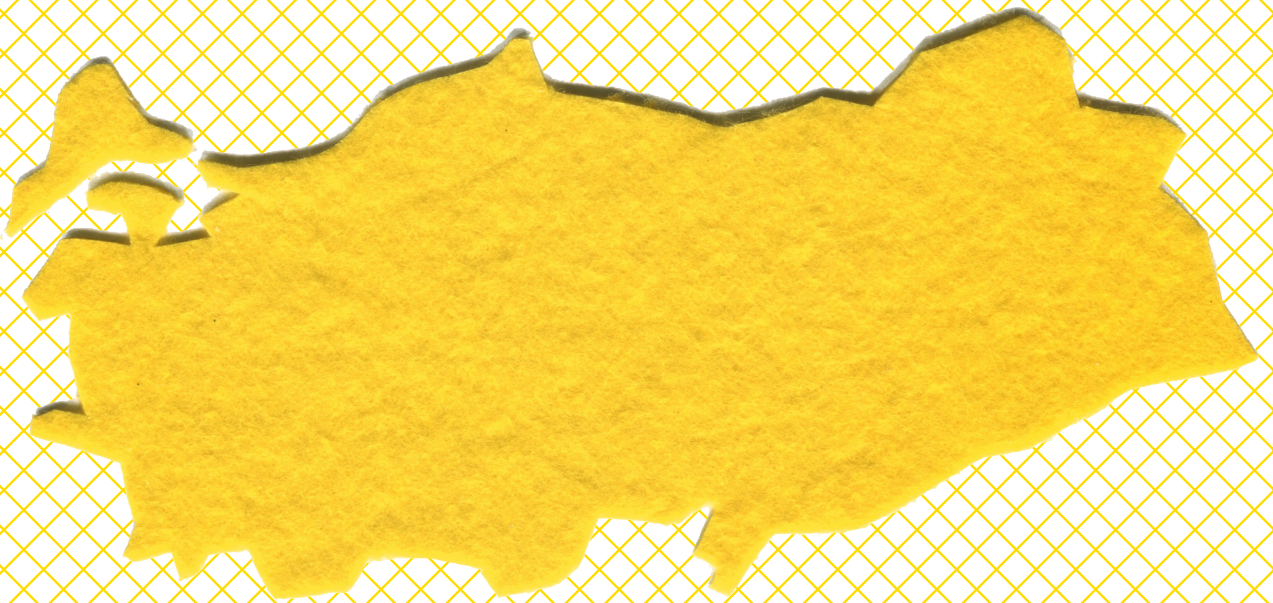




TURKEY

country study 2015



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INTRODUCTION

Responsible for a large proportion of Turkey's total export, the garment industry is the country's second largest industry, with the European Union as the biggest purchaser. Although the industry is familiar with international workplace standards and the audits of international buyers, improvements are still needed in many aspects of its labour conditions. Small and medium-sized factories with a wide sub-contractor chain dominate the industry, with the working conditions deteriorating throughout the supply chain.

The industry is well aware of the issue of unregistered employment. It is estimated that almost 60% of the total workforce in the industry is unregistered. This results in workers who are unable to assert their rights to social security, job security, freedom of association and right to collective bargaining.

In addition to the unregistered employment, the current regulations in Turkey do not make unionisation any easier. Although Turkey did ratify the three related ILO Conventions, the country has been criticized for years by ILO and the European Union for not complying with the international standards on freedom of association and right to collective bargaining. The new Act on Trade Unions and Collective Labour Agreements was adopted and took effect in 2012, but the law continues to be problematic when it comes to compliance with ILO standards.

The wage level in the industry is not enough to provide workers with a living wage. Although Turkey has the highest minimum wage among FWF priority countries, the legal minimum wage, which can be considered as the industry's average wage, is approximately 25% of the living wage estimates of local stakeholders.

FWF will continue to provide updated information on Turkey at www.fairwear.org and will update this country study on a periodic basis in the future.

FWF

Fair Wear Foundation (FWF) has been active in Turkey since 2002. Turkey is one of the four FWF priority countries, the others being Bangladesh, China and India.

In terms of production volume produced for FWF affiliates, Turkey ranks number five after China, Bangladesh, Vietnam and Italy. The majority of suppliers are based in the Istanbul region, with the Izmir region as the second most-important region. 165 Factories in Turkey are listed in the overall supplier list of FWF members. In 2013, for approximately 30 FWF affiliates, manufacturing took place in 104 of those factories.

From 2012 to 2015, FWF is implementing the FAHR (Foreign Affairs Human Rights) program in its priority countries, and coming alongside Turkey to implement both the Workplace Education Program (WEP) and the FWF Helpline, a phone number workers and stakeholders can call with complaints regarding factory compliance with the FWF Code of Labour Practice (FWF CoLP). In the WEP, workers, supervisors and managers are trained separately at factory level on the FWF [Code of Labour Practice](#) and the importance of social dialogue and grievance mechanisms. WEP is carried out in factories that are part of the FWF members' supply chain.

1. HOW TO READ THIS FWF COUNTRY STUDY

This country study should provide a clear and concise image of the industry, labour law, labour conditions and industrial relations within the textile/garment industry. The study was drawn up by gathering information about national laws and local stakeholders' views on labour issues in the garment industry in Turkey.

Chapter 2, *General country information*, describes the economic, social, political, and governance situation as well as the general human rights situation, using international indicators and comparing the country to other garment producing countries.

Chapter 3, *Stakeholders*, briefly presents the main stakeholders that are active in the garment/textile industry. The focus is on stakeholders who have an actual impact on labour conditions or play an active role in monitoring the situation for workers in the industry. This chapter serves as a reference point for stakeholders and brands that want to engage with or consult a local stakeholder to find further information or help concerning their activities in Turkey.

Chapter 4, *Garment industry*, presents an overview of the situation for the garment industry in Turkey, areas of production, products and prospects for the industry.

Chapter 5, *Industrial relations*, describes the trade union situation in the country, both in general and specifically for the garment industry. This chapter gives important information for understanding how well challenges regarding working conditions could be handled through the country's social dialogue, and how they currently are.

In Chapter 6, *Implementation of the FWF Code of Labour Practices*, the implementation of every standard of the FWF Code of Labour Practices is assessed through official statistics on compliance (where available), laws and regulations, as well as different stakeholders views on implementation. It also contains per standard the main FWF audit findings over the last three years and examples of complaints received by FWF. Auditors and brands can use this section as a reference resource their monitoring activities.

2. GENERAL COUNTRY INFORMATION

Turkey, with a total land area of 784,000 square kilometres and a population of 76,667,864¹, according to the 2013 data of Turkish Statistical Institute, is located in both Western Asia and, with the smaller part of Eastern Thrace, in Southeast Europe. The countries bordering Turkey include: Bulgaria in the northwest, Greece in the west, Georgia in the northeast, Armenia, Nakhchivan (an exclave of Azerbaijan), and Iran in the east, and Iraq and Syria in the southeast. Turkey is a candidate country for the European Union.

With a GDP of 820.2 billion USD in 2013, Turkey boats the 18th largest economy in the world². The services industry constitutes the largest share of country's GDP (60.5%)³. According to

1 <http://www.tuik.gov.tr/PreHaberBultenleri.do?id=15974> accessed on 06 October 2014

2 Data of World Bank, <http://databank.worldbank.org/data/download/GDP.pdf> accessed on 06 October 2014

3 Turkish Prime Ministry Undersecretaries of Treasury statistics,

<http://www.hazine.gov.tr/default.aspx?nsw=EiDPQez15w=-H7deC+LxBl8-6mid=2495cid=266nm=41> accessed on 06 October 2014.

the World Trade Organization 2013 data, Turkey ranked 32nd among the world's exporters of merchandise, and 28th amongst exporters of services⁴. The automotive industry has the largest share in Turkey's export with 13.6% in 2013, followed by the garment and apparel industry, which constitutes 11% of the country's total export⁵.

2.1 Economic indicators

Turkey ranks 69th on the 2013 Human Development Index of the United Nations Development Programme, and is in the high development category⁶. From 2008 to 2013, Turkey climbed 16 positions on the rank of the Human Development Index. Of the FWF priority countries, Turkey is the one with the highest rank on the Human Development Index, while Bangladesh is ranked 142th, China 91st, and India 135th.

Of the FWF priority countries, Turkey has the highest income per capita. The gross national income per capita in Turkey is 18.391 USD, whereas in Bangladesh it is 2.713 USD, in China 11.477 USD, and in India 5.150 USD.

2.2 Social, political & governance indicators

Labour conflicts in the Turkish garment industry are not always settled democratically. Garment factories have the power to influence jurisdiction and the Labour Inspections' complaints mechanism doesn't function properly. It takes too long for cases to be solved, which is especially painful when it concerns unjustified dismissal.

Turkey ranks 88 on the democracy index 2012, categorised under hybrid regimes. It is remarkable that of the four FWF priority countries, Turkey is placed third, behind Bangladesh (84) and India (38). China ranks 142th⁷.

With 56%, Turkey has the highest rule of law percentage among FWF priority countries; in Bangladesh it is 23%, in China 40%, in India 53%. It's interesting to note that the same applies to the control of corruption, which in Turkey is 69%, in Bangladesh 21%, in China 47%, and in India 36%.

In comparison with the four FWF priority countries, Turkey scores well on the government effectiveness indicator: 66%, whereas in Bangladesh it is 22%, in China 54%, and in India 47%⁸.

4 <http://stat.wto.org/CountryProfile/WSDBCountryPFView.aspx?Language=E&Country=TR> accessed on 06 October 2014

5 Turkish Exporters Assembly, Monthly Statistics, December 2013,

<http://www.tim.org.tr/tr/ihracat-ihracat-rakamlari-tablolar.html> accessed on 06 October 2014

6 All the information in this part is a summary of the United Nations Development Programme Human Development Index 2013. <http://hdr.undp.org/en/content/human-development-index-hdi> accessed on 06 October 2014

7 Democracy Index 2012: Democracy at a Standstill, A Report from the Economist Intelligence Unit, www.eiu.com accessed on 06 October 2014

8 2013, World Bank Worldwide Governance Indicators,

<http://info.worldbank.org/governance/wgi/index.aspx#reports> accessed on 06 October 2014.

Table 1- Governance indicators-Turkey, Bangladesh, China and India

	Turkey	Bangladesh	China	India
Democracy Index, rank (2012)	88	84	142	38
Rule of Law indicator	56%	23%	40%	53%
Control of Corruption	62%	21%	47%	36%
Government effectiveness	66%	22%	54%	47%

Source: World Bank, 2013

2.3 Income and poverty

How equally income is distributed to a country's residents is measured by a Gini index where 0 represents perfect equality and 100 implies perfect inequality. Table 2 shows the Gini index of Turkey, Bangladesh, India and China. Turkey scores 38.8 points on the Gini index, and that is worse than Bangladesh (32.1), India (33.9) and China (42.1).

