



TURKEY

country study 2016

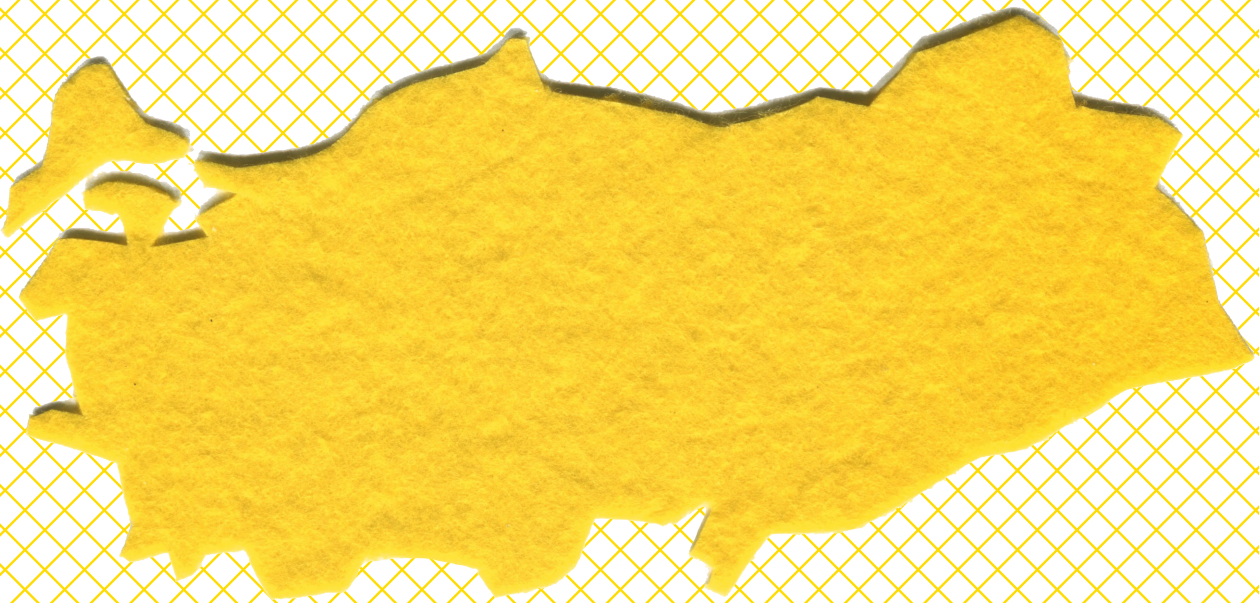


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INTRODUCTION

The garment industry is Turkey's second largest industry, and is responsible for a large proportion of Turkey's total exports. The European Union is the largest purchaser of Turkish garment. Small and medium-sized factories with a wide sub-contractor chain dominate the industry, with the working conditions deteriorating down the supply chain. Therefore, although the industry is familiar with international workplace standards and the audits of international buyers, improvements are still needed in many aspects of labour conditions.

The issue of unregistered employment is a growing concern throughout the garment industry. It is estimated that almost 70% of the total workforce in the sector 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 unregistered employment, the current regulations in Turkey make unionisation a challenge. Although Turkey has ratified the relevant ILO Conventions, the country has been criticised by ILO and the European Union for not complying with international standards on freedom of association and the right to collective bargaining. A 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 garment industry is insufficient 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 the industry's average wage, is approximately 28% 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. In terms of production volume produced for FWF members, Turkey ranks number five after China, Bangladesh, Vietnam and Italy. Most suppliers are based in the Istanbul region, with the Izmir region as the second most important. The overall supplier list of FWF members includes 165 Factories in Turkey. In 2013, for approximately 30 FWF members, manufacturing took place in 104 of those factories.

Between 2012 and 2015, FWF implemented the FAHR (Foreign Affairs Human Rights) programme with support from the Dutch Ministry of Foreign Affairs. As of 2016, FWF is working towards improving labour conditions in Turkish factories through its FWF complaints helpline, a phone number workers and stakeholders can call with complaints regarding factory compliance with the FWF Code of Labour Practice (FWF CoLP). Also, the Workplace Education Programme (WEP) is available in the country, to provide workers, supervisors and managers with training 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 FWF members' supply chains.

1. HOW TO READ THIS FAIR WEAR FOUNDATION 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 and Syrian migrants 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.

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 two 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 population of 78 741 053,¹ 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, and Iraq and Syria in the southeast. Turkey is a candidate country for the European Union for years however, due to the recent political developments, the majority of the European Parliament asked to freeze the negotiations in November.

With a GDP of 718.2 billion USD in 2015, Turkey boasts of having the 18th largest economy in the world.² The services industry constitutes the largest share of country's GDP (70%).³ The automotive industry has the largest share of Turkey's export with 16.5% in 2016, followed by the garment and apparel industry, which constitutes 12.3% of the country's total export.⁴

2.1. Economic indicators

Turkey ranks 72th on the 2015 Human Development Index of the United Nations Development Programme, and is in the high development category.⁵ In comparison, Bangladesh is ranked 142th, China 90th, and India 130th.

Turkey also has the highest income per capita relative to those countries. The gross national income per capita in Turkey is 18 677 USD, whereas in Bangladesh it is 3 191 USD, in China 12 547 USD, and in India 5 497 USD.

2.2. Social, political & governance indicators

Labour conflicts in the Turkish garment industry are not always settled with worker participation. Garment factories have the power to influence jurisdiction and while there is a labour inspection mechanism in place, it is generally agreed that it does not function properly. Often, cases take too long to be solved, which is especially painful when it concerns unjustified dismissal.

Turkey ranks 97 on the democracy index 2015, and is therefore categorised under hybrid regimes. Turkey is placed third, behind Bangladesh (86) and India (35); China ranks 136th.⁶

Table 1 displays some major governance indicators for Turkey, China, Bangladesh and India.

1 <http://www.tuik.gov.tr/PreHaberBultenleri.do?id=24562>

2 Data of World Bank, <http://databank.worldbank.org/data/download/GDP.pdf>

3 The Government Programme of 2017, published in Official Gazette, Date: 10 October 2016.

4 Turkish Exporters Assembly, Monthly Statistics, October 2016,
<http://www.tim.org.tr/tr/ihracat-ihracat-rakamlari-tablolar.html>

5 All the information in this part is a summary of the United Nations Development Programme Human Development Index 2015.
<http://hdr.undp.org/en/content/human-development-index-hdi>

6 Democracy Index 2015: Democracy in an age of anxiety, A Report by the Economist Intelligence Unit,
<http://www.yabiladi.com/img/content/EIU-Democracy-Index-2015.pdf>

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

| | Turkey | Bangladesh | China | India |
|-------------------------------------------------------|--------|------------|--------|--------|
| Democracy Index, rank (2015) | 97 | 86 | 136 | 35 |
| Voice and Accountability | 35.47% | 30.54% | 4.93% | 60.59% |
| Political Stability and Absence of Violence/Terrorism | 9.52% | 10.95% | 27.14% | 16.67% |
| Regulatory Quality | 64.42% | 17.31% | 44.33% | 39.90% |
| Rule of Law indicator | 55.29% | 27.40% | 43.75% | 55.77% |
| Control of Corruption | 54.81% | 18.27% | 50.00% | 44.23% |
| Government effectiveness | 62.50% | 24.04% | 68.27% | 56.25% |

Source: World Bank, 2015⁷

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 40.2 points on the Gini index, and that is worse than Bangladesh and India.

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

| | Gini index |
|-------------------|------------|
| Turkey (2013) | 40.2 |
| Bangladesh (2010) | 32.1 |
| China (2012) | 42.2 |
| India (2011) | 35.1 |

Source: World Bank

The Income and Living Conditions Survey of the Turkish Statistical Institute for 2015, which was published in September 2016, revealed that the income of the richest citizens is 7.6 times that of the poorest. Of the population, 14.7% lives below the poverty line, set at 16 515 Turkish Lira per year.⁸

The percentage of the population in Turkey living below the World Bank poverty line, that is to say on an income of 1.25 USD a day is 0.59%. 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%.⁹

7 2015, World Bank Worldwide Governance Indicators, <http://info.worldbank.org/governance/wgi/index.aspx#reports>

8 Turkish Statistical Institute, Income and Living Conditions Survey 2015, <http://www.tuik.gov.tr/PreHaberBultenleri.do?id=21584>

9 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>

The legal minimum wage in Turkey is nominally higher than in other countries where FWF members operate. 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 about 3.5 times the legal minimum wage.

2.4. Human rights and the situation after coup attempt

The Amnesty International Report 2015/2016 mentions that the human rights situation has deteriorated markedly in Turkey. In 2016, the media faced unprecedented pressure from the government; free expression online and offline suffered significantly. The right to freedom of peaceful assembly was restricted further, and documented cases of excessive use of force by police and ill-treatment in detention were on the rise. According to Amnesty International, impunity in these cases was rampant, partly because of further erosion of the independence of the judiciary. To complicate matters, suicide bombings attributed to ISIS killed many people.¹⁰

On the evening of 15 July 2016, and until the next morning, Turkey went through a failed attempt at a coup d'état. Various groups within the Turkish armed forces mobilised in an armed intervention with the aim of overthrowing the government. Airports and bridges were closed. The headquarters of the national television broadcast were occupied. In the capital city, Ankara, army jets bombed police buildings, public companies and the Grand National Assembly. About 250 people from various provinces lost their lives during the coup attempt.

Shortly after the failed coup attempt, the Turkish National Security Board recommended a State of Emergency be implemented throughout the country. The recommendation was immediately adopted by the Council of Ministers for an original 90 days, starting on 21 July. On 19 October, it was extended for a further three months. This allowed the government to bypass Parliament when taking several measures, including tightening security around the country, as well as legal amendments. Some trade unions and associations were dissolved, and rallies and demonstrations were banned. And as a result of the attempted coup, 92 607 people were detained; 39 378 people were arrested in connection with an investigation related to alleged terrorist acts by Fetullah, a terrorist organisation.

On 3 November, the Minister of Labour and Social Security declared that 70 784 public employees had been dismissed after 15 July, and a further 56 575 had been removed from their posts, in what remains an ongoing investigation. The Ministry of Education was hardest hit, with roughly 30 000 teachers and administrators removed from their posts.

The government's State of Emergency practices led to further discussions regarding the violation of democratic norms. Civil servants who had protested or gone on strike in the past were removed from trade union jobs. Many journals, associations and trade unions were closed down. Mayors and deputies from the opposition's Peoples' Democratic Party (HDP) were arrested and trustees appointed instead in Diyarbakır and Siirt municipalities. Operations were conducted

¹⁰ Amnesty International Report 2015/2016, The State of the World's Human Rights, <https://www.amnesty.org/en/latest/research/2016/02/annual-report-201516/>

against some opposition newspapers including Cumhuriyet, and newspapers, journals, television channels and radio stations were closed. Some journalists working for these media were arrested and imprisoned.

