

**AN ANALYSIS OF THE POSITIONS OF TURKISH TRADE UNION
CONFEDERATIONS TOWARDS SOCIAL DIALOGUE**

**A THESIS SUBMITTED TO
THE GRADUATE SCHOOL OF SOCIAL SCIENCES
OF
MIDDLE EAST TECHNICAL UNIVERSITY**

BY

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**IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR
THE DEGREE OF MASTER OF SCIENCE
IN
EUROPEAN STUDIES**

DECEMBER 2008

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ABSTRACT

AN ANALYSIS OF THE POSITIONS OF TURKISH TRADE UNION CONFEDERATIONS TOWARDS SOCIAL DIALOGUE

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December 2008, 269 pages

As part of her membership negotiations with the EU, Turkey is expected to adopt the “*acquis communautaire*”, which requires her to adjust her administrative structures to European standards in a variety of policy spheres, including the social policy and social dialogue. Within this context, this thesis aims to analyze the approaches of the Turkish trade union confederations towards the practices of social dialogue at the European level, as well as their experiences of social dialogue mechanisms in Turkey through the data gathered from in depth interviews with the officials of the three trade union confederations, TURK-IS, DISK, HAK-IS, and some of their member unions. While all Turkish trade union confederations find social dialogue mechanisms fairly operational at the EU level, in relation to Turkey they all agree that such mechanisms are far from meeting their expectations. Beyond this common point the conceptualizations of social dialogue, interpretations over its structure, functions, and features, as well as the evaluations accounting for its underdevelopment in the Turkish context, show considerable variation across the three confederations.

Key words: European social dialogue, social dialogue, Turkey, trade union rights and freedoms, Turkish trade union confederations

ÖZ

TÜRK SENDİKAL KONFEDERASYONLARININ SOSYAL DİYALOĞA YÖNELİK DURUŞLARININ ANALİZİ

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Aralık 2008, 269 sayfa

AB ile üyelik müzakerelerinin bir parçası olarak, sosyal politika ve sosyal diyalogu da içeren bir çok siyasi alanda, Türkiye'den idari yapısını AB standartlarına göre düzenlemesini gerektiren “müktesebatı” (*acquis communautaire*) kabul etmesi beklenmektedir. Bu bağlamda, bu tez, üç sendikal konfederasyonun (TÜRK-İŞ, DİSK, HAK-İŞ) ve bunların bazı üye sendikalarının yetkilileri ile yapılan derinlemesine mülakatlardan elde edilen verilerle, Türkiye'deki sendikal konfederasyonların Avrupa düzeyindeki sosyal diyalog uygulamalarına yaklaşımlarını ve Türkiye'deki sosyal diyalog mekanizmalarıyla ilgili deneyimlerini analiz etmeyi amaçlamaktadır. Bütün Türk sendikal konfederasyonları, AB düzeyinde sosyal diyalog mekanizmalarını işlevsel bulmakla birlikte, Türkiye'deki benzer mekanizmaların beklentileri karşılamaktan çok uzak olduğu konusunda hem fikirdir. Bu ortak nokta dışında, sosyal diyalogun kavramsallaştırması, yapısı, işlevleri ve özellikleri üzerine yorumlar ile Türkiye bağlamındaki az gelişmişliği konusundaki değerlendirmeler, üç konfederasyon arasında dikkate değer farklılıklar göstermektedir.

Anahtar kelimeler: Avrupa sosyal diyalogu, sosyal diyalog, Türkiye, sendikal haklar ve özgürlükler, Türk sendikal konfederasyonları

ACKNOWLEDGMENTS

I would like to express my deepest gratitude to my supervisor Assist. Prof. Dr. İpek Eren Vural for her guidance, insight, criticism and advice throughout the research.

I would also like to express my sincere thanks to Assist. Prof. Dr. Galip Yalman and Assist. Prof. Dr. Dimitris Tsarouhas for their valuable comments and suggestions on my thesis.

I would like to thank my parents for their encouragement. I would also like to express my thanks and loves to my best friend F.Gülsün Eryılmaz for her encouragement and belief for my success.

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LIST OF ABBREVIATIONS

AKP:	Justice and Development Party
ANAP:	Mother Land Party
CEEP:	European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest
DİSK:	Confederation of Progressive Trade Unions
DYP:	True Path Party
EC:	European Community
ESC:	Economic and Social Council
EMU:	Economic and Monetary Union
ESD:	European Social Dialogue
ETUC:	European Trade Union Confederations
EU:	European Union
HAK-İŞ:	Confederation of Real Trade Unions
ILO:	International Labour Office
IMF:	International Monetary Fund
ISI:	Import substitution industrialization
KAMU-SEN:	Confederation of Public Workers Unions of Turkey
KESK:	Confederation of Public Employees Trade Unions
MEMUR-SEN:	Confederation of Employee Unions
MHP:	Nationalist Movement Party
MİSK:	Confederation of Nationalist Trade Unions
MoLSS:	Ministry of Labour and Social Security
MÜSİAD:	Businessmen's Association
QMV:	Qualified Majority Voting
SEA:	Single European Act
SEEs:	State Economic Enterprises
SHP:	Social Democratic People's Party
SSD:	Sectoral Social Dialogue
SPO:	State Planning Organization

TESK:	Confederation of Tradesmen and Artisans of Turkey
TİP:	Turkish Workers' Party
TİSK:	Turkish Confederation of Employer Associations
TMMOB:	Union of Chambers of Engineers and Architects
TOBB:	Union of Chambers of Industry, Commerce, Maritime, Trade and Commodity Exchanges of Turkey
TÜRK-İŞ:	Confederation of Turkish Labour Unions
TÜSİAD:	Turkish Industrialists' and Businessmen's Association
TZOB:	Union of Turkish Chambers of Agriculture
UNICE:	Union of Industrial and Employers' Confederations of Europe

CHAPTER 1

INTRODUCTION

Social dialogue is a new phenomenon in the system of industrial relations. Social dialogue refers to meetings between the representatives of employers (capital), representatives of employees (organized labour) with or without representatives of the state. These meetings between the employers and employees typically entail consultation and negotiation as a part of established industrial relations. Still, social dialogue differs from the traditional industrial relations processes with its multi-dimensional processes (Winterton and Strandberg, 2004, p.22). These multi dimensional processes include consultation, exchange of information, entirety of the decision-making processes, negotiation, bargaining method at changing levels with the aim of achieving a particular compromise based on different interests of the social parties (Koray and Çelik, 2007, p.3-4).

In the European Union, while the root of social dialogue dated back to its forming years, the concept of social dialogue got momentum after mid 1980s. With the impact of the encouragement of the policies that fostered the economic integration, the EU has accelerated to establish social dialogue mechanisms at the EU level as well as at national level. However social dialogue entered to the Turkish agenda during the European integration process. Since Turkey is a candidate for membership of the EU, she is obliged to fulfill the requirements of the EU. In accordance with the enlargement policy of the EU, the Copenhagen Criteria set the framework and determine the main conditions of being a member of the EU. One of the most significant clauses of the criteria is “*acqui communautaire*” which means the ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union. In this respect, the social policy, in particular social dialogue is one of the policy areas that the EU expects from Turkey to adjust her administrative structures to the values and standards of the EU and to ensure harmonious operation of

Community policies after the accession. However as Rychly and Pritzer (cited in Winterton and Strandberg, 2004, p.23) note, social dialogue “is an idea which is neither politically nor ideologically neutral”. Since organized labour, namely trade union confederations and their affiliate trade unions in Turkey are one of the compulsory parties to this process besides the state and capital; the positions, deliberations and capacities of the trade union confederations in relation to the social dialogue are important to analyze. Since the negotiation process between Turkey and the EU has been launched, this analysis will provide a background for the current situation of the progress that is supposed to be executed in line with the main tenets of *acqui communautaire* in respect to social dialogue. Moreover it will provide a reference about how the social dialogue will be shaped and materialized in Turkey from the view point of representatives of labour. Thus this thesis aims to analyze the approaches and experiences of the workers’ trade union confederations in Turkey, namely Confederation of Turkish Trade Unions (TÜRK-İŞ), Confederation of Progressive Workers’ Union (DİSK) and Confederation of Real Trade Unions (HAK-İŞ) on social dialogue in the context of European Integration process. It thus aims to identify the conceptual, structural and functional features of social dialogue from the perspectives of the confederations.

In order to provide a background for the analysis of the positions of the trade union confederations in Turkey about the development of social dialogue in the framework of *acqui communautaire*, the second chapter of this thesis aims to identify the characteristics of the social dialogue at the EU level. The chapter thus provides a brief overview of the historical development of social dialogue as well as its outcomes and institutional framework at the EU level. This will be followed by a review of the political and economic determinants of the development of social dialogue at EU level and an analysis of different interpretations on the roles of the social parties and effectiveness of social dialogue. The chapter concludes that rather than a concrete and complete model, social dialogue at the European

level is still an ongoing process, the outcomes, effectiveness, impacts, and future prospects of which is highly controversial .

The third chapter of the thesis presents the main features of the Turkish industrial relations system to which the interviewees from confederations refer while assessing the situation of social dialogue in Turkey. The chapter consists of two main parts. Firstly, the historical evolution of industrial relations system in Turkey will be examined in conjunction with its socio-economic structural aspects, its legal bases and its relation with the development of trade union movement. In accordance with these main subtitles, the evolution of industrial relations in Turkey will be analyzed in three distinct periods (Koray and Çelik, 2007 and Mahiroğulları, 2001). The first period began in 1936 under Turkish Labour Code, the second period spans between 1960 and 1980 and the third has started after 1980. While all of these time periods establish the main features of the industrial relations system in Turkey, the time period after 1980 will be much more focused in this chapter. The main reason of this is that the concept of social dialogue emerged after 1980 simultaneously with the new economic and political conjuncture in the EU as well as in Turkey when the economic, political and social features of Turkish industrial relations has been radically reshaped after the military intervention in 1980. The second part of this chapter will examine the historical development of the idea of social dialogue in Turkey as well as the structural aspects of the tripartite and bipartite social dialogue mechanisms. The last part of the third chapter will analyze the evaluations of the EU Regular Reports on Turkey's efforts to develop social dialogue. This part will be followed by the exchange of information between Turkish authorities and European Commission during the screening process in 2006. This part aims to lay the EU's interpretations about the developments on social dialogue. This chapter argues that Turkey did not witness adequate development of trade union rights and freedoms until 1960s due to social, political and economic reasons. Between 1960 and 1980, some positive steps were taken for the enhancement of trade union rights and freedoms. However, the period after 1980 was shaped with the impact

of the military intervention in 1980 and neo-liberal policies. During this period, the trade union movement was severely repressed and the trade union rights and freedoms were drastically restricted. Although some positive amendments were realized in time, the current industrial relations system still carries the basic features of the period of 1980. Beyond this, the development of social dialogue and establishment of social dialogue structures emerged in 1990s, with the impact of the process of Turkey's membership to the EU.

This study was based on the collection and analysis of primary data. In depth interview method was used in the meetings with the representatives of the trade union confederations. Therefore the next two chapters entail the analysis of the data gathered from in depth interviews held with the representatives of TÜRK-İŞ, DİSK and HAK-İŞ.

The fourth chapter of this thesis aims to explore the approaches of the Turkish trade union confederations to social dialogue at EU level. The chapter will first look at assessments of the interviewees from three confederations on the EU integration process and the impact of Turkey's membership to the EU on the development of social dialogue. Secondly, the chapter will analyze the approaches of confederations to social dialogue by focusing on their particular conceptualization of social dialogue as well as their evaluations of its outcomes in the EU. Moreover in relation with the outcomes of social dialogue in the EU, the approaches of the trade union confederations about the position of European Trade Union Confederation (ETUC) towards social dialogue will be assessed in the chapter. The main reason of this part is that the ETUC is the representative of labour in the EU together with the Turkish trade union confederations are the member of ETUC.

The fifth chapter aims to explore the experiences of the trade union confederations on social dialogue at the national level. The chapter will look at the assessments of the trade union confederations on the outcomes of social dialogue in Turkey

and the structural and functional features of tripartite and bipartite social dialogue mechanisms, evaluations on the role of social parties in social dialogue, and the obstacles for the development of social dialogue. First part of the chapter aims to reflect the features of conceptualization of social dialogue at practical level. The following part will indicate the perspectives of the trade union confederations about the differences between the EU and Turkey in terms of the conceptual, structural and functional aspects of social dialogue. The last part of the chapter will present the assessments of the confederation on the activities initiated with the ETUC. These two chapters together argue that while all the confederations find the social dialogue mechanisms in the EU fairly operational, they consider that the social dialogue mechanisms in Turkey are not as efficient as in the EU. Moreover the confederations think that the emergence of the social dialogue structures is fostered with the impact of Turkey's EU membership process that was accelerated in 1990s. However all confederations assess the bilateral and trilateral social dialogue mechanisms differently. While all confederations find bilateral mechanisms more functional than trilateral mechanisms mainly due to the visibility of capital party and representatives of labour, they consider that the inequalities in the representation both among all social parties and among all representatives of trade union confederations in the trilateral mechanisms is an important obstacle. With respect to the obstacles that are agreed on by all, one of the main impediments is the restrictive and prohibitive regulations in the Laws. Moreover all confederations criticize the state severely for being represented with majority in most of the trilateral mechanisms and for not accomplishing the necessary requirements for the development of social dialogue. However beyond the role of the state, the divisions within the working class (civil servants versus workers and political differences impeding the cooperation) and lack of culture of compromise are regarded as main impediments for all confederations. Beside, all confederations highlighted the differences in the development route of the EU and Turkey in the sphere of social dialogue. However, all confederations attribute their assessments to the different causes and factors to a large extent. The main source of the different assessments of the confederations can be found in their

different conceptualizations of social dialogue ranging from sceptical approach for DİSK, to moderate approach for TÜRK-İŞ and to pragmatic approach for HAK-İŞ. Therefore in general while DİSK considers that the main underlying reason of dysfunctionality of trilateral mechanisms is the prioritization of the interests of capital in cooperation with the state and capital, HAK-İŞ and TÜRK-İŞ prefer to criticize the state for being authoritarian. Moreover in respect to the bilateral social dialogue, while DİSK concentrates on the deficits of the mechanisms in particular collective agreements, HAK-İŞ highlighted the necessity of reshaping the mechanism in reference with social dialogue. At this point, beyond the similar obstacles, while the approach of capital that is strengthened during the 1980s period is assessed as one of the main impediments by DİSK, HAK-İŞ takes a capital friendly position. On the other hand while TÜRK-İŞ supports the view of DİSK, it mainly concentrates on the dissatisfactory working conditions as the impediment for the development of social dialogue. Lastly while TÜRK-İŞ and DİSK underlie the severe impact of the period of 1980 due to the legal regulations and neo-liberal policies, HAK-İŞ assesses this neo-liberal agenda as positive situation for the development of social dialogue.

Finally, the last chapter of this thesis summarizes the approaches and experiences of the trade union confederations on social dialogue at the EU level and at national level. In accordance with the main findings of the research, firstly, all interviewees from the trade union confederations in Turkey see social dialogue as well as bilateral and in particular trilateral social dialogue structures established throughout the 1990s as derivatives of the EU integration process. Secondly, all the interviewees from the trade union confederations consider that social dialogue mechanisms do not work as efficiently as they do in the EU. Central to this view, all the interviewees assess the social dialogue mechanisms as fairly functional and efficient at the EU level. However, all the interviewees agree on that the functioning and outcomes of the social dialogue mechanisms in Turkey fell short of satisfying the expectations of the working class. Nevertheless all the interviewees refer to the different factors while they are assessing the

dissatisfaction of the social dialogue mechanisms and their outcomes in Turkey. At this point, trade union confederations' evaluations of social dialogue are mainly shaped by the remarkable differences in their conceptualizations of social dialogue as well as their perceptions on the roles of state, capital and labour in these processes. Therefore while the interviewees from the confederations are assessing the structural and functional features of the trilateral and bilateral social dialogue mechanisms together with the obstacles for the development of social dialogue are evaluated, they attribute to the different causes and aspects in line with their conceptualizations. Therefore upon the overall assessments of the trade union confederations, Therefore on the one hand the confederations adopted some similar assessments on social dialogue, on the other hand it is observed that the confederations have much more different assessments.

With respect to the depth interview method used in this study, first of all the confederations covered in this study were the workers trade union confederations. As it is discussed in the study, since there is dual structure of employment and dual organizing model in Turkey, trade union rights and freedoms recognized for workers and civil servants are different and they are subjected to different Laws. As a result, the workers in Turkey have closer social dialogue mechanisms compared to the civil servants since civil servants do not have fundamental and basic trade union rights and freedoms such as the right for collective agreement and right to strike. In this study, I made interviews with namely Confederation of Turkish Labour Unions (TÜRK-İŞ), Confederation of Progressive Workers' Union (DİSK) and Confederation of Real Trade Unions (HAK-İŞ) and their affiliate trade unions. In total, I made 19 interviews in three confederations. Seven of them were from TÜRK-İŞ, seven of them were from DİSK and five of them were from HAK-İŞ. The interview questions and the list covering the tasks of the interviewees, date and place of the interviews are presented in the Appendices.