Table 2- Gini index- Turkey, Bangladesh, China and India

	Gini index
Turkey	38,8
Bangladesh	32,1
China	42,1
India	33,9

Source: World Bank, 2010

The Income and Living Conditions Survey of the Turkish Statistical Institute for 2013 revealed that the income of the richest part of the population is 7.7 times that of the poorest part. Of the population, 15% lives below the poverty line, which was set at 5,007 Liras yearly⁹.

The percentage of the population in Turkey living below the World Bank poverty line of an income of 1.25 USD daily is 0.59%. Among FWF priority countries, Turkey has the lowest percentage of population living with a daily income lower than 1.25 USD. For Bangladesh this is 43.25%, and for China 9.19%¹⁰.

⁹ Turkish Statistics Institution, Income and Living Conditions Survey 2013, http://www.tuik.gov.tr/PreTablo.do?alt_id=1013 and <http://www.tuik.gov.tr/PreHaberBultenleri.do?id=16083> accessed on 05 October 2014

The legal minimum wage in Turkey is nominally higher compared to the other FWF priority countries. However, this is not the case in terms of relative buying power and the relative gap between the legal minimum wage and estimates of the living wage. For Turkey the living wage estimates are 1.5 to 4.3 times the legal minimum wage. This comes close to Bangladesh, where the estimates are 1.5 to 4.8 times the legal minimum wage. Whereas for India this is 2.6 to 4 times the legal minimum wage, with China having the lowest gap of living wage estimates of 1.6 to 2.3 the legal minimum wage¹¹.

2.4 General human rights situation

According to the 2013 Amnesty International Report, freedom of expression remains restricted despite limited legislative reforms in Turkey. The police use excessive force to break up peaceful demonstrations. Investigations into alleged human rights abuses and their prosecutions by state officials are often flawed. The pattern of unfair trials under anti-terrorism legislation persists, and in February 2013, 151 trade unionists of the public service confederation KESK were arrested in relation to the investigation of a suicide bomb attack on the US Embassy.

No progress has been made in recognizing the right to conscientious objection or in outlawing discrimination on grounds of sexual orientation or gender identity. Turkey has adopted stronger legal protections to combat violence against women and girls, but its existing mechanisms are inadequately implemented in practice¹².

The European Commission also underlined the restrictions against freedom of speech and association. It stresses that 'a number of human rights defenders continued facing legal proceedings on charges of breaking the law and of making propaganda for terrorism as a result of their presence at demonstrations and meetings and following their attendance at press conferences. In 2014 the May 1st march in Istanbul's Taksim Square was not allowed for the second consecutive year. Concepts such as 'general morality', 'Turkish family structure', 'national security', and 'public order' were used widely and allowed too large a margin of discretion to authorities, hindering the respect in practice of freedom of association'¹³

10 World bank poverty data for India for 2010 is not available. According to the 2009 data of the World Bank, for India this percentage is 32.68%. <http://iresearch.worldbank.org/PovcalNet/index.htm?3> accessed on 07 October 2014.

11 Figures based on FWF audit data and actual FWF wage ladders, assessed 2013

12 Amnesty International Report 2013, http://files.amnesty.org/air13/AmnestyInternational_AnnualReport2013_complete_en.pdf

13 European Commission, Turkey Progress Report 2014, p. 54

http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf accessed on 29 October 2014

3. STAKEHOLDERS

This section briefly introduces a number of active stakeholders in the garment/textile industry in Turkey. The focus is on stakeholders who are actively part of forming the labour conditions or monitoring situations for workers.

GOVERNMENTAL INSTITUTIONS

Ministry of Labour and Social Security

The ministry works to regulate and monitor employment, and takes the necessary measures to increase employment rate and broaden the reach of social security among the population. The ministry also operates the governmental hotline for workers grievances.

<http://www.csgeb.gov.tr/>

Ministry of Science, Industry and Technology

The ministry is responsible for developing strategies, plans and programmes in science, industry, and technology and works to ensure their implementation. Prevention of unfair competition is also within the mandate of the ministry.

<http://www.sanayi.gov.tr/>

Social Security Institution

The institution is responsible for keeping social security records and implementing social security projects. It operates under the Ministry of Labour and Social Security.

<http://www.sgk.gov.tr/>

Labour Inspection Board

The institution is responsible for ensuring the working conditions' compliance with local regulations. To fulfil this aim, the institution conducts regular audits in workplaces. It also investigates the complaints received through local hotlines. The Labour Inspection Board operates under the Ministry of Labour and Social Security.

<http://www.csgeb.gov.tr/csgebPortal/itkb-en.portal>

EMPLOYERS ORGANISATIONS

Turkish Textile Employers' Association - TUTSIS

The association aims to protect economic and social interests of its members within the frame of local regulations. The organisation is the only one that forges group collective bargaining agreements¹⁴ with trade unions in the garment and textile industry. It is affiliated with the Turkish Employers' Associations Confederation (TISK), which works in concordance with the

¹⁴ For more information: 5. *Industrial Relations*.

following: the International Organization of Employers (IOE), The Confederation of European Business (BUSINESSEUROPE), The European Apparel and Textile Confederation (EURATEX), the Business and Industry Advisory Committee (BIAC), and the OECD (Organisation for Economic Cooperation and Development).

<http://www.tekstilisveren.org/>

Istanbul Textile and Apparel Exporters' Association - ITKIB

ITKIB is the organisation of textile and apparel exporters in Istanbul. It is comprised of four associations: Istanbul Apparel Exporters' Association, Istanbul Textile and Raw Material Exporters' Association, Istanbul Leather and Leather Products Exporters' Association and Istanbul Carpet Exporters' Association. With more than 16,000 member companies, ITKIB is the biggest Exporters' Association in the textile, apparel, leather and carpet industry in Turkey.

<http://www.itkib.org.tr/>

Aegean Exporters' Association – EIB

This organisation is composed of employers in the Aegean Region and includes all industries. Aegean Textile and Garment Exporters' Association is one of its members.

<http://www.egebirlik.org.tr/>

TRADE UNIONS

Garment sector level unions:

Trade Union of Textile, Knitting, and Apparel Workers (Teksif)

Teksif is the workers' trade union in the industry with the most members. The number of its members is higher than is needed to reach the national threshold that allows organisations to forge collective bargaining agreements. Teksif has seventeen branches and nine liaison offices in different cities of Turkey. It is affiliated to Turk-Is Trade Unions Confederation at a national level, and to IndustriALL Global Union. Turk-Is Trade Unions Confederation is also affiliated to the International Trade Union Confederation.

<http://www.teksif.org.tr/>

Oz Iplik-Is

The second biggest trade union in the industry with regard to the number of its members, Oz Iplik-Is has three regional directorates, five city level directorates, four branch directorates, and one district directorate. The number of its members is high enough to reach the national threshold that allows organisations to forge collective bargaining agreements. It's affiliated to Hak-Is Trade Unions Confederation at a national level, and to IndustriALL Global Union. Hak-Is Trade Unions Confederation is also affiliated to the International Trade Union Confederation.

<http://www.oziplikis.org.tr/>

Textile Workers' Trade Union – Disk Tekstil

Disk Tekstil is the industry's third biggest workers' trade union with regard to the number of members. The number of its members is high enough to reach the required national threshold that allows organisations to forge collective bargaining agreements. It has four branches and two regional liaison offices. It is affiliated to the Confederation of Progressive Trade Unions of Turkey at a national level, called DISK, and to IndustriALL Global Union. Disk Trade Unions Confederation is also affiliated to the International Trade Union Confederation.

<http://disktekstil.org/>

Leather, Weaving, and Textile Workers' Trade Union – Deriteks

Deriteks, formerly Deri-Is, is the industry trade union that also represents leather workers. It is the fourth biggest trade union in the industry with regard to its number of members, which is less than the required amount to be allowed to forge collective bargaining agreements. It has two branches. Deriteks is affiliated to Turk-Is Trade Unions Confederation at a national level, and to IndustriALL Global Union.

<http://www.deriteks.org.tr/>

Independent Textile Workers Trade Union – Batis

Batis is the fifth biggest trade union in the industry with regard to the number of members, which is less than the required amount to be allowed to forge collective bargaining agreements. It is not affiliated to any confederation at a national level or to any global union.

<http://www.batissendika.org/>

LABOUR NGOS

Women's Labour and Employment Platform – KEIG

KEIG is an umbrella organisation of women's NGOs reaching 12 different cities of Turkey. This NGO aims to increase women's employment with decent working conditions in all industries. It is an advocacy organisation aiming to contribute to the development of policies that will be responsive to women's needs regarding employment.

<http://www.keig.org/>

Workers' Health and Work Safety Assembly (WWSA)

WWSA is a labour organization founded by workers, public employees, victims' families, doctors, engineers, scholars, journalists and their organizations. It monitors the occupational health and safety conditions and occupational accidents in all industries and provides regular monitoring reports.

<http://www.guvenlicalisma.org/>

4. GARMENT INDUSTRY

ORGANISATION OF THE GARMENT INDUSTRY

Turkey is both the 7th biggest textile and the 7th biggest garment exporter in the world. It is the 3rd largest supplier country for Europe regarding textile and apparel. It is the 3rd biggest sock supplier and the 3rd biggest towel supplier country in the world. It is the largest home textile supplier of Europe¹⁵.

The garment industry is the second biggest industry after the automotive industry in the country when it comes to export. It was responsible for 11% of the country's total export in 2013¹⁶. Data of the Turkish Exporters Assembly reveals an increase in the garment export in 2013. The total export in the garment industry increased 4.2% in 2013 to a total of 1,424,976 thousands USD.

Germany is the biggest importer of garment products manufactured in Turkey. In the first nine months of 2014, the garment export to Germany amounted to a percentage of 21.3% of the total garment export of the country¹⁷.

Although the recent data shows an increase, historically there has been a massive decrease in the garment export. The Ministry of Science, Industry, and Technology underlines in its Turkish Industrial Strategy Document 2011-2014 that 'especially as a result of the international pressure coming from India and China, the share of traditional labour-intensive industries declined within exports as a whole, as these industries were compelled to switch to industries having higher added value and greater innovative production structures'. As a result, the share of total exports in the garment industry decreased from 23.5% to 10.4% between 1996 and 2010¹⁸. However, as mentioned above, the recent data shows a slight increase when compared to 2010.