These developments had a negative effect on Turkey's relations with the EU. On 24 November, the European Parliament voted in favour of freezing ongoing talks regarding Turkish accession to the EU.

2.5. Syrian refugee workers

Since 2011, hundreds of thousands of Syrians have fled to Turkey due to the ongoing conflict between government and rebel troops in Syria. Currently, Turkey is hosting about 3 million refugees from about 60 different nationalities, the highest number in the world. Yet Syrian refugees are by far the most numerous, followed by Iraqis, Afghans, Iranians and Somalis.¹¹

Current Situation

Syrian families who are trying to survive in Turkey end up in the lowest paid and most precarious segments of the workforce, due to economic pressure. Since Syrians often lack the residence or work permits that would allow them to work legally in Turkey, without any official sources of income they have no other choice but to accept to work in very hard conditions, particularly in the agricultural and construction sector. And many Syrians also work in the textile sector in Turkey.

According to the Ministry of Labour and Social Security data, as of November 2016 more than 2.7 million Syrians have acquired temporary protection in Turkey. If Syrians are registered under this act they can benefit from education and health services. Nevertheless, the number of Syrians living in temporary camps only reaches 255 000.

- *The highest concentration of Syrian migrants is found in the provinces of Istanbul, Ankara, Hatay and Gaziantep. However this order changes when measuring the ratio of Syrians to local population: in Kilis, the ratio of the Syrians to locals is 94%, in Hatay 25% and in Şanlıurfa 21%.*
- *Syrians under the age of 18 constitute half of all Syrians in Turkey. More than 1 million Syrians in Turkey are under the age of 15.*

These are only approximate figures, as government data can be unreliable. According to the Turkish Medical Association (TTB), it is difficult to give exact figures about refugees in Turkey. Between April 2011, when the flow started, and January 2013 no records were kept as there was a widespread belief that the situation would be temporary. Also, in some areas, keeping up with recording entries became almost impossible due to the high numbers that could reach 100 000 registrations on a single day.

11 EU Commission, Turkey 2016 Report, Commission Staff Working Document, November 2016, page: 81.

Later, government agencies began giving identity numbers to incoming refugees, but their efforts did not reach the entire Syrian population. Many Syrians also refused registration, as they thought their situation was temporary. Some feared deportation, and others were scared the Syrian government would find them.

Finally, the Syrian population is highly mobile. Some have returned to their country, others have left Turkey for the European Union, or moved to a different area of the country.”¹²

Legislative arrangements and practical problems

On 8 October 2014, the Ministry of Labour and Social Security announced that Syrian refugees would be given temporary personal identification cards, so they would be able to work in industries with high labour demands. On 22 January 2015, Regulations Amending the Regulations on the Application of the Act on Work Permits for Foreigners and a year later, on 15 January 2016, Regulations Concerning Work Permits of Foreigners under Temporary Protection entered into force. In this way, Syrians gained “the right to work permit”, almost 4.5 years since the first refugees arrived in Turkey.

The Foreign Labour Force Act, No. 6735, was published in the Official Gazette of 13 August 2016 and entered into force the same day. This Act established the General Directorate of Foreign Labour Force within the Ministry of Labour and Social Security, and repealed Act No. 4817 (2003) concerning work permits of foreigners.

The main features of the regulation are as follows:

- *Syrians can get a work permit only after six months from the date they were registered under temporary protection. However, many Syrians who are already working do not have a temporary protection registration. This means they must first get their temporary protection identification cards and then wait for six months.*
- *Application for a work permit will be made by the employer through the e-state portal, which limits the number of applications.¹³ However, the work permit fee has increased from 191 to 558.50 TL per year, which has a negative impact on applications.*
- *Worker with a work permit cannot be employed with a wage below the legal minimum wage.*
- *Although there is no sectoral or regional quota, the Ministry, considering available work in provinces and sectors, can set different quotas for the employment of foreigners. However, except special cases, the number of Syrian workers shall not exceed 10 percent of the number of Turkish workers working in the same workplace. Syrian workers employed in seasonal agricultural work or in animal husbandry do not need a work permit. However, a provincial or regional quota may be introduced.*
- *The provinces where foreigners are registered will be taken as the basis when granting work permits. This means that a Syrian worker will have to work in his or her city of residence. Also, the Ministry of Interior may decide to ban the granting of work permits in some provinces. A worker whose work permit has expired will not be able to renew it with such a restriction in place.*

¹² Turkish Medical Association, War, Migration and Health: The Experience of Turkey, Published in 2016, page 8.

¹³ <http://www.calismaizni.gov.tr/media/1038/gkkbasvuruk%C4%B1lavuzu.pdf> and <http://www.calismaizni.gov.tr/media/1035/gkkuygulama.pdf>

Although these regulations opened the way for obtaining a work permit, it is also clear that many obstacles remain. Between January and November 2016, only 2 500 work permits were issued for Syrians under temporary protection.

Syrians are employed mostly in regions and sectors where unregistered employment is already high. Textile, construction and agriculture are already the sectors with most precarious work, and the lowest wages. In these sectors, according to workers that have called FWF's complaints helpline, Turkish workers are threatened by employers who say, "I may dismiss you and get 2-3 Syrians in your place", "there are hundreds of Syrians waiting at the door".

An ILO report mentions that "Limited information is available on the working conditions of Syrian workers currently making their living through informal jobs. The pressure on the local economy and on the Government to provide jobs and services has grown, causing discontent among the host communities. Competition between Syrians and Turkish nationals has increased, especially for low-skilled jobs, and this creates a downward pressure on wages. Syrian workers tend to work in poor working conditions where core labour and social rights are not observed, in seasonal agricultural and low-skilled jobs."¹⁴

The Turkish Medical Association Report also highlights these issues "Now Syrians can work in Turkey legally. Some refugees are employed at workplaces established by other refugees or owned by Turkish citizens. These are mostly in the textile, construction and agriculture sectors. They get roughly one third of what is normally paid in a given sector. Since their employment is in most hazardous works and without preventive measures, the incidence of work accidents and the risk of occupational diseases is high. Many workers are children, as they are preferred to adult workers. Refugees living in south-eastern provinces work as agricultural labourers in the summer, getting half of the normal wage rate."¹⁵

Employers are also affected. According to the report of the Turkish Confederation of Employer Associations, business people demand the creation of an employment sphere for Syrians, under the guidance of the Turkish state. Business people highlight the priority role of the Turkish state as an investor, trainer and regulator within the process. Also, employers concede that an increase in unregistered employment creates unfair competition between small and un-institutionalised firms and highly institutionalised ones. They ask the government for reductions on taxes and premiums, on top of legal-administrative regulations, to prevent further informality in the economy.¹⁶

In the current conditions, state inspection is limited and ineffective, so it is not possible to say that legislative arrangements contribute to improving the working conditions of Syrian workers.

14 The ILO Response to the Syrian Refugee Crisis, February, 2016.

http://www.ilo.org/wcmsp5/groups/public/---dgreports/---exrel/documents/publication/wcms_357159.pdf

15 Turkish Medical Association, War, Migration and Health: The Experience of Turkey, Published in 2016, page 9.

16 Turkish Confederation of Employer Associations (TISK), Perspectives, Expectations and Suggestions of the Turkish Business Sector on Syrians in Turkey, Assoc. Prof. Dr. M. Murat Erdoğan, Dr. Can Ünver, Published in December, 2015. <http://tisk.org.tr/wp-content/uploads/2016/01/goc-rapor-ing.pdf>

FWF's approach

Regarding Syrian refugees, the approach and studies of FWF are based on two pillars. First, long-term solutions are sought. For example, to ensure an improved legal framework for Syrian migrants to work, FWF, FLA and ETI, together with their member companies engaged with the Turkish government at the end of 2015. FWF is also looking for cooperation with trade unions, CSOs and MSIs at different levels in the country and abroad, and is careful in engaging with organisations active in the field of supporting Syrian refugees only if they match FWF's mission and operate under the same principles. The second pillar of FWF is remediation. This can take the form of, for example, guiding the process to get refugee children found in factories back to school and providing guidance for the families. FWF is also in contact with local and international organisations for these projects.

And FWF is aware of the different barriers and the need for specific tools to address them and improve communication in factories. One such measure is the availability of the FWF complaints helpline in Arabic and the Arabic version of the FWF Code of Labour Practices, to help clear the hurdle of language. Also FWF uses an Arabic questionnaire during factory audits, to gather information and establish effective contact with the families of the children who were found working after the audits. In 2017, FWF will also work on provide training to both factory managements who employ Syrians and for Syrian workers, as part of its Workplace Education Programme. And for member due diligence, FWF has drawn a document on the risks related to Turkish garment factories employing Syrian refugees.

3. STAKEHOLDERS

This section briefly introduces a number of active stakeholders in the garment and textile industry in Turkey. The focus is on stakeholders who are actively part of shaping 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 the employment rate and broaden the reach of social security among the population. It 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 the areas of science, industry, and technology and works to ensure their implementation. Prevention of unfair competition is also within its mandate.

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

Social Security Institution

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

<http://www3.csgeb.gov.tr/csgebPortal/itkb.portal>

EMPLOYERS ORGANISATIONS

Turkish Textile Employers' Association - TUTSIS

The association aims to protect the economic and social interests of its members within the frame of local regulations. The organisation is the only one that forges group collective bargaining agreements (CBA) with trade unions in the garment and textile industry.¹⁷ It is affiliated with the Turkish Confederation of Employer Associations (TiSK), which works with the 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, and 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. The Aegean Textile and Garment Exporters' Association is one of its members.

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

TRADE UNIONS

Garment sector level unions:

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

Teksif is a trade union with more than 52 500¹⁸ members; this makes it the largest trade union in the industry. Also, it surpasses membership requirements for concluding collective bargaining agreements. Teksif has eighteen branches and nine liaison offices in different cities of Turkey. It is affiliated to Confederation of Turkish Trade Unions (TÜRK-İŞ) at the national level, and to IndustriALL Global Union. TÜRK-İŞ is also affiliated to the International Trade Union Confederation.

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

¹⁷ For more information: 5. Industrial Relations.

¹⁸ Ministry of Labour and Social Security, July 2016 statistics,

http://www.csgeb.gov.tr/media/3400/2016_temmuz_6356.pdf

Oz Iplik-Is

The second largest trade union in the industry in terms of members, with 21 450, Oz Iplik-Is has three regional directorates, five city level, five branch, and one district directorate.¹⁹ Its membership also reaches the national threshold that allows organisations to conclude collective bargaining agreements. It is affiliated to Hak-Is Trade Unions Confederation at a national level, and to IndustriALL Global Union. Hak-Is Trade Union 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 largest workers' trade union, with 11 295 members.²⁰ This also puts DiSK above the threshold for concluding collective bargaining agreements. It has four branches and three regional liaison offices, and 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 largest trade union in the industry; with 2,526 members, however, it does not reach the numbers needed to conclude collective bargaining agreements.²¹ However, with the two legislative regulations which were published in the Official Gazette in April 2015 and September 2016, the trade unions which were above the industrial threshold in 2009 and the trade unions established between July 2009 and September 2012, acquired the right to conclude collective bargaining agreements for a period two years. This means Deriteks is allowed to negotiate and sign collective bargaining agreements until 2018. 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 1 902 members, which is less than the required amount to be allowed to conclude collective bargaining agreements.²² It is not affiliated to any confederation at the national level or to any global union.

