourcing from Turkey will grow/diminish over the next 2-5 years	Q6. Range of products sourced from Turkey?	Q7. Types of Capacity-building activities undertaken with Turkish suppliers?	Q8. Plans to expand or introduce capacity building activities in Turkey in the next 2 years?
<b>Company 9</b>	30 Suppliers	7%	S.West and Eastern Turkey	75%	Grow	Apparel - mainly casual across mens, womens and children, socks & underwear plus some formalwear for men and women.	None as yet	Yes
<b>Company 10</b>	35 Suppliers	30%	Istanbul and Corlu (Tekirdag)	10	Grow	Denim, non-denim tops and bottoms.	We work on an individual basis with each supplier including teaching them on good practices.	Yes

FLA Company Responses regarding Suppliers in Turkey								
Company	Q1. No. of Apparel/Textile Suppliers?	Q2. % of worldwide supply chain?	Q3. Regions suppliers are based?	Q4. With how many suppliers do you have a long term relationship?	Q5. Expectation that sourcing from Turkey will grow/diminish over the next 2-5 years	Q6. Range of products sourced from Turkey?	Q7. Types of Capacity-building activities undertaken with Turkish suppliers?	Q8. Plans to expand or introduce capacity building activities in Turkey in the next 2 years?
<b>Company 1</b>	10 suppliers /17 factories	>2%	Istanbul	2	grow	knit and woven apparel	Approximately 50% of our factory base audited annually. Audit findings are reviewed with factory management by company's agent. Sometimes follow up is done by company office directly with supplier.	No plans to do more since this is not a major manufacturing area for the Company. Recommend that suppliers attend BSR workshops when they are held in the area.
<b>Company 2</b>	0	0	NA	0	No Change	NA	NA	NA
<b>Company 3</b>	16 factories	>4%	Istanbul, Izmir, Konya,			knitwear, leather, woven, other apparel		

Company	Q1. No. of Apparel/Textile Suppliers?	Q2. % of worldwide supply chain?	Q3. Regions suppliers are based?	Q4. With how many suppliers do you have a long term relationship?	Q5. Expectation that sourcing from Turkey will grow/diminish over the next 2-5 years	Q6. Range of products sourced from Turkey?	Q7. Types of Capacity-building activities undertaken with Turkish suppliers?	Q8. Plans to expand or introduce capacity building activities in Turkey in the next 2 years?
<b>Company 4</b>	11 suppliers + 6 subcontractors	>5%	Istanbul area	4 of the main suppliers are producing for company more than 6 years; 7 of the main suppliers and all subcontractors are approved in the last 1.5 years.	We expect that Turkey will continue at or slightly above current sourcing levels.	Knitwear (shirts, jogging suits), woven (small volume) (pants), fleece	Introduction of problem solving mechanisms through management training. Creation of workers forums in all factories. Management required communicating company standards to workers through training. Management required to develop and distribute worker handbook at the time of hire. Orientation training for workers in process. Recruit protocols, including job application forms, revised to reflect company standards, particularly with respect to non-discrimination.	Implementation of a pilot training program, together with other companies to promote sustainable compliance in factories. Direct worker training. Pilot program to promote monitors by workers or their representatives. Annual training of agents and factories in code compliance and policies and systems necessary to sustain compliance.

<b>Company</b>	Q1. No. of Apparel/ Textile Suppliers?	Q2. % of world wide supply chain ?	Q3. Regions suppliers are based?	Q4. With how many suppliers do you have a long term relationship?	Q5. Expectation that sourcing from Turkey will grow/diminish over the next 2-5 years	Q6. Range of products sourced from Turkey?	Q7. Types of Capacity-building activities undertaken with Turkish suppliers?	Q8. Plans to expand or introduce capacity building activities in Turkey in the next 2 years?
<b>Company 5</b>	20 suppliers/ 21 factories		Kirklareli, Bursa, Konya, Istanbul, Ordu, Gaziantep, Beylikdüzü, DENIZLI, Izmir			Sweatshirts for men, women and children.		
<b>Company 6</b>	2 factories	5%	Izmir, Istanbul	2	grow	Cotton Knits, Blend Sweaters, Wool pants	Assisting in implementing corrective action plans	Yes