MAIN EXPORTS FROM THE GARMENT INDUSTRY

The main garment production categories are apparel, home textile, apparel accessory, goods (such as tents, gunny bags), underwear, and sports clothes. Apparel is the main category of the total garment export (at approximately 70%), followed by home textile (at approximately 8.8%). Sports clothing is the category with the smallest share in the total garment export (at approximately 0.06%)¹⁹.

15 Republic of Turkey Ministry of Science, Industry and Technology, Draft Action Plan and Strategy Paper for Textile, Garment, and Leather Industry 2013-2017, published in September 2013, <https://anahtar.sanayi.gov.tr/tr/news/turkiye-tekstil-hazir-giyim-ve-deri-urunleri-sektorleri-strateji-belgesi-ve-eylem-planlari-taslagi-2013-2017/574> accessed on 10 October 2014

16 Turkish Exporters Assembly, 2013 December data, <http://www.tim.org.tr/tr/ihracat-ihracat-rakamlari-tablolar.html> accessed on 10 October 2014

17 Turkish Exporters Assembly, 2014 September data, <http://www.tim.org.tr/tr/ihracat-ihracat-rakamlari-tablolar.html> accessed on 10 October 2014

18 Republic of Turkey Ministry of Science, Industry and Technology (formerly Ministry of Industry and Trade), Turkish Industrial Strategy Document 2011-2014, p.34 <http://www.abgs.gov.tr/files/haberler/2011/turkish-industrial-strategy.pdf> accessed on 10 October 2014

19 The data given in this section is calculated according to the figures provided by Turkish Exporters Assembly for 2013 December. <http://www.tim.org.tr/tr/ihracat-ihracat-rakamlari-tablolar.html#> accessed on 10 October 2014.

MAIN AREAS FOR GARMENT PRODUCTION

Garment production can be found in almost every region and city of Turkey. Istanbul is the leading city in garment production, followed by Izmir and Denizli²⁰. Although all kinds of garments are manufactured in all of these locations, the Denizli region is the most densely populated with factories producing home textile.

PERCENTAGE EMPLOYED IN GARMENT INDUSTRY

The textile, garment and leather industries are comprised of a total of 1,041,717 registered workers²¹. There has been a continuous increase in the workforce employed by these industries. The total number of workers in these industries was 792,780 people (356,477 in textile, 390,140 in garment and 46,163 in leather) in 2010²², and between 2010 and July 2014, the registered employment of these industries showed an increase of 23.89%.

On the other hand, while the production and export figures are high and tend to increase every year, the presence of unregistered workers makes it very hard to estimate the real increase in the size of the labour force. Although there is no clear data on unregistered employment in the garment industry, the Ministry of Technology, Industry and Science estimates in its report that in 2010, while only 792,780 were registered according to the official data, a total of 2,000,000 people were working in the garment and textile industry²³.

After the crisis in Syria, approximately 1,600,000 people entered Turkey as refugees. The garment industry is one of the industries providing these refugees with unregistered employment. Data on the number of these workers in the industry is unavailable.

To provide guidance to its members, FWF has drawn a [document](#) on the risks related to Turkish garment factories employing Syrian refugees.

SOCIAL COMPOSITION OF THE GARMENT WORKFORCE

While the garment industry is one of the biggest industries providing employment, sources available on the profiles of garment workers are very limited. According to the 2012 data of the Social Security Institution, registered female workers in the industry constitute 47.2% of the total registered work force in the garment industry. However, local stakeholders estimate that the employment of women in the garment industry is higher when unregistered employment is taken into consideration, since unregistered employment is more common among female workers.

There is no data on the age composition of the labour force in the industry. Local stakeholders emphasise that the amount of day labourers in the industry has increased in recent years, which is also revealed by FWF audits. There is no data on the number of these workers in the industry.

20 IBID

21 <http://www.resmigazete.gov.tr/eskiler/2014/07/20140725-10.pdf> accessed on 04 October 2014

22 Ministry of Science, Industry, and Technology, 2011 General Assessment of Turkish Industry Sectors, Turkish Textile Sector, p. 81. http://www.sanaji.gov.tr/Files/Documents/10_tekstil-fh11-31102012110449.pdf accessed on 29 October 2014.

23 IBID

5. INDUSTRIAL RELATIONS

ORGANISATION OF EMPLOYERS AND TRADE UNIONS IN THE GARMENT SECTOR

Although Turkey has ratified ILO Conventions, for years it has been criticised by ILO and the European Union for not complying with the international standards regarding freedom of association and right to collective bargaining. The new Trade Unions and Collective Bargaining Act No. 6356 that took effect in 2012, does not fully comply with the international standards, and it did not fully bring about freedom of association and right to collective bargaining.

ITUC Global Rights Index, which ranks 139 countries against 97 internationally recognised indicators to assess where workers' rights are best protected in law and practice, ranked Turkey in the 5th category, where there is no guarantee of rights²⁴.

E-State

A worker should use e-State gate as a way to join or withdraw from a union. E-State gate can be accessed with Turkish citizenship numbers and personal passwords. After the launch of this new way for signing up for union membership, the number of unionized workers increased by 15.2% in one year²⁵. On the other hand, local trade unions stress that this e-State gate, which was introduced to simplify the signing up for membership, has started to become a tool for some employers to ask workers their private access codes to check whether a worker is a union member or not, a practice which is usually followed by the unfair dismissals of union members. Complaints received by FWF regarding freedom of association and right to collective bargaining verify this statement of local trade unions.

Collective Bargaining

There are four types of collective agreements regulated by local law: workplace collective bargaining agreement, enterprise collective agreements, group collective agreements and framework agreements. A workplace agreement is created for a workplace, while an enterprise level agreement is created for more than one workplace in the same industry, owned by the same employer. A group collective agreement can be created between a trade union and an employers' union for workplaces in the same industry, owned by different employers.

Act no. 6356 sets out to double the threshold requirement for becoming a collective bargaining agent. The first threshold is the industry threshold. To be able to take part in collective bargaining, the union should represent at least one per cent of the workers employed in the industry. This threshold is one percent until 2016, and two percent until 2018, but only for the unions that are a member of one of the three large confederations represented in the Economic and Social Council. For the other unions this threshold will be three percent. The second threshold concerns the union membership percentage of the workplace / enterprise(s) to be

²⁴ <http://www.ituc-csi.org/new-ituc-global-rights-index-the?lang=en> accessed on 02 November 2014.

²⁵ 2014, European Union, Turkey Progress Report, p.41.

http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf accessed on 05 October 2014

covered by the CBA. If the CBA covers one workplace, more than 50 percent of the workers employed in that workplace should be union members. If the collective agreement covers multiple workplaces, more than 40 percent of the workers of the enterprise to be covered by the collective agreement should be union members.

UNION DENSITY IN TURKEY

The textile, garment and leather industries employ 1,041,717 registered workers, of which 9.2% is unionised²⁶. The same statistics reveal that there are ten trade unions in the industry, of which only three have enough members to reach the country threshold and have the authority to bargain for collective agreements.

Local trade unions and the IndustriALL representative in Turkey point at the unregistered employment/informal economy as the main barrier that keeps workers from asserting their right to freedom of association and collective bargaining. Moreover, the practice of double bookkeeping in the industry to reduce the tax and social security costs of labour by falsifying the payrolls is an aspect of unregistered economy that results in anti-union behaviour of employers. Stakeholders stress that it is not the cost of collective bargaining agreements, but the cost of keeping single books that is creating anti-union behaviour in employers. Implementation of the agreements negotiated in CBA on wages and benefits would require the factory to have a registered workforce with registered working hours in single books.

COLLECTIVE BARGAINING AGREEMENT COVERAGE IN TURKEY

According to the 2012 and 2013 data of Labour and Social Security Ministry, the number of workplaces across all industries that created a collective bargaining agreement was 23,970, and the number of workers covered by these agreements was 889,031. The numbers given cover both public and private sectors²⁷.

COLLECTIVE BARGAINING AGREEMENT COVERAGE IN GARMENT INDUSTRY

The last group collective bargaining agreement in the garment industry in Turkey, was concluded in August 2013, after the strike of the workers. According to the 2012 and 2013 data of the Labour and Social Security Ministry, the number of garment and leather workplaces that created a collective bargaining agreement was 162, the number of workers covered by these agreements was 30,657²⁸.

26 <http://www.resmigazete.gov.tr/eskiler/2014/07/20140725-10.pdf> accessed on 04 October 2014

27 http://www.csqb.gov.tr/csqbPortal/ShowProperty/WLP%20Repository/csqb/istatistikler/1984_2011_tis accessed on 10 October 2014

28 <http://www.csqb.gov.tr/csqbPortal/ShowProperty/WLP%20Repository/csqb/dosyalar/istatistikler/CalismaHayati-2013> page 91 and http://www.csqb.gov.tr/csqbPortal/ShowProperty/WLP%20Repository/csqb/dosyalar/istatistikler/calisma_hayati_2012 page 93.

LOCAL GRIEVANCE MECHANISMS FOR WORKERS

A local hotline operated by the Social Security Institution is available for workers. The complaint received by the government is investigated through labour inspections. In 2013, a number of 101,067 workers' grievances were dealt with through this mechanism. Of these grievances, 24.9% was related to payment of monthly wage, 23.7% of these was regarding payment of advance notice in cases of dismissals, 20.9% was regarding payment of severance pay, 11% was regarding annual leave, 8.6% was regarding overtime²⁹.

STATE ROLE IN INDUSTRIAL RELATIONS

Legal conciliation process and The High Board of Arbitration is the conciliation machinery for settlement of collective labour disputes. In 2012, 73 of 251 collective labour disputes were settled through legal conciliations process³⁰.

MECHANISMS FOR SOCIAL DIALOGUE (NATIONAL/SECTORIAL)

The Minimum Wage Assessment Board determines the legal minimum wage through mediation and is composed of 5 government agency members, 5 labour union representatives (from Turk-Is Confederation), and 5 employer representatives (from TISK – Turkish Employers Associations Confederation).

The High Board of Arbitration treats conflicts that arise from collective bargaining agreements and strike. It has a tripartite composition.

The Tripartite Consultation Board aims to maintain forums for social dialogue. It is composed of government representatives, labour representatives (of the main private and public employees' confederations), and employer representatives. The board holds meetings trimonthly.

All these social dialogue mechanisms are at the national level.

²⁹ Ministry of Labour and Social Security, Labour Statistics 2012, p. 125-126,

http://www.csgb.gov.tr/csgbPortal/ShowProperty/WLP%20Repository/csgb/dosyalar/istatistikler/calisma_hayati_2012

accessed on 10 October 2014

³⁰ IBID, p.97.