As it can be seen from the Appendix B, my sample of interviewees was dominated by education and training experts in trade union confederations. This

was mainly due to greater accessibility of such experts compared with other elected members in the confederations. Even though this presents a concern about the representativeness of the sample, my two and half year experience as an expert in a trade union confederation indicates that this outcome may also involve certain advantages. Unlike the elected members of the confederations, experts are permanent staff. As such they have greater opportunities to observe, and evaluate the general outlook and approaches prevalent in the confederation as well as the policies of the confederations. Moreover many of the experts are involved in trainings by which the approaches of the confederations could be disseminated among all the affiliate trade unions of the confederations. Despite the overrepresentation of education and training experts, my sample, still included interviews with the presidents and some other high level elected members in the three confederations.

Another concern about the representativeness of my sample refers to the positions of my interviewees from TÜRK-İŞ. Again due to the problems of access, some of the representatives that I was able to interview with were from the most dissident trade unions in the confederation. Therefore this situation caused that the critical approaches of some of the interviewees from TÜRK-İŞ became more apparent in the thesis by underestimating the dominance of the moderate approach in TÜRK-İŞ.

Beyond this, the trade union confederations' official documents and declarations related with social dialogue are not taken into account in this study and unofficial assessments of the interviewees are reflected in the study. However, as an advantage of my work experience I could have some observations about the general outlook of the confederations. Therefore I may argue that since TÜRK-İŞ and HAK-İŞ have more hierarchical structures, the assessments of the presidents of both confederations reflect the general view point of the whole confederation much more than of the president of DİSK.

With respect to the quotations in the Chapter 4 and 5, sometimes it was needed to refer to same quotations under different issues since the quotations might include several meanings depending on the issue. Lastly all translations of the interviewees are made by the author.

CHAPTER 2

DEVELOPMENT OF SOCIAL DIALOGUE AT EUROPEAN UNION LEVEL

This chapter will mainly deal with presenting the development of social dialogue at European level and giving a brief idea on the current situation of social dialogue at European level. The main aim is to identify the general features of social dialogue in European Union. The reason why the European social dialogue is analyzed is to enlighten the social dialogue mechanisms and practices at EU level as Turkey has been expected to introduce similar social dialogue mechanisms during its membership negotiations for the EU. Therefore the labour organizations in Turkey have been dealing with the social dialogue mechanisms that are claimed to be established in accordance with their correspondences in the EU. Since there is no temporal parallelism between the emergence and development of social dialogue in the EU and in Turkey, to examine the evolution of social dialogue in the EU will construct an important empirical background for the evaluation of development of social dialogue in Turkey. The chapter will consist of four main parts. In order to analyze the social dialogue process, the historical development of social dialogue at European level will be explained in the first part. In the second and third part of this chapter, the institutional framework and outputs of social dialogue at the EU level will be presented. The last part will deal with the substance of the social dialogue process by analyzing the political and economical determinants, roles of the main actors of the process and effectiveness of social dialogue at the EU level.

2.1. Historical Evolution of the European Social Dialogue

In the EU the cooperative relations existed among the social partners in the 1960s and the 1970s, however social dialogue at EU level had got its impetus in the mid-1980s and has been strengthened since the 1990s. European social dialogue

affects the development of the social dimension and labour market regulation in European Union. However an assessment of the social dialogue practices that emerged as a cooperation among the EU units, capital and labour organizations at intersectoral and sectoral level is quite difficult since it is an ongoing process with distinctive dimensions (Pochet, 2007).

Although systems of political concertation such as the Economic and Social Committee (ESC) date from the beginning years of the European Community by the Treaty of Rome in 1957, the history of the European social dialogue could be divided into three periods as before and after Maastricht Treaty and after Leaken Declaration due to the impacts of institutional and legal framework amendments (Keller and Bansbach, 2001 and Keller, 2003).

The first period started with the launch of the European social dialogue by Jacque Delors, the president of European Commission in 1985. The initial task of the Delors Commission was to bring together the social partners, namely European Trade Union Confederations (ETUC), Union of Industrial and Employers' Confederations of Europe (UNICE) and European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest (CEEP) under the "Val Duchesse"¹ process during the launch of Single European Act (SEA). The SEA marked the introduction of social dialogue in the *acquis communitarie* (De Boer, Benedictus and Van Der Meer, 2005, p.52). During this period, social dialogue practices originated from the resolutions, declarations, and joint opinions among the labour, capital and Community institutions that had no legal sanctions. The social dialogue was concentrated towards the end of the 1980s. After SEA, in 1989 the Social Charter was adopted. Its preamble declared that the aim of the Charter is 'to consolidate the progress made in the social field through action by the Member States, the two sides of industry and the Community'. In addition, Article 17 of the Charter defined the development of

¹ [Downloaded from the European Union web site http://www.europa.eu/index_en.htm on 4 March 2007]

controversial ‘information, consultation and participation of workers’. However, it was adopted only as a nonbinding declaration of the European Council with the impact of the demand of UNICE for legal non-bindingness (Streeck, 1995, p.403).

The second period was initiated with the integration of social dialogue into the legislative processes of the European social policy formation by the Maastricht social chapter in 1992. At the beginning of 1990s, within the negotiations of Maastricht Treaty 11 out of 12 Member States-with the exception of the UK, agreed on major changes in the decision –making procedures. The Maastricht Treaty (Treaty of Union) adopted the Social Charter as the Protocol on Social Policy, including an Agreement annexed to the Treaty. The establishment of legal base of the social dialogue was achieved by the means of the Maastricht Treaty through this protocol and agreement. The main amendment was to extend the application of Qualified Majority Voting (QMV) to a range of subjects beyond health and safety including information and consultation of workers. However this agreement was not covered in the treaty, instead it was annexed as a Protocol on Social Policy to the treaty. Moreover, the issues of payment, right of association and right to strike were excluded from the authority border of the treaty. This implementation resulted in an obligation on the Commission to consult the social partners prior to the adaptation of a legislative proposal, and possibility for them to sign collective agreements which may either be extended *erga omnes*² by means of a Council directive or be implemented by the social partners themselves at the national level. After the Protocol on Social Policy and its Agreement was annexed to the Maastricht Treaty on European Union in 1991, two distinctive approaches emerged on the role of the social partners in conjunction with the concertation at the EU level. On the one hand the development of social dialogue was regarded as “corporatist policy community” (Falkner, 1998 cited in Prosser, 2006, p.7), on the other hand these developments were criticized for its poor

² Erga omnes (Latin: in relation to everyone) is frequently used in legal terminology describing obligations or rights toward all.

record of the Dialogue and its reliance on the role of the European Commission (Keller and Sorries, 1998, Streeck, 1994 cited in Prosser, 2006).

In 1997, when the Labour Party took the office in the UK, the new government withdrew its reservation and therefore as Streeck (cited in Keller and Sörries, 1999, p. 112) stated, the “variable geometry” for integration in social policy ended. The Amsterdam Treaty that also established the Economic and Monetary Union (EMU) incorporated the Social Protocol into the body of Treaty. The Treaty led to the institutional recognition of European social dialogue. Articles from 136 to 140 embedded the procedures in the Treaty establishing the European Union and determined the conditions of the European Social Dialogue. There were two main aims of the Social Policy Agreement; to facilitate the approval of directives and develop the social dialogue (Gülmez, 2008, p.365). Therefore the social partners were assigned the right to be consulted on any Commission proposal in the field of social policy. Furthermore, social partners can conclude agreements and request the Commission to submit these agreements to the Council as proposed directives or they can remain as autonomous agreements that are implemented by national member organizations in line with the relevant national procedures and practices.

Through the procedures in the Treaty, social partners at inter-sectoral level agreed on three collective agreements transformed into directives by the Council, namely Parental Leave in 1995, Part-Time work in 1997 and Fixed-Term Contracts in 1999.

The role of social dialogue was also emphasized in the framework of the ‘Lisbon Strategy’ in 2000 at all levels with respect to the employment policy, social protection and social inclusion. The emergence of Open Method of Coordination by the Lisbon Summit in 2000 was the output of this tendency by focusing on a path towards achieving common objectives, while respecting different underlying values and arrangements’ (De La Porte cited in Aybars, 2005, p.12) its non

binding structure. In particular, social dialogue was described as “the most effective way of modernizing contractual relations, adapting work organization and developing adequate balance between flexibility and security”(Pochet, 2005, p.21). Since Lisbon Summit, the Commission would follow the way of open method of coordination that would be a soft law and would leave all heterogeneous details of the basic agreement and its implementation in a broad sense to self-regulation by the social partners (Keller, 2007, p.189).

The third period of the development of social dialogue was marked in 2001 with the joint contribution of the social partners to the Leaken Declaration by which they presented their wish to develop a more autonomous and flexible social dialogue (Prosser, 2006, p.6). In this declaration, they emphasized on autonomous, bipartite dialogue by voluntary, non-legally binding agreements. Therefore the social partners abstained from the possibility of concluding framework agreements to be submitted to the Council for implementation as a directive. As a result, three non-binding framework (autonomous) agreements on Telework (2002) and Work Related Stress (2004) and Harassment at Work (2007) were concluded. According to De Boer, Benedictus and Van Der Meer (2005, p.65) the ESD becomes diverted obviously from the legally binding agreements and indicates the non-existence of a European System of Industrial Relations. As Pochet (2007, p.2) argued since 2000, the agreements signed were autonomous agreements that seemed to be a hybrid between soft and hard law both by flexibility of the content and the nature of instruments to implement the EU agreement. Moreover according to Prosser (2006, p.6), the most remarkable distinctive feature of the process that emerged by Leaken Declaration was the independent engagement of European-level capital with the process by acting in a pro-active and autonomous manner when formulating the agenda for the route.

This development was accompanied by the gradual introduction of the open method of coordination, inaugurated at Lisbon, into the social dialogue itself. In 2002 the social partners adopted a three-year work programme (2003-2005) which

confirmed the absence of legally binding proposals by promoting “frameworks for action” (Pochet, 2007, p.5). As a result, two Frameworks of Action on Lifelong Learning (2002) and Gender Equality (2005) were issued by the Social Partners. The most deficient features of these autonomous frameworks have been the difficulties still being encountered during the implementation process despite they were signed many years ago (ETUC and ETUI-REHS, 2007, p.118). In 2002, the Commission communication titled with “The European Social Dialogue, a force for innovation and change” was published. In 2003 the first tripartite social summit for growth and employment was realized with the participation of the Council Presidency the President of the Commission and highest-level representatives of the social partners on basis of Council Decision of 6 March 2003. In 2004 the Commission communication titled “Partnership for change in an enlarged Europe - Enhancing the contribution of European social dialogue” was published. The Commission in its 2004 communication also wishes to assess the “quality” of the implementation through the duty attributed by the treaty (Pochet, 2007, p.5).

The Second Work Programme covered 2006-2008, and includes proposals for activity on employment, lifelong learning, harassment and violence, the integration of disadvantaged groups into the labour market, and capacity building in the new member states. During the current period, in the programme also in the Green paper, the Communications the most crucial issues debated on was the phenomenon of flexicurity that was supposed to remove the obstacles to the internal market, productivity and employment growth (ETUC and ETUI-REHS, 2007, p.116).

2.2. Institutional Framework of Social Dialogue at European Union Level

All these outputs of social dialogue process are the results of different institutional structures of the social dialogue. At European level, social dialogue has two core

structures; a tripartite dialogue involving the social partners and the Community institutions and a bipartite dialogue among the social partners themselves. In terms of tripartite dialogue, there are four fields in which social dialogue takes place: education and training, macro economics, employment, and social protection. Moreover, the European Council Presidencies have been inviting the social partners to meet before of the European Council meetings since 1997 and in 2003 the first tripartite social summit for growth and employment was realized.

The bipartite dialogue is mainly realized at two different levels: at cross-industry level or at sectoral level. Commission is a mediator and a facilitator in this process. European social dialogue at cross-industry level is related with the whole economy and labour market. Besides the agreements concluded through Council directives and autonomous agreements mentioned above, social dialogue committees, working groups and seminars, negotiations, and social dialogue summits are considered as outputs of this level. European social dialogue at sectoral level is limited to the issues of different sectors. The partners of this level consist of organizations of member states' social partner structures. With the participation of these partners, several sectoral social dialogue committees with respect to the each specific area have been established since the Amsterdam Treaty in 1997. In 1999, the joint committees and the informal working groups were replaced by sectoral social dialogue committees.

2.3. Outputs of Social Dialogue at European Union Level

From the first steps towards social dialogue, distinctive sorts of outcomes of social dialogue produced at both inter-sectoral and sectoral level. While the social pacts, framework agreements have legal binding, the joint opinions, the councils, committees are established in order to both facilitate the development of social dialogue and to meet the social dialogue requirements. The degree of the effectiveness and applicability of these outputs are in line with the specific circumstances of both European conjecture and national conjecture. However De

Beer, Benedictus and Van Der Meer (2005, p.51) claimed that the expected results emerged during the Delors Commission could not be achieved since the agreements that were concluded by using the mechanisms of European social dialogue exhibited similarity with the national collective agreements. Moreover from 1985 to 1990 the European social dialogue resulted in the adoption of a dozen joint opinions on a range of topics mainly (Pochet, 2007, p.3).

Although the Economic and Social Council was set up by the Treaty of Rome, the similar structures have also been included into the European social dialogue mechanisms in the following time. The Committees on macro economic issues, employment, social security, education, summits on similar issues, consultation councils made at the either tripartite or bipartite level in the EU could be accounted as the outputs of this process. In 1992, Social Dialogue Committee was established in order to coordinate the functioning of social dialogue and monitor the developments at the European level instead of ad hoc committees (Gülmez, 2008, p.360).

At inter-sectoral level, the outputs of the European Social Dialogue can be varied from committees to directives. Before Maastricht Treaty, the results had non binding character. There were high level discussions and summits between ETUC, UNICE and CEEP. They together produced joint opinions and declarations. Moreover, the Commission consulted them on an informal basis. After the Maastricht Treaty, the opportunity of having directive occurred and a legal base for the consultation of social partners was provided. The directives are certainly more concrete and effective than the joint opinions since they have binding power. In terms of directives, for three of them the social partners managed to agree on voluntary framework agreements. The first framework agreement was on parental leave in 1995 (Directive 96/81/EC), the second was on flexibility in working time / part-time work in 1995 (Directive 97/81/EC) and the last one was on fixed term contracts in 1999 (Directive 99/70/EC).

In the emergence of the European Works Council Directive in 1994 (Directive 94/45/EC) and Burden of Proof Directive in 1995 (Directive 97/80/EC) since the social partners failed to reach a framework agreement, draft directives were prepared by the Commission to be approved by the Council. These frameworks were therefore the result of traditional strategy of legislation.

The social partners have also concluded autonomous agreements on telework (2002), work-related stress (2004) and harassment and violence at work (2007). These result from the Article 138 that allow the social partners greater autonomy to apply and monitor the agreement themselves (De Boer, Benedictus and Van Der Meer, 2005, p.53). Furthermore, the social partners concluded frameworks of actions for the lifelong development of competencies and qualifications and a framework of actions on gender equality.

However there are also important failures on concluding agreements among the social partners. They failed to agree on others, such as works councils or information/consultation at national level. The attempts on sexual harassment in 1996 were resulted with failure, although the Commission prepared a draft directive on the issue, it was not adopted. The failure in 2001 of the negotiations on temporary agency work marked the end of the negotiated legislation period (Pochet, 2007).

Since the late 1990s, the developments in the sphere of social dialogue have shifted remarkably from interprofessional level to sectoral level (Keller, 2005, p.398). Concerning the number of documents adopted per year, there is not a clear inclination. According to Pochet (2007), the establishment of the sectoral committees in 1999 did not change the number of joint documents adopted which had already increased in 1997 and 1996. The maximum is reached in 2000 and 2004. However the 2004 communication of the Commission trying to improve the quality of the sectoral social dialogue had no impact on the quantity.

The sectoral social dialogue (SSD) has led to some more than 281 documents of different types and scale: 130 common positions, 50 declarations, 39 tools, 31 internal rules, 25 recommendations and 6 agreements between 1997 and 2006 (Pochet, 2007). Therefore agreements in terms of implementation and monitoring are still rare compared to common positions in particular. Besides the uneven distribution of the outcomes, problems at non-implementation and transposition to national level are the key and common problematic issues for all outcomes. According to the research of Pochet (2005, p.330), most of the agreements are related with the European policies. Recommendations cover the sectors in which the national industries have been deregulated where there is competition and interconnection. Sectors that have been losing dynamism and that are mostly confronted with international competition are the ones where the codes of conducts are signed at most.

Concerning the topics covered, SSD does not refer to industrial relations in particular or social policy issues in general but includes rather heterogeneous policies (Keller, 2005, p.399). Moreover social dialogue itself was the most important topic in quantitative terms at EU level; on the one hand the second topic concerned economic and sectoral policies, on the other hand working conditions and employment were less important (Pochet, 2007). In other words, important industrial sectors for national economies and industrial relations have been almost lack (Keller, 2005, p. 398). The outcomes of sectoral social dialogue committees are considered as processes of “building trust and platforms of exchange” before reaching the level of formal, binding structures and collective agreements at European level (ETUC and ETUI-REHS, 2007, p.126).

In 2006 for the first time multi sectoral European agreement on workers’ health protection through the good handling and use of crystalline silica and products containing it was concluded (Gülmez, 2008, p. 394).

Besides the agreements, at sectoral level, sectoral social dialogue committees were established in specific areas of activity. In 2006 the total number of committees raised up to 34 (ETUC and ETUI-REHS, 2007, p.114). Having considered the distribution of the results by sort, establishing joint opinion was preferred to binding agreements since there were 243 joint statements but only 21 framework agreements by 2005 (De Boer, Benedictus and Van Der Meer, 2005, p.61). In addition the content of joint opinions could be categorized such as: policy and economy represents 47 %, vocational training 9 %, employment 8 %, social dialogue 5 %, working time 8%, working conditions 13 %, statistics 3 %, and health-safety 7 % (Keller and Bansbach, 2001, p. 428).