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

Others

There are nine other relatively small trade unions in the textile sector. However, since their membership numbers are low, they are not allowed to conclude collective bargaining agreements.

19, 20, 21 & 22 IBID

LABOUR NGOS

Women's Labour and Employment Platform – KEIG

KEIG is an umbrella organisation of women's NGOs operating in 12 different Turkish cities. 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 responsive to women's needs regarding employment.

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

Workers' Health and Work Safety Assembly (WHSA)

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

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

Support to Life (STL)

Support to Life is an independent humanitarian agency working in the field of disaster risk reduction, disaster preparedness, and emergency response by promoting community participation in Turkey and the surrounding region.

The work of STL is based on international principles such as humanity, impartiality, neutrality, independence and accountability.

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

4. GARMENT INDUSTRY

ORGANISATION OF THE GARMENT INDUSTRY

Turkey is the 8th main garment exporter in the world, and the 4th largest garment supplier for Europe, following China, Bangladesh and Germany.²³ The country is also the 7th largest textile exporter in the world: the 3rd biggest sock supplier and the 4th biggest towel supplier worldwide. Finally, it is the largest home textile supplier of Europe.²⁴ The garment and apparel industry is second only to the automotive industry when it comes to export, and accounts for 12.3% of the country's total export.²⁵

Data of the Turkish Exporters Assembly reveals an increase in the garment exports in the first ten months of 2016. The total exports of the garment industry increased by 1.2% in 2016, to a total of 14.3 billion USD. Germany is the main importer of garment products manufactured in Turkey. In the first ten months of 2016, garment exports to Germany accounted for 18.6% of the total garment exports of the country.²⁶

Although recent data shows an upward trend, historically there has been a massive decrease in garment exports. In its Turkish Industrial Strategy Document 2011-2014, the Ministry of Science, Industry, and Technology underlines 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 with added value and greater innovative production structures”.²⁷ As a result, the share of total exports in the garment industry decreased from 23.5% to 10.4% between 1996 and 2010.²⁸ However, as mentioned above, recent data shows a slight increase when compared to 2010.

One of the main problems of the textile, garment and leather industry is the structure of the production locations. Most main suppliers work with small subcontractors who cannot always be identified. Unregistered employment and child labour are mostly observed at these undeclared subcontractors. This problem is also mentioned in the report of the Labour Inspection Board of the Ministry of Labour and Social Security. According to this government agency, global competition left the sector facing very low sales prices, fluctuating orders and high labour costs. The report underlined that under these conditions apparel producers used subcontractor workshops to increase capacity instead of increasing capacity internally. The report also emphasized that sometimes this relation is a simulated act, with no real application.²⁹

23 Republic of Turkey Ministry of Economy, Garment Industry Report, 2016.

http://www.ekonomi.gov.tr/portal/content/conn/UCM/uuid/dDocName:EK-051190;jsessionid=ctWweJ796_r0tf5kCx9V1qCtz79mfQJseZ4EMLshuXCkHpTPekW!-460925342

24 Republic of Turkey Ministry of Science, Industry and Technology, Action Plan and Strategy Paper for Textile, Garment, and Leather Industry 2015-2018.

<http://www.tgsd.org.tr/assets/Uploads/Strateji-Belgesi-ve-Eylem-Plani-2015-2018.pdf>

25 Turkish Exporters Assembly, Monthly Statistics, October 2016.

<http://www.tim.org.tr/tr/ihracat-ihracat-rakamlari-tablolar.html>

26 İstanbul Apparel Exporters' Association (IHKIB), 2016 October data.

<https://www.ihkib.org.tr/fp-icerik/ia/d/2016/11/15/10-konfeksiyon-bilgi-notu-ekim-2016-20161115101170690-5CE5D.pdf>

27 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

28 IBID

29 http://www3.csgb.gov.tr/csgbPortal/ShowProperty/WLP%20Repository/itkb/dosyalar/yayinlar/yayinlar2016/2016_81

MAIN EXPORTS FROM THE GARMENT INDUSTRY

The main garment production categories are apparel, home textile, apparel accessories, nightclothes and bathrobes, goods such as tents and gunny bags, underwear, baby and sports clothes. Apparel is the main category of the total garment export, with approximately 71% of the production followed by home textile at approximately 9.5%. Sports clothing is the category with the smallest share in the total garment exports (at approximately 0.08%).³⁰

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 Denizli, Izmir and Bursa.³¹ Although all kinds of garments are manufactured in all of these locations, the Denizli region has most factories producing home textile.

PERCENTAGE EMPLOYED IN GARMENT INDUSTRY

There are a total of 954 438 registered workers in the textile, garment and leather industries, and their number continues to grow.³² However, with the arrival of Syrian refugees, unregistered employment rapidly increased. While 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, in 2014 the Ministry of Technology, Industry and Science estimated that, while only 1 million were registered according to the official data, a total of 2-2.5 million people were working in the garment and textile industry.³³ And according to projections of Teksif Trade Union, 80% of the workers in the industry are unregistered.³⁴ Öziplik-iş estimates there are 2 million unregistered workers in the textile, garment and leather industries

SOCIAL COMPOSITION OF THE GARMENT WORKFORCE

While the textile, garment and leather industry is one of the main employers, sources available on the profiles of garment workers are very limited. According to the January 2016 data of the Social Security Institution, registered female workers in the industry constitute 49.8% of the total registered workforce in the garment industry, and 20.8% of the total registered

30 The data given in this section is calculated according to the figures provided by Turkish Exporters Assembly for 2016 October.
<http://www.tim.org.tr/tr/ihracat-rakamlari.html>

31 IBID

32 Social Security Institution, Monthly Statistics Bulletin, January 2016 figures.
<http://www.sgk.gov.tr/wps/portal/sgk/tr/kurumsal/istatistik/aylik-istatistik-bilgileri>

33 Republic of Turkey Ministry of Science, Industry and Technology, Action Plan and Strategy Paper for Textile, Garment, and Leather Industry 2015-2018, p.20.
<http://www.tgsd.org.tr/assets/Uploads/Strateji-Belgesi-ve-Eylem-Plani-2015-2018.pdf>

34 Teksif, The Situation of the Industry, <http://www.teksif.org.tr/sektorel-bilgiler>

workforce in the leather industry.³⁵ However, local stakeholders estimate that the employment of women in the 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 casual workers in the industry has increased in recent years, a fact which is also revealed by FWF audits. There is no data on the number of these workers in the industry.

35 Social Security Institution, Monthly Statistics Bulletin, January 2016 figures,
http://www.sgk.gov.tr/wps/portal/sgk/tr/kurumsal/istatistik/aylik_istatistik_bilgileri

5. INDUSTRIAL RELATIONS

ORGANISATION OF EMPLOYERS AND TRADE UNIONS IN THE GARMENT SECTOR

Turkey has ratified ILO Conventions 87, 98 and 135; however, current legislation and practice are still in violation of these international texts. The discrepancy between the Conventions and national legislation and practice is especially striking, since Article 90 of the Constitution of the Republic of Turkey establishes that duly ratified international conventions on basic human rights are self-executive. This means that in case of conflict between the provisions and stipulations of the ratified international convention and national legislation, the relevant provisions of national legislation are considered null and void and the provisions of the international convention are to be applied.

ITUC Global Rights Index, which ranks 141 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 rights. The report also mentions that attacks on workers have intensified since last year, putting Turkey among the 10 worst in the world³⁶.

E-STATE

A worker must use e-State web portal as a way to join or withdraw from a union. E-State gate can be accessed with a Turkish citizenship numbers and personal passwords. However, 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 who 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.

COLLECTIVE BARGAINING

There are four types of collective agreements regulated by local law: workplace collective bargaining, enterprise collective, group collective and framework agreements. A workplace agreement is concluded for a workplace, while an enterprise level agreement is concluded for more than one workplace in the same industry, owned by the same employer. A group collective agreement can be concluded between a trade union and an employers' association for workplaces in the same industry, owned by different employers. A framework agreement is described as an agreement concluded at sectoral level to cover only a limited number of issues such as vocational training, employment policy, etc.

According to Act No. 6356, for concluding a CBA a trade union has to fulfil a double threshold. The first is a branch of industry threshold of 1%; this means that a union should represent at least one percent of the workers employed in a given branch of industry. Unions which fulfil this threshold have to then cover 50% of the workers in a single workplace or 40% of the workers in an establishment, defined as multiple workplaces in the same branch of industry

36 https://www.ituc-csi.org/IMG/pdf/survey_ra_2016_eng.pdf

owned by the same employer, in order to conclude a collective labour agreement. The branch of industry threshold was 3% for unions which were not represented in the Economic and Social Council until the provision was repealed by the Constitutional Court in 2015. There is also a special provision for trade unions which fulfilled the threshold back in 2009 but who are below the threshold today, enabling them to sign collective labour agreements for two more years.

UNION DENSITY IN TURKEY

According to the figures of the Ministry, there are 13 million workers and almost 1.5 million of them are unionised. Therefore, according to official figures union density in Turkey reaches 11.5%.

According to the Social Security Institution the textile, garment and leather industry employs 954 438 registered workers. However, there is a slight difference between these figures and those of the Ministry of Labour and Social Security. According to the latter, the industry employs 985 106 registered workers, and 9.2% of them is unionised.³⁷ The same statistics reveal that there are 15 trade unions in the industry, yet only four are allowed collective bargaining rights.

While Ministry data shows that 9.2% of the workers in the industry are unionised, trade unions mention that these figures hide the real situation. For example, according to D SK since unregistered workers are not covered by the figures of the Ministry, the real percentage of unionisation is lower. In addition, the percentage of the workers who fall under collective bargaining agreements is even lower.³⁸

Local trade unions in Turkey point at the unregistered employment and 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 the unregistered economy that reflects the 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 on wages and benefits in CBAs 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 2014 and 2015 data of Labour and Social Security Ministry, the number of workplaces across all industries that established a CBA was 29 354, and the number of workers working in these factories is slightly over one million, in both the public and private sectors.³⁹ However, according to the Unionisation and Collective Bargaining Agreement Report of D SK, only 7% of the workers are covered by a CBA and the ratio of the workers working with CBA in private sector is only 4.6%.⁴⁰

37 http://www.csgeb.gov.tr/media/3400/2016_temmuz_6356.pdf

38 D SK, Unionisation and Collective Bargaining Agreement Report, 2016, <http://disk.org.tr/2016/08/sendikalasma-ve-toplu-is-sozlesmesi-raporu/>.

