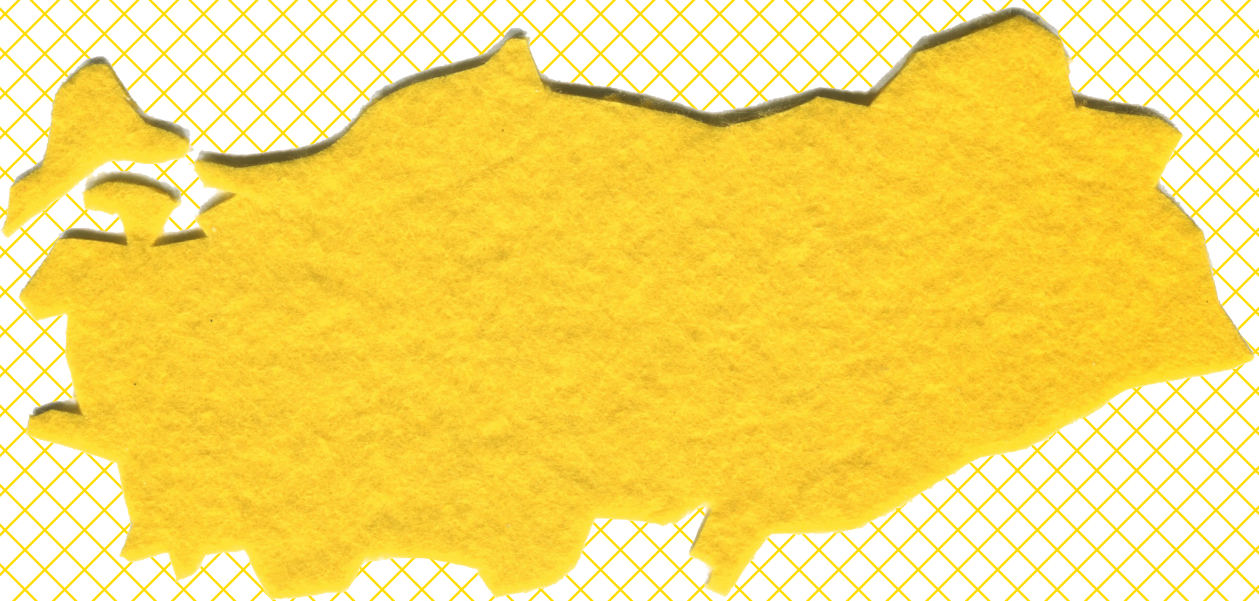




TURKEY

country study 2017/2018



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INTRODUCTION

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

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

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

The wage level in the industry is not enough to provide workers with a living wage. Although Turkey has the highest minimum wage among Fair Wear Foundation (FWF) priority countries, the legal minimum wage, which can be considered as the industry's average wage, is approximately 29% of the living wage estimates of local stakeholders.

This country study examines the situation in Turkey in 2017, using statistics from that year and previous years. Where relevant, current information from 2018 has been included. FWF will continue to provide updated information on Turkey at fairwear.org and will update this country study on a periodic basis in the future.

Fair Wear Foundation

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

In terms of production volume produced for FWF affiliates, Turkey ranks number five after China, Bangladesh, Vietnam and Italy. The majority of suppliers are based in the Istanbul region, with the Izmir region as the second most-important region. In Turkey alone, 204 factories supply FWF members.

At the end of 2016 FWF started a human rights protection programme for Syrian refugee garment workers. A Workplace Education Program (WEP) for Syrian refugee workers has been developed, and FWF staff is available to give guidance to suppliers and brands. These WEPs are carried out in factories that are part of the FWF members' supply chain. The FWF Helpline, a phone number workers and stakeholders can call with complaints regarding factory compliance with the FWF Code of Labour Practice (CoLP), is also for Arabic-speaking workers.

1. HOW TO READ THIS COUNTRY STUDY

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

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 with other garment producing countries.

Chapter 3, *Stakeholders*, briefly presents the main stakeholders 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 being handled.

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

2. GENERAL COUNTRY INFORMATION

Turkey, with a total land area of 784,000 square kilometres and a population of 80,810,525¹ is located in both Western Asia and including the smaller part of Eastern Thrace, in South-east Europe. The countries bordering Turkey include: Bulgaria in the northwest, Greece in the west, Georgia in the northeast, Armenia, Nakhichevan (an exclave of Azerbaijan), and Iran in the east and Iraq and Syria in the southeast. Turkey is a candidate country for the European Union.

With a GDP of \$851,102 million USD in 2017, Turkey boasts the 17th largest economy in the world.² The services industry constitutes the largest share of country's GDP. The automotive industry has the largest share in Turkey's export in 2017, followed by the garment industry, which constitutes 11.5% of the country's total export.

2.1. Economic indicators

Turkey ranks 71 on the 2016 Human Development Index of the United Nations Development Programme, and is in the high development category.³ Of the FWF priority countries, Turkey is the one with the highest rank on the Human Development Index (HDI), while Bangladesh is ranked 139, China 90, and India 131.

Of the FWF priority countries, Turkey has the highest income per capita. The gross national income per capita in Turkey is \$18,705 USD, whereas in Bangladesh it is \$3,341 USD, in China \$13,345 USD, and in India \$5,663 USD.

2.2. Social, political & governance indicators

Turkey ranks 100 on the democracy index 2017,⁴ categorised under hybrid regimes.⁵ It is remarkable that of the four FWF priority countries, Turkey is placed third, behind Bangladesh (92) and India (42). China ranks 139th.

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

1 According to the 2017 data of Turkish Statistical Institute

2 <http://databank.worldbank.org/data/download/GDP.pdf>

3 All the information in this part is a summary of the United Nations Development Programme Human Development Index 2016, http://hdr.undp.org/sites/default/files/2016_human_development_report.pdf

4 Democracy Index 2017: Free speech under attack, a report by the Economic Intelligence Unit, https://www.eiu.com/public/topical_report.aspx?

5 The Economist Intelligence Unit's index of democracy classifies the countries under four types of regime, according to their index values. These are, full democracies, flawed democracies, hybrid regimes and authoritarian regimes. Hybrid regime is defined as follows: Elections have substantial irregularities that often prevent them from being both free and fair. Government pressure on opposition parties and candidates may be common. Serious weaknesses are more prevalent than in flawed democracies—in political culture, functioning of government and political participation. Corruption tends to be widespread and the rule of law is weak. Civil society is weak. Typically, there is harassment of and pressure on journalists, and the judiciary is not independent.

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

	Turkey	Bangladesh	China	India
Democracy Index, rank (2017)	100	92	139	42
Electoral process and pluralism	5.33	7.42	0.00	9.17
Functioning of government	6.07	5.07	5.00	6.79
Political participation	5.00	5.00	2.78	5.56
Political culture	5.63	5.63	6.25	6.88
Civil liberties	2.35	4.71	1.47	7.65

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.⁶ Turkey scores 41.9 points on the Gini index, worse than Bangladesh and India.

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

	Gini Index
Turkey (2016)	41.9
Bangladesh (2016)	32.4
China (2012)	42.2
India (2011)	35.1

The Income and Living Conditions Survey of the Turkish Statistical Institute for 2016, which has been published on September 2017, revealed that the income of the richest part of the population is 7.7 times that of the poorest part. Of the population, 14.3% lives below the poverty line, which was set at 19,139 Liras yearly.⁷

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

The legal minimum wage in Turkey is nominally higher compared to the other FWF priority countries. However, this is not the case in terms of relative buying power and the relative gap between the legal minimum wage and estimates of the living wage. For Turkey the living wage estimates for a family of four is about three and a half times the legal minimum wage.

⁶ World Bank, <https://data.worldbank.org/indicator/SI.POV.GINI?>

⁷ Turkish Statistical Institute, Income and Living Conditions Survey 2016, <http://www.tuik.gov.tr/PreHaberBultenleri.do?id=24579>

2.4. Human rights, state of emergency and the elections

The Amnesty International Report 2017/2018 mentions that the on-going state of emergency set a backdrop for human rights violations in Turkey. According to the report, dissent was ruthlessly suppressed, with journalists, political activists and human rights defenders among those targeted.⁸

After the coup attempt in July 2016, the pressure on all parties was increased. The state of emergency which started with 90 days has been extended many times during the last two years. This allowed the government to bypass Parliament when taking several measures, including tightening security around the country, as well as legal amendments.

ILO meeting

The political environment of Turkey also drew the reaction of the trade unions from all over the world. ILO's 10th European regional meeting was held from 2 to 5 October 2017, in Istanbul. The meeting, which is held every four years, brings together representatives of 51 countries. The theme of this year's meeting was "Future for Decent Work for Strong and Responsible Social Partnership in Europe and Central Asia: Opportunities and Challenges". The meeting discussed the report of the Director-General Guy Ryder on the same theme.⁹

The regional meeting held in Istanbul was boycotted by trade unions. Firstly, Reiner Hoffmann, the President of the German Trade Union Confederation (DGB) announced that they will not be participating in the Istanbul meeting because of the continuing state of emergency and the violation of rights. The International Trade Union Confederation (ITUC, which the DGB is an affiliate of) and the European Organization of the European Trade Union Confederation (ETUC), the PERC, had an executive committee meeting on 19 April 2017 and decided to boycott the meeting. The general secretaries of ITUC and ETUC made a call to their affiliates in Europe and the Middle East, advising them to not to take part in the meeting. Both confederations released an open letter addressed to their affiliates explaining the reasons of the boycott.¹⁰

Following the boycott call, delegations from only four out of 51 countries participated in the meeting (Albania, Belarus, Kazakhstan and Russia). While two of the ITUC affiliates in Turkey, Türk-İş and Hak-İş, participated in the meeting, the other two affiliates, DİSK and KESK, did not participate in line with the boycott decision.¹¹

Elections

A referendum in 2017 and the presidential and parliamentary elections in June 2018 were held in this atmosphere. The ruling Justice and Development Party (AKP) and an opposition party, the Nationalist Movement Party (MHP), agreed on and prepared a bill for amendments in the constitution. This bill was enacted and put to referendum. The bill had 18 articles and provided for amendments such as lowering the age of candidacy to 18, increasing the number of deputies to 600, a change in the structure of the council of judges and prosecutors, besides

⁸ Amnesty International Report 2017/2018, The State of the World's Human Rights, <https://www.amnesty.org/download/Documents/POL1067002018ENGLISH.PDF>

⁹ http://www.ilo.org/global/meetings-and-events/regional-meetings/europe-and-central-asia/erm-10/WCMS_567104/lang--en/index.htm

¹⁰ https://www.ituc-csi.org/IMG/pdf/an_open_letter_to_delegates_at_the_10th_ilo_european_regional_meeting.pdf

¹¹ 10th European Regional Meeting, List of Registered Participants, http://www.ilo.org/wcmsp5/groups/public/@europe/@ro-geneva/documents/meetingdocument/wcms_579677.pdf

setting forth the principles of the presidential government system. The referendum was held on 16 April 2017. In the referendum, which was on the agenda with infraction of election rules, the amendments were accepted by 51.4% in favour and 48.6% against.