2.4. Different Evaluations on the Determinants of the Development of Social Dialogue at the EU Level

There is now extensive literature with contributions from different theoretical perspectives that elaborate on the determinants of the emergence and development of European social dialogue as well as assessments of the effectiveness of the social dialogue at the EU level.

2.4.1. Main Political and Economic Determinants

There seems to be a consensus on the conjectural political and economic determinants that paved the way to social dialogue. It is claimed that the pressure of the globalization (Rhodes, 2001, p.165), growing interdependence among capitalist economies and absence of international institutions to manage such interdependence (Streeck, 1991, p.14), economic stagnation and increasing international competition were the main factors that shaped the European Integration process after 1980. Therefore Iankova and Turner (2004, p. 79) argued that under pressures of economic crisis and growing international competition in the 1970s and 1980s, the European social space began to expand as a necessary

complement to the internal market in order to prevent undesired results for the market in the long term.

Streeck (1995, p.389) emphasized the existence of various compromises in order to overcome with these challenges and relaunch of Europe. Single European Act and Maastricht Treaty were the result of different compromises among European capital, among European governments and between both of them while labour organizations were being excluded (Streeck, 1991, p.15).

After the launch of the SEA, in 1988 the debate on monetary integration came to the agenda. The aim of the European Monetary Union that was the last phase of this transition was to comply with Maastricht convergence conditions consisting of monetary stability, price stability and balance of public finances which leads to important cuts in public spending when recession negatively has an effect on growth and employment (Meulders and Plasman, 1997, p.16). EMU convergence criteria of austerity policies and intensified international competition made the Maastricht Treaty, thus EMU a “deregulation project” of European Integration (Hofman 1989 in Streeck, 1995, p.393). Under these circumstances Visser and Hemerjick (cited in Rhodes, 2001, p.168) perceived the emergence of European social dialogue as a “third way” between neoliberal deregulation and traditional European model. Moreover, according to Iankova and Turner (2004, p.78), while the ILO, World Bank and IMF were encouraging the establishment of social dialogue among the social partners, at the same time they were promoting the neo-liberal deregulation policies.

From a different point of view, according to Crouch (1997), another dimension of the emergence of social dialogue under these economic and political circumstances was the position and impact of the working class. Crouch (1997) stated that these neo-liberal economic and political developments also led to the emergence of new occupational groups within the working class. Therefore these structural changes also had an impact on the preferences of the working class

together with new labour politics that was a more flexible and more responsive to the requirements of companies. Therefore Crouch (1997) claimed that in order to avoid the grave results of neo-liberalism, social partners including labour preferred to accept institutional capitalism that revealed one of its aspects in the emergence of social dialogue. Therefore as a result, Crouch (1997) argued that this process led to the birth of social neo-liberalism in which the working class adopted itself to the requirements of the market instead of fighting against them. Owing to the fact that, the time of emergence and consolidation of the projects of Single European Act in 1986, Maastricht Treaty in 1992 and the Economic and Monetary Union in 1997 were corresponded with the proceeding of social dialogue to the agenda at EU level. With respect to launching of these projects it is also claimed that the process of social dialogue can be seen as a part of “social dimension” of the single market (Venturini, 1988 cited in Johnson, 2005, p.73) or “social corollary” to EMU (Falkner, 1998 cited in Johnson, 2005, p.84) or a tool of “legitimization” for the EMU process (Molina and Rhodes, 2002, p.316). Hence, it is argued that this period was conducted as a result of alignments of interests of capital, national governments and the Community among themselves and with each other (Streeck, 1991, Streeck, 1995, and Rhodes, 1995).

2.4.2. Roles of the Social Partners

The process of social dialogue is not only influenced by the impact of the political and economic determinants, but also is steered by the active actors of social dialogue. During this process, the role of Commission, of national governments and of capital and labour came into prominence. However the effectiveness of these actors is differently evaluated by the authors. On the one side some of them prioritized the role of the Commission, on the other side some of them argued that capital and labour steered the process of social dialogue. Moreover some of them emphasized the impact of national governments in the direction of the process.

Many authors put emphasis on the significance of the role of the Commission in conducting the process of the social dialogue from different point of views. According to Streeck (1995), the Commission functioned as a link between national and supranational institutions in order to urge the process. Therefore the task of the Commission is very influential to steer the process, the explicit threat “negotiate or we’ll legislate” (Coldrick 1991, Rhodes 91a, Falkner, 1998 cited in Johnson, 2005) to encourage the partners in concluding agreement could be regarded as the indicators of the determining role of the Commission and the pressures of the Commission over the social partners and national governments. According to Johnson (2005), the entrepreneur role of the Commission is remarkable for determining the emergence and development of social dialogue for both social partners. However the close relationship between the Commission and ETUC is more explicit than between the UNICE and the Commission. Johnson (2005, p. 72) argued that the Commission had an interventionist approach in favour of ETUC and its demands as it could be seen in the supporting stance of the ETUC towards the Commission policies. One of the main reason of this cooperation is that the ETUC has benefited from sustained financial assistance from the Commission since it was established with the financial support of the Commission (Johnson, 2005, p.71).

Besides, the importance granted by the Commission to the social dialogue is also noteworthy. As it was stated in Commission Communication in 1998 that “The EMU process and economic convergence have progressively made visible the importance of the role of social partners, not only in influencing the local competitiveness and employment conditions, but also as a major player in the achievement of growth and an employment-friendly overall policy mix in the Euro zone and in the Community” (European Commission, COM(98)322). However, it is stressed by authors such as Rhodes (1995) and Streeck (1998) that the role of the Commission is needed to be reinforced by both Community itself and by national governments by taking into account the national diversity, functional divergence and institutional capacity. However, according to De Boer,

Benedictus and Van Der Meer (2005, p.55), one of the impediments for reinforcing the existing tasks and authorities of the Commission is the limited scope of social policy in the EU. Nevertheless, despite these limitations of the Commission, it is argued that the Commission will remain the “driving force” of future social integration and “political machinery” for the improvement of social dialogue (Keller and Sörries, 1999, p.123).

From a different point of view, according to Keller and Sörries (1999, p.115) an important reason of the determining role of the Commission is to increase its own position in relation to the Council. Therefore it attempts to establish strategic alliances with the social partners by granting them different rights while trying to preserve the balance among the interests of the partners. With respect to these strategic alliances, the Commission introduced the Maastricht co-decision procedure (Streeck, 1995, p.406) in favour of labour, and it took some sort of entrepreneur initiatives (Johnson, 2005, p.95) or encouraged capital in the market. In addition, De Boer, Benedictus and Van Der Meer (2005, p.65) argued that the Commission supported the endorsement of capital and labour for the voluntary, non-legally binding agreements declared by Leaken Declaration.

The other most visible actors of social dialogues are capital and labour. The course of social dialogue is debated and assessed upon the attitudes of both of them. The roles of capital and labour are also important determinants of this process as well as the Commission and national governments. With respect to the development of social dialogue, capital and labour have both common and different approaches. Social dialogue at European level is not only shaped in accordance with their positions but also is utilized for different aims of the partners. First of all, despite the existence of distinctive perspectives during the execution of social dialogue according to Schroeder and Weinert (2004, p.204) change all accordingly, the common feature of the positions of capital and labour is that neither capital nor labour objected to the emergence of social dialogue at the beginning mainly because they did not take into consideration the EU affairs

so much in 1980s. However in the following period, as the process was deepened, organized labour and capital were required to use new tools in order to widen their influence spheres and enhance their interests. At this point the differences in the attitudes of capital and labour emerged in their evaluations of European social dialogue as a new channel. According to De Boer, Benedictus and Van Der Meer (2005, p.62), European social dialogue became a tool as an alternative channel for lobbying and a pressure instrument in order to promote their interests. Nevertheless, Rhodes(1995, p.88) stated that since European capital uses the direct route through Brussels for access to the EU decision making by lobbyists, they have consistently abstained from using social dialogue mechanisms. According to Streeck (1995, p. 416), one of the reasons of the different approaches of capital and labour was that they had different international interests: while capital targets to increase factor mobility, labour attempts to protect the standards of social policy from the erosion by economic competition. Moreover Streeck(1991, p.7-9) also claimed that since the European labour was always disorganized at supranational level, it was inclined to use social dialogue as an important channel. From a different point of view, Crouch (1997) and Mermet (2002) argued that one of the main driving forces of the endorsement of labour to the social dialogue was that they adjusted their interests and policies in line with the priorities of the internal market.

Although the representation of labour and capital can not be reduced to ETUC and UNICE, due to their supranational identity, both of them and their affiliate trade unions and some federations are the main actors, namely social partners of European Social Dialogue. Therefore the approaches of both somehow reflect the position of labour and capital on social dialogue issue.

Keller and Bansbach argue that since ETUC prioritized the enhancement of European social policy, ETUC preferred to use social dialogue mechanisms at all levels as a strategy of strengthening the social dimension of internal market. However with respect to the interests of capital, Keller and Bansbach (2001,

p.425) stated that UNICE abstained from supporting social dialogue mechanisms at European level in particular since its interests were protected at national level. However, it is commonly stated that from the beginning of the social dialogue process, labour has always been in favor of construction of social dialogue and promoted this process in the framework of the designation of the EU (Streeck, 1991, Rhodes, 1995, Keller and Sörries, 1999, Johnson, 2005). In 2005, in the 20th Anniversary of the European Social Dialogue; John Monks, the General Secretary of ETUC said that “At every step of the way, the ETUC has sought to play a positive and pro-active role.”³

While ETUC members changed the status of ETUC and assigned the ETUC to take decisions by qualified majority decisions in order to provide the conditions for the negotiation at European level in 1995, in the Council of Presidents of UNICE, the consensus of all members is required for all decisions related with the social policy (Keller and Sörries, 1999, p.114). Therefore as Keller and Sörries stated the most crucial impact of this situation is the discharge of exercising QMV in decision making procedure due to the unanimity rule in the UNICE (1999, p.114).

Besides the specific positions of capital and labour, the role of the Commission in the development of social dialogue is criticized by both of them. However, they referred to opposite evaluations in terms of the role of the Commission by doing it. While UNICE consider that the Commission intervened to the process more than it is required, ETUC considered that the Commission does not play adequate pioneering role in this process (Keller and Sörries, 1999). Hence despite their different focuses on the role of the Commission, they also took a common step against the position of the Commission. Making autonomous agreements was committed in the Leaken Declaration in 2001 by both of them. However according to Mermet (2002, p.8), with respect to the approaches of ETUC, the

³ [Downloaded from <http://www.etuc.org/a/1141> on 24 April 2007]

implications of the tendency declared by the Leaken Declaration was appeared in the 9th Congress of ETUC in 1999 by focusing on the development of an autonomous system of European negotiations by the social partners. . Moreover in the same speech of Monks -mentioned above-, he stated that "... [n]o recourse to EU institutional procedures to ensure an *erga omnes* effect is foreseen. This raises questions concerning the scope and effect of their implementation by national industrial relations systems. It also raises the question of incorporation of EU autonomous agreements into the *acquis communautaire*.”⁴

Different from the labour, capital had consistently rejected the transfer of social policy issues from the national arenas to tripartite political bargaining (Streeck, 1991, Rhodes, 1995, Keller and Sörries, 1999, Johnson, 2005). Therefore, UNICE is claimed to support the social dialogue mechanisms to be materialized at EU level in order to prevent from being intervening the national traditions by using legislations (Rhodes, 1995, p.117, Keller And Sörries, 1999). In the declaration of the Council of Presidents of UNICE, it was stated that "...EU intervention must be justified, explained and proportional to the objective. Subsidiarity must be fully respected. Impact assessment, better regulation and less red tape are vital for doing business in Europe Member States on their side must refrain from gold-plating EU legislation.”⁵ At this point, Johnson (2005, p.66) perceived the position of UNICE from a different point of view. According to Johnson, the negotiation could not only prevent legislation but also strengthen the veto power of the UNICE. Therefore De Boer, Benedictus and Van Der Meer (2005, p.64) argue that capital desired to establish a social dialogue by concluding joint statements rather than by negotiating autonomous agreements on social policy since they wanted to influence European policy.

⁴ [Downloaded from <http://www.etuc.org/a/1141> on 24 April 2007]

⁵ [Downloaded from <http://www.businessseurope.eu/content/Default.asp?PageID=425> on 5 May 2007]

Besides the attributions to the role of the Commission, capital and labour, it is also argued that the process was mostly steered by the national governments. Johnson (2005, p.109 and 122) claimed that national policy histories and ideological differences in terms of the preferences of welfare state, are the reference points of the member states in approaching social dialogue. Therefore the attitudes of the national governments are required to be taken into the consideration in the peak periods of social dialogue in the agenda such as during the phases of the SEA, Maastricht Treaty and Amsterdam Treaty. As a matter of fact, Johnson (2005) also argued that these reference points also shaped the approaches of the member states to the social dialogue. In parallel, despite the existence of some sort of representatives of the member states in the Commission and also other units, Keller and Sörries (1999, p.115) argue that the member states pursue an intergovernmental approach strongly within the Council to defend their national systems against the wide scope of European legislation. The process of annexing Social Policy Protocol to the Maastricht Treaty impeded by the British opt-out due to her national political and economic policies and this situation could be ended with attempts of the Labour Party under the presidency of Tony Blair in 1997. Therefore Rhodes (1995, p.87) also claimed that the division between British and continental countries over European system of labour market emerges from not only welfare state models but also from competing notions of national sovereignty and philosophies of economic organizations. Moreover the political and economic preferences of the member states led to the establishment of different alliances among the social partners. According to Rhodes (1995, p.87), considering the approach of the United Kingdom, a natural coalition emerged between employers and the British government both for the future of the European Integration and the role of the Commission. They both defended the national-level deregulation and both agreed on making market more flexible via the attempts of the Commission.

2.4.3. Assessments on the Effectiveness of the Social Dialogue at EU Level

In general the effectiveness of social dialogue is assessed by referring distinctive features of the process. In accordance with these features, the process is perceived either effective or ineffective in reference with the EU integration process, decision making structure, social partners' positions and diversity at national level. With respect to the close link between the processes of EU integration and social dialogue, some scholars perceive social dialogue as an important tool for the negative integration that refers to the convergence on economic policies and exclusion of social policies. Some of them consider that since the EU's political and economic integration and social dialogue have not been simultaneously developed, the matter of social dialogue has been dropped behind. On the contrary some of them attribute positive meanings to social dialogue strengthening of social dimension of the EU integration.

In the context of the EU integration process, establishment of EMU was one of the peaks of negative integration. Therefore this negative integration was steered against the interests of labour. According to Meulders and Plasman (1997, p.16), the EMU convergence criteria of austerity policies have negative effects on growth and employment that are the basic issues of social dialogue. Moreover Molina and Rhodes (2002, p.316) argue that social dialogue has served to legitimize the fiscal requirements of EMU that severely restrained the interests of labour.

Some Euro-pessimists argue that the content of social dialogue is not related with the core parts of the European social policy (Keller and Sörries, 1999, p.117). At this point, Streeck (1995, p. 400) argues that the agreements that coincided with the economic and political policies of the EU integration were preferred to be taken to the agenda of the agreements such as equality of men and women and health and safety issues.. The root of this situation is obviously observed in the content Social Policy agreement that excludes to use of OMV in the issues of the

rights of association and strike. From a different dimension, some scholars claim that in conjunction with the lack of capacity of the Commission, the limited social agenda of the EU impedes the development of social dialogue since the social agenda of the EU is narrower than at national level (De Boer, Benedictus and Van Der Meer, 2005, p.54-55). Therefore in line with this limitation, it is argued that the EU does not apply legal and organizational requirements in order to reshape the capacities of the social partners, rather it respected firstly the interests of the national governments (Streeck, 1995, p.11).

Despite the negative approaches towards the impact of the EU integration process on the development of social dialogue, there are also positive discussions. Keller and Bansbach (2001, p.413) see this process as a contribution to the construction of Social Europe and it argued that in the future, the advantages of social dialogue would increase in favour of labour (Keller and Sörries, 1999, p.118). Moreover it is argued by some scholars that social dialogue leads to a better mutual understanding among the social partners at European and national level by giving more legitimacy to European level social and economic policies (EIRR, cited in Keller and Bansbach, 2001, p. 421).

With respect to the positions of social partners, it is claimed that the effectiveness of the functioning of social dialogue depends on the social partners' perceptions and capacities.

In terms of the perceptions, Boer, Benedictus and Van der Meer (2005, p.55) argue that for social dialogue can be materialized only if social dialogue presents added values for all social partners. Moreover many scholars argued that social dialogue does not work efficiently since the attempts of each social party were impeded by the other social party (Hyman, 2001, Keller, 1996, Keller and Bansbach, 2000, Streeck, 1998 cited in Schroeder and Weinert, 2004, p.201). While according to Schroeder and Weinert (2004, p.202), the main reason of this impediment is the aim of capital and labour for preserving and expanding their institutional capacities. According to Streeck (1998 p. 27 and 1995, p.418) and

Johnson (2005, p.66) the main obstacle is the resistance of capital and its attempts for non-binding and consultative outcomes by using the veto power of the employers before the legislation.