39 Ministry of Labour and Social Security, <http://www.csgeb.gov.tr/media/3248/t%C4%B0s.pdf>

40 D SK, Unionisation and Collective Bargaining Agreement Report, 2016, <http://disk.org.tr/2016/08/sendikalasma-ve-toplu-is-sozlesmesi-raporu/>.

COLLECTIVE BARGAINING AGREEMENT COVERAGE IN GARMENT INDUSTRY

The last group collective bargaining agreement in the garment industry in Turkey was concluded in June 2016. The CBA was signed for three years. According to the Ministry of Labour and Social Security and the information gathered from trade unions, although there are about 90 000 union members, the total number of the workers covered by collective bargaining agreements in the textile, garment and leather industries is below 50 000. This means only 5% of the registered workers are covered by a CBA.⁴¹

LOCAL GRIEVANCE MECHANISMS FOR WORKERS

A local hotline operated by the Social Security Institution is available to workers. Any complaint received is investigated through the labour inspections. In 2015, 123 373 worker grievances were dealt with through this mechanism. Of them, 27.9% were related to payment of monthly wage, 21.4% dealt with payment of advance notice in case of dismissal, 18.2% were about payment of severance pay, 10.2% involved annual leave, and 10.6% overtime.⁴²

STATE ROLE IN INDUSTRIAL RELATIONS

There is an established legal conciliation process and the tripartite Supreme Board of Arbitration is the conciliation machinery for settlement of collective labour disputes. In 2015, this body handled disputes concerning 201 CBAs, covering 40,119 workers. Of these, 159 CBAs covering 34,702 workers were referred to the Supreme Board of Arbitration because of a ban on strikes and lock-outs.⁴³

MECHANISMS FOR SOCIAL DIALOGUE (NATIONAL/SECTORIAL)

Turkey has the following national-level social dialogue mechanisms:

The Minimum Wage Determination Commission determines the legal minimum wage through mediation and is composed of 5 government agencies, 5 labour union representatives (from Turk-Is Confederation), and 5 employer representatives (from TiSK – Turkish Confederation of Employer Associations).

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 quarterly meetings.

41 Ministry of Labour and Social Security, Labour Statistics Information System, <http://cibs.csgeb.gov.tr/RaporOlusturmaSihirbazi.aspx?kullaniciisiz=1>

42 Ministry of Labour and Social Security, Labour Statistics 2015, published in May, 2016, p. 71-72, http://www.csgeb.gov.tr/media/3299/calisma_hayati_2015.pdf

43 IBID, p.27-28.

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. At the end of each section you find the findings of the audits which were conducted between January 2015 and November 2016 regarding that topic. Also in 2015 and 2016, the Turkey complaints hotline received 62 calls. In some cases, the workers did not want FWF to follow up their problems as a complaint, so that cases did not turn into a formal complaint. At the end of each section, the calls regarding each topic are summarised, without distinction between a formal complaint and a call.

A legally binding employment relationship is an important standard for Turkey, since it is estimated that approximately 70% 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 the right to collective bargaining, which is one of the labour standards particularly important for Turkey to pay attention to.

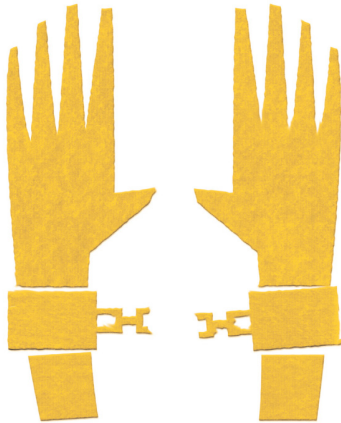
Payment of a living wage, related to the two labour standards mentioned above, is another important standard that needs to be monitored in Turkey. The legal minimum wage is too low to match decent living costs. The labour standard that protects workers from excessive working hours needs specific attention in Turkey, where short lead times are a rule rather than an exception.

The audit findings show that issues related to communication and consultation leave much room for improvement. Of the 63 factories audited between January 2015 and November 2016, 79% have no effective internal grievance mechanism and there are no democratically elected workers' representatives at 59% of them.

Lastly, the arrival of Syrian refugees in Turkey has upended the industry since 2014. Although legislation about work permits was published in the Official Gazette in January 2016, there are still many problems with application. The apparel and garment industries seem to be the leading industries employing Syrian refugees without legal work permits. However, reliable numbers are difficult to come by, even though it is widely accepted that the problem is pressing.

You can find detailed information on this issue under the Syrian refugee workers section of this report.

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 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 globally.⁴⁴

LAWS AND REGULATIONS

Turkey has ratified ILO Conventions 29 and 105. In 2014 two new instruments on forced labour were adopted at the 103th International Labour Conference: the Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29), and the Forced Labour Recommendation (Supplementary Measures) R203. Turkey has not yet ratified the Protocol, which entered into force on 9 November 2016.

Forced and bonded labour are prohibited by the Turkish Constitution. According to the Constitution Article 18 'no one shall be forced to work. Forced labour 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 or retain ID Cards.

The Turkish Labour Act sets rules for starting and ending 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 advance notice periods, and without an advance notice in situations of just cause as identified by Labour Act Article 24. Wages may be paid in cash on a monthly basis. The payment period can be lowered to one week through labour contracts or collective labour agreements.

According to Labour Act Article 41, overtime work requires the workers' consent. Compulsory overtime work, regulated by Labour Act Article 42, is only allowed for all or some of the workers 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 must not exceed the time necessary to enable the normal operating of the establishment

STAKEHOLDERS' OPINIONS AND ANALYSES ON IMPLEMENTATION

In general, forced labour does not appear to be an issue in the Turkish textile and garment industry. However, stakeholders expressed concern about the working conditions of refugees from Syria, who work in the garment industry without a work permit.

⁴⁴ http://www.ilo.org/wcmsp5/groups/public/@europe/@ro-geneva/@ilo-brussels/documents/genericdocument/wcms_184976.pdf

On 8 October 2014, The Ministry of Labour and Social Security announced that Syrian refugees would be provided with temporary personal identification cards, and would be able to work in industries where there is a demand for labour, even in the cases where quotas per region could be established.

New legislation on the matter was adopted in 2015 and 2016: the Regulations Amending the Regulations on the Application of the Act on Work Permits for Foreigners entered into force On 22 January 2015 and a year later, on 15 January 2016, Regulations Concerning Work Permits of Foreigners under Temporary Protection came into force.

The Foreign Labour Force Act, No. 6735, was published in the Official Gazette of 13 August 2016 and entered into force the same day. This Act established the General Directorate of Foreign Labour Force within the Ministry of Labour and Social Security. Finally, Act No. 6735 repealed Act No. 4817 (2003) concerning work permits of foreigners.

FWF MAIN AUDIT FINDINGS OVER THE LAST TWO YEARS

According to the results of 63 audits conducted by FWF in Turkey between January 2015 and November 2016, there was only one finding of necessary improvements regarding the standard, 'employment is freely chosen' which is "the factory withholds personal identification documents or travel documents of workers". However, if involuntary overtime is considered to belong to that category, 2 out of 63 audits 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 member(s) sourcing from the factory in question and investigates the complaint. All complaints are published on the FWF website.

There have been no worker complaints related to 'employment is freely chosen'. However, the FWF complaint handler got three calls regarding compulsory overtime in 2015 and 2016.

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

Although Turkey has a high rank (72nd) in the Human Development Index, it ranked second lowest among the countries where most FWF members have production with regard to gender development. In 2014, Turkey ranked 117th of 188 countries on the Gender Development Index of UNDP's 2015 Human Development Report data, with China ranking 96th, Bangladesh 110th and India at 151st.

According to the Global Gender Gap 2016 report of the World Economic Forum, out of 144 countries Turkey ranks 130th on the Global Gender Gap Index. The main reason of Turkey's ranking is the low rate of labour force participation of women, which only reaches 33.1%, according to August 2016 data of the Turkish Statistical Institute.⁴⁵ The latest OECD data show that the gender wage gap in Turkey is 20.06%.⁴⁶

LAWS AND REGULATIONS

ILO Conventions 100 and 111 have both been ratified by Turkey and are reflected in both the Constitution and Labour Act No.4857. According to Article 10 of the 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 regulates the ban of discrimination in employment. According to that article "no discrimination based on language, race, sex, political opinion, philosophical belief, religion, sect and similar reasons can be made in the employment relationship. Unless biological reasons or reasons related to the nature of the job require, the employer shall not treat a worker differently, either directly or indirectly, in concluding, establishing the conditions, implementing and terminating the labour contract, because of sex or pregnancy." The same article also serves as a base for the principle of equal pay for work of equal value by stating that, "a lower wage cannot be decided for the same work or work of equal value on grounds of sex."

⁴⁵ <http://www.tuik.gov.tr/PreHaberBultenleri.do?id=21579>

⁴⁶ <http://www.oecd.org/gender/data/genderwagegap.htm>

According to Article 74 of the Labour Act, pregnant workers 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 workers must not work. However, a woman worker whose health condition is suitable as approved by a doctor may work at an establishment if she so wishes up until three weeks before delivery. In that case, the time she has worked is be added to the time allowed after delivery. The regulation on overtime work (Regulation published in the Official Gazette on 6 April 2004) stipulates that 'workers who are pregnant, have recently given birth or are breastfeeding are not allowed to stay for overtime work'.

Several provisions were added to Article 74 with Act No. 6663 (Official Gazette, 16 Feb. 2016). One of the new provisions provides unpaid leave equal to half the normal weekly working hours, for a period of 60 days for first birth, 120 days for second birth and 180 days for subsequent births. This leave is given if requested by the worker and can be used after the after delivery maternity leave has expired.

STAKEHOLDERS' OPINIONS AND ANALYSES ON IMPLEMENTATION

Although regulations are in accordance with the ILO conventions ratified by Turkey, in practice gender based discrimination persists, as illustrated by the statistics. The garment and textile industry is known for employing mainly female workers. According to the 2015 data of the Social Security Organisation of Turkey, 40.13% of the registered workforce in the textile and garment industries is female.⁴⁷ This means most of the discriminatory aspects pointed out by stakeholders are present in 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 is one of the main causes of the low participation level of females in the labour force. Although companies with 150 or more female workers have the obligation to provide childcare facilities for its workers, an overwhelming majority of them do not live up to this obligation. In 2013, a number of women's NGOs and women's sections of trade unions formed a platform calling upon authorities to provide accessible child care services at low or no cost, in order to increase the employment rate among women.⁴⁸ In research published March of 2014, DiSK - Tekstil Trade Union recommended accessible childcare services be provided to stimulate the participation of women in the workforce, and to combat discrimination in employment.⁴⁹ The research paper stressed that, as the employment market becomes flexible, gender-based discrimination is bound to increase, since flexibility in employment will result in unsecured employment for women.