Thus Turkey took a step towards becoming a country where all executive power would be in the hands of the president.

Following this change, the Grand National Assembly decided in April 2018 for early presidential and parliamentary elections. The early elections were held on 24 June 2018.

There were six candidates for presidency. Recep Tayyip Erdoğan, who received 52.6% of the vote in the first round, became the first president of the new system. The second highest vote was for Muharrem İnce, with 30.6%.

In the Parliamentary elections the "People's Alliance" of AKP and MHP received 53.7% of the vote and 344 seats out of 600 in the parliament. In the alliance AKP received 295 seats and MHP 49 seats.

On the other hand, the "Nation Alliance" of the Republican People's Party (CHP), İYİ Party and the Felicity Party (SP) received 33.9% of the vote and 189 deputies. In the alliance CHP got 146, and İYİ Party 43 deputies. Another political party in the elections, the People's Democratic Party (HDP), won 67 seats with 11.7% of the vote cast for this party.

The presidential elections witnessed the most crowded mass meetings in the history of Turkey in the three big cities (Istanbul, Ankara and Izmir) held by Muharrem İnce.

2.5. Syrian refugees

Since 2011, hundreds of thousands of Syrians have fled to Turkey due to the on-going conflict between government and rebel troops in Syria. Turkey is currently hosting more than 3.5 million Syrians, the highest number in the world.

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. Many Syrians also work in Turkey's textile sector.

According to the Ministry of Labour and Social Security, as of May 2018 more than 3.5 million Syrians have acquired temporary protection in Turkey. If Syrians are registered they can benefit from education and health services.

The highest concentration of Syrian migrants is found in the provinces of İstanbul, Şanlıurfa, Hatay and Gaziantep. However, this order changes when measuring the ratio of Syrians to local population: in Kilis, the ratio of Syrians to locals is 96%, in Hatay 28% and in Şanlıurfa 24%.

According to the official figures, Syrians under the age of 18 constitute half of all Syrians in Turkey. Almost 1.4 million Syrians in Turkey are 15 years old or younger.

Legal situation and work permit

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 four and a half 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 six months after the date they were registered under temporary protection. However, some of the 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.¹² The work permit fee has decreased from 558.50 TL per year to 228.90 TL.*
- *A worker with a work permit cannot be employed with a wage below the legal minimum wage.*
- *Although there is no sectorial 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 ten per cent 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. If the province where the worker is working is different than the province of registration, it is necessary to make an application to the Provincial Directorate of Migration Management, with a written request delivered in person for a registration transfer.*

Although these regulations have opened the way for obtaining a work permit, it is clear that many obstacles remain. According to the figures calculated from the data of Ministry of Labour and Social Security, about 25,000 work permits have been 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.

¹² <http://www.calismaizni.gov.tr/media/1038/gkkbasvuruk%C4%B1lavuzu.pdf>
and <http://www.calismaizni.gov.tr/media/1035/gkkuygulama.pdf>

The book *What Should the Worker and Employer Organizations Do?*¹³ recently published in 2018 by the ILO is a detailed study that includes the most current information. The book was written based upon interviews with worker and employer organisations, and reveals that the organisations consider three basic mechanisms necessary in supporting Syrians in achieving decent job opportunities: first, Syrians need to be enabled to attain qualifications by way of vocational training and to get jobs in line with the needs of the labour market; second, Syrians need to be registered in whatever their labour condition is; and finally, public authorities must also be present at meetings including information and awareness campaigns.

Although there is no sufficient data in the book regarding the participation rate of Syrians in the labour force and in employment, it is estimated that the upper limit of the number of Syrians under temporary protection is at 984,000 strong.

According to the book, the position of trade unions concerning Syrians under temporary protection is described as follows: “We can say that all three confederations approve the open door policy implemented for Syrians under temporary protection, however due to the high number of Syrians, they are concerned about the negative impact of this policy on labour markets.”

Another issue that should be underlined is the need for education. Although various institutions have educational activities (hygiene, vocational training, etc.) for Syrian workers, it is not possible to say that these activities are conducted widely and in a coordinated and systematic manner. Trade unions emphasise that unregistered employment of Syrian workers will continue if Syrian workers are not first provided with language training, followed by other training opportunities in vocational skills necessary for working life.¹⁴

Conclusions cited in *Suriyeli Göçmen Emeği/İstanbul Tekstil Sektörü Araştırması* (or *Syrian Migrant Labour/Istanbul Textile Sector Research*),¹⁵ based on interviews made with Syrian textile and garment workers residing in İstanbul, also indicate that Syrian workers are struggling under very difficult conditions. According to the study, more than half of the workers are sharing the same house with seven people or more. Only three per cent of the workers interviewed said that they are getting external assistance. The study emphasizes that language barrier continues and underlines the significant difference of household income between men and women. Weekly working time also appears to be an important problem. While 2.3 per cent of the workers say that they are working 45 hours a week, one third of the workers say that they are working more than 60 hours. Although the interviews which the study is based on were conducted in 2015, it is possible to say that conditions have not changed much since then.

At present Syrian workers have legal work permits, but difficulties continue. Considering the limited scope of state inspection, it is obvious that there are many more steps that should be taken in order to enable Syrian workers to work legally and under equal conditions.

13 Erdoğan, Seyhan, *Promoting Decent Work for Syrians under Temporary Protection in Turkey: What should Worker and Employer Organisations Do? A Needs Analysis Study on Capacity Building for Worker and Employer Organisations*, ILO, 2018.

14 Erdoğan, Seyhan, *Promoting Decent Work for Syrians under Temporary Protection in Turkey: What should Worker and Employer Organisations Do? A Needs Analysis Study on Capacity Building for Worker and Employer Organisations*, ILO, 2018.

15 *Suriyeli Göçmen Emeği, İstanbul Tekstil Sektörü Araştırması*, Birleşik Metal-İş Sendikası, June 2017.

Fair Wear Foundation's approach

Regarding Syrian refugees, the approach of and research done by Fair Wear Foundation (FWF) are based on two pillars. The first pillar is that long-term solutions are sought. For example, to ensure an improved legal framework for Syrian migrants to obtain work, FWF, together with the Fair Labour Association (FLA) and Ethical Trading Initiative (ETI), in cooperation with their member companies engaged with the Turkish government at the end of 2015. FWF is also seeking cooperation with trade unions, civil society organizations (CSOs) and multi-stakeholder initiatives (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. For example, this may look like guiding the process to get refugee children working in factories back to school and provide guidance for their families. FWF is also in contact with local and international organisations for these projects. Additionally, 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. FWF also uses an Arabic questionnaire to gather information during factory audits and establish effective contact with the families of the children who were found working after the audits.

In addition, a long and detailed presentation on the current situation of Syrian refugees and how they may obtain work permits was shared with the participants during a supplier seminar "Building Sustainable Garment Supply Chains and Communication Between Stakeholders" conducted in February 2017. FWF has also prepared a new training module on Syrian refugees, both for managements who employ Syrians and for Syrian workers. 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 Turkey's garment/textile industry. The focus is on stakeholders who are actively part of forming the labour conditions or monitoring situations for workers.

GOVERNMENTAL INSTITUTIONS

Ministry of Labour and Social Security

The ministry works to regulate and monitor employment, taking the necessary measures to increase the employment rate and broaden the reach of social security among the population. The ministry also operates the governmental hotline for workers grievances which can be found [here](#).

Ministry of Science, Industry and Technology

The ministry is responsible for developing strategies, plans and programmes in science, industry and technology, and works to ensure their implementation. Prevention of unfair competition is also within the mandate of the ministry. The ministry's website can be found [here](#).

Social Security Institution

The institution is responsible for keeping social security records and implementing social security projects. It operates under the Ministry of Labour and Social Security. Please see the government [website](#).

Labour Inspection Board

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

EMPLOYERS' ORGANISATIONS

Turkish Textile Employers' Association - TUTSIS

The association aims to protect the economic and social interests of its members within the framework of local regulations. The organisation is the only one that forges group collective bargaining agreements with trade unions within the garment and textile industry. It is affiliated with the Turkish Confederation of Employer Associations (TİSK), which works in concordance with the International Organization of Employers (IOE), the Confederation of European Business (BUSINESSEUROPE), the Business and Industry Advisory Committee (BIAC) and the International Labour Organization (ILO). [Website here](#).

Istanbul Textile and Apparel Exporters' Association - İTKİB

İTKİB 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 19,000 member companies, İTKİB is the biggest exporters' association in the textile, apparel, leather and carpet industry in Turkey. The İTKİB website is found [here](#).