6. IMPLEMENTATION OF THE FWF CODE OF LABOUR PRACTICES

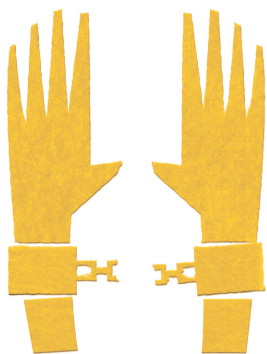
In this chapter the implementation of every part of the FWF Code of Labour Practices is examined by looking at official statistics on compliance (where available), laws and regulations, as well as different stakeholders' opinions and analyses on implementation. Each section starts with quoting the FWF Code of Labour Practices. Quotes from relevant laws are in *italics*.

The legally binding employment relation is an important standard for Turkey, since it is estimated that approximately 60% of the total workforce in the industry is unregistered. At the same time, under-registration is a common phenomenon, which means not all working hours are registered. Unregistered and under-registered employment practices lead to a lack of social security and form a barrier to the freedom of association and right to collective bargaining, which is one of the labour standards particularly important for Turkey to pay attention to.

Payment of a living wage, related to the two labour standards mentioned above, is another important standard for Turkey to be aware of. The legal minimum wage is much too low to provide an income workers can make a decent living out of. The labour standard that protects workers from excessive working hours needs specific attention in Turkey, a country familiar with short lead times.

Lastly, the arrival of Syrian refugees in Turkey created a phenomenon in 2014/2015: the illegal employment of these refugees, who don't have valid work permits. The apparel and garment industries seem to be the leading industries employing Syrian refugees without legal work permits.

6.1 Employment is freely chosen



"There shall be no use of forced, including bonded or prison, labour"
(ILO Conventions 29 and 105)"

OFFICIAL STATISTICS ON COMPLIANCE

According to the ILO estimates on forced labour for 2012, Central & South Eastern Europe and the Commonwealth of Independent States are the regions with the highest prevalence of forced labour per 1000 inhabitants globally³¹.

LAWS AND REGULATIONS

Turkey has ratified ILO Conventions 29 and 105. Forced labour and bonded labour is prohibited by the Turkish Constitution. According to the Constitution Article 18 'no one can be forced to work. Slavery is prohibited'. The labour law of Turkey corresponds with the FWF Code of Labour Practices determining that 'employment is freely chosen'. Employers are not allowed to take deposits of money from workers and retain ID Cards.

31 http://www.ilo.org/wcmsp5/groups/public/@europe/@ro-geneva/@ilo-brussels/documents/genericdocument/wcms_184976.pdf
accessed on 04 October 2014

The Turkish Labour Act sets rules for starting and ending of an employment relationship. Employment starts with an employment contract. The employment contract is not subject to any special form unless the contrary is stipulated by the Act. Workers are free to terminate their working contracts following the advance notice periods, and without an advance notice in situations of just cause identified by Labour Act Article 24. Wages may be paid in cash on a monthly basis, or more, but no less frequently.

According to Labour Act Article 41, overtime work requires the employee's consent. Compulsory overtime work, regulated by Labour Act Article 42, is only allowed for all or some of the employees in case of a breakdown, whether actual or threatened, or in the case of urgent work to be performed on machinery, tools or equipment or in case of force majeure. Compulsory overtime work shall not exceed the time necessary to enable the normal operating of the establishment.

STAKEHOLDERS' OPINIONS AND ANALYSES ON IMPLEMENTATION

In general, forced labour appears not to be an issue in the Turkish textile and garment industry. However, stakeholders expressed concern about working conditions of refugees from Syria, who work in the garment industry illegally. Since most of the refugees from Syria enter the country through unofficial ways, they are not eligible for obtaining a work permit.

On the 8th of October 2014, The Turkish Ministry of Labour announced that Syrian refugees will be provided with temporary personal identification cards, and will be able to work in industries where there is a demand for labour, most likely with quota per region. However, the expected time frame for designing these regulations and for them to take effect is unclear, and so are the specific industries with this kind of labour demand. The law addressing these regulations is currently being developed and is expected in early 2015. For country updates, check the Turkey country page [here](#)

FWF MAIN AUDIT FINDINGS OVER THE LAST THREE YEARS

According to the results of 50 audits conducted by FWF in Turkey between 2009 and 2013, there was no finding of necessary improvements regarding the standard, 'employment is freely chosen', unless one would consider involuntary overtime as belonging to that category. Of the audit results, 12% show that overtime work is not done voluntarily, or not announced in advance.

WORKER COMPLAINTS RELATED TO 'EMPLOYMENT IS FREELY CHOSEN'

FWF's complaints procedure acts as a safety net. When a complaint is filed, FWF informs the affiliate(s) sourcing from the factory in question and investigates the complaint. All the complaints are published on the FWF website.

There have been no worker complaints related to 'employment is freely chosen'. However, a worker complaint on excessive and involuntary overtime work can be accessed [here](#)

6.2 There is no discrimination in employment



"In recruitment, wage policy, admittance to training programs, employee promotion policy, policies of employment termination, retirement, and any other aspect of the employment relationship shall be based on the principle of equal opportunities, regardless of race, colour, sex, religion, political affiliation, union membership, nationality, social origin, deficiencies, or handicaps" (ILO Conventions 100 and 111)

OFFICIAL STATISTICS ON COMPLIANCE

Turkey ranks 118 on the Gender Development Index of the 2013 United Nations Development Programme. Although Turkey has the highest rank in Human Development Index in FWF priority countries, it ranked second lowest among FWF priority countries with regard to gender development, with China ranking 88th, Bangladesh 107th and India at 132nd.

According to the Global Gender Gap 2014 report of the World Economic Forum, Turkey ranks 125 on the Global Gender Gap Index. Turkey has the lowest rank regarding Gender Gap among FWF priority countries: China (ranks 86), Bangladesh (ranks 68), and India (ranks 114).

The main reason of Turkey's mediocre ranking is its low level of economic participation of women, which is 30.8%, according to the 2013 data of State Statistics Institution³². Moreover, the latest OECD data show that the gender wage gap in Turkey is 20.06%³³.

LAWS AND REGULATIONS

ILO conventions 100 and 111 are both ratified by Turkey and covered by the Turkish Constitution, and the Labour Act of Turkey Law No.4857. According to Article 10 of the Turkish Constitution, 'everyone is equal before the law without distinction as to language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such grounds'. The article also states that 'men and women have equal rights. The State has the obligation to ensure that this equality exists in practice. Measures taken for this purpose shall not be interpreted as contrary to the principle of equality'.

Article 5 of the Labour Act of Turkey regulates the ban of discrimination in employment. According to that article 'no discrimination based on language, race, sex, political opinion, philosophical belief, religion and sex or similar reasons is permissible in the employment relationship. 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 (her) employment contract due to the employee's sex or maternity'. The same article also serves as a base for the principle of equal pay for equal value of work by stating that 'differential remuneration for similar jobs or for work of equal value is not permissible'.

32 <http://rapory.tuik.gov.tr/28-10-2014-06:49:06-56304677217587257971536885874.html> accessed on 02 October 2014.

33 <http://www.oecd.org/gender/data/genderwagegap.html> accessed on 02 October 2014

According to Article 74 of the Labour Act, pregnant female employees must not be engaged in work for a total period of sixteen weeks, eight weeks before and eight weeks after delivery. In case of a multiple pregnancy, an extra two-week period shall be added to the eight weeks before delivery during which female employees must not work. However, a female employee whose health condition is suitable as approved by a physician's certificate may work at the establishment if she so wishes up until three weeks preceding delivery. In this case the time during which she has worked shall be added to the time allowed her after delivery. The regulation on overtime work (Regulation No. 25425) stipulates that 'employees who are pregnant, newly given birth or breastfeeding are not allowed to stay for overtime work'.

STAKEHOLDERS' OPINIONS AND ANALYSES ON IMPLEMENTATION

Although the regulations are in accordance with the ILO conventions ratified by Turkey, in practice gender based discrimination persists, which is illustrated by the statistics.

The industry is known as one of the most important industries employing mainly female workers. According to the 2012 data of the Social Security Organization of Turkey, 38.39% of the registered workforce in textile and garment is female³⁴. Thus, most of the discriminatory aspects pointed out by the stakeholders are valid for the industry.

Sexist division of labour

Women's NGOs in Turkey emphasize the sexist division of labour in the domestic sphere, making all domestic tasks the responsibility of women one of the main causes of the low participation level of females in the labour force. Although companies with 150 or more female employees have the obligation to provide childcare facilities for its employees, an overwhelming majority of these companies does not live up to this obligation. In 2013, a number of women's NGOs and women's sections of trade unions formed a platform³⁵, calling upon authorities to provide accessible child care services with low/no cost, in order to increase the employment rate among women.

In research published March of 2014³⁶, Disk-Tekstil Trade Union states that accessible childcare services should be provided in order to stimulate the participation of women in the workforce, and to combat discrimination in employment. The research paper stresses that, as the employment market becomes flexible, gender based discrimination will increase, since flexibility in employment will result in unsecured employment for women.

Gender-based discrimination

In its 2012 Corporate Social Responsibility Report on the Turkish Textile and Apparel Industry, Employers Association ITKIB underlines gender-based discrimination. The report states that female workers are considered cheap labour because of social and traditional reasons. Taking care of domestic work is regarded to be their primary role, contributing to the family budget only comes second. The report also establishes the link between gender-based discrimination and unregistered employment, by stating that more than half of the unregistered workers in the textile and garment industry are estimated to be female.

34 http://www.sgk.gov.tr/wps/portal/tr/kurumsal/istatistikler/sgk_istatistik_yilliklari/ accessed on 04 October 2014

35 The list of the platform members can be accessed from <http://www.kreshaktir.org/>

36 <http://disktektstil.org/disk-ar-kadinin-calisma-hayatina-katiliminin-onunde-duvarlar-var.html> accessed on 04 October 2014

Next to gender-based discrimination, discrimination against union members is one of the biggest and most common problems in the industry. More details on discrimination triggered by union affiliation can be found in [paragraph 6.4](#) of this report: 'Freedom of Association and Right to Collective Bargaining'.

FWF MAIN AUDIT FINDINGS OVER THE LAST THREE YEARS

- Of fifty audits conducted by FWF in Turkey between 2009 and 2013, 24% show that improvement is needed when it comes to discrimination in the work place.
- 8% of the audited factories do not have a written policy concerning discrimination.
- In 20% of the audited factories, the number of women in supervisory roles and other high-paid positions is low.