⁴⁷ http://www.sgk.gov.tr/wps/portal/sgk/tr/kurumsal/istatistik/sgk_istatistik_yilliklari

⁴⁸ The list of the platform members can be accessed from <http://www.kreshaktir.org/>

⁴⁹ <http://disktekstil.org/disk-ar-kadinin-calisma-hayatina-katiliminin-onunde-duvarlar-var.html>

Gender-based discrimination

In its 2012 Corporate Social Responsibility Report on the Turkish Textile and Apparel Industry, employers' association İTKİB highlighted gender-based discrimination. The report stated that female workers are considered cheap labour because of social and traditional reasons. Taking care of domestic work is seen as their primary role, contributing to the family budget only comes second. The report also establishes the link between gender-based discrimination and unregistered employment: according to its estimates, more than half of the unregistered workers in the textile and garment industry are female.

Discrimination against union members is one of the biggest and most common problems in the industry after gender-based discrimination. More detailed information on discrimination triggered by union affiliation can be found in section 6.4 of this report: 'Freedom of Association and Right to Collective Bargaining'.

FWF MAIN AUDIT FINDINGS OVER THE LAST TWO YEARS

- *Of 63 audits conducted by FWF in Turkey between January 2015 and November 2016, 13% show that the audited factories do not have a written policy concerning discrimination.*
- *Discrimination against a number of workers was found in 13% of the audited factories. This can be related to gender, ethnic origin, political view etc.*

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 member(s) sourcing from the factory in question and investigates the complaint. All the complaints are published on the FWF website.

In 2015 and 2016, 13% of the complaint calls were related to discrimination. The calls were mostly about wage increases and based on ethnic origin or political view.

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 Statistical Institute, 2.6% of children between 6 and 14 years old and 15.6% of youths between the ages of 15 and 17 are employed in an economic activity. Of the total number of child and young workers, 44.7% are employed in agriculture.⁵⁰

According to TÜİK's "Statistics on Child 2015" study, the adolescent workers' labour force participation rate is 21%, their employment rate is 18.1% and unemployment is 13.9%.⁵¹ Since 2011, when Syrian migrants began to arrive, there is no reliable country-wide data on the issue, although it is clear that employment of child labour has increased rapidly.

LAWS AND REGULATIONS

ILO Conventions 138 and 182 have been ratified by the Republic of Turkey and are covered by the Labour Act No. 4857, as well as by the Constitution.

In the Constitution of the Republic of Turkey, Article 50 states that "Minors shall enjoy special protection with regard to working conditions". Labour Law 4857, Article 71 reads that employment of children who have not reached the age of 15 is prohibited. However, children who have reached the age of 14 and have completed their primary education age may be employed in light labour that does not hinder their physical, mental, social or moral development and their school attendance for those who continue their education. The amendment made with Act No. 6645 (Official Gazette dated 23 April 2015) allow the employment of children under 14 years of age in artistic, cultural and advertisement activities that do not hinder their physical, mental, social and moral development and their school attendance if they continue their education. The textile and garment industry cannot be classified as light labour.

Young workers who have reached the age of 15 but are not yet 18 can only be employed under certain conditions. The working hours of youth workers may not exceed 40 hours per week.

⁵⁰ <http://www.tuik.gov.tr/PreHaberBultenleri.do?id=13659>

⁵¹ <http://www.tuik.gov.tr/PreHaberBultenleri.do?id=21521> published on 22 April 2016.

Week-end leave for youth workers cannot be less than 40 uninterrupted hours; they are not allowed to work on national and general holidays. The annual leave period for these workers cannot be less than 20 uninterrupted days. 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 workers.

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

STAKEHOLDERS' OPINIONS AND ANALYSES ON IMPLEMENTATION

From the 2012 statistics of the Turkish Statistical Institute it becomes clear that the percentage of child labour remained the same as in 2006. In its research paper, Trade Union DiSK underlines that the number of children working has increased compared to 2006, even though the percentage remained stable.

Stakeholders stress that child labour in the garment industry increases during the summer, in particular in so-called sweatshops.

The arrival of Syrian refugees in Turkey increased the risk of child labour in garment and textile factories. By November 2016, it is estimated that more than 2.7 million Syrian refugees are living in Turkey, and only 9% of them live in refugee camps.⁵² 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 Syrian child labour an upcoming and pressing issue.

FWF MAIN AUDIT FINDINGS OVER THE LAST TWO YEARS

- *Of 63 audits conducted between January 2015 and November 2016, 33% show that improvement is needed when it comes to exploitation of child labour.*
- *Of these audits, 5% show that the factory employed children as workers.*
- *The factory has no effective age verification system in place in 17% of audits.*
- *Of audited factories, 33% employed juvenile workers without following local regulations to protect them. Non-compliances regarding employment of these 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 member(s) sourcing from the factory in question and investigates the complaint. All the complaints are published on the FWF website.

FWF got only one complaint regarding the working conditions of a juvenile worker in 2015 and 2016.

⁵² Ministry of Interior Directorate General of Migration Management.
http://www.goc.gov.tr/icerik3/gecici-koruma_363_378_4713



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 2016 statistics of the Ministry of Labour and Social Security of Turkey, there were 985 106 registered workers employed in the textile, garment and leather industry.⁵³ Of them, 91 080 (9.2%) were members of trade unions. In July 2016, there were 15 trade unions in this branch, but the three largest unions represented 85 419 workers. The most representative trade union was TEKSIF (affiliated with TURK-IS). The two others were OZ IPLIK-IS (affiliated with HAK-IS) and TEKSTIL (affiliated with DiSK). TEKSIF, OZ IPLIK-IS, TEKSTIL and DERITEKS (2526 members) are affiliated with the Global Union Federation IndustriALL.

However, these figures about the number of workers employed could be misleading. The actual number of workers employed in this branch of the economy actually exceeds the above-mentioned figure. Thousands of workers are employed in the grey economy, and the figure is on the rise due to the deepening economic problems. Also, the putting-out system is widely practiced; thousands of women and children are employed as piece-workers in their homes. Although Law No.6715 of 6 May 2016 brought these homeworkers within the scope of the Labour Act No.4857, there is no awareness of this amendment and the trade unions and the Ministry of Labour and Social Security have not launched campaigns to create awareness.

The figures of the Ministry on trade union membership also overestimate the real situation. Under the current law on trade unions, a worker who is unemployed up to one year preserves his/her union membership, even if no affiliation fees are paid. Thus, many dismissed workers continue to be counted as trade union members.

Also, many workers are members of trade union but they are not within the scope of a collective labour agreement. When a worker leaves a workplace with a CBA and is recruited at another textile company whose workers are not unionised, the worker preserves membership, but this relationship is of no benefit since the trade union has no representative capacity in the new situation.

Considering these deviations, the union density is below the 9.2% claimed by the Ministry of Labour and Social Security.

⁵³ Official Gazette, 30 July 2016.

LAWS AND REGULATIONS

Turkey has ratified ILO Conventions 87, 98 and 135; however, the current legislation and practice are still in violation of these international texts. The discrepancy between the Conventions and national legislation and practice is especially striking since under Article 90 of the Constitution of the Republic of Turkey, duly ratified international conventions on basic human rights are self-executive.

Under the Trade Unions and Collective Labour Agreements Act No.6356 of 18 October 2012, there are no restrictions on the right to organise of workers with a labour contract. There is also a specific article concerning security for exercising the right to freedom of association:

Guarantee of freedom of trade union

ARTICLE 25 - (1) The recruitment of workers shall not be made subject to any condition as to their joining or refraining from joining a given trade union, their remaining a member of or withdrawing from a given trade union or their membership or non-membership of a trade union.

(2) The employer shall not discriminate between workers who are members of a trade union and those who are not, or those who are members of another trade union, with respect to working conditions or termination of employment. The provisions of the collective labour agreement with respect to wages, bonuses, premiums and money-related social benefits shall be exceptions.

(3) 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.

(4) If an employer fails to observe the provisions set out in the above paragraphs apart from the termination, he shall be liable to pay union compensation which shall not be less than the worker's annual wage.

However, the burden of proof rests with the worker who maintains he or she discriminated against or has been dismissed due to trade union activity. Employers are quite resourceful at evading the sanctions, and reinstatement of the dismissed worker is not an absolute right under current legislation. According to the Labour Act, even if a judge rules for the reinstatement, the employer is given the alternative of paying additional compensation instead of reinstatement, which is in compliance with ILO Convention No.158, on the Termination of Employment, which Turkey has ratified.

Another barrier to the exercise of the freedom of association by the workers is the high legal fees required for litigation and the cost of hiring a lawyer. A court case is lengthy and might take years until the verdict of the court becomes definitive. This factor also discourages the application to law enforcement.

The current law provides security for shop stewards in Article 24, which says "An employer shall not terminate the employment contract of shop stewards unless there is just cause for termination and this is clearly and precisely indicated."

The legislation in force is not in full compliance with ILO Convention No.135. Under the Convention, workers' representatives should be safe from dismissal for a specific period following the termination of their tasks. This is not the case in Turkey. As soon as the competence of a trade union in an enterprise ends, the security provided to shop stewards under the law is automatically stopped.

The report of the Committee of Experts on the Application of Conventions and Recommendations on the Application of International Labour Standards 2016 (I) to the 105th Session of the International Labour Conference of the International Labour Organisation in 2016 had the following observations concerning the discrepancy between national legislation and practice:

- The Committee requests the Government once again to provide information on the measures taken to ensure a climate free from violence, pressure or threats of any kind so that workers and employers can fully and freely exercise their rights under the Convention.
- The Committee takes due note of the Government's detailed reply to the allegations of violations of collective bargaining rights and cases of anti-union dismissals submitted by the ITUC in 2014 and requests the government to reply to the ITUC's more recent observations from 2015 alleging further violations of the Convention in practice.
- Committee therefore requests the Government to review the impact of section 34 of the Act and to consider, in consultation with the social partners, its amendment in a manner so as to ensure that it does not restrict the possibility of the parties to engage in cross-sector regional or national agreements. It requests the Government to provide information on the steps taken in this regard.
- Recalling the concerns that had been expressed by several workers' organizations in relation to the perpetuation of the double threshold, accompanied by new methods of data collection on representativity, the Committee trusts that the Government will continue to review this matter with the social partners concerned, including as regards the impact of the thresholds on collective bargaining coverage.
- The Committee requests the Government to provide information on any use of section 50(1) which permits a unilateral determination of the mediator where the parties have not been able to agree.

The current legislation in force empowers only trade unions to negotiate and conclude a collective labour agreement with the employer or an employers' association. This excludes more than 90% of the workers in the textile sector from the scope of CBAs.

The coexistence of more than one collective agreement in a workplace or enterprise is prohibited. Only the most representative trade union is entitled to negotiate and conclude a legally binding collective agreement, provided it represents more than 1 percent of the workers employed in the textile sector and more than 50 percent of the workers on the payroll.

During the duration of a collective bargaining agreement, no dispute of interest can be lodged. In a country with a high probability of economic instability, this results in a violation of basic trade union rights in practice. This restriction becomes even more important when a collective labour agreement is concluded for a period of three years, which is the current practice.