TRADE UNIONS

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

Teksif is the workers' trade union with more than 48,500 members, making it Turkey's trade union in the industry with the most members. The number of its members is higher than is needed to reach the national threshold that allows organisations to conclude collective bargaining agreements. Teksif has 18 branches and seven liaison offices in different cities of Turkey. It is affiliated to Confederation of Turkish Trade Unions (TÜRK-İŞ) at a national level, and to IndustriALL Global Union. TÜRK-İŞ is also affiliated to the International Trade Union Confederation. The Teksif website can be found [here](#).

Oz Iplik-İs

The second biggest trade union in the industry with regard to the number of its members (totalling 29,136), Oz Iplik-İs has one regional directorate, nine city level directorates, six branch directorates, and two district directorates. The number of its members is high enough to reach the national threshold that allows organisations to conclude collective bargaining agreements. It is affiliated to Hak-İs Trade Unions Confederation at a national level, and to IndustriALL Global Union. Hak-İs Trade Union Confederation is also affiliated to the International Trade Union Confederation. For more about Oz Iplik-İs, visit the [website](#).

Textile Workers' Trade Union – DİSK Tekstil

DİSK Tekstil is the industry's third biggest workers' trade union with regard to the number of members (totalling 11,550). The number of its members is high enough to reach the required national threshold that allows organisations to conclude collective bargaining agreements. It has five branches and three regional liaison offices, and is affiliated with the Confederation of Progressive Trade Unions of Turkey at a national level (DİSK), and with IndustriALL Global Union. DİSK is also affiliated with the International Trade Union Confederation (ITUC). For more about DİSK Tekstil visit [here](#).

Leather, Weaving and Textile Workers' Trade Union – Deriteks

Deriteks, formerly Deri-İs, is the industry trade union that also represents leather workers. It is the fourth biggest trade union in the industry with regard to its number of members (totalling 2,864), which is less than the required amount to be allowed to conclude collective bargaining agreements. However, because of the two legislative regulations 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, have the right to conclude collective bargaining agreements for two years. So despite the number of Deriteks members being below the industrial threshold, they were allowed to sign collective bargaining agreements until 2018. With two branches, Deriteks is affiliated to Turk-Is Trade Unions Confederation at a national level, and to IndustriALL Global Union. Visit the [website](#).

Independent Textile Workers' Trade Union – Batis

Batis is the fifth biggest trade union in the industry with 1,781 members, which is less than the required amount to be allowed to conclude collective bargaining agreements. It is not affiliated to any confederation at the national level or to any global union. For more information visit the [website](#).

Others

In the industry, there are ten other relatively small trade unions. However, since the number of their members is less than the required amount, they are not allowed to conclude collective bargaining agreements.

LABOUR NGOS

Women's Labour and Employment Platform – KEIG

KEIG is an umbrella organisation of women's NGOs, including 32 separate women's organisations from 16 different provinces. This NGO aims to increase women's employment with decent working conditions in all industries. It is an advocacy organisation aiming to contribute to the development of policies that will be responsive to women's needs regarding employment. For more about KEIG [here](#).

The Development Workshop

The Development Workshop is a non-profit cooperative established to support the development of Turkey and to provide contributions to conduct sustainable, reproducible and successful projects of all scales. The Development Workshop develops and implements programs in the field of governance, social development, education, and children and youth for and together with non-governmental organisations and producer unions. Areas of particular interest and strength for the workshop are local development programs and project development, research and capacity building, promoting the cooperative movement, apiculture, seasonal labour migration and child labour. See [ka.org](#) for more.

Health and Safety Labour Watch

Workers' Health and Work Safety Assembly (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. You can find more information [here](#).

4. GARMENT INDUSTRY

ORGANISATION OF THE GARMENT INDUSTRY

Turkey is the eighth biggest garment exporter in the world, and is the fourth largest supplier country for Europe, following China, Bangladesh and Germany.¹⁶ Turkey is the seventh biggest textile exporter in the world, raking third as sock supplier and the fourth as towel supplier. It is the largest home textile supplier of Europe.¹⁷

When it comes to export, the garment industry is Turkey's second biggest industry after the automotive industry. It was responsible for 11.5% of the country's total export. A fact sheet published by the Istanbul Apparel Exporters' Association highlights that Turkey's apparel and garment exports have reached \$7.5 billion USD, which represents a 9.8 per cent increase since 2017, indicating a projection of increased production which started in the second half of 2017.¹⁸

Germany is the biggest importer of garment products manufactured in Turkey, followed by Spain and England. In the first nine months of 2017, the garment export to Germany amounted to 19% of the total garment exports of the country.¹⁹

One of the main problems within the textile, garment and leather industry is the partite structure of the production locations. Most of the main suppliers are working with small, undetermined subcontractors. Unregistered employment and child labour are mostly observed in the undeclared subcontractors. This problem is also mentioned in the report of the Labour Inspection Board of the Ministry of Labour and Social Security which states that due to global competition, the sector is faced with very low sale prices, fluctuating orders and high labour costs. The report underlined the fact that under the conditions, instead of garment producers increasing their own capacity, they used sub-contractor workshops to do so.²⁰

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, İzmir and Bursa. Although all kinds of garments are manufactured in all of these locations, the Denizli region is the most densely populated with factories producing home textiles.

16 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_r0tf5kCx9V1qCtz79mfQJjseZ4EMLshuXCkHpTPekWI-460925342

17 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>

18 IHKIB, Hazırgiyim ve Konfeksiyon Sektörü, 2018 Mayıs, Aylık İhracat Bilgi Notu.

<https://www.ihkib.org.tr/fp-icerik/ia/d/2018/06/29/05-konfeksiyon-bilgi-notu-mayis-2018-201806291204480883-B07BC.pdf>

19 IHKIB, Türkiye'nin En Fazla İhracat Yaptığı Ülkeler, Genel, Hazır-Giyim ve Tekstil, 2016-2017 Ocak-Eylül.

<https://www.ihkib.org.tr/fp-icerik/ia/d/2017/11/27/2017-ocak-eylul-turkiye-ihracat-yapilan-ulkeler-ihkib-201711271429040350-78206.pdf>

20 http://www3.cs.gb.gov.tr/cs.gbPortal/ShowProperty/WLP%20Repository/itkb/dosyalar/yayinlar/yayinlar2016/2016_81

PERCENTAGE EMPLOYED IN GARMENT INDUSTRY

There has been a continuous increase in the workforce employed by the textile, garment and leather industries, with a total of 985,698 registered workers.²¹ However, with the arrival of Syrian refugees, the unregistered employment has rapidly increased within the industry.

While the production and export figures are high and tend to increase every year, the presence of unregistered workers makes it very hard to estimate the real increase in the size of the labour force. Although there is no clear data on unregistered employment in the garment industry, the Ministry of Technology, Industry and Science estimates in its 2014 report that while only one million were registered according to the official data, a total of two to two and a half million people were working in the garment and textile industry. According to the prediction of trade unions, almost 60% of the workers in the industry are unregistered.

DEMOGRAPHICS OF THE GARMENT WORKFORCE

While the textile, garment and leather industry is one of the biggest industries providing employment, sources available on the profiles of garment workers are very limited. According to the February 2018 data of the Social Security Institution, registered female workers in the industry constitute 51% of the total registered workforce in the garment industry, 28% of the total registered workforce in the textile industry and 23% of the total registered workforce in the leather industry. However, local stakeholders estimate that the employment of women in the industry is higher when unregistered employment is taken into account, 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, which is also revealed by FWF audits. There is no data on the number of these workers in the industry.

²¹ Social Security Institution, February 2018 figures

5. INDUSTRIAL RELATIONS

ORGANISATION OF EMPLOYERS AND TRADE UNIONS IN THE GARMENT SECTOR

Turkey has ratified the ILO Conventions 87, 98 and 135,²² however, the current legislation and practice are still in violation of these international texts. The discrepancy between the conventions and the national legislation and practice is especially striking, keeping in mind that, under Article 90 of the Constitution of the Republic of Turkey, duly ratified international conventions on basic human rights are self-executive. In other words, in the event of conflict between the provisions and stipulations of the ratified international convention and national legislation, the relevant provisions of the national legislation are considered null and void, and the provisions of the international convention are to be applied.

According to the 2017 ITUC Global Rights Index,²³ which ranks 139 countries against 97 internationally recognised indicators to assess where workers' rights are best protected in law and practice, ranked Turkey in the fifth category, where there is no guarantee of rights. It is also mentioned in the report that, due to the "police brutality and mass arrests, discrimination and mass dismissals", Turkey is one of the ten worst countries for workers. The report highlights the arrests and detentions of trade unionists by saying: "There were 44 countries where the arrests and detentions of trade unionists were recorded. There is a theory that this tactic is being used to control the activism of trade unionists, particularly in repressive regimes. In 31 of these countries, trade union leaders were targeted, suggesting that governments (often in collaboration with employers) are attempting to undermine the organising capacity of trade unions. This practise of arresting trade unionists was particularly evident in Bangladesh, Turkey, Cambodia and Colombia. It often arose in response to the exercise of freedom of assembly, with some arrests occurring under the pretext of a breach of the peace or for traffic violations, but in Turkey it can even happen for insulting the president".

E-STATE

A worker should use e-State gate as a way to join or withdraw from a union. E-State gate can be accessed with Turkish citizenship numbers and personal passwords. 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 to ask workers their private access codes to check whether a worker is a union member or not, a practice which is usually followed by the unfair dismissals of union members.

22 ILO Convention No.87: Freedom of Association and Protection of the Right to Organise Convention;
ILO Convention No.98: Right to Organise and Collective Bargaining Convention;
ILO Convention No.135: Workers' Representatives Convention.

23 The 2017 ITUC Global Rights Index, The World's Worst Countries For Workers,
https://www.ituc-csi.org/IMG/pdf/survey_ra_2017_eng-1.pdf.

COLLECTIVE BARGAINING

There are four types of collective agreements regulated by local law: workplace collective bargaining agreement, enterprise collective agreements, group collective agreements and framework agreements. A workplace agreement is 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 sectorial level to cover only a limited number of issues such as vocational training, employment policy, etc.