<b>Company</b>	Q1. No. of Apparel/Textile Suppliers?	Q2. % of worldwide supply chain?	Q3. Regions suppliers are based?	Q4. With how many suppliers do you have a long term relationship?	Q5. Expectation that sourcing from Turkey will grow/diminish over the next 2-5 years	Q6. Range of products sourced from Turkey?	Q7. Types of Capacity-building activities undertaken with Turkish suppliers?	Q8. Plans to expand or introduce capacity building activities in Turkey in the next 2 years?
<b>Company 7</b>	For US operations we use 3 factories. Our German operations use about 12 factories.	>1% US (slightly higher for Germany)	cover entire state	long-term relationship with most suppliers	no changes likely	apparel	Coaching regarding corrective action.	Not sure. Turkey is not high risk compared to other countries.
<b>Company 8</b>	8	9.46%	Istanbul, Duzce, Tekirdag, Bursa, Izmir, Konya.	5 main suppliers have over 5 year relationship with company		knitwear, socks and scarves	Trainings; assisting them with the items in the corrective action plans whenever needed. Capacity building trainings are either general. In specific trainings, we focus on a subject; for ex: "Worker-Management Communication Systems" or "Safety Guards and PPE", etc.	We are shifting from compliance auditing to strategic auditing and as a result of this capacity building activities are growing.

**SAI Responses regarding Suppliers in Turkey**

Company	Q1. No. of Apparel/ Textile Suppliers ?	Q2. % of world wide supply chain?	Q3. Regions suppliers are based?	Q4. With how many suppliers do you have a long term relationship?	Q5. Expectation that sourcing from Turkey will grow/diminish over the next 2-5 years	Q6. Range of products sourced from Turkey?	Q7. Types of Capacity-building activities undertaken with Turkish suppliers?	Q8. Plans to expand or introduce capacity building activities in Turkey in the next 2 years?
<b>Company 1</b>	97	Changing	Istanbul, Izmit, Bursa, Izmir-region, South-east Anatolia	70%	Grow	Garment	Training of managers, training of workers, training of internal auditors/monitors, training of supply chain managers and/or buyers, coaching or consulting for managers, provision of learning material, best practice, business case analysis or other tools, Other	Yes
<b>Company 2</b>	0	0	n/a	0	no plans to go there	n/a	n/a	Na
<b>Company 3</b>	0	0	n/a	0	Only source fruit and vegetable from turkey from time to time	Fruit and Vegetables	n/a	Na

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<b>Company</b>	Q1. No. of Apparel/ Textile Suppliers ?	Q2. % of world wide supply chain?	Q3. Regions suppliers are based?	Q4. With how many suppliers do you have a long term relationship?	Q5. Expectation that sourcing from Turkey will grow/diminish over the next 2-5 years	Q6. Range of products sourced from Turkey?	Q7. Types of Capacity-building activities undertaken with Turkish suppliers?	Q8. Plans to expand or introduce capacity building activities in Turkey in the next 2 years?
<b>Company 4</b>	0	0	n/a	0	Na	n/a	n/a	Na
<b>Company 5</b>	6 to 7	5-6%	Istanbul and Izmir	3 to 4	When Turkey is definitely in the European Union, then yes. When not & when the US dollar is low against the Euro, then not. In Asia (for us the Far East) we buy in US dollars and in our shops we sell in Euro's. That gives us a better margin.	Cotton t-shirts, sweaters , shirts, jackets and pants	For the time being we concentrate our activities in improving working conditions and pushing her manufacturers only in Asia to apply for the SA8000 certificate.	To push the Turkish suppliers to apply for the SA 8000 certificate will start within 2 years
<b>Company 6</b>	0	0	n/a	0	n/a	n/a	n/a	Na
<b>Company 7</b>	5 to 6	less than 5%	Istanbul and Izmir; areas near the Bulgarian border	100%	Diminish	knits and woven apparel for boys and girls		Considering all of the capacity building activities listed.
<b>Company 8</b>	0	0	n/a	0	n/a	n/a	n/a	Na

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Company	Q1. No. of Apparel/ Textile Suppliers ?	Q2. % of world wide supply chain?	Q3. Regions suppliers are based?	Q4. With how many suppliers do you have a long term relationship?	Q5. Expectation that sourcing from Turkey will grow/diminish over the next 2-5 years	Q6. Range of products sourced from Turkey?	Q7. Types of Capacity-building activities undertaken with Turkish suppliers?	Q8. Plans to expand or introduce capacity building activities in Turkey in the next 2 years?
<b>Company 9</b>	2	less than 5%	Istanbul and Izmir	100%	Diminish	Knits, sweaters , woven wool pants	Assistance in implementing corrective actions	Yes
<b>Company 10**</b>	300	about 13%	Istanbul, Izmir, Denizli	50%	Diminish	clothing	Training of managers, training of internal auditors/monitors, training of supply chain managers and/or buyers, coaching or consulting for managers, provision of learning material, best practice, business case analysis or other tools, preferential status	Yes

\*\*Note, this information includes a group of companies and may overlap with one or more of the individual companies