In addition this ineffectiveness is promoted by the perceptions of capital and labour towards the content of the agreements signed among the partners. It is argued that social partners agreed on the implementation of non-conflictual issues of the original agreement or the issues addressed cover only a small part of the content and regulation of the employment relationship (De Boer, Benedictus and Van Der Meer, 2005, p.53).

In terms of the position of the Commission, Keller and Sörries(1999, p.115) argued that this process does not strengthen the effectiveness of social dialogue but the position of the Commission over the Council.

There is a close relation between the organizational capacities of the social partners and their perception of European social dialogue in terms of being influential on the decision making structure of the EU. As Streeck (1991, p.7-9) and Rhodes (1995, p.88) argue that since interregional mobility of capital exceeds that of labour, European labour remains relatively disorganized at supranational level compared to capital. Due to this advantage European capital can use many direct routes to access to the EU decision making but labour is deprived of this relative autonomy chance. Therefore, the opportunities introduced by social dialogue in order to affect decision making are positively assessed in favor of labour (Streeck, 1991, p.7-9 and Rhodes, 1995, p.88). Another dimension of the issue of organizational capacity is the existence of imbalance in the representation of social partners UNICE is not allowed to negotiate and to conclude agreements on behalf of its all affiliate sectoral organizations. Therefore it raised the problem of validity in terms of the representativity of the signatory partners (Keller and Sörries, 1999, p.119). As a matter of fact the fragmented nature of the interest of the employers' organizations in sectoral dialogue, as well as the lack of sectoral

dimension at UNICE, reflect a more general reluctance of capital to engage in sectoral social dialogue at European level (ETUC and ETUI-REHS, 2007, p.126).

Besides the abovementioned dimensions that are related with particular features of the social dialogue, the existence of national diversity also impede the effectiveness of European social dialogue. According to De Boer, Benedictus and Van Der Meer (2005, p.54), this diversity is mainly reflected by the structures of national industrial relations. Related with these differentials, since every member states have different coverage levels for the agreements due to their specific legal and institutional differences, these frameworks agreements do not cover all the employees (Frener and Hyman, 1998 cited in Keller and Sörries, 1999, p.119) and therefore decrease the efficiency of social dialogue at national level. Another dimension of national diversity is its reflection on the implementation of the agreements. As Keller and Sörries (1999, p.117-118) argue that the majority of member states do not apply the obligations that are introduced by the EU agreements since member states have already the clauses coinciding or contradicting with the content of the framework agreements in the national collective agreements. However, national diversity is not only limited with the industrial relations but also covers the divisions of interest among national labor movements (Streeck, 1991, p.8).

With respect to the decision making structure, there are different assessments of the impact of social dialogue on the understanding of policy making structure. While Streeck (1995, p.410) perceives this process as a step toward a neo-corporatist organization, transferring responsibility for public policy to organized capital and labour by granting them quasi-public political status and pushing them into tripartite governance of the European economy, Rhodes (1995, p.106) denotes that the current social dialogue does not established a system of neo-corporatist policy making since the social partners have no formal role. As a matter of fact, Rhodes, Keller and Bansbach (1995, p.107 and 2001, p.421) argue

that due to the lack of formality in the roles of the social partners in shaping the results; social dialogue still remains “symbolic”.

2.5. Conclusion

This chapter identified the main characteristics of European social dialogue in the EU. Although the roots of European social dialogue dated back to the formation years of the EU, it was taken to the agenda during the 1980s in line with the crucial developments in the European integration process. These developments that were especially materialized in the economic policies of the EU promoted the social dialogue process. Moreover in time social dialogue at the EU level was reshaped in accordance with these policies. The main reason of this encouragement was claimed both to complement the social dimension of the integration process and to facilitate the implementation of these political and economic policies. The institutional framework of social dialogue was established by taking the particular features of the social partners and member states into consideration. The procedural and contextual features of the outputs of European social dialogue are formed in line with the route of European integration process. The outputs of this process are the main indicators reflected the situation of social dialogue. During this process due to the attempts of the main actors of social dialogue namely, the European Commission, ETUC and UNICE, European social dialogue produced important outcomes. At the EU level seven framework agreements that have binding features have been signed among them. While the first three were the result of great effort of the Commission, and were transformed to the Council directives, the latter ones were the products of the autonomous initiatives of ETUC and UNICE. Besides these agreements, there are also many documents that have non binding features and voluntarily accepted at both inter sectoral and sectoral level.

There are different evaluations on both the determinants of the development of social dialogue at the EU level and its effectiveness. As for the political and

economic determinants of the development of the social dialogue, the perspective coming into prominence is that this process emerged as a legitimizing tool for the conditions introduced by SEA, Maastricht Treaty and EMU. The process of EMU that was mainly formed with neo liberal tendencies in the context of globalization revealed this situation at most. Social dialogue was legally institutionalized and was given an important role in policy making during the EMU process. The features that were shaping social dialogue were not solely political and economic determinants. Nevertheless the role of social partners were claimed to be very significant. It was mostly claimed that the Commission pioneering role was very determinant in forming social dialogue since the Commission had noteworthy opportunities in steering the social dialogue and direct the capital owners and labour organizations. Moreover with respect to the roles of ETUC and UNICE, their particular interests, organizational and structural capacities, opportunities and criticisms came into prominence. The most basic determination of this evaluation was that while ETUC wanted to transfer social policy to the supranational level and to take binding decisions, UNICE preferred to leave social policy in the hands of the national authorities and take non binding decisions. Although the process was claimed to be shaped mostly in line with the direction of UNICE compared to ETUC, both partners took also common attitudes and initiatives in this process. This situation was mostly observed during the process of Leaken Declaration in which they committed to make autonomous agreements. Besides the prominent roles of the Commission, ETUC and UNICE, it was also claimed that national governments had an important role in shaping the social dialogue process. The impact of the national governments was mostly witnessed in the European Council. It was claimed that the policy that UK executed during the Maastricht Treaty could be regarded as an important sample for the influence sphere of the national governments.

As for the effectiveness of social dialogue the process of social dialogue was predominantly claimed to be ineffective. First of all, social dialogue was assessed as ineffective mainly because of the negative impact of the European integration

process. While the negative integration marked by the policies of EMU and the preferences of national governments were claimed to be prioritized, the main tenets of social policy was not taken into account. Another reason of ineffectiveness of social dialogue was claimed to be the perceptions and capacities of social partners. It was argued that social partners conducted social dialogue only if they believed in the possibility of increasing their interests. Moreover the imbalance of organizational capacities of labor and capital was claimed to have a negative impact on the effectiveness of social dialogue since it raised the problem of validity of representation and it led to different perceptions in using channels to influence the policy making structures. Another important impediments for operating social dialogue effectively was claimed to be the existence of national diversity in industrial relations systems. Due to this national diversity, not convergence but divergence in the social dialogue implementations came into prominence. Lastly in terms of the decision making structure, while the neo-corporatist way was claimed to be targeted by social dialogue, there were different assessments on achieving this goal. Moreover, although there were also some positive evaluations, they were concentrated mostly on the future expectations and decision making structure of social dialogue.

To conclude, social dialogue at European level is an ongoing process that is directed by the political and economic developments in the integration process. Its structural and functional features are also shaped by the social partners as social partners' positions are transformed also by the impact of the process itself. As the European social dialogue is an ongoing process, there are different problems in forming the scope and functions of social dialogue at European level.

CHAPTER 3

SOCIAL DIALOGUE IN TURKEY

The emergence and evolution processes of social dialogue are closely related with the patterns of the industrial relations system of a country. The conceptualization of social dialogue, its establishing pillar, structural and functional features of social dialogue mechanisms rely on the main features of the industrial relations. Therefore this chapter aims to lay the background for the analysis of the trade union confederations' evaluations of social dialogue in Turkey. For that purpose, the chapter first provides a historical overview of the development of the system of industrial relations in Turkey. In order to doing it, this historical process will be divided into three periods; the first period began in 1936 under Turkish Labour Code, the second period spans between 1960 and 1980 under two military interventions and the third period has started after 1980. Under each period, the economic policies, employment structure, legal framework and the course of trade union movement will be analyzed. While doing this, the chapter specifically focuses on the evolution of trade union rights and freedoms and social and economic developments that affected to the development of these rights and freedoms. Among the periods, in this chapter the third period will be principally focused. The main reason of this is that in this period, the society experienced a great transformation whose implications are still continuing to affect. Secondly the chapter provides a general outlook for the development of social dialogue as a concept and the establishment processes of social dialogue mechanisms as well as the basic features of these mechanisms.

3.1. Evolution of Industrial Relations in Turkey

3.1.1. The Period between 1936 and 1960

3.1.1.1. First Capital Accumulation and Etatism

The economic patterns of the period until 1960 had noteworthy impacts on the emergence and shaping of the industrial relations of Turkey. During this period, the role of the state in the shaping of economic policies directly affected the establishment of industrial relations. On the basis of capital accumulation and industry entrepreneurship; Turkey is claimed to inherit its underdeveloped economic structure from Ottoman Empire (Koray and Çelik, 2007, p.239). This heritage had also deep impacts on the economic policies of Turkey carried out after the Great Depression in 1929.

In this period, the economic policies and measures implemented by Turkey were associated with “étatism” in order to encourage private business through public entrepreneurship (Taymaz, 1999, p.2). During the implementation process of etatist policies, the relations between public sector and private sector were complementary with each other (Boratav, 1988 cited in Yalman, 2004, p.52). From 1930s to the beginning of 1980s, Turkey followed a strategy of growth through inward-oriented import substitution industrialization (ISI) with intensive government intervention (Utkulu, 2001, p.2). Hence while the state was taking an active role in economic affairs, it also took the first steps towards the emergence of industrial relations.

Besides the ISI strategy, during the 1930s the government launched a heavy investment drive in key manufacturing industries through the creation of the publicly owned State Economic Enterprises (SEEs) (Utkulu, 2001, p.12). The SEEs became the key factors in the balanced development model during the 1930-1950 since they supported the citizens having lower incomes by producing lower

cost goods and services throughout the country. Bulutay (cited in Koray and Çelik, 2007, p.240) argued that thanks to SEEs having a great role in social development, the employment in industry increased from approximately 4 % to approximately 8 %.

The economy grew rapidly in the 1930s but it experienced sharp reductions in growth rates in all sectors during the Second World War (Taymaz, 1999, p.2). After the end of the War, Turkey entered into a new period that would affect the industrial relations and workers as well as the economic and political relations. The shift from one party rule to multi party rule was the beginning of this period. During the multi-party system in the 1950s, the new government which was formed by a new party called Democratic Party⁶ under the head of Adnan Menderes, focused on the infrastructural investment, supported the agriculture and private sector along with the liberalization of domestic and foreign trade. This means that the state was the driving force of the first capital accumulation, in other words the capitalist relations were enhanced in care of the state (Kongar, 1979 cited in Koray and Çelik, 2007, p.240). In other words, the forming of capitalist class was realized through the state and inside the state (Yalman, 2004, p.56). Another dimension of the role of the state was the establishment of cooperative relations between the state and capital. This period ended in 1960 with a military intervention that would contribute to the operation of planned economy model with the extensive intervention of the state.

3.1.1.2. Dominance of Agriculture in Employment Structure

In the economic structure which was formed by the target of industrialization, the structure of employment was directly influenced in the period between 1930s and 1960. The repercussions of the legacy of the Ottoman Empire were also witnessed

⁶ The Democratic Party was a Turkish moderately right wing political party, and the country's third legal opposition party. The Democratic Party was founded in 1946 to oppose the ruling Republican People's Party, which had established the Turkish Republic. Party leader Adnan Menderes became Prime Minister after the Democratic Party won the 1950 elections.

in the industrial relations in particular in the employment structure as well as in the economic structure (Makal, 2003, p.2). During the long period of time, the sectoral distribution carried the marks of this legacy. Although the economic developments in care of the state as mentioned above affected the employment structure, they did not lead to deep and big changes in the sectoral distribution. The agricultural sector continued to be preponderated in this distribution. Therefore the industrial worker that was the subject of the industrial relations could not reach enough saturation.

Under this period, according to Bianchi (1984, p.35), with respect to the configuration of labour force; the industrial relations in Turkey was characterized by the structural differentiation through occupational diversification, urbanization and industrialization. This differentiation was closely related with the bases of the etatist economic policies after 1929 Great Depression. During this period, the Turkish economy depended on the agricultural sector to a large extend. In 1923, the share of agriculture in GDP was 39.8 %, the share of industry was 13.2 %, with respect to the employment structure the picture was similar and the majority of the labour force was employed in agriculture; the share of agriculture in sectoral employment was 89.6 %, the share of industry 4.6 % and the share of services was 5.5% (Bulutay, 1995 cited in Makal, 2003, p. 2). The changes in the economy that led to the internal migration and acceleration process of urbanization and consequently to the relative decline of employment in agriculture had a great effect on the structure of Turkish labour force (Bianchi, 1984, p.43). Although the economic growth led to the increase in the number of workers in Turkey (Makal, 2003, p.3) these changes were not adequate for the establishment of industrial employment structure. Furthermore in spite of the policies envisaged in the İzmir Economic Congress, due to the lack of sufficient capital, qualified labour force and necessary infrastructure; the industrialization remained unsatisfactory (Makal, 2003, p.2). Until the end of the period the course of the employment structure did not experienced many effective changes. As it is seen in the table 1 below, while the share of the agriculture was declining in the overall

employment, it was still the dominant sector. However as is it seen in the Table 3-1, in 1960 compared to 1950, there was relatively sharp reduce in the ratio of agricultural sector from 84.8 % to 74.8 % and raise in industrial sector from 8.4% to 11.5 %. According to (Bulutay, 1995 cited in Ataman, 1999) this decline could be the reflection of the results of the liberal economic policies of Democratic Party. In terms of the employment status, the situation was not different; the labour force was mostly composed of self-employees and unwaged family workers; the share of the wage earners was low (Makal, 2003, p.2)

Table 3 - 1: Sectoral Distribution of Employment in Turkey (1944-1960)

Year	Agriculture (%)	Industry (%)	Services (%)
1944	86.5	8.3	5.2
1950	84.8	8.4	6.8
1960	74.8	11.5	13.7

Source: Bulutay, 1995 (p.189) in Ataman, 1999

The main result of this period was that the workers maintained their relations with rural area and could not be transformed to the industrial worker.

3.1.1.3. Thresholds in the Legal Framework

Besides the socio-economic structural aspects of the industrial relations, the legal framework of the industrial relations had directly influenced the evolution of the industrial relations. During this period the key laws and institutions were established under the dominance of the state. However, since the agricultural sector in the employment structure preserved its size, the dimension of the rights and obligations of the workers remained narrow in the legal regulations. At this point the legal regulations in this period were also influences by the changes in the political developments in particular by the shift from one party rule to multi party rule. However the existence of different classes continued to be disregarded in the laws.

In conjunction with the underdevelopment of industry, despite the limited attempts to formulate new laws for the industrial relations, the existing laws were not covering the necessary regulations for the workers (Makal, 2003, p.3). However the membership of International Labour Office (ILO) in 1932 revealed these deficiencies in regulating the working life in conjunction with the adoption of international standards. The legal base that could be accounted as the first step of regulating the industrial relations was established by means of the promulgation of Turkish Labour Law No. 3008 in 1936. By this Law for the first time the industrial relations were regulated including individual and collective dimensions. According to Makal (2003, p.5), nevertheless with respect to the same perspective for the management of economic policies, the position of the state was prevailed on the position of the worker in the Law No. 3008. Moreover Dereli (1998, p.34) argued that “the Keynesian policies of the 1930s and the traditionally paternalistic attitude of the Turkish state towards labour-management relations accounted for the enactment of this Law when there was still no substantial industrial work force and labour conflict in Turkey”. The prohibitions on organizing trade unions, introduction of worker representative offices rather than trade unions, absence of right to strike could be accounted as the indicators of the supremacy of the state and this understanding. Since the main reason of this policy was to create an “organic society” without any class conflict, the legal regulations did not recognize any right of association for the working class (Yalman, 2004, p.53-54).

This restrictive mentality of the Labour Law towards the industrial relations was strengthened by the other legal regulations. The Association Law No. 3512 enacted in 1938 prohibited the freedom of being organized in trade unions. Although one the most essential requirements of the membership to the ILO is to recognize the right of unionization, the violations for this basic right was clearly observed besides the other contradictions with the ILO Conventions (Makal, 2003).

However, regarding the political and economic conditions of the period, the Labour Law was made in line with the principle of “populism” that “rejects the difference of class based interest” in conjunction with reflecting etatism in economics and one party rule in political life (Makal, 2003, p.4). The ideological source of this understanding could be seen in the speech of Mustafa Kemal Atatürk made before the Izmir Economic Congress of 1923:

In my opinion, our nation does not possess various social classes that will pursue interests that are very different from one another and that will, accordingly, come into a state of struggle with each other. The existing classes are necessary and indispensable to one another (quoted in Bianchi, 1984, p. 101).

After 1945, the shift from one party rule to multi party rule was the most critical turning point in this period for the understanding of industrial relations as well as the transformation of political life. As Makal (2003, p.5) stated that the transition to the multi party system led to some relatively positive amendments in the legal regulations in favour of the working class. However, while the tradition of authoritarian state was continuing, this transition did not lead to any changes in the power balances of classes (Yalman, 2004, p.56). Due to the amendments in the Association Law No. 3512, it became possible to establish trade unions. The first particular legal regulation directly related with trade unions was made with the Law on the Trade Unions of Employee and Employers and Trade Unions Association No. 5018 adopted in 1947. This Law provided with the legal bases of foundations and activities of trade unions by realizing the transition to the regime of “right for trade union” (Makal, 2002, p.223). However, the inconsistencies with the international norms were preserved in the Law. The right to strike and the right of collective bargaining and agreement in today’s understanding were not recognized. There was only one exception that the Law only recognized the right of collective agreement to the trade unions under the name of “general agreement” (Makal, 2002(a) in Makal, 2003, p.6).