WORKER COMPLAINTS, RELATED TO 'NO DISCRIMINATION IN EMPLOYMENT'

FWF's complaints procedure serves as a safety net. When a complaint is filed, FWF informs the affiliate(s) sourcing from the factory in question and investigates the complaint. All the complaints are published on the FWF website.

Worker complaints received by FWF in Turkey regarding discrimination are all related to union membership. More details can be found in [paragraph 6.4](#) of this report: 'Freedom of Association and Right to Collective Bargaining'.

6.3 No exploitation of child labour



"There shall be no use of child labour. The age for admission to employment shall not be less than the age of completion of compulsory schooling and, in any case, not less than 15 years." (ILO Convention 138) "There shall be no forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour. [...] Children [under the age of 18] shall not perform work which, by its nature or the circumstances in which it is carried out, is likely to harm their health, safety or morals." (ILO Convention 182)

OFFICIAL STATISTICS ON COMPLIANCE

According to the 2012 research results of the Turkish Statistics Institution, 2.6% of children between 6 and 14 years old and 15.6% of juveniles between 15 and 17 are employed in an economic activity. Of the total number of child and juvenile workers, 44.7% are employed in agriculture³⁷.

37 <http://www.tuik.gov.tr/PreHaberBultenleri.do?id=13659> accessed on 04 October 2014

LAWS AND REGULATIONS

ILO Conventions 138 and 182 are ratified by the Turkish Republic and covered by the Turkish Labour Law 4857, as well as by Turkey's Constitution.

In the constitution of the Republic of Turkey, Article 50 states that 'Minors shall enjoy special protection in regard to working conditions'. Labour Law 4857, Article 71 reads that employment of children who have not reached the age of fifteen is prohibited. However, children who have reached the age of fourteen and have completed their primary education may be employed in light labour that will not hinder their physical, mental or moral development.

For those who continue their education, they may only work jobs that will not prevent their school attendance. The textile and garment industry can not be classified as light labour. Young workers who have reached the age of fifteen but have not yet reached the age of eighteen can only be employed under certain conditions. Working hours of juvenile workers may not exceed 40 hours weekly.

Week-end leave of juvenile workers can not be less than 40 hours uninterrupted and they are not allowed to work on national and general holidays. Annual leave period of juvenile workers cannot be less than 20 days uninterrupted. According to article 12 of this regulation, employers have the responsibility of informing the parents of the juvenile workers about the job description. The risk for these workers should be determined and actions need to be taken against these risks. Written employment contracts shall be signed by the parents of the juvenile workers³⁸.

A copy of the personal identification card is among the documents to be checked during employment, and kept in the personnel files of employees.

STAKEHOLDERS' OPINIONS AND ANALYSES ON IMPLEMENTATION

From the 2012 statistics of the Turkish Statistics Institution it becomes clear that the percentage of child labour remained the same as it was in 2006. In its research paper³⁹, Trade Union Disk underlines that the number of children working has increased compared to the statistics of 2006, even though the percentage is the same.

Stakeholders stress that in the garment industry child labour increases during the summertime, in particular in sweatshops.

The arrival of Syrian refugees in Turkey makes for an increased risk of child labour in the garment and apparel factories. It is estimated that (at the time of writing, Feb. 2015) more than 1.5 million Syrian refugees are living in Turkey, of which only 25% live in refugee camps. Non-camp refugees have to cover their own living expenses, even though most of them do not have legal work permits. The current situation concerning refugees makes the Syrian child labour an upcoming issue.

38 <http://mevzuat.basbakanlik.gov.tr/Metin.Aspx?MevzuatKod=7.5.54576&MevzuatIliski=0&sourceXmlSearch>
accessed on 04 October 2014.

39 <http://www.disk.org.tr/2014/04/disk-ar-cocuk-isci-sayisi-dunya-genelinde-azalirken-turkiyede-artti/>
accessed on 04 October 2014

FWF MAIN AUDIT FINDINGS OVER THE LAST THREE YEARS

- Of the results of the audits conducted between 2009 and 2013, 6% show that the factory employed children as workers.
- Of these results, 12% show that the factory has no effective age verification system in place.
- 50% of the audited factories employed juvenile workers without following local regulations to protect these workers.
- Non-compliances regarding employment of juvenile workers are mostly related to working hours.

WORKER COMPLAINTS RELATED TO 'NO EXPLOITATION OF CHILD LABOUR'

FWF's complaints procedure serves as a safety net. When a complaint is filed, FWF informs the affiliate(s) sourcing from the factory in question and investigates the complaint. All the complaints are published on the FWF website.

No worker complaints were received regarding child labour and working conditions of juvenile workers.

6.4 Freedom of association and the right to collective bargaining



"The right of all workers to form and join trade unions and bargain collectively shall be recognised." (ILO Conventions 87 and 98)
"Workers' representatives shall not be the subject of discrimination and shall have access to all workplaces necessary to carry out their representation functions." (ILO Convention 135 and Recommendation 143)

OFFICIAL STATISTICS ON COMPLIANCE

According to the July 2014 statistics of the Labour and Social Security Ministry of Turkey⁴⁰, 1,041,717 registered workers are employed in the textile, garment and leather industry, of which 9.2% is unionised. The same statistics reveal that of the ten trade unions in the industry, only three, the ones affiliated to IndustriALL global union, are big enough to reach the required threshold and have the authority to bargain for collective agreements. More information on thresholds can be found in the following paragraph on laws and regulations.

LAWS AND REGULATIONS

Turkey has ratified the three related ILO Conventions. However, for years the ILO and the European Union have criticized Turkey for not bringing its labour legislation in line with the international standards on freedom of association and right to collective bargaining, as enshrined in the respective ILO Conventions.

40 <http://www.resmigazete.gov.tr/eskiler/2014/07/20140725-10.pdf> accessed on 04 October 2014

The Turkish Grand National Assembly adopted the new Act on Trade Unions and Collective Labour Agreements Law No. 6356. The new act, effective from November 2012, establishes a more simplified process for the establishment, organisation and functioning of unions. However, it still has some important regulations that, in essence, are not compliant with the international standards.

The trade union rights situation has been a standing item on the agenda of the EU -Turkey Joint Consultative Committee since 2004. The joint report of the EU - Turkey JCC on the Trade Union Rights Situation in Turkey, dated 7-8 November 2013, found major gaps in compliance with international standards on freedom of association and the right to collective bargaining.

The report points to three areas of concern in particular, where the publicists of the report are expecting problems to occur in the future. These areas are: the lack of protection against anti-union discrimination for workers in small companies, the difficulty of obtaining the right to collective bargaining and the restrictions on the right to strike.

Double threshold

Act no. 6356 introduces the double threshold requirement for becoming a collective bargaining agent. To be eligible for collective bargaining the union should represent at least one percent (one percent until 2016, two percent until 2018, but only for the unions that are members of one of the three large confederations represented in the Economic and Social Council; other unions need to represent a minimum of three percent) of the workers employed in the industry and more than fifty percent of workers employed in the workplace and forty percent of workers of the enterprise to be covered by the collective agreement.

The new Act introduces application and cancellation forms relating to trade union membership on the e-State gate, which means that a worker can apply for or cancel a membership online, without visiting the notary. However, this new measure is widely criticized by the stakeholders, because it started to be used as a new tool of violation of the freedom of association.

The new act provides job security for union representatives at the workplace in article 24, which states that an employer shall not terminate the work contract of union representatives unless there is a just cause for termination and he indicates this clearly and precisely. The union representative or trade union of which he is a member shall have the right to apply to the competent court within one month of the date when the notice of termination is communicated to him. In addition, article 25 of the act guarantees freedom of trade union by stating that no worker shall be dismissed or discriminated against on account of his membership or non-membership in a trade union, his participation in the activities of trade unions or workers' organisations outside his hours of work or during hours of work with the employer's permission.

Apply to the court

In case of termination of the contract of employment for reasons of trade union activities, a worker shall have the right to apply to the court as provided in the articles 18, 20 and 21 of Labour Law No. 4857. Article 18 of Labour Act No. 4857 provides protection against anti-union dismissals only for workers who are employed, for an indefinite period, by an establishment employing thirty or more workers, with a minimum seniority of six months. Because of those regulations, it was doubtful whether all workers would be protected against anti-union dismissals. Therefore, the Constitutional Court of Turkey amended the article 25 of the Act No. 6356 with its decision on the 22nd of October 2014, providing protection to all union

members, letting go of the demand of a minimum seniority or employment by an establishment with thirty or more workers⁴¹.

The new act didn't change the restrictions on the right to strike. Add to those restrictions in 2014, all of the strikes suspended by government.

STAKEHOLDERS' OPINIONS AND ANALYSES ON IMPLEMENTATION

Through interviews, trade unions revealed that the double threshold is a limitation against freedom of association and right to collective bargaining. In its Report of the Committee of Experts on the Application of Conventions and Recommendations, ILO expressed the hope that the thresholds will be revised and lowered in consultation with the social partners.

Trade unions underlined unregistered employment as another challenge that keeps workers from enjoying their freedom of association and right to collective bargaining. Approximately 60% of the workers in the industry are unregistered, and therefore exempt from union membership.

Business association ITKIB also emphasises unregistered employment as a main impediment to freedom of association. In its Corporate Social Responsibility Report on Turkish Textile and Apparel Industry⁴², it states that unregistered employment is the main cause for non-unionization within the industry. Workers don't have social security, are not members of a trade union and therefore have no access to collective bargaining.

Share passwords

Trade unions refer to the new system for application to/withdrawal from union membership through e-State gate, which was aiming to simplify the membership process. After the launch of this new channel for signing to be a union member, the number of unionised workers saw an increase of 15.2% in one year⁴³. However, this new mechanism also simplified the anti-union dismissals. The trade unions report that in some cases workers are asked to share their e-State gate password with the employer, so they can check whether a worker is a union member. ILO acknowledges the risk of e-State gate in its 2014 report on the application of standards: 'the information on trade union affiliation which is accessible to all, including employers, could pose a serious risk of exposure of trade union members, or workers wishing to become trade union members, to reprisals and anti-union discrimination, contrary to the Convention'⁴⁴.

Trade unions also criticised the regulations regarding protecting union members from union related dismissals. Although protection is provided to all workers with the decision of Constitutional Court of Turkey dated 22nd of October 2014, trade unions think that the current regulations are still not sufficient to provide this protection since the penalties for discrimination against union members and union related dismissals are not severe enough.

41 Decisions of the Constitutional Court of Turkey.

<http://www.anayasa.gov.tr/Gundem/Detay/636/636.pdf> accessed on 27 October 2014.