According to Act No. 6356, in order to be entitled for concluding a collective bargaining agreement (CBA), a trade union has to fulfil a double threshold. The first is the branch of industry threshold which is one per cent. This means that a union should represent at least one per cent of the workers employed in a given branch of industry. Those unions which fulfil this threshold have to cover 50% of the workers in a single workplace or 40% of the workers in an establishment (multiple workplaces in the same branch of industry owned by the same employer) in order to conclude a collective labour agreement. The branch of industry threshold was three per cent for unions, which were not represented in the Economic and Social Council until the provision was repealed by the constitutional court, which took effect 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. Deriteks is one of these unions.

UNION DENSITY IN TURKEY

According to the figures of the Ministry of Labour and Social Security, there are almost 14 million workers of which almost 1.7 million of them are unionised. It means, according to the "official figures", that the union density in Turkey is 12.4%.

The textile, garment and leather industries employ 985,698 registered workers according to the figures of Social Security Institution (February 2018). However, there is a slight difference between the figures of Social Security Institution and Ministry of Labour and Social Security. According to the figures of the ministry, the industry employs 1,040,213 registered workers, of which 9.1 per cent is unionised. The same statistics reveal that there are 15 trade unions in the industry, of which only four are allowed to bargain for collective agreements.

Despite the fact that, according to the data of the ministry, 9.1 per cent of the workers are unionised in the industry, trade unions claim that these figures hide the real situation. DİSK states that since unregistered workers are not covered by the figures of the ministry, the real percentage of unionisation is lower. This means that the percentage of the workers who are in the scope of a collective bargaining agreement is also much lower.

A memorandum of understanding among the four biggest trade unions in the sector, namely Teksif, Tekstil, Deriteks and Öz İplik-İş was signed on 20 March 2018. The memorandum on dialogue and cooperation among IndustriALL affiliates in the textile, garments and leather

branch of industry in Turkey included provisions concerning basic principles in organizing and recruitment of members, permanent dialogue and dispute solving procedure and rules for the steps to be taken in case of violation of the memorandum.

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

COLLECTIVE BARGAINING AGREEMENT (CBA) COVERAGE IN TURKEY

According to the 2015 and 2016 data of Labour and Social Security Ministry, the number of workplaces across all industries that created a collective bargaining agreement was 28,295, and the number of workers working in these factories and in the scope of the CBA is about one million. The numbers given cover both public and private sectors. According to the Unionisation and Collective Bargaining Agreement Report of DİSK, only 7.3 per cent of the workers are covered by a CBA, and the ratio of the workers working with CBA in private sector is only 5.5 per cent.²⁴

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 duration of the group CBA is three years. According to the figures of 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 textile, garment and leather industries is below 50,000. This means that only five per cent of the registered workers are covered by a CBA.

STRIKE BANS

The government continued to ban strikes with the decrees issued by the Council of Ministers. According to the Trade Unions and Collective Labour Agreement Act, it is effectively possible for the Council of Ministers to suspend (or ban) a strike, by reason of national security, general health or because it would harm economic and financial stability.

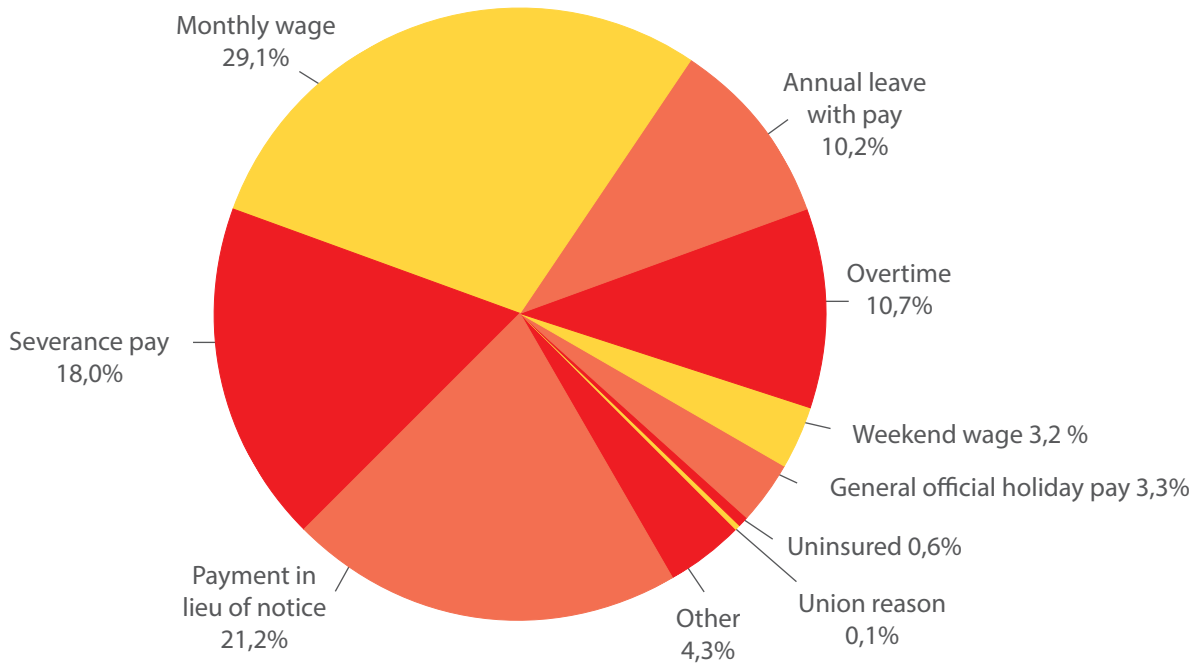
²⁴ DİSK-AR, Unionisation and Collective Bargaining Agreement Report, 2013-2017, <http://disk.org.tr/2017/08/disk-ar-sendikasma-ve-toplu-is-sozlesmesi-raporu/>

Strikes (those which have already started or for which a decision is taken) that were banned in 2017 are listed below:

Name of the workplace	Branch of industry	Trade union	Number of workers	Reason for the ban
Asil Çelik	Metal	Birleşik Metal	600	National security
EMİS Group CBA (ABB, Schneider Elektrik, Schneider Enerji, GE Grid)	Metal	Birleşik Metal	2200	National security
Akbank	Banks	Banksis	14000	Economic stability
Şişecam	Glass	Kristal-	6500	National security
Mefar ilaç	Pharmaceutical	Petrol-İş	500	General health

LOCAL GRIEVANCE MECHANISMS FOR WORKERS

A local hotline operated by the social security institution is available for workers. The complaint received by the government is investigated through labour inspections. In 2016 over 115,013 workers' grievances were dealt with through this mechanism. Of these grievances, 29.1% was related to payment of monthly wage, 21.2% was regarding payment of advance notice in cases of dismissals, 18.0% was regarding payment of severance pay, 10.2% was regarding annual leave and 10.7% was regarding overtime.²⁵ You may find the distribution of concluded investigation of worker applications according to complaint issues below in the pie chart:



²⁵ Çalışma ve Sosyal Güvenlik Bakanlığı, Çalışma İstatistikleri-2016, Aralık 2017, s. 50.

<https://www.csgb.gov.tr/media/7516/2016-%C3%A7alı%C5%9Fma-hayati-%C4%B0stat%C4%B0st%C4%B0kler%C4%B0.pdf>

STATE ROLE IN INDUSTRIAL RELATIONS

The legal conciliation process and Supreme Board of Arbitration is the conciliation machinery for the settlement of collective labour disputes. In 2016 disputes concerning 1,612 collective bargaining agreements (CBAs) covering 182,105 workers, working in 2,690 different workplaces were handled and concluded by the Supreme Board of Arbitration. Of these, 1,602 CBAs covering 180,206 workers were referred to the Supreme Board of Arbitration because of the ban on strikes and lock-outs or rejection of strike in strike ballot.²⁶ There is a huge difference between the numbers of 2015 and 2016. In 2015, disputes concerning 201 CBAs covering 40,119 workers were handled and concluded by the Supreme Board of Arbitration. Of these, 159 CBAs covering 34,702 workers were referred to the Supreme Board of Arbitration because of the ban on strikes and lock-outs.²⁷ An important reason for this big difference is the resolved attitude of the relevant employers' association regarding the CBAs for public sector subcontractors' workers who are union members. Instead of signing the collective bargaining agreements with the trade unions, the employers' association sent them to the Supreme Board of Arbitration to be concluded.

A NEW LEGAL REGULATION: MEDIATION

An important amendment concerning labour disputes was introduced by the Labour Courts Act published in the Official Gazette, dated 25 October 2017. The provisions regulating the mediation procedure of this act entered into force on 1 January 2018. According to the new rules, it is mandatory to apply for mediation before filing a case in the court for individual disputes or disputes based on collective labour agreements concerning worker or employer receivables/compensation and dismissed workers' reinstatement claims.

These rules, which lead to the deregulation of working conditions and which promote "persuasion processes" instead of laws, were criticized by the trade unions. According to the new rules, a worker whose labour contract is terminated by the employer has to apply for mediation within one month from the date he/she is notified of the termination. The mediator has to conclude the request within three weeks (four weeks if conditions require) from the date he/she is assigned. If there is no agreement, it is possible to file a case in the labour court within two weeks from the date the final mediation report is written.

Apart from this, the same act lowered the period of time for the bringing of actions from ten years to five years in cases of annual leave pay, severance pay, period of notice compensation, bad faith compensation and compensation for the termination of a labour contract contrary to the principle of equal treatment.

²⁶ Çalışma ve Sosyal Güvenlik Bakanlığı, Çalışma İstatistikleri-2016, Aralık 2017, s. 25.