The changes in the political atmosphere demonstrated its impact also on the institutional regulations. In 1945, Ministry of Labour and Social Security (MoLSS) was established which proceeded to open a series of official public employment agencies as well as exercising general supervision over labour problems (Dereli, 1998, p.34).

Furthermore, with the help of the transition to the multi party system, the political parties started to take into consideration economic and social demands of the public at least during the elections (Boratav, 2003 cited in Makal, 2003, p. 8). Therefore in 1951, minimum wage that was very essential for the workers was introduced. According to Makal (2003, p.7) these developments were mostly materialized due to the power of the trade unions and the impact of the legal regulations and economical dynamics.

3.1.1.4. Birth of Trade Union Movement

Although the workers were given an opportunity to establish trade unions after 1945 with the impact of the changes in the Law No. 3512 and the Law No. 5018, the size of the Turkish industrial working class was extremely small compared to the agriculture workers. Therefore this situation naturally shaped the features of labour movement. The transition from one party rule to multi party rule made its mark on this period in terms of both legal framework and trade union organizing. Although there were positive changes in the legal structure due to this transition, the state preserved its paternalistic understanding and competence of control.

A general idea of the history of organized labour in Turkey during the one party rule is the state's commitment to the idea of classless society .Within this process, according to Mello (2007, p.211) the working class and its organizations were initially seen as a means for getting people involved in the anti-imperialist struggle. In the 1930s, as the Turkish state took on an interventionist role in the economy, the pursuit of industrial development was carried out in conjunction with the reforms designed to limit or control working-class organization (Keyder,

1987(a) cited in Mello, 2007, p.212). In addition one party rule revealed the desire to strictly limit and control legitimate forms of working-class association. Therefore the transition from one party rule to multi party rule was very important in the history of labour movement as this transition opened a new phase in political life. One of the most important results of this transition was the lifting off the prohibitions on class-based organizations. This development was important since working-class parties⁷ became active in promoting local, regional, and national union growth (Mello, 2007, p.214). However, the Law No. 3512 still prevented trade unions from engaging in ‘political activities’ (Bianchi, 1984, p. 114).

The transition from one party rule to multi party system also led to the establishment of the first trade union confederation, namely the Confederation of Turkish Labour Unions (TÜRK-İŞ) in 1952 (Bianchi, 1984, p.215). The establishment of TÜRK-İŞ was considered as the most important development of this period in terms of labour movement (Dereli, 1998; Makal, 2002; Mello, 2007). Yet, this transition did not lead to the shift in the paternalist understanding; it did not create a more libertarian state policy or political perspective (Koray and Çelik, 2007, p. 258). During the 1950s, with the establishment of TÜRK-İŞ, a trade union movement was qualified in the sense of “trade unionism just based on wage policy and based on collective agreement” developed (Koray and Çelik, 2007, p. 258). This understanding promoted TÜRK-İŞ which organized workers mostly in the public sector to take attempts to establish close relations with the government in order to achieve its objectives (Faydalı, 2002).

According to Yıldırım and Çalış (2006, p.3), during this period, the role of the state in the establishment and content of nearly all major industrial organizations was very strong and their activities were being shaped in accordance with the

⁷ On 14th May 1946 the Socialist Party of Turkey and on 10th June 1946 the Socialist Worker and Peasant Party of Turkey were established.

“goodwill” of the state. In addition more assertively, Mello (2007, p.215) argues that during the multi party period there were efforts to create a legal context for emergence of unions under the control of the state, that served for the electoral and nationalist goals of the major parties.

An important indicator for evaluating the dynamics of trade union movement and measuring its impacts on the industrial relations is the intensity of unionization. While organizing in trade unions speeded up, the number of trade union member workers was also increased from 52.000 in 1948 to 189.595 in 1952 and to 282.967 in 1960. As it is demonstrated in detail in the Table 3-2, there is a regular rising intensity of unionization except in a few years. After the establishment of TÜRK-İŞ, the labour movement got momentum and achieved a jump in union density from 28.33% in 1953 to 35.34% in 1954. Furthermore the table also demonstrates the parallelism between the changes in the ratios of sectoral distribution and the number of the trade union member worker in the year of 1950 and 1960.

Table 3-2: The number of workers and intensity of unionization in Turkey (1948-1963)

Years	Number of workers	Number of trade union member worker	Ratio of intensity of unionization (%)
1948	-	52.000	-
1949	-	72.000	-
1950	292.608	78.000	26.65
1951	382.024	110.000	28.79
1952	447.963	130.000	29.02
1953	494.024	140.000	28.33
1954	510.344	180.387	35.34
1955	533.216	189.595	35.55
1956	543.554	205.155	37.74
1957	577.630	244.853	42.38
1958	611.703	262.591	42.92
1959	618.775	280.786	45.37
1960	620.900	282.967	45.57
1961	688.819	298.000	43.26
1962	680.125	307.000	45.13
1963	710.820	259.710	36.53

Source: Tokol, 1994 cited in Mahiroğulları, 2001, p.163

As a summary, this period although witnessed very essential historical developments, in reality most of them were very far away from the interest of the labour. During this period agricultural sector had the biggest size in the sectoral distribution. Due to the economic policies, the raise in the industrial sector was observed but this was not satisfactory. Although the transition from one party rule to multi party rule became an important political determinant of this period, the paternalist state understanding was preserved in industrial relations in the sense of legal framework and labour movement, as well as in the economic policies. The aim of creating and quarrying classless society was to be on the agenda during the period. Consequently, very few positive amendments were materialized for the workers although serious restrictions that contradicted with international standards continued to exist in this period. Towards the end of the 1950s, economic crisis resulted in political crisis, and this period ended by a military take over in 1960.

3.1.2. The Period between 1960 and 1980

3.1.2.1. Import Substitution Industrialization and Rise of Private sector

This period in general had different implications compared to the previous period in terms of the results of the economic policies and the reflections of this policy upon the legal framework. As it existed in the period before 1960, during this period the intervention of the state to the economy was very clear and visible. However in order to clarify the features of this intervention this period should be assessed into two periods: before and after oil shocks in 1973-1974. In the first period while the intervention of the state aimed to increase the social welfare levels of the people in particular working class, in the second period due to the international conjecture; the character of this intervention was changed in favour of the interests of the capital owners. However, the common feature of both periods was the economic policies to be supported by the legal regulations as it was witnessed in the previous period.

In the first period, between 1960 and 1973, Turkey entered an era of planned economic development. These were the years of national planning years with state orientation. This development would be achieved by the means of ISI strategy. Development planning was also institutionalized in 1963 by the establishment of the State Planning Organization (SPO) that was responsible for proposing and implementing plans for socio-economic development under a High Planning Council. Under ISI strategy, high growth rates were achieved, new employment opportunities were created, and the level of welfare increased. In other words, the social dimension of the state was developed. Under these conditions the trade union movement was strengthened, at the same time the real wages in both public and private sector increased especially between 1960 and 1977 (Boratav, 1987 cited in Koray and Çelik, 2007, p. 244).

These economic policies of this period were also implemented by the political direction that was reinforced by the 1961 Constitution. The Constitution envisaged the comprehensive development planning, mixed economy including both inward oriented import substitution industrialization and liberalization of the labour market (Utkulu, 2001, p.14). Private sector in domestic industry was developed in care of the state. Besides the economic course of the constitution, according to Makal (2003, p.9), the recognized rights in both political and industrial relations field in particular for trade union rights also strengthened the development under ISI strategy. In addition Hansen (cited in Utkulu, 2001, p.17) claimed that the liberalization of the labour market and legalization of trade unions led to the excessive increases in real wages under the guarantee of the 1961 Constitution. Despite the increases in real wages, the industrial bourgeoisie that established close relations with the politics could easily impute the burden of the collective agreements to the consumers (Koray and Çelik, 2007, p.245).

The first period ended after the first oil shock of 1973-1974. Due to this international conjuncture, state oriented policy collapsed, domestic inflation and foreign borrowing increased beyond sustainable levels and foreign lending to

Turkey finally dried up (Utkulu, 2001, p.17). Consequently, an external debt crisis became inevitable in 1978.

The ISI strategy ended in 1980 with a very severe balance of payments crisis, high inflation and significant decline in manufacturing output (Taymaz, 1999, p.3). Due to the economic problems, the intervention of the state was shifted to the advantage of capital. Turkish Industrialists' and Businessmen's Association (TÜSİAD) in its history for the first time made a declaration against the government.

The period between 1960 and 1980 ended with the “decisions on 24th January 1980” followed by the 12th September 1980 military intervention. In 1979, the prime minister of the minority government, Süleyman Demirel assigned Turgut Özal as a deputy secretary of prime ministry to prepare and implement a new economic programme⁸.

This programme was not limited with the changes in economic policies; it also changed the structure of the state. Management decision was transferred from the centre to the free market forces. The contribution of the state in all public sector including SEEs was reduced and private sector was promoted. In other words this means that the pressure on wages would have increased, the social dimension of the state would have been eliminated. The words of the president of Turkish Confederation of Employer Associations (TİSK), Halit Narin would leave its mark upon the history; “until this time we cried, they laughed; now it is our turn” (quoted in Şafak, 2006, p.37). The capital owners of Turkey manifested their support for the military regime with its declarations and pressures on the government. Therefore the economic policies and restrictions of 12th September by the 1982 Constitution being the joint output of the state and capital were explicitly witnessed (Koray and Çelik, 2007, p.246).

⁸ After the 12th September coup d'état, Turgut Özal was assigned to continue these policies under the government of Bülent Uslu. After his resignation in 1982, he founded the Mother Land Party in 1983 and he became the Prime Minister in the 1983 elections.

3.1.2.2. Growing of Service Sector in the Distribution of Employment

The development plans carried out within the economic policies led to the sharp changes in the employment structure in this period. The dominance of agriculture in the sectoral distribution, which was the characteristic feature of the previous period, was clearly weakened in this period. Although the agricultural sector preserved its supremacy, the size of service sector was seriously expanded due to the various reasons.

The economic policies aiming at industrial transformation had important effects on the socio-economic structural aspects of industrial relations. During this period, although agriculture still had the biggest share in the sectoral distribution, Turkish economy was transformed from predominantly an agricultural economy to a predominantly service economy (Bianchi, 1984, p.48). Moreover the share of agriculture continued to decline regularly except in a few years (Akkaya and Çelik, 1999, p.67). While the ratio of agriculture reduced from 74.8 % in 1960 to 54.2% in 1980, the ratio of industry raised from 11.5 % in 1960 to 20 % in 1980.

Table 3-3: Sectoral Distribution of Employment in Turkey (1960-1980)

Year	Agriculture (%)	Industry (%)	Services (%)
1960	74.8	11.5	13.7
1970	64.2	16.3	19.5
1980	54.2	20	25.8

Source: Bulutay, 1995 (p.189) in Ataman, 1999

The internal migration from the rural to urban areas (Bianchi, 1984, p.63), the rise in the population, and mechanization in agriculture were also the other factors that explained the change in structure of sectoral employment (Ataman, 1999). However despite the shifts in the employment structure, Koray and Çelik (2007, p.260) claimed that the number of workers did not increase enough to direct and shape the industrial relations. Bianchi (1984, p.63) argued that while the internal

migration from rural to urban areas was one of the results of rapid development of private manufacturing, it also led to the increasing disparities in regional levels of development that had an effect on labour structure. On the other hand Ahmad (quoted in Mello, 2007, p.219) states that “by the end of the 1960s, the character of Turkey’s economy and society had changed almost beyond recognition. Before the 1960s, Turkey had been predominantly agrarian with a small industrial sector dominated by the state. By the end of the decade, a substantial private industrial sector had emerged so much so that industry’s contribution to the GNP almost equaled that of agriculture, overtaking it in 1973. This was matched by rapid urbanization as peasants flocked to the towns and cities in search of jobs and a better way of life.”

3.1.2.3. Milestone in the Legal Regulations

This period was the turning point not only for the working class but also for the whole society. The military intervention of 27th May 1960 enabled the industrial relations and trade union movement to gain new momentum. While the failure of the transition to the multiparty system in changing the balance of power of classes, the military intervention prepared a ground for the restructuring of the relations between the state and society (Yalman, 2004, p.56). The rights and freedoms granted by the new Constitution of 1961 were strengthened by the other Laws that regulated the operation of trade unions. Thanks to these rights and freedoms yielded by the Constitution and the Laws, the working class was given many opportunities to be organized and strengthened. Therefore the period of rapid industrialization coinciding with the legal opportunities resulted in both qualitative and quantitative increase in the power of the working class (Mello, 2007, p.217). The attempts of increasing living standards through the economic policies were also promoted by the legal regulations in the political and industrial field. The new legal framework bore the results of the change in the employment structure.

The new constitution that ensured the fundamental rights and freedoms became the driving force of the “democratization process” (Işıklı, 1967 cited in Mahiroğulları 2001, p.168). According to Koray and Çelik (2007, p.286) on the one hand the Constitution had very progressive, libertarian and democratic features on the other hand it created a deep change in the orientation of social policies in Turkey. In this sense, the constitution of 1961 as a biggest output of this military intervention declared the Turkish Republic as a ‘social state’, subsequently expanding the scope of rights and freedoms for the people (Mello, 2007, p.218). As part of this expansion of rights, under the section of “Social and Economic Rights and Obligations”; the new constitution assured the right of workers to organize, to establish unions, to make collective bargaining and even to strike (Makal, 2003, p.10). Therefore the relatively libertarian regulations for the working class were provided through the Constitution albeit working class did not assume these rights through their struggle and resistance (Koray and Çelik, 2007, p.263 and Dereli, 1998, p. 36). The rights and freedoms respected by the Constitution were also envisaged to be regulated by the particular Laws. Law on Trade Unions No. 274 and the Law on Collective Agreement, Strike and Lock out No 275 were adopted in 1963 pursuant to the guidelines of the 1961 Constitution.

Although establishing organic relations with politics was one of the most important instrument and condition of being politicized, Article 16 of the Law No. 274 maintained the prohibition for engaging in politics (Baybora, 2003, p.8). The most crucial result of this prohibition was to force the trade unions to act within the limits of collective agreement unionism. However Baybora (2003, p.9) also stated that despite the restriction of forming organic relations with the political parties, the working class had also opportunity to be politicized through different canals. One of the most important steps towards establishing collective relations between the employer and worker at workplace level was taken with the recognition of the definition of “the union representative” in the Law No. 274. This development did not only promote the unionization subsequently (Dereli, 1975 in Mahiroğulları, 2001, p.171) but also became one of the ways of being

politicized. However this application is not widespread since the representative would exist only in the workplaces that were in the coverage of collective agreement (Çelik, 2004, p. 409).

By the adaptation of the Labour Law No. 931 in 1967, the description of “worker” was changed and all people working as a wage earning including not only manual worker but also white-collar workers were given the right of membership of trade union. Thanks to this change the scope of the unionization was expanded.

When the beginning years of 1970s came, the signals of the Oil Crises of 1974-1975 started to reflect its effect on the working class. Since Turkish industries would lose their comparative advantage in international markets due to the high cost of labour (Dereli, 1998, p.38), the power of trade unions in particular for the implementation of collective bargaining was seen as the cause of this situation. In 1970, certain articles of the Law No.274 were amended in disfavour of working class. Among these amendments, the most important and critical one was the adaptation of imposition of numerical requirements for unions to act countrywide by the Law No. 1317 (Dereli, 1998, p.37). The meaning of this regulation was to put a direct limit in unionization. Therefore this regulation led to the increase in opposing movements and mass protests of working class. In addition to specific reasons, in the middle of this period, due to the political challenges and increasing demonstration process of the society in particular of the working class and students, the military memorandum of 1971 that blocked the course of developments was eventuated (Mahiroğulları, 2001, p.170). The intervention brought some limits to the freedoms that were granted by the military intervention of 1960. In other words, this intervention temporarily suspended the democratic freedoms in Turkey.

One of the most important and adverse impact of this intervention was the removal of the right of unionization of civil servants that was recognized in 1965. The expression of employees was replaced with of workers therefore the right of

civil servants was removed (Makal, 2007, p.526). Therefore the structural, political and legislative differences between the workers and civil servants have also been created during this period. This situation could be assessed as an important turning point in unionism since it prevented all employees from uniting and struggling under the same umbrella with equal conditions.

In conjunction with the economic developments, the number of wage earners increased. The number of workers were subjected to the Labour Law was over 2 million, the number of workers as being trade union member exceeded 1 million (Mahiroğulları, 2001, p.170). This meant almost half of the working class was organized in the trade unions however the situation was different. Because of the numerical requirements through Law No.1317, trade unions overestimated their number of membership in order to act in country wide. While in 1969 the number of trade union member worker was 1.200.000, it increased to 2.100.000 in 1970 (Mahiroğulları, 2001, p.169). Therefore most of all academicians are sceptical for the correctness of data during this time (g.f Tokol, 1994 and Talas, 1982, Dereli, 1975 cited in Mahiroğulları, 2001, Makal, 2007, Koray and Çelik, 2007).