Under the current legislation, the right to strike is severely restricted including for example the time limits to decide on or initiate a strike, in violation of ILO Conventions 87 and 98 and the relevant resolutions of the competent ILO bodies.⁵⁴ For example, the right to strike in case of a dispute of rights is not permitted. This means workers are not allowed to strike if the employer does not honour the provisions of a labour contract. Also, under the current legislation, only members of trade unions have the right to strike, which means that more than 90% of the workers are deprived of the right to exercise this right and since legislation entitles only the trade unions to decide and implement a strike, trade union members are totally dependent on their trade union to go on strike. The current legislation prohibits general strikes, solidarity strikes, go-slow, work-to-rule, peaceful workplace occupation, etc, as well as strikes for some workers and In some sectors of the economy.

The Council of Ministers can suspend a strike, in which case the Supreme Board of Arbitration concludes a binding collective labour agreement. The Government has exercised this authority in the past.

STAKEHOLDERS' OPINIONS AND ANALYSES ON IMPLEMENTATION

Trade unions revealed that the double threshold is a limitation against freedom of association and the 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 are revised and lowered in consultation with 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 70% of the workers in the industry are unregistered, and therefore cannot access union membership.

Share passwords

Trade unions refer to the new system for application to and withdrawal from union membership, through e-State gate. This system aimed to simplify the membership process and, after it launched the number of unionised workers increased by 15.2% in one year.⁵⁵ However, this new mechanism also simplified 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'.⁵⁶

⁵⁴ There is no direct reference to the right to strike under the ILO Conventions 87 and 98, but the Committee on Freedom of Association of the ILO Governing Body has adopted a large number of resolutions unanimously and their decisions have been unanimously approved by the Governing Body of the ILO and duly published in the Official Gazette, making them binding on the countries which have ratified these Conventions.

⁵⁵ 2014, European Union, Turkey Progress Report, p.41.

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

⁵⁶ 2014, ILO, Application of International Labour Standards 2014 (I), p.123

Trade unions also criticised the regulations regarding protecting union members from union-related dismissals. Although all workers are provided by a Decision of the Constitutional Court of Turkey dated 22 October 2014, trade unions believe that the current regulations are still insufficient to provide this protection since the penalties for discrimination against union members and union related dismissals are not severe enough.

FWF MAIN AUDIT FINDINGS OVER THE LAST TWO YEARS

- *Of the 63 audits conducted between January 2015 and November 2016, 14% show that the audited factories infringe workers' rights to organise.*
- *A further 1.5% show that the factory does not allow trade unions to approach workers.*
- *In 30% of the audited factories, there is no independent union or workers committee.*
- *In one of the factories audited it was found that the governmental passcodes which workers use to access e-State gate are kept in their personnel files.*
- *None of the factories audited has a current CBA.*

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 member(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 in 2015 and 2016, none of them related to freedom of association.

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 2015 statistics of the Turkish Statistical Institute reveal that the majority of the population cannot afford basic living needs. According to these statistics:

- *Housing costs are a heavy burden for 23.2%, and a slight burden for 57.2% of the population*
- *Also, 71.4% of the population cannot afford a one-week annual holiday away from home*
- *Further, 35.8% of the population cannot afford a meal with meat, chicken or fish every other day*
- *In terms of unforeseen, 32.6% of the population cannot afford unexpected financial expenses; 15.9% of the population cannot afford heating costs for home, and*
- *Finally, 68.5% of the population cannot afford to replace worn furniture.⁵⁷*

LAWS AND REGULATIONS

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

Every worker is entitled to a wage in cash, which must be paid on a monthly basis or more frequently, but not less. Article 38 of the Labour Act bans imposing a fine that affects a worker's wage for reasons other than those indicated in the CBA or the employment contract.

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

⁵⁷ Turkish Statistical Institute Data 'Distribution of non-institutional population by equalised household disposable median income groups and specified living condition indicators, 2014-2015'.
http://www.tuik.gov.tr/PreTablo.do?alt_id=1011

Revision

The minimum wage is determined by the Minimum Wage Determination Commission, which includes representatives of the largest employers' and workers' organisations.

Article 39 of the Labour Act of Turkey states that the minimum wage must be assessed every two years to regulate the economic and social standing of all types of workers with an employment contract. This is done by the Ministry of Labour and Social Security with mediation from the Minimum Wage Determination Commission. Although legislation provides for adjustment at least once every two years, in practice the minimum wage is set every year and generally provides an increase also for the second semester. However, in 2016 there was a single minimum wage throughout the year which was fixed at 1 300 TL net. Fixing it as a net amount was also an unusual practice.

STAKEHOLDERS' OPINIONS AND ANALYSES ON IMPLEMENTATION

The monthly net minimum wage (not including the minimum living allowance known as AGI) effective for 2016 is 1177.46 TL. The AGI that a worker is entitled to varies based on marital status, employment status of the spouse, and the number of children. The monthly AGI for 2016 is as follows:

| Marital Status | Employment Status of Spouse | Number of Children | AGI Amount |
|----------------|-----------------------------|--------------------|------------|
| Single | ----- | 0 | 123.53 TL |
| Married | Working | 0 | 123.53 TL |
| | Working | 1 | 142.05 TL |
| | Working | 2 | 160.58 TL |
| | Working | 3 | 185.29 TL |
| | Working | 4 | 197.64 TL |
| | Working | 5 | 209.99 TL |
| | Not Working | 0 | 148.23 TL |
| | Not Working | 1 | 166.76 TL |
| | Not Working | 2 | 185.29 TL |
| | Not Working | 3 | 209.99 TL |

Due to progressive tax rates, most of the minimum wage earners' monthly wages were to drop below the net amount fixed at 1300 TL towards the end of the year. The government made an amendment to the Income Tax Act, enabling the payment of an additional AGI to cover for the loss and keep the minimum wage at 1300 TL net, in the last three months of 2016.

Türk-iş and DiSK regularly announce the estimates for living wage and starvation level for a family of four. Trade unions emphasise that the minimum wage is not sufficient for a decent life. In its comment to the ILO, Türk-iş 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 minimum wage is insufficient to provide a living income, which creates the need for extreme overtime work for workers. 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. This situation is especially valid in the textile and garment industry where most employees receive minimum wage.

Data for July 2016 provided by the employer association TİSK, reveal that the average wage including fringe benefits in the textile and garment factories that are covered by a CBA is 2 411 TL net⁵⁸. This average wage includes benefits agreed upon in the CBA, such as child support, food support, and others, as well as overtime premiums. Although this amount is higher than 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 reach 1 690 Liras if the increase in national income had been included in the minimum wage increase.⁵⁹ The trade union proposed the minimum wage be set through a collective bargaining process, including the right to strike, and the Minimum Wage Determination Commission to be cancelled. In November 2015, DiSK demanded that net minimum wage in 2016 would rise to 1 900 TL.

58 <http://tisk.org.tr/gostergeler/> 'TİSK Kapsamında Ücret ve İşgücü Maliyeti Seviyeleri'

59 <http://disk.org.tr/2015/12/asgari-ucretli-kisi-basina-milli-gelirden-payini-alamadi/>

Wage ladder for Turkey

| Source | Description | Amount in Net |
|------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|------------------------------|
| Turkish Ministry of Labour and Social Security | Minimum wage in 2016 ⁶⁰ | 1 177.46 TL (without AGI) |
| TiSK (Turkish Confederation of Employer Associations) | Average net wage including fringe benefits in the industry in the unionised factories as of July 2016 ⁶¹ | 2 411 TL |
| Türk-İş (Confederation of Turkish Trade Unions) | Estimate of living wage level for a single person as of October 2016 ⁶² | 1 738 TL |
| Türk-İş (Confederation of Turkish Trade Unions) | Estimate of living wage level for a family of four as of October 2016 ⁶³ | 4 578 TL |
| DiSK (Confederation of Progressive Trade Unions of Turkey) | Estimate of living wage level for a family of four as of November 2015 ⁶⁴ | 4 443 TL |
| KESK (Confederation of Public Employees Trade Unions) | Estimate of living wage level for a family of four as of August 2014 ⁶⁵ | 4 199 TL |
| T.Kamu-Sen (Confederation of Public Employees' Trade Unions of Turkey) | Estimate of living wage level for a family of four as of October 2016 ⁶⁶ | 4 761 TL |
| Memur-Sen (Confederation of Public Servants Trade Unions) | Estimate of living wage level for family of four as of September 2016 ⁶⁷ | 4 252 TL |
| Türk-İş (Confederation of Turkish Trade Unions) | Estimate of poverty line: starvation level (limit of hunger) for a family of four as of October 2016 ⁶⁸ | 1 405 TL |
| DiSK (Confederation of Progressive Trade Unions of Turkey) | Estimate of poverty line: starvation level (limit of hunger) for family of four as of November 2015 ⁶⁹ | 1 405 TL |
| KESK (Confederation of Public Employees Trade Unions) | Estimate of poverty line: starvation level (limit of hunger) for a family of four as of August 2014 ⁷⁰ | 1 328 TL |
| Memur-Sen (Confederation of Public Servants Trade Unions) | Estimate of poverty line: starvation level (limit of hunger) for a family of four as of September 2016 ⁷¹ | 1 492 TL |

60 <https://www.csgeb.gov.tr/home/contents/istatistikler/asgariucrut/>

61 <http://tisk.org.tr/gostergeler/> 'T SK Kapsam nda Ücret ve gücü Maliyeti Seviyeleri'

62 <http://turkis.org.tr/EKIM-2016-ACLİK-ve-YOKSULLUK-SINIRI-d1260>

63 IBID

64 <http://disk.org.tr/2015/12/1300-tl-yetersiz-yeni-yilda-da-asgari-sefalet-devam-ediyor/>

65 <http://www.kesk.org.tr/2014/09/22/kesk-ar-eylul-aji-aclik-ve-yoksulluk-raporu/>

66 http://www.kamusen.org.tr/icerik_goster.php?Id=10705

67 <http://www.memursen.org.tr/memur-sen-aclik-ve-yoksulluk-sinirini-acikladi>

68 <http://turkis.org.tr/EKIM-2016-ACLİK-ve-YOKSULLUK-SINIRI-d1260>

69 <http://disk.org.tr/2015/12/1300-tl-yetersiz-yeni-yilda-da-asgari-sefalet-devam-ediyor/>

70 <http://www.kesk.org.tr/2014/09/22/kesk-ar-eylul-aji-aclik-ve-yoksulluk-raporu/>

71 <http://www.memursen.org.tr/memur-sen-aclik-ve-yoksulluk-sinirini-acikladi>

FWF MAIN AUDIT FINDINGS OVER THE LAST TWO YEARS

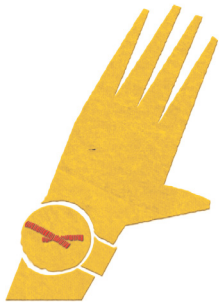
- *Of the 63 audits conducted by FWF between January 2015 and November 2016, 100% of results show that wages paid are below estimates of living wage by local stakeholders.*
- *Of these results, 81% indicate that the prices FWF members pay do not support the payment of living wages.*
- *Also, 35% of the audited factories are not transparent regarding wage records.*
- *In 17% of the audited factories, workers are paid less than minimum wage.*
- *At 41% of the audited factories, workers do not understand how wages are calculated.*
- *Delays in paying workers' wages were found at 10% of the audited factories.*
- *In 42% of the audited factories, the factory does not pay overtime premiums to workers, according to legal requirements.*
- *Finally, 19% of the audited factories do not pay leave and benefits to workers according to legal requirements.*

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 member(s) sourcing from the factory in question and investigates the complaint. All the complaints are published on the FWF website.