<https://www.csgeb.gov.tr/media/7516/2016-%C3%A7alı%C5%9Fma-hayati-%C4%B0stat%C4%B0st%C4%B0kler%C4%B0.pdf>

²⁷ Çalışma ve Sosyal Güvenlik Bakanlığı, Çalışma İstatistikleri-2015, Mayıs 2016, s. 30.

https://www.csgeb.gov.tr/istatistikler/calisma_hayati_2015/files/assets/basic-html/page-30.html#

MECHANISMS FOR SOCIAL DIALOGUE (NATIONAL/SECTORIAL)

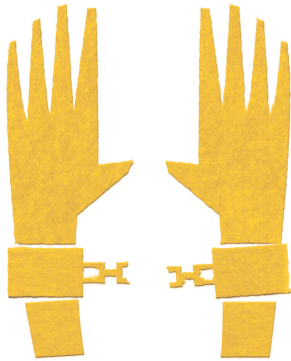
The Minimum Wage Determination Commission determines the legal minimum wage through mediation and is composed of five government agency members, five labour union representatives (from Turk-Is Confederation), and five employer representatives (from TİSK, the Turkish Confederation of Employer Associations).

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

The Tripartite Consultation Board aims to maintain forums for social dialogue. It is composed of government representatives, labour representatives (of the main private and public employees' confederations) and employer representatives. The board holds meetings every three months. All of these social dialogue mechanisms are at the national level.

6. Implementation of the FWF Code of Labour Practices (CoLP)

6.1. Employment is freely chosen



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

OFFICIAL STATISTICS ON COMPLIANCE

According to the 2017 ILO report "Global Estimates of Modern Slavery: Forced Labour and Forced Marriage,"²⁸ an estimated 40.3 million people are in modern slavery, 24.9 in forced labour and 15.4 million in forced marriage. One in four victims of modern slavery are children. Out of the 24.9 million people in forced labour, 16 million people are exploited in the private sector in areas such as domestic work, construction or agriculture, with 4.8 million in forced sexual exploitation and four million imposed by state authorities.

LAWS AND REGULATIONS

Turkey has ratified ILO Conventions 29 and 105. In 2014 two new instruments on forced labour were adopted at the 103th ILC Session: Protocol of 2014 to the Forced Labour Convention, 1930 and Forced Labour Recommendation (Supplementary Measures) No.203. The protocol, which entered into force on 9 November 2016, is not yet ratified by the Turkish government.

Forced labour and bonded labour are prohibited by the Turkish constitution. According to Article 18 of the constitution, "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 and 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 the advance notice periods, and without an advance notice in situations of just cause identified by Labour Act Article 24. Wages may be paid in cash on a monthly basis. The payment period can be decreased down to one week through labour contracts or collective labour agreements.

²⁸ ILO and Work Free Foundation, Global Estimates of Modern Slavery: Forced Labour and Forced Marriage, Geneva, September 2017.

http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575479.pdf

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 case of urgent work to be performed on machinery, tools or equipment or in case of force majeure. Compulsory overtime work shall not exceed the time necessary to enable the normal operating of the establishment.

STAKEHOLDERS' OPINIONS AND ANALYSES ON IMPLEMENTATION

In general, forced labour does not appear to be an issue in the Turkish textile and garment industry. However, stakeholders express concern about the working conditions of Syrian refugees, who work in the garment industry illegally.

Moreover, trade unions have noted an increase in the number of child workers subject to forced labour. Many child workers are obligated to enter the labour force as migrant agricultural workers under extremely unregulated conditions. The textile and garment sector is known for employing Syrian children as workers. Although this issue is explained in more detail under the chapter on child labour, we consider it necessary to emphasize it in this chapter as well, since the employment of children is almost never a result of their consent.

Although the worst forms of bounded labour is not a frequent practice in Turkey, late payment of wages, forced overtime work, toilet restrictions and similar practices point to the existence of forced labour. The illegal employment of Syrian workers tends to lower the working conditions as well as make it difficult to institute rules.

FWF MAIN AUDIT FINDINGS IN 2017

According to the results of 43 audits conducted by FWF in Turkey in 2017, there were no findings of necessary improvements regarding the standard, 'employment is freely chosen'. However, if involuntary overtime is considered a part of that category, one out of 43 of the audit results shows that overtime work is not done voluntarily, nor is it announced in advance.

WORKER COMPLAINTS RELATED TO 'EMPLOYMENT IS FREELY CHOSEN'

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

There has been only one call directly related to "employment is freely chosen", which is the restriction of the usage of toilets. In addition to this call, the FWF complaint handler received nine calls regarding compulsory overtime in 2017, one of which was received from a pregnant worker who was forced to work overtime.

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

Among 188 countries, Turkey ranks 69th on the Gender Development Index (GDI) of the United Nations Development Programme's (UNDP) Human Development Report data for 2015. Although Turkey has the highest rank (71th) in Human Development Index (HDI) in FWF priority countries, it ranked second among FWF priority countries with regard to gender development, with China ranking 37th, Bangladesh 119th and India at 125th.²⁹

According to the Global Gender Gap 2017 report of the World Economic Forum, Turkey ranks 131st on the Global Gender Gap Index out of 144 countries. Turkey has the lowest rank regarding Gender Gap among FWF priority countries, after China (100th), Bangladesh (47th), and India (108th).³⁰

The main reason for Turkey's mediocre ranking is its low level of labour force participation rate of women, which is 33.3%, whereas the labour force participation rate of men is 71.5%, according to the February 2018 data of Turkish Statistical Institute, published in May 2018.³¹ Despite the low level of labour force participation rate, the unemployment rate of female workers, which is 13.4%, is higher than the unemployment rate of male workers, which is 9.3 per cent.

LAWS AND REGULATIONS

ILO Conventions 100 and 111, were ratified by Turkey and reflected in both its 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".

²⁹ UNDP, Human Development Report 2016.

http://hdr.undp.org/sites/default/files/2016_human_development_report.pdf

³⁰ World Economic Forum, The Global Gender Gap Report 2017, November 2017, page 11.

³¹ <http://www.tuik.gov.tr/HbGetirHTML.do?id=27688>

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”.

According to Article 74 of the Labour Act, pregnant women 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 physician's certificate may work at the establishment if she so wishes up until three weeks preceding delivery. In this case the time during which she has worked shall be added to the time allowed her after delivery. The regulation on overtime work (a regulation published in the Official Gazette on 6 April 2004) stipulates that “workers who are pregnant, newly given birth or breastfeeding are not allowed to stay for overtime work”.

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

STAKEHOLDERS' OPINIONS AND ANALYSES ON IMPLEMENTATION

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

The industry is known as one of the most important industries employing mainly female workers. According to the 2016 data of the Social Security Organization of Turkey, 39% of the registered workforce in textile and garment industries is female.³² Additionally, it can be estimated that the percentage of women workers is higher than the official figures considering that the rate of unregistered female employees in the textile and garment sector is higher. Therefore most of the discriminatory aspects pointed out by the stakeholders are valid for the industry.

Women's non-governmental organizations (NGOs) in Turkey emphasize the sexist division of labour in the domestic sphere, making all domestic tasks the responsibility of women one of the main causes of the low participation level of females in the labour force. Although companies with 150 or more female workers have the obligation to provide childcare facilities for its workers, an overwhelming majority of these companies does not live up to this obligation.

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

In research published in March 2014 , the Tekstil Trade Union (DİSK) states that accessible childcare services should be provided in order to stimulate the participation of women in the workforce, and to combat discrimination in employment. The research paper stresses that, as the employment market becomes flexible, gender based discrimination will increase, as flexibility in employment results in unsecured employment for women.

The results of the research³³ conducted by DİSK Research Department (DİSK-AR) in early 2018 also points to the serious discrimination in the labour market women workers deal with. The research emphasizes that the three most important problems for women in the labour market are low wages, unemployment and unregistered employment. Some of the conclusions of the research are summarised below:

- *An estimated 63.9% of women workers are not content with working life, mainly due to low wages and long working hours*
- *Around 92% of women workers are not union members*
- *The level of discrimination against women is high, with 23.2% of women discriminated against during the hiring phase*
- *An estimated 86% of women workers state that there is no child care support at the workplace*
- *Nearly one-fourth of women are working at precarious jobs*
- *In general “a woman’s job” holds a lower status, is temporary, precarious and unskilled, whereas “a man’s job” tends to be more permanent and secure*

Next to gender-based discrimination, discrimination against union members³⁴ is one of the biggest and most common problems in the garment industry.

FWF MAIN AUDIT FINDINGS IN 2017

Of 43 audits conducted by FWF in Turkey in 2017, 30% show that the audited factories do not have a written policy concerning discrimination. In seven per cent of the audited factories, discrimination against a number of workers was found. 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 affiliate(s) sourcing from the factory in question and investigates the complaint. All the complaints are published on the FWF website.

In 2017 an estimated 13% of the complaint calls referenced discrimination. These calls were mostly about wage increases, and based on ethnic origin or political view. Also the complaint handler received one call regarding sexual harassment however, the worker did not accept to make a formal complaint.

33 DİSK, Türkiye’de Kadın İşçi Gerçeği: Daha Fazla Ayrımcılık, Düşük Ücret, Güvencesiz İstihdam (The Profile of Women Workers in Turkey: More Discrimination, Low Wages, Precarious Employment), İstanbul, March 2018.

34 More detailed information on discrimination triggered by union affiliation can be found in paragraph 6.4 of this report: ‘Freedom of Association and Right to Collective Bargaining’.

6.3. No exploitation of child labour



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

OFFICIAL STATISTICS ON COMPLIANCE

According to ILO’s report “Global Estimates of Modern Slavery: Forced Labour and Forced Marriage”, among the 40.3 million people in modern slavery, one out of four victims of modern slavery are children. This means there are 4.4 child victims for every 1,000 children in the world.³⁵

According to the “Statistics on Child 2017” report prepared by Turkish Statistical Institute, juvenile workers’ labour force participation rate is 20.3%. The labour force participation rate is 28.5% for male juvenile workers and 11.8% for female juvenile workers.³⁶ Since 2011, when Syrian migrants began to arrive, there has been no reliable, country wide data on this issue although it is clear that employment of child labour has increased rapidly.