42 2012, Itkib, Corporate Social Responsibility Report on Turkish Textile and Apparel Industry

43 2014, European Union, Turkey Progress Report, p.41,

http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf
accessed on 05 October 2014

44 2014, ILO, Application of International Labour Standards 2014 (I), p.123

FWF MAIN AUDIT FINDINGS OVER THE LAST THREE YEARS

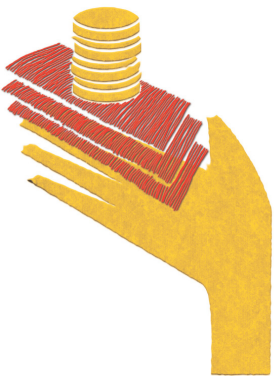
- The results of fifty audits conducted from 2011 to 2013 reveal that 8% of the audited factories infringe on workers' rights to organise.
- Of the audited factories, 8% do not allow trade unions to approach workers, and 4% do not permit workers to access trade unions.

WORKER COMPLAINTS RELATED TO 'FREEDOM OF ASSOCIATION AND THE RIGHT TO COLLECTIVE BARGAINING'

FWF's complaints procedure serves as a safety net. When a complaint is filed, FWF informs the affiliate(s) sourcing from the factory in question and investigates the complaint. All the complaints are published on the FWF website.

Of the complaints FWF received from 2012 to 2014, 25% are concerning the freedom of association and the right to collective bargaining. Reports of some of these complaints can be accessed [here](#) and [here](#).

6.5 Payment of a living wage



"Wages and benefits paid for a standard working week shall meet at least legal or industry minimum standards and always be sufficient to meet basic needs of workers and their families and to provide some discretionary income" (ILO Conventions 26 and 131, the Universal Declaration of Human Rights, art 23(3) and art 25(1)). "Deductions from wages for disciplinary measures shall not be permitted nor shall any deductions from wages not provided for by national law be permitted. Deductions shall never constitute an amount that will lead the employee to receive less than the minimum wage. Employees shall be adequately and clearly informed about the specifications of their wages including wage rates and pay period."

OFFICIAL STATISTICS ON COMPLIANCE

Although official numbers on living wage are unavailable, the 2013 statistics of the Turkish Statistics Institution reveal that the majority of the population cannot afford basic living needs.

According to these statistics:

- Housing costs are a heavy burden for 21% and a moderate burden for 63.4% of the population
- 78.5% of the population cannot afford a one-week annual holiday away from home
- 46.1% of the population cannot afford a meal with meat, chicken or fish every second day
- 49% of the population cannot afford unexpected financial expenses; 29.3% of the population cannot afford heating costs for home, and
- 75.5% of the population cannot afford replacing worn furniture⁴⁵.

⁴⁵ Turkish Statistics Institution Data 'Distribution of non-institutional population by equalised household disposable median income groups and specified living condition indicators, 2006-2013', http://www.tuik.gov.tr/PreTablo.do?alt_id=1011 accessed on 19 October 2014

LAWS AND REGULATIONS

ILO convention 26 is ratified and incorporated in the Labour Act of Turkey Law No. 4857. However, Turkey has not ratified Convention 131.

Every employee is entitled to a wage in cash and must be paid on a monthly base, or more, but no less frequently. Article 38 of Labour Act of Turkey bans imposing a fine on an employee's wage for reasons other than those indicated in the collective agreement or the employment contract.

In Turkey, a single minimum wage is fixed for all workers, whether or not they are covered by the Labour Act. Young workers, starting at the age of 16, are also entitled to receive the full minimum wage.

Revision

The minimum wage is determined by the Minimum Wage Determination Committee, which includes representatives of the employers' and workers' organisations with the most members.

Article 39 of the Labour Act of Turkey states that, in order to regulate the economic and social state of all kinds of workers with an employment contract, the minimum wage shall be assessed every two years at the least. This will be done by the Ministry of Labour and Social Security through the mediation of the Minimum Wage Assessment Commission. Although the legislation provides for adjustment at least once every two years, in practice the minimum wage is revised every six months.

STAKEHOLDERS' OPINIONS AND ANALYSES ON IMPLEMENTATION

The net minimum wage (not including AGI – minimum living allowance) effective for July to December 2014 is 810.7 Liras. The AGI amounts that a worker is entitled to vary based on marital status, employment status of the spouse, and the number of children. As of 2014, July to December, AGI amounts are as follows:

Marital Status	Employment Status of spouse	Number of Children	AGI Amount
Single	-----	0	80.33 TL
Married	Working	0	80.33 TL
	Working	1	92.37 TL
	Working	2	104.42 TL
	Working	3	112.46 TL
	Working	4	120.49 TL
	Not Working	0	96.39 TL
	Not Working	1	108.44 TL
	Not Working	2	120.49 TL
	Not working	3	128.52 TL
	Not working	4	136.55 TL

Türk-İş and Disk regularly announce the estimates for living wage and starvation level for a family of four. Trade union stress that the minimum wage is not sufficient for a decent life. In its comment to ILO, Türk-İş mentioned that the level of the minimum wage is far from adequate to provide a humane standard of living and that the country's economic situation is used as an excuse for keeping the minimum wage exceptionally low.

Interviews with trade unions reveal that the insufficiency of minimum wage with regard to providing an income for living creates extreme overtime work for employees. In most cases the workers even ask for this excessive overtime work themselves since the legal minimum wage standard is far below the living wage, which is especially valid for the textile and garment industry where the majority of employees receive minimum wage.

In the interview, the Disk-Tekstil trade union representative emphasised that wages determined with CBA are not enough to provide the estimated living wage either. The earnings of workers increase when a CBA is created. However, this is achieved mostly because of higher OT premiums and monthly premiums. The ideal situation would be if wages were raised to estimates instead of trying to achieve living wage through premiums.

Data of January 2014, provided by the employer association TISK, reveal that the average wage in the textile and garment factories that are covered by a CBA is 1,754 Liras net⁴⁶. This average wage includes benefits agreed upon in the CBA, such as child support, food support, etc. but not overtime pay. Although it is quite far above legal minimum wage, it is still a great deal below the living wage estimates of trade unions.

Trade union Disk concluded in its research paper that the net minimum wage would be 1,634 Liras if the increase in national income had been included in the minimum wage increase⁴⁷. The trade union proposes the minimum wage to be set through a collective bargaining process, including the right to strike, and the Minimum Wage Determination Committee to be cancelled.

46 http://tisk.org.tr/tr/gostergeler_detay.php?id=18 accessed on 29 October 2014

47 <http://www.disk.org.tr/2013/12/buyume-yansisaydi-asgari-ucret-1634-tl-olacakti/> accessed on 29 October

Wage ladder for Turkey

Source	Description	Amount in Net
Turkish Ministry of Labour and Social Security	Minimum wage as of July 2014 ⁴⁸	810.7 TRY (without AGI)
TISK (Turkish Confederation of Employer Associations)	Average net wage including fringe benefits in the industry in the unionised factories as of January 2014 ⁴⁹	1,754 TRY
Türk-is (Labour Union Confederation)	Estimate of living wage level for a single person as of October 2014 ⁵⁰	1,426 TRY
Türk-is (Labour Union Confederation)	Estimate of living wage level for a family of four as of October 2014 ⁵¹	3,926 TRY
Disk (Confederation of Progressive Trade Unions of Turkey)	Estimate of living wage level for a family of four as of November 2013 ⁵²	3,544 TRY
Kesk (Confederation of Labor Unions of Government Industry Workers)	Estimate of living wage level for a family of four as of August 2014 ⁵³	4,199 TRY
Memur-Sen (Union for Government Industry Workers)	Estimate of living wage level for family of four as of January 2014 ⁵⁴	3,333 TRY
Türk-is (Labour Union Confederation)	Estimate of poverty line: starvation level for a family of four as of October 2014 ⁵⁵	1,205 TRY
Disk (Confederation of Progressive Trade Unions of Turkey)	Estimate of poverty line: starvation level for family of four as of October 2013 ⁵⁶	1,121 TRY
Kesk (Confederation of Labor Unions of Government Industry Workers)	Estimate of poverty line: starvation level for a family of four as of August 2014 ⁵⁷	1,328 TRY
Memur-Sen (Union for Government Industry Workers)	Estimate of poverty line: starvation level for a family of four as of February 2014 ⁵⁸	1,121 TRY

48 <http://www.csgeb.gov.tr/csgebPortal/cgm.portal?page=asgari> accessed on 29 October 2014

49 http://tisk.org.tr/tr/gostergeler_detay.php?id=18 accessed on 29 October 2014

50 <http://www.turkis.org.tr/dosya/QcdLo99Q55t4.pdf> accessed on 29 October 2014

51 IBID

52 <http://www.disk.org.tr/2013/12/disk-ar-aclik-siniri-1121-yoksulluk-siniri-3544-tl/> accessed on 09 April 2014

53 <http://www.kesk.org.tr/content/kesk-ar-eyl%C3%BC-ay%C4%B1-a%C3%A7il%C4%B1k-ve-yoksulluk-raporu> accessed on 29 October 2014

54 <http://www.memursen.org.tr/haber/memur-sen-mart-ayi-aclik-ve-yoksulluk-arastirmasi/> accessed on 29 October 2014

55 <http://www.turkis.org.tr/dosya/QcdLo99Q55t4.pdf> accessed on 29 October 2014

56 <http://www.disk.org.tr/2013/12/disk-ar-aclik-siniri-1121-yoksulluk-siniri-3544-tl/> accessed on 09 April 2014

57 <http://www.kesk.org.tr/content/kesk-ar-eyl%C3%BC-ay%C4%B1-a%C3%A7il%C4%B1k-ve-yoksulluk-raporu> accessed on 29 October 2014

58 <http://www.memursen.org.tr/haber/memur-sen-mart-ayi-aclik-ve-yoksulluk-arastirmasi/> accessed on 29 October 2014

FWF MAIN AUDIT FINDINGS OVER THE LAST THREE YEARS

- Of the fifty audits conducted by FWF between 2009 and 2013, 74% of results show that wages paid are below estimates of living wage by local stakeholders.
- Of these results, 63% indicate that the prices the affiliate pays do not support the payment of living wages.
- 34% of the audited factories are not transparent regarding wage records.
- In 18% of the audited factories, workers are paid less than minimum wage.
- In 12% of the audited factories, workers do not understand how wages are calculated.

WORKER COMPLAINTS RELATED TO 'PAYMENT OF A LIVING WAGE'

FWF's complaints procedure serves as a safety net. When a complaint is filed, FWF informs the affiliate(s) sourcing from the factory in question and investigates the complaint. All the complaints are published on the FWF website.