Of the calls FWF received in 2015 and 2016, 6% of them related to the payment below legal minimum wage, 10% was related with delay on payments. The ones which turned into a formal complaint can be found at www.fairwear.org.

6.6. Reasonable hours of work



"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

According to OECD statistics, in 2014 the average total of weekly working hours in Turkey was 49.1, while the standard amount of weekly working hours amounts to a maximum of 45.⁷² Turkey has the highest average of weekly working hours worked in a main job among OECD countries. Statistics of the European Union determine that this amount was even higher: In 2015 the weekly working hours of full-time employment in Turkey officially came to 50.9.⁷³ Considering the high percentage of unregistered workers and the widespread use of double books, where only part of the hours worked is registered, the actual average of worked hours is likely to be even higher.

LAWS AND REGULATIONS

Working hours and overtime work are regulated in the Labour Act and the Regulation on Overtime, published in the Official Gazette on 6 April 2004. Labour Act Article 63 states that, in general terms, working time is set at a weekly maximum of 45 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 is to be divided equally among the days of the week a person is employed at an establishment. Provided that both parties agree, working time may be divided among the workdays of the week in varying quantities, on the condition that the daily working time not exceed eleven hours. In cases like this, the average weekly working hours of the worker should not exceed 45 hours in a two-month period. This balancing (equalising) period may be extended to up to four months by collective agreement.

Article 41 of the 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, and should only be carried out with the consent of the worker.

⁷² http://stats.oecd.org/Index.aspx?DataSetCode=AVE_HRS

⁷³ <http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&language=en&pcode=tps00071>

Poor health

The regulation on overtime work 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 workers under 18 years of age, for workers 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 to by an employment contract or collective bargaining agreement.

Workers who are pregnant, have recently given birth or are breastfeeding and workers who have temporary employment contracts are not allowed to perform overtime work. All overtime hours must be recorded and paid for accurately, and the pay slips distributed to the workers must include overtime payments. Article 9 of the Regulation states that consent for overtime work should be signed every year by the employee, and this document should be kept in the employer's personnel file.

Overtime must be calculated on the basis of the wage stated in the work contract and paid at a rate of 150% of standard working time. Workers have the right to 1.5 hours of free time for every additional hour worked over 45 hours per week, instead of receiving overtime premiums. The worker has the right to use the earned free time during working hours over a period of six months. In case the worker 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.

Rest periods

Employees have the right to take a rest for a minimum of 24 hours (weekly rest day) without interruption for a seven-day time period. For the rest day, the employer must pay the worker's daily wage, without any work obligation in return. Workers must be paid a full day's wages for any national and public holidays on which they have not worked; if they work instead of observing the holiday, they must be paid an additional full day's wages for each day worked.

Workers 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. Workers with one to five years of seniority in the same workplace are entitled to 14 workdays of annual leave. This rises to 20 workdays for the workers with 6 to 14 years of seniority, and 26 workdays for the workers 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 considered the country for 'short lead times' 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.

The Labour Inspection Board of the Ministry of Labour and Social Security conducted an inspection in the garment industry during 2015. The inspection covered 82 garment factories, including sub-contractors, each employing more than 100 workers and a total of almost 30 thousand workers in five provinces. The inspection revealed many violations regarding overtime, weekly rest days, working on public holidays and annual leave. For example, overtime premiums were partly paid, or not paid at all in 49 factories; 19 factories did not get worker's consent for OT; in 24 factories there were workers whose public holiday wages were not paid; 7 factories did not observe the weekly rest day; in 51 factories there were violations regarding the worker's right to annual leave; and in 15 factories night work exceeded the allowed 7.5 hours.⁷⁴

Long working hours and excessive overtime are common in the industry. Trade unions underlined that most workers gladly accept these aspects, since the regular wages are insufficient to provide a decent living.

Another problem regarding overtime in the garment industry is that it is often involuntarily. In most of the situations, workers could not refuse overtime work without the risk of losing their jobs.

FWF MAIN AUDIT FINDINGS OVER THE LAST TWO YEARS

- *Of the 63 audits done by FWF between January 2015 and November 2016, 60% revealed that excessive overtime was prevalent.*
- *In 49% of the audited factories, there was no transparency concerning overtime records.*
- *In 27% of the factories, employees worked more than seven consecutive days without rest.*
- *Of the audited factories, 14% employ pregnant workers without following local regulations regarding their working hours.*
- *In 13% of the audited factories, the regular working hours exceeded the legal limit of 45 hours per week without the payment of overtime premium.*
- *In 3% of the audited factories, overtime work was not voluntary, or was not announced in advance.*

WORKER COMPLAINTS RELATED TO 'REASONABLE HOURS OF WORK'

FWF's complaints procedure serves as a safety net. When a complaint is filed, FWF informs the member(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 in 2015 and 2016, 11% of them was related to compulsory overtime, 5% to excessive overtime, and 3% to consecutive work without one day rest. The ones which turned into a formal complaint can be found at www.fairwear.org.

⁷⁴ http://www3.csgb.gov.tr/csgbPortal/ShowProperty/WLP%20Repository/itkb/dosyalar/yayinlar/yayinlar2016/2016_81

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

In 2015, according to the statistics of the Social Security Institution, there were a total of 241 547 work accidents. Of these, 12 041 were in the manufacturing of textile products, 3 018 were in garment production and 448 were in leather and leatherwear production. For the same year, the Social Security Institution data on occupational diseases show a total number of 500 patients. Of these, 10 were in the manufacturing of textile products and 50 were in leather and leatherwear production.

In 2015, the Social Security Institution reported permanent work incapacity in 3 596 cases. Of these, 3 433 were for work accident and 163 for occupational diseases. Further, 125 were in the textiles, garments and leather branches. In the textile sector, there were 100 cases due to work accidents and 4 cases of occupational diseases. In garment production, there were 11 cases due to work accidents and 2 cases of occupational diseases. In the leather and leatherwear production there were 8 cases due to occupational diseases.

The death toll was also heavy in 2015. There were a total of 1 252 cases of loss of life due to work accidents. Of those, four were in textile production, 11 in garment production and two in leather and leatherwear.

It is impossible to figure out the work accidents and occupational diseases of the workers in the grey market and the unregistered homeworkers working piece-rate.

Further, the Workers' Health and Work Safety Assembly (WHSA) announced that in the first ten months of 2016, at least 1 596 workers had lost their lives. Since the beginning of the AKP rule, which began in 2002, more than 18 000 workers died at work or during work related incidents.⁷⁵ According to the figures of WHSA, between January 2013 and May 2016, at least 194 children lost their lives; six of them were working in the garment and leather industries; 19 of them were Syrians and the youngest child was 6 years old.⁷⁶

⁷⁵ Workers' Health and Work Safety Assembly.

http://www.guvenlicalisma.org/index.php?option=com_content&view=article&id=17982:ekim-ayinda-en-az-165-yilin-ilk-on-ayinda-ise-en-az-1596-isci-yasamini-yitirdi&catid=149:is-cinayetleri-raporlari&Itemid=236

⁷⁶ Workers' Health and Work Safety Assembly, Child Labour Report.

http://www.guvenlicalisma.org/index.php?option=com_content&view=article&id=17477:2016-yilinin-ilk-bes-ayinda-en-az-18-son-uc-bucuk-yilda-ise-en-az-194-cocuk-isci-yasamini-yitirdi-isig-meclisi&catid=153:cocuk-iscilik&Itemid=242

LAWS AND REGULATIONS

In Turkey legislation on health and safety at work and practice are not in line with each other. The Occupational Health and Safety Law No.6331 of 20 June 2012 is in accordance with international standards. The regulations issued by the Ministry of Labour and Social Security have been prepared keeping in mind the EU *acquis communautaire*, since Turkey is negotiating accession, although that process has been frozen by the European Parliament for the time being. However, the implementation of this legislation is very problematic.

Article 4 of Law No.6331 defines the responsibility and tasks of the employer as follows:

General responsibility of the employer

ARTICLE 4 – (1) The employer shall have a duty to ensure the safety and health of workers in every aspect related to the work. In this respect, the employer shall:

a) 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 organization and means and shall ensure that these measures are adjusted taking account of changing circumstances and aim to improve existing situations.

b) 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.

c) Carry out a risk assessment or get one carried out;

d) Take into consideration the worker's capabilities as regards health and safety where he entrusts tasks to a worker;

e) Take appropriate measures to ensure that workers other than those who have received adequate information and instructions are denied access to areas where there is life-threatening and special hazard.

(2) In case an employer enlists competent external services or persons, this shall not discharge him from his responsibilities in this area.

(3) The workers' obligations in the field of safety and health at work shall not affect the principle of the responsibility of the employer.

(4) Measures related to health and safety at work may in no circumstances involve the workers in financial cost.

However, no serious activity from the Ministry, employers and trade unions has been set up to create awareness about the hazards at work. Awareness and knowledge about occupational diseases are very low. No serious work is being carried out concerning the risks of new inputs and manufacturing processes. Many workers are victims of occupational diseases, but are either unaware or ignore the immediate negative effects due to the fear of dismissal and

unemployment. Since most workers are highly in debt, being able to preserve their job and continuing to pay off their debt seem to be more important than the threat of a serious occupational disease in the long run.

Although the legislation acceptable, the number of law enforcing personnel, in this case the labour inspectors, is not sufficient to inspect the hundreds of thousands of workplaces. Inspections as a result of complaints are more common, and serve as an addition to the very infrequent regular inspections. However, since the employers can be informed of an inspection beforehand, measures are taken to evade sanctions. Besides, since the government is sensitive to lower employment levels, several means of reconciliation are used, which leads to a deterioration of the working conditions in general. As the economic crisis deepens, the employers prefer to save on fixed expenses mainly by cutting on health and safety costs.

Turkey has ratified the relevant ILO Conventions which have a direct impact on the production of textile, garment and leather goods, which can be seen here below. However, the trade unions and the workers are generally unaware of the provisions of these international instruments and evade a possible confrontation with the employers on safety and health issues. It is only in cases of severe cases of work accidents that the trade unions and workers react seriously.