3.1.2.4. Golden Ages of Trade Union Movement

During the period between 1960 and 1980, all developments in economics and legal framework were directly reflected in the trade union movement. The introduction of 1961 Constitution and other politically dependent legal regulations became the mile stone for the trade union movement. The rising size of industry in the sectoral distribution of employment and increase in the number of workers not only became the driving force of the economy but also led to the working class to get share of welfare from economy. This situation also strengthened the power of working class that increased by the rights and freedoms granted by the legal regulations. Until this time the denial of class differences had become the main target of the state policy. However in this period due to the emergence of organic relations between politics and working class, this denial created a reverse

reaction and class based unionism emerged in Turkey. This situation also would lead to the emergence of divergence in the understanding of unionism.

The first military intervention in 1960 created a radical and favourable environment for the struggle of working class and other opposing movements. During this period, with the effect of growing awareness of working-class concerns, there was a profound concern about the issues related with the constitution as well as the new legislation concerning the trade unions (Mello, 2007, p.220). The first sign of materialization of the rights granted and guaranteed by the Constitution was the demonstration held in Istanbul on 31st December 1961. this demonstration called as Saraçhane meeting was the biggest workers' action organized until that time⁹.

Working class started to become aware of its power; also at the same time it understood the importance of the politics in order to strengthen their struggle. In terms of the close relations between politics and unionism, the concrete indicator of this comprehension was to support and take part in the formation of the Turkish Workers' Party (TİP) (Akkaya, 2002). TİP was formed on 13th February 1961 by a coalition of twelve labor union activists. A new course for the working class struggle based on consciousness of class differences was actualized. This process was promoted by the increasing divergences among unions in terms of their unionist strategy (Mello, 2007, p.220) in reference with the nature of the relations of labor and capital. In 1964, as a result of "good and corporatist" relations of TÜRK-İŞ with the government, it adopted an official policy of "above party politics" that was promoted by the "collective bargaining unionism" (Akkaya, 2002). *Available* In addition, according to Akkaya (2002), this situation resulted in the much closer relations with the political parties in the government through supporting their policies in order to preserve their interests.

⁹ TÜRK-İŞ Tarihi, [Available at http://www.turkis.org.tr/source.cms.docs/turkis.org.tr/ce/docs/file/turk-is_tarihi.pdf]

Reverse, this process led to the establishment of a new platform for the trade unionism by the opponents of TÜRK-İŞ. Four trade unions were expelled from TÜRK-İŞ and they founded Confederation of Progressive Trade Unions (DİSK) in 1967. The ideology of DİSK was based on political unionism and a rejection of the state's limited interpretation of legitimate behavior for workers and unions (Mello, 2007, p. 222). In accordance their founding statute of 1967, it is stated that "Our confederation's strengthening of the working class in the country's government will vanquish slavery and establish an order with the goal of equality and brotherhood from every direction, and will guarantee that the working class will play an influential role in solving the country's problems"¹⁰. With the establishment of DİSK, for the first time class based trade unionism was materialized (Koray and Çelik, 2007, p.261). While TÜRK-İŞ supported the policy of unionism based on "above party politics", DİSK supported to strengthen its relations with political parties (Makal, 2003, p.11). Therefore the historically denial of class differences was refuted by the establishment process of TİP and DİSK which became the focuses of the class based struggle by reinforcing each other in terms of political and structural sense.

Consequently, the 1960s and 1970s witnessed the emergence of militant struggle of working class. The numbers of strikes, workplace occupations and demonstrations increased. Among them wildcat strike in the coal mines of Zonguldak in 1965 and the general strike on 15th -16th June 1970 with over 150,000 workers from İstanbul and İzmit against the implementations of the government were the most popular demonstrations.

The military memorandum of 1970, however, was the sign of the reversing of the political conjecture for the unionism. Between 1971 and 1974 the activities of the trade unions affiliated to DİSK were banned. Moreover the restrictive changes were made in the organizational structure of the trade unions by the Constitution in 1971. While these restrictions prevented the militant unionism, they also

¹⁰ DİSK Tarihi, [Available at <http://www.disk.org.tr/default.asp?Page=Content&ContentId=31>]

promoted the dual structure of the Turkish industrial relations between workers and public employees (Koray and Çelik, 2007, p.263) in both organizational and structural terms. The main aim of these Constitutional changes and approaches was to eliminate the class based trade unionism. This understanding did not only deepen the separation among the trade unions but also increased the conflicts (Koray and Çelik, 2007, p.264) between capitalist class and working class. Due to this conflict, the working class was seen as a threat by the capital owners against their existence. In this period, the establishment of TÜSİAD which aimed to increase its role in political struggle might be the sign of the concerns of the capital owners (Yalman, 2004, p.60).

The conflicts between the government and DİSK were rising whereas much closer relations were being established between the government and TÜRK-İŞ. In 1978 the “Social Agreement” that was identified as the first and single example in the history of industrial relations regarding the Fundamental Agreements or Social Agreements was signed between Ecevit government and TÜRK-İŞ (Koray and Çelik, 2007, p.369). According to Öke (2006, p.4) the agreement aimed at creating a permanent cooperation with the trade unions on the issues of economic development and democratic progress, in addition to making close relations on the issues of economic and social policy.

Although the close relation between politics and trade unions was tried to be eliminated by the extensive attempts of the government, this period also witnessed the actualization of this relation also in right-wing politics. After a few months of military memorandum in 1971, Confederation of Nationalist Trade Unions (MİSK) was established by the promotion of Nationalist Movement Party (MHP), in 1976 HAK-İŞ having Islamic political tendencies was established (Akkaya, 2002, p.20)

During the end of the 1970s, especially between 1977 and 1980, the situation of instability of economic, political and social went hand in hand with the increases

in the propensity to strike (Makal, 2003, p.11). However this situation led to increase limitations and brutal applications on the trade unions. Drastically the most visible and crucial practice of this policy was the happenings in 1977 May Day in Istanbul held under the leader of DİSK. In the 1977 May Day celebrations, 36 people were murdered by the police forces. Especially after 1977, the pressure and prohibitions of the government for all opposing movements in particular for trade unionists and youth became extensive and increased its volume of violence. The assassination of Kemal Türkler, the president of DİSK in 1980 was an important indicator to illustrate the degree of this violence over the trade unions. This period was witnessed serious and effective class conflicts. Therefore in fact, both the military interventions in 1971 and in 1980 explicitly targeted working class as responsible for social unrest (Mello, 2007, p. 223) arising from this class conflict.

As a summary, this period was realized in relatively different conditions compared to the previous period in every sense therefore it presented different opportunities and difficulties to the working class. The military intervention of 1960 which was the beginning of this period, led to the creation of a new Constitution and other legal regulations. Although the 1961 Constitution was criticized with the way of configuration, the Constitution changed the face of Turkey not only in terms of industrial relations but also of orientation of policies of the state. The limitations and prohibitions for the trade union rights were removed and the working class lived the most powerful time of its history. All this process was actualized under the influence of close relations established between politics and working class, consequently led to divergences in the unionist perspectives. With respect to the interests of the working class, it could be claimed that the working class mostly used the opportunities of the welfare state understanding encouraged by the legal regulations until mid 1970s. However as a response to the increasing power of the working class, intervention in 1971 led to the working class to loose its' advantages. After mid 1970s, everything started to change disfavour of the working class. Since the working class was granted the

rights and freedoms rather than winning them on legitimate and de facto struggling background, they remained under the impact of these legal regulations.

3.1.3. Period from 1980 to Mid 2000s

3.1.3.1. Integration with the World Markets and the Wave of Neo-Liberalism

The economic policies started to be implemented in the beginning of this period led to the dissolution of the welfare of the working class. Since 1980, the economic policies have been implemented under neo-liberal discourse in line with the “adjustment for the market” (BSB, 2007, p.14). The adjustment for the market included the detachment from the understanding of social welfare state. While the task of the state has been strengthened to implement the neo-liberal policies, the social responsibilities of the state have been demised in conjunction with the neo-liberal policies. Moreover although these policies have been applied by the Turkish government, the role of the state and the course of this role have been determined under the guidance of international economy institutions. Turkish economy experienced several financial crises during this period but the cost of these crises always burdened to the working class by deteriorating the wages, by cutting the expenditure for the public services, by leaving the attainments of the working class to the fate of the market forces.

With respect to the legacy of the 1973-1974 oil crisis for the Turkish economy, the ISI strategy was confronted with a high inflation and very serious balance of payments crisis (Taymaz, 1999, p.3) while the increases in the shares of wages led to a negative impact on the profits. In late 1970s the economic crisis that was a challenge to the Turkish economy was to be inevitable in 1978. National development plan and economic model which was the main target of the previous period was seen as a liability of this crisis. Hence while the inward looking strategy of import substitution was obstructed, integration with the world became

the reference point of the new economic policies. These policies were not particular for Turkey also they were applicable for the other developing countries. Therefore the 1980s witnessed economic policies to be radically reoriented through the structural adjustment policies. The main reorientations point of this new economic policy can be found in the 24th January stabilization programme. The main objectives of the programme were to reduce the government's involvement in the productive activities, to increase the emphasis on market forces and to replace the inward-looking strategy with the "export-oriented strategy of import substitution" (Kepenek and Yentürk, 1996 cited in Özdemir, 2004, p.228). In other words it was replaced by "outward-oriented trade strategy" with extensive institutional changes under the auspices of the IMF and the World Bank (Taymaz, 1999, p.1).

As it is mentioned before, Turgut Özal as being the deputy secretary of prime ministry in Turkey carried the banner of this programme. Before the military coup d'état, in the time period between 24th January and 12th September 1980, the first footprints of this programme started to materialize. The first stand by agreement with International Monetary Fund (IMF) was introduced in June 1980¹¹.

The main aim of the IMF stand by agreement was to implement and strengthen neo-liberal policies through structural adjustment policies. In line with these policies and the 24th January stabilization programme; the domestic market was opened to the international markets at the same time the regulations were amended in favour of international market. In order to materialize these policies, the government involvement in productive activities were reduced, the emphasis on market was increased (Özdemir, 2004, p.228). Therefore the reduction of the government led to the retrenchment of the welfare policies (Çetik and Akkaya, 1999, p.90). In this process the privatization of public institutions and

¹¹ IMF provided SDR 1.2 billion in June 1980 in three year standby agreement and a further SDR 225 million in April 1984. The World Bank contributed USD 1.6 billion through five structural adjustment loans to support the liberalization and rationalization programs (Uygur, 1993 cited in Taymaz, 1999, p.6).

liberalization of public services were the key instruments of the actualization of these neo-liberal policies (Öke,2004, p.17). Therefore with the help of these policies and instruments, the integration with the world market and transformation to the “market society” would be realized (Koray and Çelik, 2007, p.247).

Boratav, Yeldan and Köse (2000, p.3) divided the post-1980 Turkish adjustment path into two phases: 1981-1988 and 1989-1998.

In the first phase, these economic polices were based on the structural adjustment by export promotion together with a regulated foreign exchange system and controls on capital inflows (Boratav, Yeldan and Köse, 2000, p.3). In terms of the impact of these policies on the working class, on the one hand this phase led to the severe suppression of wage incomes by antagonistic measures against them (Yeldan, 2005, p.5), on the other hand the unemployment rates raised by big ratios. As it is seen in the Table 3-4, from 1980s until 1986, wage incomes were in the tendency of decline. When the index of total real wages was assumed 100 in 1979, the total real wages declined from 69, 1% in 1980 to 54, 3% in 1986. In addition according to the calculations of Kepenek (cited in Utkulu, 2001, p. 26), the unemployment rate rose from 16, 4% in 1980 to 22.9% in 1988 in other words the number of unemployed people rose from 2.8 million in 1980 to 4.8 million in 1988. According to Boratav, Yeldan and Köse (2000, p.3) as a final result of these policies, the first phase of this policy reached its economic and political limits by 1988. In other words, all the opportunities and conditions of this phase were completely used up. Therefore the turn was for the second phase.

Table 3-4: Real Wages (1980 – 1998)

Years	Public Real Wage Index	Private Real Wage Index	Total Real Wage Index
1979	100	100	100
1980	71,6	66,9	69,1
1981	62,6	67,0	64,4
1982	61,5	64,7	62,5
1983	65,3	66,7	65,0
1984	59,9	62,8	60,7
1985	56,9	56,7	55,5
1986	55,6	55,9	54,3
1987	89,3	89,9	83,2
1988	75,0	84,6	78,3
1989	91,3	92,7	90,4
1990	115,5	100,7	100,6
1991	142,0	115,0	118,0
1992	119,7	102,0	107,7
1993	113,1	97,4	97,6
1994	67,3	70,7	67,4
1995	43,0	57,4	51,0
1996	76,3	80,9	75,7
1997	82,8	94,5	86,7
1998	71,7	87,5	79,3

Source: Petrol-İş, 1997-1999 Yearbook of Petrol-İş, 2000 cited in Ulukan, 2003, p.84

The second phase was characterized by liberalization of interest rates and capital accounts and further deterioration of public sector accounts that would result in the complete deregulation of financial markets at the end (Boratav, Yeldan and Köse, 2000, p.3). Under this phase, a wage explosion that caused the great increases in the wage costs was occurred. Between 1989 and 1991, due to attempts of the working class, the wage incomes were increased. The increase in the wages went hand with the increase the public expenditure including the share of public salaries and investments on social infrastructure that led to the improved living standards of the workers and the implementation of a more fair taxing system (Boratav, Yeldan and Köse, 2000, p.3). As it is seen in the Table 3-4, if the index of total real wages were assumed 100 in 1979, the total real wages raised from 90,4 % in 1989 to 118 % in 1991.

The period ended with a currency crisis in 1994 that led to a sharp real depreciation and decline in output and imports whereas increase in exports (Taymaz, 1999, p.5). However in order to overcome the consequences of this crisis, the more strict and more market oriented policies were promoted. The coalition government of True Path Party (DYP) and Social Democratic People's Party (SHP) abandoned the expansionary economic policy of the government and introduced an austerity program known as 5 April Decisions. These decisions that were reinforced by a standby agreement concluded with IMF in July, led to the cuts in public deficits and important shifts in income distribution disfavour of the working class. Moreover as Yeldan (2005, p.7) stated that the economic role of state in producing goods and services was limited. However, this did not mean that the intervention of the government to the economic policies was withdrawn during this economic restructuring process, on the contrary the government changed the character of the intervention power and became one of the main executers of this process per se (g.f, Boratav, Yeldan, Köse 2000, Özdemir 2004, Yalman, 2004). Although these policies led to the growth in economy, as Yeldan (2003 in Özdemir, 2004, p.249) stated that main incentive behind the growth after 1994 was the decrease in the labour costs and the ongoing deterioration of wages. As it is seen in the Table 3-4, if the index of total real wages were assumed 100 in 1979 the total real wages decreased from 97, 6 % in 1993 to 64, and 7% in 1994 to 51, 4 % in 1995.

However while this programme did not achieve in coping with the adverse conditions of severe macroeconomic disequilibria of 1994 crisis, Turkish economy encountered with the repercussions of the Asian and the Russian financial crisis in 1998 (Özdemir, 2004, p.247). Finally in December 1999 the government adopted a program aiming at decreasing the inflation rate by the end of 2002. Therefore as it was happened in the previous crisis, IMF oriented economic policies again came to the agenda. The main target of IMF policies was to achieve the stabilization by rebuilding market confidence through de-indexation of wages, a decrease in employer costs and strict control of budgetary

expenditures (Özdemir, 2004, p.247). Yet, in November 2000 Turkey experienced a severe financial crisis. Following the failure of the program, the newly appointed minister, Mr. Kemal Dervis (former Vice President of the World Bank), announced a new stabilization attempt under the guidance of the “Transition to the Strong Economic Program”. According to Yeldan (2001, p.2) the new program would be the continuation of the previous program aimed at transforming the “old ways of economic policy making”. As Yeldan and Voyvoda (2002, p.2) stated that the 2001 disinflation program included the standard IMF austerity measures: severe cuts in public spending, monetary contraction, flexible exchange rate management, and reductions in wages and in public employment. However after the announcement of this programme, the Turkish economy confronted with the crisis in February 2001. Yeldan (2004, p.15) stated that real wages contracted severely after the 2001 February crisis and this decline was not compensated throughout 2002 and 2003. Therefore according to the calculations of Yeldan from the beginning of the IMF-led disinflation programme in early 2000 to the end of 2003, while the decline in the private manufacturing real wages was 18,9%, the decline of wages in the public manufacturing sector was 9,5% during the same period.

Since the main burden of the state budget was to pay debts, the government did not invest in any public services that served for the favour of the working class (Koray and Çelik, 2007, p.248). In addition, privatizations and liberalizations supported the decline of the investments in public services. One of the most significant results of the privatization and liberalization process was the decrease in the public sector employment that led to the many people become unemployed or loose acquired rights such as decline in wages. Moreover Yeldan (2003 in Makal, 2007, p.12) argues that the main reason of this decline in the real wages was the change in the consideration of the wage within the economy. According to Yeldan, while the wages had been considered as demand factor in the previous period before 1980, in this period the wages have been considered as a cost factor. With respect to this understanding, since the prices of goods and services

determined at international market made pressure on the wages, they were becoming cost factor. In addition Yeldan also claims that while the national revenues were increasing and they created growth in the economy during this period, at the same time the real wages were declining. Therefore this situation clearly illustrated that efficiency and growth in the economy did not reflect to the wages (Yeldan, 2003 in Makal, 2007) and the working class could not receive their shares from the growth. Besides, privatization of the public institutions and liberalization of the public services encouraged the progress, the prohibitions and restrictions for all opposing movements in particular for trade unions became one of the main instruments that led to the creation of this table mentioned above. This programme that was clearly indicated in the budget policies was pursued by AKP government that was elected in 2003 (DİSK, 2008, p.60). According to DİSK (2008, p.48-51) since 2003 the economic growth has not reflected to the working class as unemployment and poverty have been increasing, the wages have been declining and the working hours have been increasing.