LAWS AND REGULATIONS

ILO Conventions 138 and 182 are ratified by the Republic of Turkey and 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 fifteen is prohibited”. However, children who have reached the age of fourteen and have completed their primary education age may be employed in light labour that will not hinder their physical, mental, social or moral development or their school attendance for those who continue their education. The amendment made with Act No. 6645 (Official Gazette, 23 April 2015) permits 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 for those who continue their education. Concluding a written contract and getting a permission for each activity is also required.

³⁵ ILO and Work Free Foundation, Global Estimates of Modern Slavery: Forced Labour and Forced Marriage, Geneva, September 2017, page 5.

http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575479.pdf

³⁶ <http://www.tuik.gov.tr/PreHaberBultenleri.do?id=27596>

In general, the textile and garment industry can not be classified as light labour. Young workers who have reached the age of 15 but have not yet reached the age of 18 can only be employed under certain conditions. Working hours of juvenile workers may not exceed 40 hours weekly.

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

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

STAKEHOLDERS' OPINIONS AND ANALYSES ON IMPLEMENTATION

Stakeholders stress that in the garment industry, child labour increases during the summer-time, particularly in sweatshops.

The arrival of Syrian refugees in Turkey increased the risk of child labour in the garment and apparel factories. It is estimated that more than 3.5 million Syrian refugees are living in Turkey, of which only 216,000 live in temporary camps. Non-camp refugees have to cover their own living expenses, even though most of them do not have legal work permits. Syrians under the age of 18 constitute half of all Syrians in Turkey. The current situation concerning refugees makes Syrian child labour a critical issue.

Besides the Türkiye'de Çocuk İşçi Olmak (Being a Child Worker in Turkey) report³⁷ prepared by DİSK, Genel-İş Union emphasized that there are close to 2 million children in employment, with 80% of the 15 to 17 age group unregistered (no distinction is made between apprentices and child workers). The report highlights that child poverty is the main cause of increasing child labour, and stated that percentage of child poverty is highest in Turkey as compared with other EU countries.

According to the 2017 report of the Health and Safety Labour Watch (Turkey), 60 child workers (18 of them younger than 15) lost their lives in 2017 due to work-related causes.

This picture led to the 2018 announcement of the Year Against Child Labour, with a joint meeting between the Ministry of Labour and Social Security and the ILO. Representatives of worker and employer organisations also attended this meeting where a declaration was signed on the issue. Besides the Ministry of Labour and Social Security and the ILO, the declaration was signed by six ministries and seven social counterparts. A brief summary of the statements in the Declaration on Combating Child Labour are as follows:

37 DİSK, Genel-İş, Türkiye'de Çocuk İşçi Olmak (Being a Child Worker in Turkey), April 2017, <http://www.genel-is.org.tr/23-nisanda-cocuk-isci-olmak.2.14917#.WyVSeKczblV>

- *Action will be taken in order to raise awareness in society for fight against child labour, and cooperation with national and international institutions will be promoted on the issue.*
- *Each and every child has universal rights acquired by being a child. With this in mind, measures will be taken to protect children from becoming child workers and particularly from the worst forms of child labour.*
- *Action will be taken to ensure that children are part of formal and non-formal education during the compulsory education period.*
- *Considering the fact that poverty is one of the causes of child labour, active labour force policies will be implemented for the employment of adult family members and social protection measures for poor families will be extended.*
- *Due attention will be paid to provide education, health, security, accommodation, transportation and all other services in a coordinated manner with the main objective of preventing children from joining the labour market or withdrawing them from the labour market.*

FWF MAIN AUDIT FINDINGS IN 2017

Of the results of the 43 audits conducted in 2017, 37% show that improvement is needed when it comes to exploitation of child labour; five percent show that the factory employed children as workers; 23% show that the factory has no effective age verification system in place; and 28% of the audited factories employed juvenile workers without following local regulations to protect these workers. (Non-compliances regarding employment of juvenile workers are mostly related to working hours.)

WORKER COMPLAINTS RELATED TO 'NO EXPLOITATION OF CHILD LABOUR'

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

FWF did not receive any calls on child labour in 2017.

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 January 2017 statistics of the Ministry of Labour and Social Security of Turkey, 1,040,213 registered workers were employed in the textile, garment and leather industry. Of these, 94,338 (9.06 per cent) were members of trade unions. In January 2017, there were 15 trade unions in this branch of the economy, but the three largest unions represented 89,274 workers. The most representative trade union was TEKSİF (affiliated with TURK-IS). The two others were OZ IPLİK-IS (affiliated with HAK-IS) and TEKSTİL (affiliated with DİSK). TEKSİF, OZ IPLİK-IS, TEKSTİL and DERİTEKS (2,864 members) are affiliated with the Global Union Federation IndustriALL.

However, these figures about the number of workers employed should not be misleading. The actual number of workers employed in this branch of the economy actually exceeds the above-mentioned figure. On the one hand, there are thousands of workers employed in the grey (or clandestine) economy, which is known to increase due to the deepening of economic problems. On the other hand, the putting-out (homeworkers) system is widely practised, a system in which 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 ministry figures on trade union membership is also an exaggeration of the real situation. Under the current law on trade unions, a worker who is unemployed for up to one year preserves his/her union membership, even if no affiliation fees are paid. Therefore many workers who have been dismissed continue to be presented as trade union members.

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

Considering these deviations, the union density is below the 9.06 per cent as claimed by the Ministry of Labour and Social Security.

LAWS AND REGULATIONS

Turkey has ratified the 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 the national legislation and practice is especially striking, keeping in mind that under Article 90 of the Constitution of the Republic of Turkey, duly ratified international conventions on basic human rights are self-executive, that is, in case of conflict between the provisions and stipulations of the ratified international convention and national legislation, the relevant provisions of the national legislation are considered null and void and the provisions of the international convention are to be applied.

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: the 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 onus of proof rests with the worker who is discriminated against or has been dismissed due to trade union activity. The employers are quite skilful in finding pretexts which would evade the sanctions of the law. Besides, the reinstatement of the dismissed workers is not an absolute right of the worker under the current legislation. Pursuant to the Labour Act, even if the judge rules for the reinstatement, the employer is presented the other option of paying additional compensation for not reinstatement, which is in compliance with the ILO Convention No.158, on the termination of the labour contract at the initiative of the employer, which Turkey has ratified.

Another impediment to the exercise of the freedom of association by the workers is the high legal fees that are required for litigation and high cost of hiring a lawyer. The court case is lengthy and might take years until the verdict of the court has acquired a definite form. This is also an important factor which discourages the application to law enforcement.

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

The legislation in force does not provide full compliance with the ILO Convention No.135. Under the Convention, the workers’ representatives should be under security against 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 repealed.

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 of the 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 representation, 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 the 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 collective agreements.

The coexistence of more than one collective agreement in a workplace or enterprise is prohibited. Only the most representative trade union, if it has eligibility (representing more than one per cent of the workers employed in the textile sector) and competence (representing more than 50% of the workers on the payroll), it is entitled to negotiate and conclude a legally binding collective agreement.

During the duration of a collective agreement, no dispute of interest can be lodged. In a country with a high probability of economic instability, this is in practice a violation of basic trade union rights. When a collective labour agreement is concluded for a period of three years (which is the current practice), this restriction is of importance.

In case the employer does not honour the provisions of a labour contract, the right to strike (right to strike in case of a dispute of right) is not permitted.

Under the current legislation, the right to strike is severely restricted, in total violation of the ILO Conventions 87 and 98 and the relevant resolutions of the competent ILO bodies.

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.

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.

The current legislation entitles only the trade unions to decide and implement a strike. Thus, 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.

The legislation prohibits the right to strike in cases of a dispute of right.

Some workers and some sectors of the economy are exempt from the right to strike. Strikes are prohibited for them.

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

There are restrictions concerning time limits to decide on a strike and to initiate a strike.

STAKEHOLDERS' OPINIONS AND ANALYSES ON IMPLEMENTATION

Trade unions revealed that the double threshold is a limitation against freedom of association and right to collective bargaining. In the committee of experts' report on the application of conventions and recommendations, ILO expressed the hope that the thresholds will be revised and lowered in consultation with the social partners.

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

SHARE PASSWORDS

A worker should use e-State gate as a way to join or withdraw from a union. E-State gate can be accessed with Turkish citizenship numbers and personal passwords. 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 to ask workers their private access codes to check whether a worker is a union member or not, a practice which is usually followed by the unfair dismissals of union members.

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

FWF MAIN AUDIT FINDINGS IN 2017

Of the results of the 43 audits conducted in 2017, seven per cent show that the audited factories infringe workers' rights to organise. In 40% of the audited factories, there is no independent union or workers committee which is run by workers without management involvement. None of the factories audited had 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 affiliate(s) sourcing from the factory in question and investigates the complaint. All the complaints are published on the FWF website.

Of the complaints FWF received in 2017, three of them were regarding (Freedom of Association) FoA on behalf of a group of workers. Also all of those complaints were covering unfair dismissal due to trade union activities as well.

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 2017 statistics³⁸ of the Turkish Statistical Institute reveal that the majority of the population cannot afford basic living needs.

According to these statistics: 21% of individuals are living under the poverty line, with the number at 26% for families with children; 68% of the population stated that they have instalments or debts to be paid other than purchasing of or expenditures for accommodation; housing and rent constitute 25% of household consumption expenditures as the highest item followed by 19.5% for food and non-alcoholic beverages (the lowest figures in the distribution of household consumption expenditures are 2 per cent for health and 2.3 per cent for educational services); and 65.4% of the population cannot afford replacing worn furniture.

LAWS AND REGULATIONS

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

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

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

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

³⁸ Turkish Statistical Institute, Statistics on Family 2017, published on 10 May 2018 and Turkish Statistical Institute, Income and Living Conditions Survey 2016, published on 18 September 2017.