ILO Conventions regarding OHS, ratified by Turkey:

| | |
|------------------------------------------------------------------------------------------------------|-------------|
| <u>C042 - Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42)</u> | 27 Dec 1946 |
| <u>C077 - Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77)</u> | 02 Nov 1984 |
| <u>C115 - Radiation Protection Convention, 1960 (No. 115)</u> | 15 Nov 1968 |
| <u>C119 - Guarding of Machinery Convention, 1963 (No. 119)</u> | 13 Nov 1967 |
| <u>C127 - Maximum Weight Convention, 1967 (No. 127)</u> | 13 Nov 1975 |
| <u>C155 - Occupational Safety and Health Convention, 1981 (No. 155)</u> | 22 Apr 2005 |
| <u>C159 - Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)</u> | 26 Jun 2000 |
| <u>C161 - Occupational Health Services Convention, 1985 (No. 161)</u> | 22 Apr 2005 |
| <u>C167 - Safety and Health in Construction Convention, 1988 (No. 167)</u> | 23 Mar 2015 |
| <u>C176 - Safety and Health in Mines Convention, 1995 (No. 176)</u> | 23 Mar 2015 |
| <u>C187 - Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)</u> | 16 Jan 2014 |

Occupational safety expert

Law No.6331 stipulates in detail the health and safety services to be provided by the employer at the workplace. In Article 6, it is stated that employers have the obligation to appoint an occupational safety expert, a workplace physician and other health personnel. If personnel qualified to carry out these tasks is present in the workplace, they can be appointed internally. If this is not the case, these services must be obtained from 'joint health and safety units' established for this purpose and authorised by the Ministry.

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

At enterprises with a minimum of 50 employees and where permanent work is performed for more than six months, the employer must set up an occupational health and safety committee. 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. By law, trade union representatives must be a member of this committee, or if there is no union representative, the role can be fulfilled by a worker representative elected by the workers.

Safety and health training

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

Costs for measures related to health and safety at work should under no circumstances be absorbed by the workers. Employees are under the obligation to obey and observe all the measures taken in the field of occupational health and safety. Workers' obligations concerning safety and health in the work place will not affect the responsibility of the employer.

STAKEHOLDERS' OPINIONS AND ANALYSIS ON IMPLEMENTATION

Trade Unions concluded that health and safety conditions have become better in factories producing for international brands, which conduct audits regularly. Although legislation introduced the health and safety committees in the workplaces, stakeholders representing workers pointed out that the committee meetings are not conducted efficiently and most 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 legislation 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 if the same employer pays his wages.

FWF MAIN AUDIT FINDINGS OVER THE LAST TWO YEARS

- *Of 63 audits conducted in 2015 and 2016, almost all of them revealed that improvements can be made on 'safe & healthy working conditions'.*
- *In 82% of the audited factories minor but also critical issues regarding machine safety were found.*
- *In 79% of the audited factories minor but also critical issues regarding fire safety were found.*
- *In 71% of the audited factories minor but also critical issues regarding electrical safety were found.*
- *In 69% of the audited factories minor but also critical issues regarding chemical safety were found.*
- *In 66% of the audited factories, the noise, ventilation, temperature and lighting do not comply with legal requirements.*
- *In 54% of the factories, there was no periodical health check or reports of health checks for workers.*
- *In 56% of the factories, there were deficiencies regarding OHS trainings, and in 44% regarding hygiene training of canteen staff.*
- *In 13% of the audited factories minor but also critical issues regarding building safety were found, and in a further 10% issues regarding ergonomics were found.*
- *In 30% of the factories, workplace accidents and near-miss accidents were not recorded.*
- *Cases of harassment were found at 3% of the audited factories.*

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 member(s) sourcing from the factory in question and investigates the complaint. All the complaints are published on the FWF website. In 2015-2016, FWF got only one call regarding harassment.

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

Under Turkish labour law, there are four different statuses under which wage and salary-earners can be employed. Of the about 18 million wage and salary-earners, more than 14

million are working under a labour contract between a worker and a natural or juridical person. About three million are employed as civil servants, under Law No.657 of 1965. There are about 400 thousand contract personnel, employed under decrees with force of law. The fourth category is 'temporary personnel', about 50 thousand workers whose terms and conditions of employment are also regulated by decrees with force of law.

Of the 14 million wage-earners, about 13.5 million are employed under the Labour Act No.4857 of 2003. The remaining workers are employed under the Marine Labour Act, Journalists' Act, or the Code of Obligations.

LAWS AND REGULATIONS

All workers are employed on the basis of a labour contract, assumed to be concluded by the free will of the parties, without any obligation to work. Textile, garment and leather workers are employed under Labour Act No.4857. Under this Act, there is an obligation to conclude a written contract if the work relationship will exceed one year.

The general form of the labour contract is one of unspecific duration or an open-ended contract. The exception is the fixed-term contract. There is no upper limit for the fixed-term contract. Fixed-term contracts can be renewed in case of the existence of an essential necessity. In the absence of an essential necessity, consecutive fixed-term contracts are automatically changed into open-ended contracts.

Part-time work was regulated for the first time in Turkish labour legislation under Act No. 4957, which also allows on-call work.

An amendment to the Labour Act No.4857 in 2016 permitted labour leasing through temporary work agencies. Under this practice, a worker signs a contract with a temporary work agency, but is asked to perform tasks at another enterprise assigned by the agency. This form of employment relationship is not yet widely practiced, but it could present problems in the future.

Probation periods are generally two months. It is possible to increase the duration of the probation period up to four months through collective agreements. During the probation period, the parties are free to terminate the labour contract without any obligation.

The open-ended labour contract can be terminated by the one parties giving notice to the other. The period of notice is 2 weeks for seniority up to six months, 4 weeks for seniority of 6-18 months, 6 weeks for seniority 1.5-3 years and 8 weeks for seniority exceeding 3 years. Periods of seniority can be increased by individual or collective labour agreements.

Under the law, termination of the labour contract at the initiative of the employer is generally regulated in accordance with the provisions of the ILO Convention No.158, except for a few violations.

The Convention and the current law require a valid reason for the termination of the labour contract by the employer. Article 18 stipulates that “any employer who terminates the indefinite-termed (open-ended) labour contract of a worker with at least six months of service at a business employing 30 or more workers has to ground the termination on a valid reason arising from the qualification or behaviour of the worker or the requirements of the enterprise, business or work.”

Pursuant to the law, “any worker whose labour contract is terminated can institute a lawsuit at the labour court within one month of the serving of the notice of termination with the claim that no ground is asserted in the notice of termination or the asserted ground is not valid.” The burden of proof of validity of the termination rests with the employer.

The law requires rapid finalisation of the legal case, in two months at the local court. The final verdict of the Court of Appeals should be completed in one month. However, in spite of the explicit stipulations of the law, the cases are generally finalized in about 1.5 years, with serious consequences for the dismissed worker. If the reason put forward by the employer is considered valid, the dismissal acquires a definite character. In case the ruling involves reinstatement of the worker, the employer has the right to pay extra compensation and refuse reinstatement.

There is a tradition of severance pay in Turkey.

When the worker retires, is dismissed on a valid reason – without an offense on the part of the worker, goes for military service, dies or is considered permanently incapable of working, he or she is entitled to severance pay equal to 30 days’ wages per year of service at the same employer. Women, during the year following marriage, have the right to leave work on their own initiative and receive their severance pay.

If the labour contract of the worker is terminated because of violation of basic rules of ethics and goodwill, the worker is dismissed without a period of notice and severance pay. The cases are exhaustively enumerated as follows:

- *If the worker misleads the employer at the time of conclusion of the labour contract by asserting that he or she has the qualifications or conditions required for one of the important points of the contract although he or she does not have them, or provides false information, or tells false things.*
- *If the worker says words that harm the honour and reputation of the employer or one of the members of his or her family, behaves in such a manner or makes false attributions or accusations harming the honour and dignity of the employer or one of his or her family members against the employer.*
- *If the worker attempts sexual harassment against another worker of the employer.*
- *If the worker teases the employer or one of the family members or another worker at the employer.*
- *If the worker comes to the workplace drunk or drinks alcoholic beverages at the workplace.*

- *If the worker misuses the trust of the employer, discloses the secrets of the enterprise or resorts to theft.*
- *If the worker is absent from work without the permission of the employer or without any justified reason for two consecutive work days or for two days following any holiday or for three days in a month.*
- *If the worker does not fulfil his or her obligations at the workplace in spite of warnings.*
- *Any one of these situations can lead to the summary dismissal of the worker without any severance pay.*
- *If the employer does not honour his or her obligations, insults the worker, does not pay the corresponding wage or if the workplace is hazardous for the health of the worker, the worker has the right to terminate the labour contract at his or her own initiative and receive the severance pay.*

Social Security Institution

In Turkey, every wage and salary-earner must be insured. The workers under a labour contract benefit from five branches of social security. Illness insurance, work accident and occupational diseases insurance, maternity insurance and old age, invalidity and death insurance. These four branches of social security are administered by the Social Security Institution (SGK). The fifth, unemployment insurance is administered by the Turkish Employment Agency (ISKUR).

Social security is obligatory and an inseparable part of employment. Workers 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.

The worker pays a monthly fee of 14% of their gross wage as a social security premium. In turn, the employer pays a monthly fee of 20.5% of the employee's gross wage. 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 2% of the employee's gross wage to the unemployment fund.

The employer must arrange a personnel file for every employee working at his or her establishment. A personnel file must contain the employment contract, copy of the identification card of the worker, residence document, clearance report, diplomas, health report, monthly pay slips, annual overtime work consent forms, and health and safety training certificates. For juvenile workers, the personnel file shall contain a signed statement of parental consent of employment. In addition to the information about the worker'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.

STAKEHOLDERS' OPINIONS AND ANALYSES ON IMPLEMENTATION

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

Trade unions consider informal employment as one of the main obstacles. 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 of 30 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. According to the figures of Social Security Institution, in the textile, garment and leather industries, 95% of the registered workplaces employ less than 30 workers.

FWF MAIN AUDIT FINDINGS OVER THE LAST TWO YEARS

- *Of the 63 audits conducted between January 2015 and November 2016, 75% shows that the audited factory did not pay all social security or insurance fees.*
- *Unregistered workers were found at 25% of the audited factories.*
- *Also, 13% of the audited factories employ daily workers.*
- *Then, 10% of the audited factories employ Syrian workers without work permits.*
- *In 8% of the audited factories it was found out that, some part of the production is done by homeworkers.*
- *In 62% of the audited factories there are problems regarding paid annual leave.*
- *In 48% of the audited factories individual personnel files are incomplete.*
- *For 35% of the audited factories, the content of the employment contracts does not comply with legal requirements.*
- *Of the audited factories, 30% do not provide contracts or appointment letters to any or all employees.*
- *At 5% 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 member(s) sourcing from the factory in question and investigates the complaint. All the complaints are published on the FWF website. In 2015 and 2016, 23% of the calls related to unregistered employment, 8% dealt with double bookkeeping, and 5% of them with unfair dismissal. The ones which turned into a formal complaint can be found on www.fairwear.org.

SOURCES USED IN THIS COUNTRY STUDY

The information was gathered by *Yıldız Koç and Evrim Gölcük, FWF Country Representatives in Turkey*. 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, and political and human rights situation in the country.

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