An examples of a complaint received by FWF regarding living wage can be found [here](#)

6.6 No excessive working hours



"Hours of work shall comply with applicable laws and industry standards. In any event, workers shall not on a regular basis be required to work in excess of 48 hours per week and shall be provided with at least one day off for every 7-day period. Overtime shall be voluntary, shall not exceed 12 hours per week, shall not be demanded on a regular basis and shall always be compensated at a premium rate." (ILO Convention 1)

OFFICIAL STATISTICS ON COMPLIANCE

In 2013, according to the OECD statistics⁵⁹, the average total of weekly working hours in Turkey was 47.9, while the standard amount of weekly working hours amounts to a maximum of 45. Turkey has the highest average of working hours among OECD countries. Statistics of the European Union determine that this amount was even higher: in 2013⁶⁰ the weekly working hours of full-time employment in Turkey officially came to 52⁶¹. Considering the high percentage of unregistered workers and widespread use of double books (registering only part of the hours worked), the actual average of worked hours is likely to be even higher.

59 http://stats.oecd.org/Index.aspx?DataSetCode=AVE_HRS accessed on 10 October 2014

60 <http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&language=en&pcode=tps00071> accessed on 10 October 2014

61 <http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&language=en&pcode=tps00071> accessed on 10 October 2014

LAWS AND REGULATIONS

Working hours and overtime work are regulated in the Labour Act and Regulation on Overtime (no. 25425). Labour Act Article 63 states that in general terms, working time is a weekly maximum of forty-five hours, a daily maximum of eleven hours, and a maximum of seven-and-half hours for night work.

Unless other arrangements have been agreed upon, working time shall be divided equally among the days of the week employed at the establishment. Provided that the parties both agree upon this, working time may be divided among the workdays of the week in varying quantities, on the condition that the daily working time will not exceed eleven hours. In cases like this, within a time period of two months, the average weekly working hours of the employee should not exceed a standard weekly working schedule. This balancing (equalising) period may be extended to up to four months by collective agreement.

Article 41 of Labour Act states that overtime work may be performed for purposes such as the country's interest, the nature of the operation or the need to increase output. Total overtime work should not exceed 270 hours a year. Overtime may only be executed with consent of the employee.

Poor health

The regulation on overtime work (Regulation No. 25425) stipulates the core elements on overtime work including payment, volunteer overtime, exceptions and documentation of overtime work. Overtime employment is prohibited in the following cases: for employees under 18 years of age, for employees who have received a health report declaring poor health, written by a workplace physician, a social insurance institution doctor or any other physician in case of the absence of workplace doctors, even if overtime work would be agreed by an employment contract or collective bargaining agreement.

Employees who are pregnant, have recently given birth or are breastfeeding, as well as employees who have temporary employment contracts are not allowed to perform overtime work.

All overtime hours shall be recorded and paid for accurately. The pay slips distributed to the workers shall include overtime payments. Article 9 of the regulation states that consent for overtime work should be signed yearly by the employee, and this document should be kept in the employer's personnel files.

Overtime must be calculated on the basis of the wage stated in the work contract and paid at a 150% rate of standard working time. Employees have the right to have 1.5 hours of free time for every additional hour worked over 45 hours per week, instead of receiving OT premium. The employee has the right to use the earned free time during working hours over six months. In case the employee is paid per piece or job in a regular workweek, overtime wages are determined based on the pieces produced or the amount of work performed per hour of overtime work.

Take a rest

Employees have the right to take a rest for a minimum of twenty-four hours (weekly rest day) without interruption within a seven-day time period. For the unworked rest day, the employer shall pay the employee's daily wage, without any work obligation in return. 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.

Employees are entitled to annual leave after they have worked for an establishment for one year. Annual leave periods vary according to the seniority of an employee in an establishment. Employees with one to five years of seniority in the same establishment are entitled to 14 workdays of annual leave. This is 20 workdays for the employees with 6 to 14 years of seniority at the same establishment, and 26 workdays for the employees with 15 years or more seniority in the same establishment. Workers younger than 18 or older than 50 years are entitled to at least 20 working days annual leave regardless of their seniority.

STAKEHOLDERS' OPINIONS AND ANALYSES ON IMPLEMENTATION

Because of its geographical condition and the quality of production, Turkey is mainly the 'short lead times' country for fashion wear. Shorter lead times and buyers falling short of providing the factories with a clear forecast, result in excessive working hours. In some cases, factories require workers to do overnight work and Sunday work (without any rest days).

In 2011, the Labour and Social Security Ministry Labour Inspection Institution implemented a pilot project in the garment industry in which 257 garment factories were subjected to labour inspections. The results of this project revealed that 26.84% of these audited factories were not following the legal regulations regarding weekly working hours⁶².

A decent living

The ITKIB's Corporate Social Responsibility Report on Turkish Textile and Apparel Industry mentions that *'Turkey is far behind the European Union countries regarding working hours and in a low bench in ILO statistics; however comparatively in a better position than Far East countries'*⁶³.

Long working hours and excessive overtime are common aspects of the industry. Interviewed trade unions underlined that most workers gladly accept these aspects, since the regular wages are insufficient for providing a decent living.

Another problem regarding overtime in the garment industry is that it's often not done voluntarily. In most of the situations workers could not refuse overtime work without the risk of losing their jobs. This is one of the most important findings of audits conducted by FWF in Turkey.

FWF MAIN AUDIT FINDINGS OVER THE LAST THREE YEARS

- Of the fifty audits done by FWF between 2009 and 2013, 96% revealed that improvements could be made on 'reasonable hours of work'.
- In 80% of the audited factories, excessive overtime was prevalent.
- In 28% of the audited factories, there was no transparency concerning overtime records.
- In 12% of the audited factories, overtime work was not voluntary, or wasn't announced in advance.

62 http://www.csgeb.gov.tr/csgebPortal/ShowProperty/WLP%20Repository/itkb/dosyalar/yayinlar/yayinlar2013/2011_52 accessed on 10 October 2014

63 2012, Itkib, Corporate Social Responsibility Report on Turkish Textile and Apparel Industry, p.29

WORKER COMPLAINTS RELATED TO 'REASONABLE HOUR OF WORK'

FWF's complaints procedure serves as a safety net. When a complaint is filed, FWF informs the affiliate(s) sourcing from the factory in question and investigates the complaint. All the complaints are published on the FWF website.

The report of a worker complaint on reasonable working hours can be found [here](#)

6.7 Safe and healthy working conditions



"A safe and hygienic working environment shall be provided, and best occupational health and safety practice shall be promoted, bearing in mind the prevailing knowledge of the industry and of any specific hazards. Appropriate attention shall be paid to occupational hazards specific to this branch of the industry and assure that a safe and hygienic work environment is provided for. Effective regulations shall be implemented to prevent accidents and minimize health risks as much as possible (following ILO Convention 155). "Physical abuse, threats of physical abuse, unusual punishments or discipline, sexual and other harassment, and intimidation by the employer are strictly prohibited."

OFFICIAL STATISTICS ON COMPLIANCE

According to the Minister of Labour and Social Security, Faruk Çelik, 1570 workers died at work or during work related incidents in a period of one year⁶⁴. On the other hand, Workers' Health and Work Safety Assembly (WWSA) announced that, in 2014 at least 1,886 workers have lost their lives. Also during the AKP governments, since 2002, 14,741 workers died at work or during work related incidents. Of the 1,886 lives lost in 2014, 423 were from construction, 386 from mining and 309 from agricultural sector. 54 of them were children. Also 36 workers, working in the garment and leather industry, died in 2014⁶⁵.

LAWS AND REGULATIONS

ILO Convention 155 has been ratified by the Turkish government and covered in the Labour Law 4857, The Law on Occupational Health and Safety No. 6331 and related regulations.

Occupational Health and Safety Law No. 6331 Article 4 regulates the general responsibility of the employer. The employer has the duty to ensure the safety and health of workers in every aspect related to the work. In this respect, the employer shall take the measures necessary for the safety and health protection of workers, including prevention of occupational risks and provision of information and training, as well as provision of the necessary organisation and means, and shall ensure that these measures are adjusted, taking into account changing circumstances and aim to improve existing situations.

64 <http://www2.tbmm.gov.tr/d24/7/7-52662sgc.pdf> accessed on 4 March 2015.

65 http://www.guvenlicalisma.org/index.php?option=com_content&view=article&id=12826:2014-yili-is-cinayetleri-raporu-en-az-1886-isci-yasamini-yitirdi&catid=149:is-cinayetleri-raporlari&Itemid=236 accessed on 4 March 2015.

Employers shall carry out a risk assessment or have one carried out, monitor and check whether occupational health and safety measures that have been taken in the workplace are followed and ensure that nonconforming situations are eliminated. They shall take into consideration the worker's capabilities, health and safety situation, while entrusting tasks to a worker. Health examination of workers is required during employment, job change after assignment, and in case of return to work following repetitive absence from work due to occupational accidents, occupational diseases or health problems.

Occupational safety expert

Employers have the obligation to appoint an occupational safety expert, a workplace physician and other health personnel. If, in the workplace personnel qualified to carry out these tasks are present, they can be appointed internally. In case qualified personnel to perform these tasks are unavailable, these services shall be obtained from 'joint health and safety units'. These units are established for this purpose and authorized by the Ministry.

Employers shall notify, in writing, any occupational accident and occupational disease which occurs in the establishment to the relevant regional directorate of labour within two working days at the latest.

The employer shall set up an occupational health and safety committee in enterprises where a minimum of fifty employees is employed and permanent work is performed for more than six months. Employers are under the obligation to enforce the decisions of the occupational health and safety committees, made in accordance with the legislation on occupational health and safety. Trade union representatives, or a worker representative elected by the workers in case of the lack of a union representative in the establishment, are one of the members of this committee by law.

Safety and health training

The employer shall ensure that each worker receives safety and health training. This training shall be provided on recruitment, in the event of a transfer or a change of job, in the event of a change in equipment or introduction of any new technology. The training shall be adapted to take into account new or changed risks and repeated periodically if necessary. Workers' representatives shall be entitled to appropriate training.

Measures related to health and safety at work may in no circumstances involve the workers in financial cost. Employees are under the obligation to obey and observe all the measures taken in the field of occupational health and safety. The workers' obligations concerning safety and health in the work place shall not affect the responsibility of the employer.

STAKEHOLDERS' OPINIONS AND ANALYSES ON IMPLEMENTATION

Trade Unions concluded that health and safety conditions have become better in factories producing for international brands, which conduct audits regularly. Although the new law introduced the health and safety committees at the workplaces, stakeholders representing workers pointed out that the committee meetings are not conducted efficiently and a majority of the worker representatives participating in these meetings do not have sufficient information and training for participating in these committees. In some cases, the obligation of involving worker representatives in these committee meetings is not observed by the employers.