Therefore these applications clarified the preferences of the state in favour of the capital, on the other side they indicated that state perceived its social dimensions and responsibilities as a burden (Koray and Çelik, 2007, p.250-251).

3.1.3.2. Rising of Service Sector and Falling of Agricultural Sector

The policy changes actualized in the economy have had parallel repercussions on the employment structure. On the one hand the preferences of the state in economic policies have been shaping the sectoral distribution of employment, on the other hand these policies led to emergence of new distributions within each sector. The main result of the neo-liberal economy promoted by structural amendments was the shattered employment structure in all sectors in Turkey. Therefore neo liberal policies totally redefined the industrial relations.

In terms of the sectoral distribution of employment, both the increase in the volume of industrialization and increasing use of machinery in agriculture intensified the internal migration from rural to urban (Çetik and Akkaya,1999, p.59-86). This situation raised the shifts from agriculture to the service sector and to the industrial sector. Therefore the occupational diversification that had occurred in the previous period continued in this period.

Yıldırım and Çalış (2006, p.4) denoted that Turkish industrial relations and employment structure were reshaped in line with export-led industrialization model. Due to the effects of this model, as it is seen in Table 3-5, the share of agriculture sector in the sectoral distribution of employment decreased from 53.2% in 1980 to 46.8 % in 1990, the industrial sector decreased from 20.3% in 1980 to 20.1% in 1990. However the service sector had the biggest ratio of increase, from 26.3 % in 1980 to 32.9 % in 1990. As it is seen in Table 3-5, after 1990s, the share of service sector increased from 32.9% in 1990 to 40% in 2000 and 47.3% in 2005. Therefore since 1980 the dominance of agriculture shifted to the service sector. This sectoral distribution of employment is parallel with the ratios in labour force. While labour force increased from 19.3 million in 1990 to 20.1 million in 2000; around % 34 of the labour force was still in agriculture, services had reached to over % 40, around %18 of the labour force was in industry (Tunalı, 2003, p. 15).

Table 3-5: Sectoral Distribution of Employment in Turkey (1980-2005)

Year	Agriculture (%)	Industry (%)	Services (%)
1980	53.2	20.3	26.3
1990	46.8	20.1	32.9
2000	36	23.9	40
2005	27.2	25.4	47.3

Source: Prime Ministry of Turkish Republic, Turkish Statistical Institute, 2005

While the sectoral distribution of employment was influenced by the export-led industrialization model as Yıldırım and Çalış (2006) claimed, Çetik and Akkaya

(1999, p.59-86) argued that the employment structure of Turkey within each sector were mainly shaped by the technological developments, privatizations and liberalizations, unemployment, increasing demand for the qualified labour force and the emergence of new working types.

The privatization and liberalization as the main instruments of neo-liberalism were the driving forces of these determinants. While the economy did not create new employment opportunities, privatizations caused the ratio of employment to decrease in particular in the public sector since especially SEEs were privatized and the people working there either became unemployed or forced to work under much worse working conditions. This situation influenced the power of working class directly. As it was seen in the table, according to the research of Birleşik Metal İş (2007), in 1988 while the total number of wage earner workers was 7.170.000, the number of workers in the coverage of collective agreement was 1.591.360 therefore the ratio of unionization was % 22.2 in 1988. However in 2006 while the total number of workers increased to 12.906.000, the number of workers covered by collective agreements decreased to 902.345, the ratio of unionization was %6.99. (see Table 3-10)

This situation did not occur only because of economic policies but also with the impact of political and legal framework of this period. One of the important reasons of decline in unionization rate was the new regulations in employment sector. Mainly after the 1994 crisis, this requirement emerged as the one of the significant items in the agenda of the Turkish Confederation of Employer Associations (TİSK) and the Turkish Industrialists' and Businessmen's Association (TÜSİAD) that are the main representatives of capital in Turkey (Özdemir and Özdemir, 2005, p.66). These new regulations encouraged by technological developments and privatizations led to flexibility, deregulation of working life, unemployment, increasing demand for the qualified labour force, increase in small scale enterprises and new working types (Koray and Çelik, 2007, p.313). These new working types have flexible working conditions, temporary

employment relationships such as part time works, fixed-term contracts; contract work subcontracting, home working and on call work contracts. This fragmented labour force prevented from initiating collectively in the name of the rights of the workers (Kristal-İş, 2004, p.46-48). One of the main consequences of this employment structure was the promotion of informal employment. According to the research of TİSK (2000 in Mahiroğulları, p.179), the ratio of formal employment was 61 %, informal employment was 39 % in 2000. According to the research of TÜRK-İŞ (2007), the informal employment increased to 46, 9 % in 2007. This high ratio of informal employment is a big obstacle in front of the unionization¹².

The most popular targeted group of these policies and new working types are the women and youth. While the distribution of labour force in terms of wage and sex is changing, the share of both women and young people in this distribution is increasing (Makal, 2003, p.14). During 1988 and 1998, among women workers in urban areas, the share of regular and casual wage and salary workers increased from % 75.1 to % 82.3. The share of self-employment decreased from %10.1 to % 6.2; share of unpaid family work decreased from % 13.9 to % 9.2 (Tunalı, 2003, p.14). The most spread exploitation type for youth is probationership since it could be extended for more than 4 months¹³. This participation does not only strengthen the implementation of flexible working conditions and subcontracting but also creates one of the legitimate justifications of these implementations.

Since 1980, public investments and social expenditures have been curtailed and real wages have reduced due to the large-scale privatization. According to research of Petrol-İş, between 1988 and 2005, all public portions in 180

¹²[Downloaded from http://www.turkis.org.tr/source.cms.docs/turkis.org.tr/ce/docs/file/MicrosoftWord_Ekim2007de.pdf on 12 May 2008]

¹³ [Downloaded from <http://www.turnusol.biz/public/makale.aspx?id=123&pid=8&makale=Sendikalar%20yaşlanıyor> on 23 July 2008]

institutions were sold to the private sector. As a result of privatization, in eight enterprises belonging to their branch, employment decreased between 35% and %100 (Petrol-İş, 2005 cited in Koray and Çelik, 2007, p.272). Additionally Auer and Popova (2003, p.4) claim that between 1981 and 1997, although industry experienced high productivity growth, this productivity did not led to proportional employment growth.

Table 3- 6: Real Wage Index for a Working Hour in the Production of Manufacture Industry (1997-2006)

Year	Public	Private	Total
1997	100	100	100
1998	104.3	99.1	99.7
1999	124.4	107.2	110.7
2000	143.2	104.9	111.3
2001	125.3	89	95.1
2002	127.1	85.3	90
2003	120.4	85.8	88.3
2004	126	89.9	90.5
2005	136.1	91.4	92.3
2006	132	93.1	93.1

Source: Prime Ministry of Turkish Republic, Turkish Statistical Institute, 2006

3.1.3.3. Restrictions and Prohibitions

The economic policy decisions of January 24 1980 had initiated a long lasting process of fundamental transformations in the Turkish economy that continue to this day. The restructuring of the economy in line with the structural adjustment and stabilization policies supported by the IMF and World Bank had a profound impact on work relations, trade unions and legal regulations. The legal regulations established in this period created an appropriate legal background for the effective functioning of the economic and employment policies of this period. Therefore the radical transformation in economic policies that was the shift from welfare of society oriented policies to market friendly policies was also clearly reflected in the legal framework. At this juncture, 12th September 1980 military coup d'etat became the turning point that determined the fate of the history of Turkey. The

1982 Constitution and related legal regulations were introduced in the background that had been prepared by the economic policies. Regarding that neo-liberalism is not only an economic based policy, a neo-liberal societal transformation was actualized in the sense of political and social patterns. This process was enforced by the intervention power of the state that was strengthened in legal background by the legal regulations. The 1982 Constitution and new legal regulations were introduced. The trade union rights and freedoms granted by the 1961 Constitutions and Law No. 274 and 275 were either completely removed or partially limited.

In this framework, 12th September 1980 military coup d'etat was the concrete political and militaristic step of this transformation process that was set up with the 24th January decisions in economic sphere in 1980. This main political change had also reflections in industrial relations and in the laws regulating these relations. Because in the context of this political atmosphere encouraged by economic policies, the requirements of this societal transformation had to be supported in the legal background. In addition as Müftüoğlu (2003, p.36) argued that state regulated working life with laws in line with the periodical requirements and demands of the capital. The legal framework which is still currently in force despite some positive amendments- was required to regulate the system of industrial relations in a more restrictive manner in terms of rights and freedoms (Koray and Çelik, 2007, p.268). Therefore the legal regulations both legalized the process and removed the legal obstacles on the road and opened new canals for the capital. Turgut Özal, the prime minister of that period supported this claim clearly by saying that “if 12th September did not happen, we could not come to the power”¹⁴. The main repercussion of this understanding in particular to the industrial relations was to rest on the understanding of “putting an end to class based politics”(Yalman, 2004 p.65) hence any kind of representation of workers as belonging to a social class was eliminated.

¹⁴ [Downloaded from <http://www.tarihtebugun.gen.tr/Turgut%20Özal> on 23 December 2007]

In order to actualize these approaches established by this political change, first of all, the 1982 Constitution that was replaced by 1961 Constitution, represented “liberalism in economics, anti-liberalism and de-politization in politics” (Tanör, 1987 cited in Koray and Çelik, 2007 p.268), in addition to the cooperation with military intervention and economic programme.

In line with the basic regulations of the 1982 Constitution, the Law No. 274 and 275 were abolished and the Trade Union Law No. 2821 and Collective Agreement, Strike and Lockout Law No. 2822 were introduced in 1983. Since the ultimate target was to achieve the effective functioning of structural adjustment policy, the 1982 Constitution and the laws were shaped in line with the political and economic policies as a condition (Makal, 2007, p.528).

The 1982 Constitution preserved the classical understanding of freedom of unionism, it removed the many opportunities and conditions for the collective representation of workers and put serious restrictions to the trade union activities. According to Çelik (2007), this understating was strengthened by another principle that could threaten the essence of the right of trade union. The government or legislator has authority to limit the right of trade union by the justification of “national security” and “public order”¹⁵. Therefore this situation increased the power of the state to intervene unionism. One of the significant institutional regulations of the 1982 Constitution that strengthens this intervention is to introduce a committee that is responsible for reconciling the disputes between employers and workers arisen in the collective agreements. In accordance with the Article 54 of the Constitution; the cases of disputes would be resolved by the High Arbitrary Committee. The decisions of the Committee are definite and are admitted as collective agreement (Topal, 2002, p.77). When all these restrictions are supported with the extended representation of capital in the Constitution, it was inevitable that the trade unions lacked their ability to

¹⁵ [Downloaded from http://www.sendika.org/yazi.php?yazi_no=13134 on 28 January 2008]

negotiate with the state (Tanör, 1991 cited in Özdemir, 2004, p.257). Another legal regulation that weakens the negotiation power of the trade unions was the Article 52 of the 1982 Constitution that brought clear strict and absolute restriction on the establishment of organic relations between trade unions and political parties. Although in 1995, the parliament repealed Article 52 of Constitution in a package including many changes, the Trade Union Law no. 2821 expressed these restrictions and enforced by the Law no.4277 in 1997, which “enriched” this restriction by introducing new constraints (Baybora, 2001, p.10-12).

According to Çetik and Akkaya (1999, p.92), the 1961 Constitution had a positive discriminatory equality understanding in favour of the working class in order to balance the relations. In this context, the protection of the worker became the Constitutional principle. However 1982 Constitution renounced the aim of social protection and regulated the trade union right as an occupational instrument for both capital and working class by removing the positive discriminatory aspect of equality principle. The right of collective agreement and the right of strike were also verified in line with this understanding. Therefore as Çetik and Akkaya (1999, p.92) claimed that the principle of protection was replaced with the principle of regulation. This principle was also promoted by a restriction on workers’ choice of trade unions. According to the Constitution, workers are not allowed to be a member of more than one trade union at the same sector at the same time. In addition, the Constitution stated the qualifications of the members of the trade union (Ulukan, 2003, p.88). This is also the indicator of the 1982 Constitution to be regulated in very much detail (Çetik and Akkaya, 1999, p.92). This consideration is contradicted with the ILO Conventions No.87 and 98 and restricted the right of association (Gülmez, 2005, p.65).

Another dimension of this non compliance with the ILO Conventions was also observed in the rights of public employees. According to the 1982 Constitution, the right of unionism was not recognized for the public employees until 1995.

Although only in 2001 the public employees had their trade union law, they are still deprived of many rights including the right of collective agreement and to strike and not all public employees have right to be a member of trade union (Gülmez, 2005, p.17) As a matter of fact, this situation is leading to a dual structure in the struggle of unionism as well as in the freedoms and rights of the working class.

After the introduction of 1982 Constitution, the most important replacement was the introduction of the Trade Union Law No. 2821 and Collective Agreement, Strike and Lockout Law No. 2822 that were enacted in 1983. These Laws were replaced with the Laws No. 274 and 275. The main reason of this replacement was to end the organized trade union struggle under labour containment strategy (Talas, 1992; Yalman, 2002; Işıklı, 2003 cited in Özdemir and Özdemir, 2005, p.65) and transform them to ineffective trade unions by limiting in particular their right to make collective bargaining and right to strike. In addition, Topal (2002, p.66) claimed that according to the capital owners, one of the responsible actors of the crisis of 1970s was the struggle of the trade unionists. Therefore the legal regulations applied between 1963 and 1983 had to be amended in line with the essence of the 1982 Constitution by limiting the functions and scopes of the trade union.

Through these legal changes, the state did not only acquire a decisive role in reorganizing the legal framework that regulated the trade union rights, but also intervened directly in labor disputes. There are some regulations aiming at creating centrally powerful trade unions by reducing the number of the trade unions. In accordance with the Article 3 of the Law No. 2821 workers' trade unions shall be constituted on sectoral level. While more than one trade union could be constituted in the same sector, these trade unions shall not be constituted on an occupational or workplace basis. In addition, in order to strengthen this centralization and prevent the right to free bargaining, double threshold system is regulated. Therefore in order to be authorized to make collective agreement,

according to Article 12 of the Law No. 2822, “the workers' trade union representing at least 10 per cent of the workers engaged in a given branch of activity (excluding the branch of activity covering agriculture, forestry, hunting and fishing) and more than half of the workers employed in the establishment or each of the establishments to be covered by the collective labour agreement shall have power to conclude a collective labour agreement.”¹⁶ Therefore this became an exclusive right of the authorized union to bargain with an employer or employer’s association with the purpose of reaching a collective agreement (Van der Volk and Süral, 2006, p.44). Moreover, besides the legal procedure for determining the authority for collective bargaining is too complex and cumbersome, at the end of this process, the authorized trade union is also determined by the MoLSS.

Besides this limitation, the Laws that envisage some conditions in order to benefit from the collective agreement, lead to the competition among trade unions and confrontational attitude towards each other (Van der Solk and Süral,2006, p.45) In accordance with Article 9 of the Law No.2822, “the members of a workers' trade union which is a party to a collective labour agreement shall benefit from that agreement”. However the check off system¹⁷ also covers the workers who are not the members of the trade union at the time the agreement signed. They can benefit from the collective agreement by paying solidarity contributions. Although this situation seems to be positive, ultimately it prevents workers to be a member of a union before signing collective agreement. Another obstacle for the membership of trade union is the application of notary in union registration and resignation. Article 22 and 25 of the Law No. 2821 a worker has to consult a public notary for

¹⁶ In the rest of the world, either these thresholds do not exist or the threshold for the branch of activity is much lower (Birleşik Metal İşçileri Sendikası, 2003)

¹⁷ The trade union is entitled to receive its funds through the automatic deduction of union membership fees from the wages by the employer and solidarity dues that are the contributions paid by workers who are not a member of the signatory union but who want to benefit from the collective agreement.

ratification of registration and resignation and to pay money¹⁸. Moreover this notary application had been also reinforced by the qualifications of members and executive members of the trade unions and structure of the trade union until the amendment made in 1988. Until 1988, actually working at least one year was a condition to be a member of trade union. However it is still required to work at least ten years for being elected as a member for obligatory organs except general assembly.

In parallel with the same attitude, also serious restrictions and prohibitions can be witnessed for the right to strike. The right to strike as a fundamental complementary item of the right of collective agreement is subjected to intervention power of the government. According to Law No. 2822, not only many forms and many sectoral and workplace levels of strike are prohibited but also any lawful strike may be suspended by order of the Council of Ministers if it is likely to be prejudicial to public health or national security. While the number of the strikes that were suspended in between 1963 and 1975 was 50, the number was 108 in between 1976 and 1980 (Kutal, 1977 cited in Akkaya, 2002, p.84).

These legal regulations could only be effectively applied and they could only produce satisfactory results if they are completed with the Labour Laws with respect to same line with the 1982 Constitution and the Laws No. 2821 and 2822. Labour laws are the axis of the trade union laws since they illustrate on which ground the trade unions pursue their struggle and they reflect the impacts of economic policies on working life by regulating the types of employment and production. Workers are unionized in accordance with their working conditions. Therefore the Labour Laws that shape the employment structure in conjunction with the economic policies have a great impact on the patterns of unionism.