STAKEHOLDERS' OPINIONS AND ANALYSES ON IMPLEMENTATION

The monthly net minimum wage (not including the minimum living allowance - AGI) effective for 2018 is 1450,91 TL. The AGI that a worker is entitled to vary based on marital status, employment status of the spouse and the number of children. Monthly AGI for 2018 is as follows:

Martial Status	Employment Status of Spouse	Number of Children	AGI Amount
Single	--	0	152.21
Married	Working	0	152.21
	Working	1	175.04
	Working	2	197.88
	Working	3	228.32
	Working	4	243.54
	Working	5	258.76
	Not working	0	182.66
	Not working	1	205.49
	Not working	2	228.32
	Not working	3	258.76
	Not working	4	258.76
	Not working	5	258.76

From September 2017 onwards, due to progressive tax rates, most of the minimum wage earners' monthly wages dropped below the net minimum wage amount fixed as 1,404.06 TL. The Ministry of Finance Communique published in the Official Gazette dated 6 December 2017 stipulated a retroactive additional AGI payment to be made to compensate for the loss of net income during the last four months of the year.

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

Interviews with trade unions reveal that the insufficiency of minimum wage with regard to providing an income for living, creates extreme overtime work for 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, which is especially valid for the textile and garment industry where the majority of employees receive minimum wage.

Data of 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 Collective Bargaining Agreement (CBA) is 2,411 TL net. This average wage includes benefits agreed upon in the CBA, such as child support, food support, etc. and also overtime premiums. Although it is higher than legal minimum wage, it is still a great deal below the living wage estimates of trade unions.

Trade union DİSK announced in its research paper³⁹ that 66% of the workers receive below 2000 TL monthly and 54% of the workers have serious financial difficulties.

According to the Minimum Wage Report⁴⁰ by DİSK, since 2004 real minimum wage has declined by 30.5% as compared to real national income and workers receiving minimum wage were comparatively impoverished. Minimum wage should be protected against inflation, an increase in national income should be reflected and net minimum wage should be 2,300 TL in order for it to be a at subsistence level income.

Wage ladder for Turkey

Source	Description	Amount in Net
Turkish Ministry of Labour and Social Security	Minimum wage in 2018 (without Cost of Living Allowance – AGI)	1,451 TL
Türk-İş (Confederation of Turkish Trade Unions)	Estimate of living wage level for a single person as of May 2018	2,084 TL
Türk-İş (Confederation of Turkish Trade Unions)	Estimate of living wage level for a family of four as of May 2018	5,492 TL
Türk-İş (Confederation of Turkish Trade Unions)	Estimate of starvation level (limit of hunger) for a family of four as of May 2018	1,686 TL
TİSK (Turkish Confederation of Employer Associations)	Average net wage including fringe benefits in the industry in the unionised factories as of July 2016	2,411 TL

39 DİSK-AR, The Profile of the Working Class in Turkey, February 2018.

40 DİSK-AR, Minimum Wage Report, December 2017.

FWF MAIN AUDIT FINDINGS IN 2017

Of the 43 audits conducted by FWF in 2017, 100% of results show that wages paid are below estimates of living wage by local stakeholders. Of these results, 75% indicate that the prices the affiliate pays do not support the payment of living wages; 28% of the audited factories are not transparent regarding wage records; in 21% of the audited factories, workers are paid less than minimum wage; in 40% of the audited factories, workers do not understand how wages are calculated; nine per cent of the audited factories delay paying workers' wages; in 49% of the audited factories, the factory does not pay overtime premium to workers according to legal requirements; and 79% of the audited factories do not pay leaves and benefits to workers according to legal requirements. (Almost all of them are regarding the problems on annual leaves.)

WORKER COMPLAINTS RELATED TO 'PAYMENT OF A LIVING WAGE'

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

Of the calls FWF received in 2017, three of them was related with the payment of overtime premiums, one of them was related with the payment below legal minimum wage, one was related with delay on payments. The ones which turned into a formal complaint can be found on fairwear.org.



6.6. No excessive working hours

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

OFFICIAL STATISTICS ON COMPLIANCE

In 2017, according to the Organisation for Economic Co-operation and Development (OECD) statistics,⁴¹ “the average usual weekly working hours worked on the main job” in Turkey was 47.7, while the standard amount of weekly working hours was a maximum of 45. Turkey shares the highest average of working hours among OECD countries with Colombia. Considering the high percentage of unregistered workers and widespread use of double books (registering only part of the hours worked), the actual average of worked hours is likely to be even higher.

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 a weekly maximum of 45 hours, a daily maximum of 11 hours, and a maximum of seven and a half hours for night work.

Unless other arrangements have been agreed upon, working time shall be divided equally among the days of the week employed at the establishment. Provided that the parties both agree upon this, working time may be divided among the workdays of the week in varying quantities, on the condition that the daily working time will not exceed 11 hours. In cases like this, within a time period of two months, the average weekly working hours of the worker should not exceed 45 hours. 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. Overtime may only be executed with the consent of the worker.

⁴¹ OECD, “The Average Usual Weekly Hours Worked On The Main Job” statistics,
https://stats.oecd.org/Index.aspx?DataSetCode=AVE_HRS

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 by an employment contract or collective bargaining agreement.

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

All overtime hours shall be recorded and paid for accurately. The pay slips distributed to the workers shall include overtime payments. The employer should get the written approval of the worker either during the signing of the employment contract or each time there is need for overtime work and this document is to be kept in the personnel file of the worker. If a worker does not want to work overtime, he/she may withdraw the approval by informing the employer in writing 30 days in advance.

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

TAKE A REST

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

Workers are entitled to an annual leave after they have worked for an establishment for one year. Annual leave periods vary according to the seniority of an employee in an establishment. Workers with one to five years of seniority in the same establishment are entitled to 14 workdays of annual leave. This is 20 workdays for workers with six to 14 years of seniority at the same establishment, and 26 workdays for 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 mainly the 'short lead times' country for fashion wear. Shorter lead times and buyers falling short of providing the factories with a clear forecast, result in excessive working hours. In some cases, factories require workers to do overnight work and Sunday work (without any rest days).

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

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

In addition to these, it is observed in the textile and garments industry that weekly working time is over 45 hours and that payment for overtime work is not made.

On the other hand, owing to the very high level of unemployment in the country as well as such long working hours naturally causes a reaction. A report⁴² by DİSK published in June 2018, draws attention to the fact that widely defined unemployment rate is 17.7% and those unemployed totals 6 million. The report states, "In line with the principle of 'for everybody to have a job, everybody should work less', a weekly working time should be reduced to 37.5 hours without loss of income, and the annual threshold of 270 hours for overtime work should be reduced to 90 hours".

FWF MAIN AUDIT FINDINGS IN 2017

Of the 43 audits done by FWF in 2017, 49% revealed that excessive overtime was prevalent. In 90% of them daily limit violation, in 71% of them weekly limit violation and in 19% of them yearly limit violation had been observed. In 51% of the audited factories, there was no transparency concerning overtime records; in 21% of the factories, employees worked more than seven days consecutively without rest; 18% of the audited factories employ pregnant workers without following local regulations regarding their working hours; in 23% of the audited factories, the regular working hours was exceeding legal limit of 45 hours/weekly, without the payment of overtime premium; and in two per cent of the audited factories, overtime work was not voluntary, or wasn't announced in advance.

42 DİSK-AR, Unemployment Report, June 2018: 2.6 Million Youngsters are Idle!,
<https://disk.org.tr/2018/06/disk-ar-issizlik-raporu-haziran-2018-26-milyon-genc-bosta>

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

Of the complaints FWF received in 2017, 22% of them related to excessive overtime and 24% of them related to compulsory overtime. Fourteen per cent of the complainants highlighted that they were forced to work consecutively without one day rest. The ones which turned into a formal complaint can be found on [fairwear.org](https://www.fairwear.org).



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 2016, according to the statistics of the Social Security Institution,⁴³ there were a total of 286,068 work accidents. Of these, 13,446 were in the manufacturing of textile products, 4,104 were in garment production and 556 were in leather and leatherwear production.

In 2016, the Social Security Institution data on occupational diseases showed a total number of 597 patients. Of these, six were in the manufacturing of textile products, two were in garment production and three were in leather and leatherwear production.

In 2016, the Social Security Institution reported permanent work incapacity for 4,642 cases. Of these, 4,447 were for work accidents and 195 for occupational diseases. Of these cases, 185 were in textiles, garments and leather branches. In the textile sector, there were 145 cases due to work accidents and six cases for occupational diseases. In garment production, there were 24 cases due to work accidents and three cases for occupational diseases. In leather and leatherwear production, there were seven cases due to work accidents.

The death toll was also heavy in 2016. There were a total of 1,405 cases of losses of life due to work accidents and none due to occupational diseases. Of this total, 27 were in textiles production, ten in garment production and one 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 on a piece-rate.

On the other hand, Workers' Health and Work Safety Assembly (WHSA) announced that, in

43 Social Security Institution, Work Accident and Occupational Disease Statistics 2016, http://www.sgk.gov.tr/wps/portal/sgk/tr/kurumsal/istatistik/sgk_istatistik_yilliklari

44 Health and Safety Labour Watch (Turkey), http://www.guvenlicalisma.org/index.php?option=com_content&view=article&id=19179:ohalkhk-rejimi-is-cinayetleri-demektir-2017-yilinda-en-az-2006-isci-yasamini-yitirdi&catid=149:is-cinayetleri-raporlari&Itemid=236

2017 at least 2,006 workers lost their lives. Since 2002, during the AKP government, more than 20,000 workers died at work or during work related incidents.⁴⁴ According to the figures of WHSA, at least 60 child and juvenile workers have lost their lives in 2017. Of the workers who lost their lives in 2017, 88 of them were migrant workers. Regarding the occupational diseases, it is mentioned in the report that, "According to the ILO database, the ratio of 'work accident related deaths' to 'deaths related to work-related illness' is 1 to 6. (At that rate, based on ILO data) in Turkey, at least 12,000 workers may have died from diseases related to work in 2017, though work-related diseases are only the tip of the iceberg".