Another point of criticism concerning the new law is that the factory employs the health and safety experts. It is doubtful whether an expert can be independent and force an employer to take necessary measures, while this same employer pays his wages.

FWF MAIN AUDIT FINDINGS OVER THE LAST THREE YEARS

- Of 50 audits conducted between 2009 and 2011, 98% revealed that improvements can be made on 'Safe & healthy working conditions'.
- In 78% of the audited factories critical/minor issues regarding fire safety are found.
- In 78% of the audited factories critical/minor issues regarding machine safety are found.
- In 58% of the audited factories critical/minor issues regarding chemical safety are found.
- In 48% of the audited factories, the noise, ventilation, temperature and lighting do not comply with legal requirements.
- In 30% of the audited factories critical/minor issues regarding electrical safety are found.
- Of the audit results 8% show that cases of harassment are found.

WORKER COMPLAINTS RELATED TO 'SAFE AND HEALTHY WORKING CONDITIONS'

FWF's complaints procedure serves as a safety net. When a complaint is filed, FWF informs the affiliate(s) sourcing from the factory in question and investigates the complaint. All the complaints are published on the FWF website.

Complaints report regarding in-house health services can be found [here](#)

6.8 Legally binding employment relationship



"Working relationships shall be legally binding, and all obligations to employees under labour or social security laws and regulations shall be respected."

OFFICIAL STATISTICS ON COMPLIANCE

According to the July 2014 statistics of the Labour and Social Security Ministry of Turkey⁶⁶, 1,041,717 registered workers are employed in the textile, garment and leather industries. According to the data of Turkish Statistics Institution of March 2014, the total percentage of informal employment in all industries is 34.4%⁶⁷. The garment and leather industries are among the ones with the highest percentage of informal employment. Contrary to the data of the Turkish Statistics Institution, there is a strong belief that 60% of the entire workforce in the textile, garment, and leather industries is unregistered. In the industry assessment report of

66 <http://www.resmigazete.gov.tr/eskiler/2014/07/20140725-10.pdf> accessed on 04 October 2014.

67 <http://www.tuik.gov.tr/PreHaberBultenleri.do?id=16008> accessed on 04 October 2014.

the Ministry of Science, Industry and Technology of 2011, the total workforce in the textile, garment, and leather industries is estimated to be two million, while the registered number of employees in these industries at the time of the report was 792,780 people⁶⁸.

LAWS AND REGULATIONS

The legally binding employment relationship and its conditions are regulated by the Labour Act. Employment relationship starts with the signing of the employment contract. As a rule, for the core work in an establishment, employment contracts must be open-ended (for an indefinite period). If the parties of the employment contract agree on having a probation period, this can be included in the contract but this cannot be more than two months, unless a longer probation period is set by the collective bargaining agreement. Workers in a probation period can enjoy all workers' rights. On the other hand, within the probation period, the employee or the employer can terminate the employment contract without any advance notice or compensation. The employee's entitlement to wages and other rights for the days worked is reserved.

The employment contract should include the name and address of the workplace, personal information of the employee, a job description, and the monthly wage. The parties can draw up an employment contract according to their needs, but the contracts must be in compliance with the legal regulations.

Social Security Institution

Employees must be registered at the Social Security Institution on the first day of employment. The law on social insurance and general health insurance no. 5510 protects employees from being employed without social security. Social security is obligatory and an inseparable part of employment. Social security covers health insurance, insurance against occupational accidents and diseases and retirement. The employee pays a monthly fee of 14% of their gross wage as a social security premium. The employer pays a monthly fee of 20.5% of the employee's gross wage as a social security premium for the employee. If an employer makes the social security payments on time and regularly, this percentage is lowered to 15.5%. The employee pays 1% of his gross monthly wage to an unemployment fund. Employer pays the amount equal to 2% of the employee's gross wage to the unemployment fund.

The employer shall arrange a personnel file for every employee working in his establishment. A personnel file shall contain the employment contract, copy of the identification card of the employee, residence document, clearance report, diplomas, health report, monthly pay slips, annual overtime work consent, and health and safety training certificates. For juvenile workers, the personnel file shall contain a signed statement of parental consent with the employment. In addition to the information about the employee's identity, the employer is obliged to keep all the documents and records on file and has to show them to authorised persons and authorities when requested.

⁶⁸ Ministry of Science, Industry, and Technology, 2011 General Assessment of Turkish Industry Sectors, Turkish Textile Sector, p. 81. http://www.sanayi.gov.tr/Files/Documents/10_tekstil-fh11-31102012110449.pdf accessed on 29 October 2014.

Article 18 of the Labour Act regulates protection for workers against dismissal. 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, in relation to the capacity or conduct of the employee or based on the operational requirements of the establishment or service. Union membership or participation in union activities outside working hours or, with the consent of the employer, within working hours cannot be a valid reason for dismissal.

Seniority payment

In case one of the parties terminates the employment contract, she or he should inform the other party within the advance notice periods regulated by law. Advance notice periods are two weeks for employees working in the factory for less than six months, four weeks for employees working in the factory between six months to one-and-a-half years, six weeks for employees working in the factory between one-and-a-half years to three years, eight weeks for employees working in the factory for more than three years. The employment contract is terminated after these advance notice periods. Employees keep on working during notice period and are still entitled to wage and benefits. If the employer prefers an employee not to work during advance notice period, advance notice pay must be made.

If the employment contract is terminated by the employer, employees that have one year or more seniority in the factory are entitled to seniority payment. Seniority payment is one gross monthly wage for each year of seniority in the factory. As a rule, seniority payment is due when the contract is terminated by the employer. However, employees are entitled to seniority payment even though they terminate their own employment contracts, in case the termination is because of valid reason identified by law: serving for the military, marriage for female workers, or being entitled to retirement or fulfilling the social security premiums for retirement.

STAKEHOLDERS' OPINIONS AND ANALYSES ON IMPLEMENTATION

The garment industry is known for its informal employment. In addition to unregistered employment, under-registered employment is close to the norm in the industry. Under-registered employment means submitting falsified pay-roll records to the Social Security Institution to avoid full payment of the taxes and social security premiums for employees⁶⁹.

In its Corporate Social Responsibility Report, ITKIB stresses that although the attempts to reduce labour costs through unregistered and under-registered employment can be evaluated as responses to the global competition, it should be kept in mind that these kinds of policies are not permanent solutions⁶⁹.

Trade unions consider informal employment as one of the main obstacles keeping workers from enjoying their freedom of association and right to collective bargaining. They criticise the limits of protection against dismissal. The law only provides this protection from being dismissed without a valid reason for workers who are engaged for an indefinite period, employed in an establishment with thirty or more workers and who meet a minimum seniority of six months. In the apparel industry in Turkey, small-scale workplaces that employ less than 30 workers are common.

69 2012, ITKIB, Corporate Social Responsibility Report on Turkish Textile and Apparel Industry, p.29.

FWF MAIN AUDIT FINDINGS OVER THE LAST THREE YEARS

- Of the 50 audits conducted between 2009 and 2011, 88% shows that improvements can be made on 'legally binding employment relationship'.
- By 72% of the audited factories, not all social security or insurance fees are paid.
- In 38% of the audited factories individual personnel files are incomplete.
- Of the audited factories, 26% do not offer a contract to any or all employees.
- For 18% of the audited factories, the content of the employment contracts does not comply with legal requirements.
- In 4% of the audited factories, the use of probation and apprenticeship does not comply with legal requirements.

WORKER COMPLAINTS RELATED TO 'LEGALLY BINDING EMPLOYMENT RELATIONSHIP'

FWF's complaints procedure serves as a safety net. When a complaint is filed, FWF informs the affiliate(s) sourcing from the factory in question and investigates the complaint. All the complaints are published on the FWF website.

Most of the worker complaints received by FWF concern legally binding employment relationship:

[Example 1](#)

[Example 2](#)

[Example 3](#)

[Example 4](#)

SOURCES USED IN THIS COUNTRY STUDY

The information was gathered by Ceren Isat, FWF Country Representative in Turkey (until 2015). The study was prepared through collecting data concerning national laws and the views of local stakeholders on labour issues in the garment industry in Turkey. In addition to this, FWF obtained information from recognised international sources on the economic, social, political and human rights situation in the country.

The following stakeholders representing public authorities, employers, trade unions and NGOs were consulted in writing this country study:

I. EMPLOYERS

Istanbul Textile and Apparel Exporters' Association - ITKIB

ITKIB is the biggest Exporters' Association in textile, apparel, leather and carpet business in Turkey with more than 16,000 member companies.

<http://www.itkib.org.tr/>

II. TRADE UNIONS

Trade Union of Textile, Knitting, and Apparel Workers - Teksif

Teksif is the workers' trade union in the industry with the most members. The number of its members is more than is needed to reach the national threshold required for achieving the right to forge collective bargaining agreements. Teksif is affiliated to Turk-Is Trade Unions Confederation at a national level. They are affiliated to IndustriALL Global Union.

<http://www.teksif.org.tr/>

Oz Iplik-Is

Oz Iplik is the second biggest trade union in the industry with regard to its amount of members. The number of its members more than is needed to reach the national threshold that is required to achieve the right to forge collective bargaining agreements. This union is affiliated to Hak-Is Trade Unions Confederation at a national level. They are affiliated to IndustriALL Global Union.

<http://www.oziplikis.org.tr/>

Textile Workers' Trade Union – Disk Tekstil

Disk Tekstil is the third biggest workers' trade union in the industry with regard to the amount of its members. The number of its members is more than is needed to reach the national threshold that is required to achieve the right to collective bargaining agreements. They are affiliated to the Confederation of Progressive Trade Unions of Turkey at a national level, and to IndustriALL Global Union.

<http://disktekstil.org/>

III. LABOUR RELATED NGOS

Women's Labour and Employment Platform – KEIG

KEIG is an umbrella organization of women's NGOs from 12 different cities of Turkey. The NGO aims to increase women's employment with decent working conditions in all industries. It is an advocacy organization aiming to contribute development of policies that will be responsive to women's needs.

<http://www.keig.org/>

IV. INTERNATIONAL STAKEHOLDERS

ILO – Ankara

The office of ILO in Ankara aims represent the ILO in Turkey, to monitor the implementation of international labour standards in the country, to collect information regarding the country, and to implement joint technical collaboration programmes.

<http://www.ilo.org/public/turkish/region/eurpro/ankara/>

IndustriALL – Turkey Representation

IndustriALL has representation in Turkey; it aims to support its members in the country, to conduct training programmes for workers and to monitor the implementation of framework agreements.

<http://www.industrial-union.org/>