LAWS AND REGULATIONS

In Turkey the legislation on health and safety at work and how it is practiced 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. 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.”

First of all, there is no serious activity of the ministry, employers and trade unions to create awareness about the hazards at work. Awareness and knowledge about occupational diseases are at an especially low level. 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 of it or ignore the immediate negative effects of it due to the fear of dismissal and the ensuing unemployment. Since the majority of the workers are highly in debt, being able to preserve the job and continuing the servicing of the debt seem to be more important than the threat of a serious occupational disease in the long run.

Although the legislation is in general acceptable, the number of law enforcing personnel, including labour inspectors, is not sufficient for the hundreds of thousands of workplaces. In addition to the very infrequent regular inspections, inspections as a result of complaints are more common. However, since the employers may be informed beforehand, various measures are taken to evade sanctions. Since the government is sensitive to decreases in employment, various means of reconciliation are used, leading to a deterioration of the working conditions in general. As the economic crisis deepens, employers prefer to save expenditure mainly by cutting health and safety costs.

Turkey has ratified the following ILO Conventions which have a direct impact on the production of textile, garment and leather goods. However, the trade unions and the workers are generally unaware of the provisions of these international instruments and tend to evade possible confrontations with 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:

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

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 in the workplace personnel qualified to carry out these tasks are present, they can be appointed internally. In the event the qualified personnel to perform these tasks are unavailable, these services shall be obtained from 'joint health and safety units'. These units are established for this purpose and authorized by the ministry.

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

The employer shall set up an occupational health and safety committee in enterprises where a minimum of 50 employees are employed and permanent work is performed for more than six months. Employers are under the obligation to enforce the decisions of the occupational health and safety committees, made in accordance with the legislation on occupational health and safety. Trade union representatives, or a worker representative elected by the workers in case of the lack of a union representative in the establishment, are one of the members of this committee by law.

SAFETY AND HEALTH TRAINING

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

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

STAKEHOLDERS' OPINIONS AND 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 the legislation introduced the health and safety committees at the workplaces, stakeholders representing

workers pointed out that the committee meetings are not conducted efficiently, and that a majority of the worker representatives participating in these meetings do not have sufficient information and training for participating in these committees. In some cases, the obligation of involving worker representatives in these committee meetings is not observed by the employers.

Another point of criticism concerning the 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, while this same employer pays his/her wages.

FWF MAIN AUDIT FINDINGS IN 2017

Of 43 audits conducted in 2017, all of them revealed that improvements can be made on 'safe & healthy working conditions'. In 88% of the audited factories critical/minor issues regarding fire safety were found; in 70% of the audited factories critical/minor issues regarding machine safety were found; in 67% of the audited factories, the noise, ventilation, temperature and lighting did not comply with legal requirements; in 65% of the audited factories critical/minor issues regarding electrical safety were found; in 58% of the audited factories critical/minor issues regarding chemical safety were found; in 14% of the audited factories critical/minor issues regarding building safety; and in 16% issues regarding ergonomics were found.

WORKER COMPLAINTS RELATED TO 'SAFE AND HEALTHY WORKING CONDITIONS'

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

complaints are published on the FWF website.

In 2017, FWF got only one call regarding bad conditions of service buses.



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 the labour legislation in Turkey, there are four different statuses under which wage- and salary-earners can be employed. Of about 19 million wage- and salary-earners, more than 14 million are working under a labour contract between a worker and a real or legal person. About two million workers and an increasing number of Syrian refugee workers are employed as clandestine or grey workers. About three million are employed as civil servants, under Law No.657 of 1965. There are about 256,000 contract personnel whose terms and conditions of employment are determined by decrees of the council of ministers. The fourth category is "temporary personnel", who number about 24,000 and whose terms and conditions of employment are also regulated by decrees of the council of ministers.

LAWS AND REGULATIONS

All the workers are employed on the basis of a labour contract, and are assumed to be concluded by the free will of the parties without any obligation to work. Textile, garment and leather workers are employed under the Labour Act No.4857.

Under this act, there is an obligation to conclude a written contract, if the work relationship is to exceed one year.

The general form of the labour contract is one of unspecified 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.

Under Act No.4857, part-time work was regulated for the first time in Turkish labour legislation. The law permits on-call work as well.

An amendment to the Labour Act No.4857 in 2016 permitted labour leasing through tempo-

rary work agencies. Under this practice, a worker's contract is with the temporary work agency, but he/she is asked to perform tasks in any other enterprise assigned by the Temporary Workers' Agency (TWA). This form of employment relationship is yet not in wide practice, but it seems as though it will create problems in the future.

The probation period is 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 parties by giving a notice to the other party. The period of notice is two weeks for seniority up to six months, four weeks for seniority of six to 18 months, six weeks for seniority one and a half to three years and eight weeks for seniority exceeding three years. Periods of notice can be increased by individual or collective labour agreements.

Under the law, a termination of the labour contract at the initiative of the employer is regulated in general 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 unspecified duration (open-ended) labour contract of a worker with at least six months of service at a business employing thirty or more workers has to ground the termination on a valid reason arising out of 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 apply for mediation within one month from the serving of the notice of termination, claiming that no ground is asserted in the notice or that the asserted ground is not valid. Only after the mediation process (which is three weeks or maximum four weeks) is completed without any agreement, the worker may take the dispute to the court in two weeks from the date of the final mediation report.

The onus of proof of proving the validity of the termination rests with the employer.

The law requires the rapid finalization of the law case. It is possible to lodge an appeal to the Regional Court of Appeals which gives the final decision. The case can no longer be taken to the Court of Cassation.

In case the verdict is for the reinstatement of the worker, the employer has the right to pay extra compensation and refuse reinstatement.

If the reason put forward by the employer is considered valid, the dismissal acquires a definite character.

There is a tradition of severance pay in Turkey.

When the worker retires, is dismissed on a valid reason (without an offense of the worker), goes for military service, dies or considered permanently incapable of working, he/she receives severance pay equal to 30 days' wages per year of service in the establishment. 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, as enumerated below, 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/she has the qualifications or conditions required for one of the important points of the contract although he/she does not have them, providing unreal information, or telling unreal things.*
 - *If the worker tells words that harm the honour and reputation of the employer or one of the members of his/her family, behaves in such manner or makes unreal attributions or accusations harming the honour and dignity of the employer or one of his/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 his/her family members or another worker of 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/her obligations at the workplace in spite of warnings.*
- Any one of these situations leads to the summary dismissal of the worker without any severance pay.*
- If the employer does not honour his/her obligations, insults the worker, does not pay the wage of the worker or if the workplace is hazardous for the health of the worker, the worker has the right to terminate the labour contract at his/her own initiative and receive the severance pay.*

SOCIAL SECURITY INSTITUTION

In Turkey, every wage- and salary-earner is to be insured. The workers working under a labour contract benefit from five branches of social security. Sickness 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 unemployment insurance is administered by the Turkish Employment Agency (ISKUR).

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

The worker pays a monthly fee of 14% of their gross wage as a social security premium. The employer pays a monthly fee of 20.5% of the employee's gross wage as a social security premium for the employee. If an employer makes the social security payments on time and regularly, this percentage is lowered to 15.5%. The employee pays one per cent of his gross monthly wage to an unemployment fund. The employer pays the amount equal to two per cent of the employee's gross wage to the unemployment fund.

The employer shall arrange a personnel file for every employee working in his establishment. A personnel file shall contain the employment contract, copy of the identification card of the worker, residence document, clearance report, diplomas, health report, monthly pay slips, annual overtime work consent, and health and safety training certificates. For juvenile workers, the personnel file shall contain a signed statement of parental consent with the employment. In addition to the information about the 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 its informal employment. In addition to unregistered employment, under-registered employment is close to the norm in the industry. Under-registered employment means submitting falsified payroll records to the Social Security Institution to avoid full payment of the taxes and social security premiums for workers'.

Trade unions consider informal employment as one of the main obstacles keeping workers from enjoying their freedom of association and right to collective bargaining. They criticise the limits of protection against dismissal. The law only provides this protection from being dismissed without a valid reason for workers who are engaged for an indefinite period, employed in an establishment employing 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 textile, garment and leather industries, 89% of the registered workplaces employ less than 30 workers. In garment industry 90% of the workplaces employ less than 30 workers and in leather industry 94%.

FWF MAIN AUDIT FINDINGS OVER THE LAST TWO YEARS

Of the 43 audits conducted in 2017, 77% shows that the audited factory doesn't pay all social security or insurance fees. In 30% of the audited factories unregistered workers were found;

13% of the audited factories employ daily workers; 12% of the audited factories employ Syrian workers without work permits; in two per cent of the audited factories it was found out that, some part of the production is done by homeworkers; in 79% of the audited factories there are problems regarding paid annual leaves; in 47% 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, 47% do not provide contracts or appointment letters to any or all employees; and in five per cent of the audited factories, the use of probation and apprenticeship does not comply with legal requirements.

WORKER COMPLAINTS RELATED TO 'LEGALLY BINDING EMPLOYMENT RELATIONSHIP'

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

In 2017, 24% of the calls were covering unfair dismissal or dismissal without the payment of compensation, 16% of the calls received were regarding late registration or unregistered employment including daily workers, 8% were regarding paid annual leaves and five percent of the calls were regarding double book keeping.

The ones which turned into a formal complaint can be found on fairwear.org.

BU ÜLKE RAPORUNDA KULLANILAN KAYNAKLAR

Bilgiler FWF Türkiye Temsilcisi Selin Başarır ve FWF Ekip Üyesi Yıldız Koç tarafından toplanmıştır. Rapor, ulusal yasalara ilişkin veriler ile Türkiye'deki yerel paydaşların hazır giyim sanayisinde emek konularına ilişkin görüşlerinin derlenmesiyle hazırlanmıştır. Buna ek olarak, FWF de ülkedeki ekonomik, sosyal, siyasi ve insan hakları durumuna ilişkin bilinen uluslararası kaynaklardan bilgi almıştır.

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