¹⁸ This application does not exist anywhere of the world (Birleşik Metal İşçileri Sendikası, 2003).

Until 2003, the Labour Law No. 4857 was the legal base for the workers. However, in the period of post 1980, most of the regulations implemented were de facto in line with the demands of the capital. The new Labour Law enacted in 2003 established the legal framework of these applications. The new Labour Law introduced new working types that are mentioned in the previous section. By these implementations, trade union rights are seriously restricted for these working types since the workers who are working under these categories are not able to fulfill the requirements of a being a member of a trade union in accordance with the trade union laws.

Lastly, the Laws No. 2821 and No. 2822 have been subjected to the criticisms of ILO since 2001. Although Turkey signed the ILO Conventions No. 87 “Freedom of Association and Protection of the Right to Organize”, No. 98 “Right to Organize and Collective Bargaining” and No.151 “Labour Relations”, some contradictions between national laws and the international conventions still exist. These contradictions are emphasized for many times by ILO committees and international trade unions organizations who have called Turkey to make necessary changes (Koray and Çelik, 2007, p. 308-309). Moreover, besides ILO Conventions, Turkey also ratified the European Social Charter in 1989 however Turkey put reservations on Article 5 “All workers and employers have the right to freedom of association in national or international organizations for the protection of their economic and social interests” and Article 6 “All workers and employers have the right to bargain collectively” that regulate the relations between employees and employers. The reservations on Article 5 and 6 were not removed while the Revised European Social Charter was approved by the Turkish Parliament in 2006. In this respect the government is still far away from implementing all requirements of international conventions (ILO, European Social Charter etc.) ratified by Turkey and respect freedom of association and trade union rights (Gülmez, 2008).

Table 3-7: Current legislation in the field of industrial relations

Workers (private and public sectors)	Public Employees
1) Act No. 4857 (Year:2003) Title: Labour law Subject: Individual relations between employer and workers	1) Act No. 657 (Year:1965) Title: Public employee law Subject: Individual relations between government and public employee
2) Act No. 2821 (Year:1983) Title: Trade Unions law Subject: Both employers' and workers' unions and confederations	2) Act No. 4688 (Year:2001) Title: Public employee trade union law Subject: Public employee unions and confederations
3) Act No. 2822 (Year:1983) Title: Collective agreement strike and lock-out law Subject: Collective bargain and agreement, procedure of strike and lock-out	3) Act No. 5434 (Year:1950) Title: Social security law of public employees Subject :Social insurance premiums and benefits
4) Act No. 506 (Year:1964) Title: Social insurance law Subject: Social insurance premiums and benefits	
5) Act No. 4447 (Year:1999) Title: Unemployment insurance Subject: Unemployment premium and benefits	

Table 3-8: Historical Process of the Laws and Rights in These Laws

Year	Legislation	Right for association		Right to strike		Right for collective agreement	
		Worker	Civil Servant	Worker	Civil Servant	Worker	Civil Servant
1936	Labour Law No. 3008	-	-	-	-	-	-
1938	Association Law No. 3512	no	no	-	-	-	-
1947	Association Law No. 3512(by amendment)	yes	-	-	-	-	-
1947	Law on the Trade Unions of Employee and Employers and Trade Unions Association No. 5018	yes	no	no	no	no	no
1963	Law on Trade Unions No. 274	yes	no	-	-	-	-

Table 3-8: (continued)

1963	Law on Collective Agreement, Strike and Lock out No. 275	-	-	yes	no	yes	no
1965	Law on Public Servants' Trade Unions No. 624	-	yes	-	no	-	no
1967	Labour Law No. 931	yes*					
1971	Amendment in the Constitution by Military memorandum		-				
1983	Law on Trade Unions No. 2821	yes	-	-	-	-	-
1983	Law on Collective Agreement, Strike and Lock out No. 2822	-	-	yes	-	yes	-
2001	Law on Public Employees Trade Unions No. 4688	-	yes	-		-	no

-: The concerning law is not related with the concerning right

* : the definition of "worker" was changed therefore whitenocollar workers were also given the right of membership of trade union

3.1.3.4 Repression of Trade Union Movement

It was clear that the most significant factor that affected the unionism in Turkey negatively was the 12th September 1980 military intervention and all the legal regulations such as 1982 Constitution, the Law No. 2821 and the Law No.2822 that restricted the unionism seriously. However, since it was a multidimensional process, trade union movement was impeded through different political, economic, social and legal ways. This process was the turning point for the sake of unionism in Turkey.

Turkey witnessed a transition period for industrial relations system between 1980 and 1983 when 1982 Constitution and the Laws No. 2821 and 2822 were

introduced. With the end of this transition period the working class of Turkey could not turn back his previous power (Şafak, 2006, p.34). The trade union movement started to be shaped within the borders of these laws. The trade union movement in Turkey lost its capacity to act in the militant defense of its rights and to question the economic policies of the state (Özdemir, 2004, p.262).

In this transition period; except TÜRK-İŞ, the activities of DİSK; MİSK and HAK-İŞ and their affiliated trade unions were ended by the declaration of National Security Council. All collective agreements signed by unions were cancelled; strikes were postponed. A High Arbitration Committee was temporarily assigned for the solutions of disputes and collective agreements unilaterally by the state. The workers wages were frozen. The parliament was abolished. All parties were closed and some party leaders and trade unionists were arrested and objected to violence, harassment and abuse. However, among the confederations DİSK was the target of this process due to its political position and objected to serious restrictions at most. Two thousands union members of DİSK including the executive members were arrested for trial and all absolute and real properties of DİSK were entered by the Council¹⁹. In 1981, 78 people were sued by the death penalty (Ulukan, 2003, p.79). Between 1980 and 1983, all kind of trade union activities were prohibited. In 1981, HAK-İŞ and MİSK were allowed to execute their activities. After the abolishment of martial law in 1984, collective agreements were set free and the trade union movement started to revitalize. Therefore during 1980s, while DİSK was closed, TÜRK-İŞ, HAK-İŞ and MİSK displayed activities. One of the important reasons of the high membership figure of TÜRK-İŞ was the transition of some of the member workers from DİSK to TÜRK-İŞ. After 11 years, DİSK was acquitted on appeal and it launched its organizing activities in 1991(Ulukan, 2003, p.81).

With respect to the workers' struggles, during the period until 1988, the movement attempted to revitalize, from time to time strikes and collective

¹⁹ DİSK Tarihi, [Available at <http://www.disk.org.tr/default.asp?Page=Content&ContentId=28>]

agreements were witnessed, the wages were always in tendency to decline, the real purchasing power decreased. The first strike after 12th September was organized in 1985 by Laspetkim-İş which rejected to be member of TÜRK-İŞ after DİSK was shut down²⁰. However with the beginning of the period in 1989, with the impact of increasing reactions among the workers and their struggles, the purchasing power increased. During this period, workers also organized different actions that did not directly influence the production but the actions that influenced the public opinion. They organized boycott campaigns, not working overtime, slowdown strike, resistance, wearing a beard, going the round collectively. The peak of this period was the 1989 “Spring Demonstrations” that lasted three months by the workers in public and private sector²¹. The basic feature of these demonstrations was that they went beyond the trade unions since most of the participants of these demonstrations were not the member of trade unions (Çetik ve Akkaya, 1999, p.134). With the impact of the success of 1989 Spring Demonstrations, until 1992 the wages of the workers were increased. As it is seen in the Table 3-6, between 1988 and 1991, wage incomes were increased. If the index of total real wages were assumed 100 in 1979 the total real wages increased from 78,3 % in 1988 to 90,4 % in 1989 and to 100,6 % in 1990.

However, as a natural result of the legal framework after 1980; this movement could not be advanced, the collective agreement activities were limited with the members at workplace level in a limited sense, different working relations, working groups and employment types were increasingly expanded, the number of subcontracting workers and temporary workers were intensively increased along with the intensive pressure on unemployment. All of them could be perceived as crucial impediments for the progress of the movement.

²⁰ *Ibid*

²¹TÜRK-İŞ Tarihi, [Available at http://www.turkis.org.tr/source.cms.docs/turkis.org.tr.ce/docs/file/turk-is_tarihi.pdf]

The demonstrations in 1989 urged the emergence of public employees movement. In the 1990s, many public employees' trade unions were established. Three marches at national level to Ankara were organized in the years after 1990 in order to protest the policies of the government and to acquire trade union rights. For the first time in 1992, public employees who would be the member of KESK (Confederation of Public Employees Trade Unions) after its establishment organized a big demonstration by "using their power emanating from their force of production" (Faydalı, 2002). In other words, even they did not have right for association; they went on a strike for one day. While KAMU-SEN (Confederation of Public Workers Unions of Turkey) was established in 1992, KESK and MEMUR-SEN (Confederation of Employee Unions) were founded in 1995.

During this period, especially towards the end of 1990s, due to the economic pressures the movement lost its momentum. At this point, the working class was subjected to the implementations of suspension of strikes under the impact of Gulf Crisis in 1990. This situation was a leading factor that limited the sphere of social influence of trade unions as well as the wages (DİSK, 2008). These suspensions of strikes were witnessed in particular in petroleum, aviation and glass sectors. Therefore this application prevented to use the right of strike de facto and limited this right with collective agreement. Although the strikes that were "objectionable in terms of national security" were still objected to be suspended with the decision of Ministry Council (Buğra, Adaman and İnel, 2005, p.25), after 1986 the numbers of strikes increased, and between 1990 and 1991 they reached the highest level (Ulukan, 2003, p.97).

With respect to the May Days that are the indispensable days for the working class at international level, the 1992 May Day was celebrated in by making a press release for the first time in cooperation with three confederations. The May Day 1993 was separately celebrated by DİSK and TÜRK-İŞ in the streets for the first time after 1980. In some following years, May Days were celebrated in cooperation with some trade unions and social opposing movements under

different platforms. During the 1990s, trade unions organized demonstrations mostly against privatizations, declines in the wages, subcontracting applications and deunionization policies. Since the beginning of 2000s, trade union movement in Turkey concentrated in particular on the issue of social security reforms along with the issues of previous period. Moreover the militaristic conflictual process starting with 11th September attacks and still continuing by Iraqi War at international level and the similar process intensified in Turkey during this period also gave direction the trade union movement. In 2000s, trade unions were confronted with much more pressure and force at work place level and at national level. In 2008 May Day, the last example of this pressure was experienced. In May Day demonstrations jointly organized by TÜRK-İŞ, DİSK and KESK and in which many opposing movements participated, the police forces under the initiative of the government used excessive force to the demonstrators. These happenings in 2008 May Day were reacted by international platforms including the European Commission²². Therefore the attitude of government towards 2008 May Day demonstrations could be evaluated as an example of the current situation of trade unions.

The Unionization Ratios

The most negative distinctive feature of the trade union laws and labour laws enacted after 1980 on trade union movement was the decline in the ratio of unionization. However, most of the academicians and researchers stated that the official data did not have the correct information (Koray and Çelik, 2007, Mahiroğulları, 2001, Çetik and Akkaya, 1999, Makal, 2003).

Therefore a very great difference occurs between the identification of the government authorities and trade unions. In Turkey, MoLSS accounted the ratio of unionization different from the trade unions. While Ministry takes into account

²² [Downloaded from <http://www.reuters.com/article/latestCrisis/idUSL06264195> on 18 May 2008]

only the number of wage earners as the total of workers, trade unions also added the number of daily workers to the sum of workers. Therefore the denominator of the Ministry becomes smaller than of the trade unions. Secondly in terms of the numerators, while the Ministry takes into account the number of members, for trade unions the main number is the number of workers covered by collective agreement. Therefore their unionization accounts differentiate. According to the research of Birleşik Metal – İş trade union, with reference to the estimated number of trade union member in accordance with Collective Agreements and to the estimated number of wage earners in accordance with population census; the ratio of unionization decreased from 22,2 % in 1988 to 14,8 % in 1995. On the contrary, according to the Ministry, the ratio of unionization increased from 63, 21 % in 1988 to 69, 39 % in 1995 (See Table 3-9) However if the accounts of the trade unions that are the real subject of this struggle is taken into consideration, it becomes clear that the unionization ratio in Turkey decreased regularly in every year.

Table 3-9: Number of Workers and Ratio of Unionization (1984 – 2001)

Years	According to the MoLSS, the member of total of worker	According to the MoLSS, the number of trade union member workers	According to the MoLSS, ratio of unionization(%)
1984	2.317.016	1.247.744	53,85
1985	2.590.978	1.594.577	61,54
1986	3.038.619	1.937.120	63,75
1987	3.145.652	1.977.066	62,85
1988	3.354.718	2.120.667	63,21
1989	3.525.956	2.277.898	64,60
1990	3.495.087	1.921.441	54,98
1991	3.573.426	2.076.679	58,11
1992	3.606.170	2.192.792	60,81
1993	3.683.426	2.341.979	63,58
1994	3.837.910	2.609.969	68,00
1995	3.834.193	2.660.624	69,39
1996	3.973.306	2.695.627	67,84
1997	4.111.200	2.713.839	66,01
1998	4.266.097	2.856.330	66,95
1999	4.350.016	2.987.975	68,69
2000	4.508.529	3.086.302	68,45
2001	4.537.544	2.580.927	56,88

Table 3-9: (continued)

2002	4.564.164		
2003	4,686,618		
2004	4,857,792		
2005	4.970.784		
2006	5.088.515		
2007	5.210.046		

Source: Ministry of Labour and Social Security, Number of Workers and Unionization by Periods [Downloaded from http://www.calisma.gov.tr/istatistik/cgm/sendikalasma_oranlari.htm on 27 December 2007]

Table 3-10: Unionization Ratios According to the Number of Workers (1988-2007)

Year	The number of wage earner workers	The number of workers covered by collective agreement	The ratio of unionization of workers (%)
1988	7.170.000	1.591.360	22,2
1989	7.077.000	1.505.520	21,8
1990	7.419.000	1.385.919	19,3
1991	7.305.000	1.443.297	20,8
1992	7.595.000	1.556.928	18,8
1993	7.891.000	1.529.825	19,6
1994	8.323.000	1.407.682	17
1995	8.471.000	1.144.989	14,8
1996	8.953.000	1.137.788	14,4
1997	9.657.000	1.319.563	12,2
1998	9.697.000	1.209.155	12,1
1999	9.544.000	1.054.422	12,6
2000	10.345.000	1.042.473	10,1
2001	10.057.000	1.010.563	10,1
2002	10.625.000	1.007.305	9,5
2003	10.707.000	957.418	8,9
2004	11.344.000	919.364	8,1
2005	12.120.000	933.636	7,7
2006	12.906.000	902.345	6,99

Source: Union of United Metal Workers, (2007), Activity Report

As it was mentioned before, in the late 1980s, some members of DİSK transferred their memberships to TÜRK-İŞ, some of them established their own trade unions²³. The most important reason of this situation was that the members of DİSK became member of TÜRK-İŞ in order to benefit from the collective agreements (Ulukan, 2003, p.98). Therefore the number of members of TÜRK-İŞ increased and the TÜRK-İŞ had much more power in terms of the authorization among confederations. As it can be seen in the Table 3-11, in 1986 while the total number of trade union member worker was 1.811.147, the membership number of TÜRK-İŞ was 1.438.475. Moreover, the number of trade union member is a debatable issue since the data of the Ministry relating with this issue is claimed to be wrong and to demonstrate more number than the reality (Koray and Çelik 2007, p.310).

Table 3-11: Distribution of Trade Union Member Workers According to Confederations and Independent Trade Unions (1986-2008)

Years (January)	TÜRK-İŞ	DİSK	HAK-İŞ	Independent Trade Unions
1986	1.438.475	-	149.153	223.519
1987	1.513.317	-	162.313	228.997
1988	1.670.897	-	180.557	259.841
1989	1.421.257	-	166.597	245.088
1990	1.567.501	-	189.090	240.253
1991	1.675.301	-	249.637	205.873
1992	1.766.535	19.378	268.035	200.323
1993	1.815.271	208.266	272.338	189.806
1994	1.967.260	334.767	283.292	53.141
1995	1.978.035	329.337	295.729	59.704
1996	2.014.452	313.046	317.265	60.098
1997	2.047.708	325.404	335.577	64.128
1998	2.134.593	358.328	356.642	71.119
1999	2.178.886	368.743	361.415	75.580
2000	1.789.873	314.321	283.908	76.955
2001	1.861.146	343.718	293.212	79.044
2002	1.892.493	365.240	302.804	84.315
2003	1.939.256	375.775	309.491	88.806
2004	1.997.990	388.318	322.238	98.381
2005	2.041.161	393.312	362.471	104.999
2006	2.092.694	404.047	378.095	112.595
2007	2.141.319	412.143	372.780	117.490
2008	2.184.685	419.634	402.054	131.747

Source: Ministry of Labour and Social Security, Working Life Statistics, 2007, p.111

²³ DİSK Tarihi, [Available at <http://www.disk.org.tr/default.asp?Page=Content&ContentId=28>]

3.2. Development of the Idea of Social Dialogue in Turkey

In previous section the historical background of the industrial relations and its implications on the trade union movement in Turkey in particular in terms of the evolution of trade union rights and freedoms of workers was analyzed. In this section, the development of social dialogue that establishes a new understanding for the trade unions within the industrial relations will be examined. In the first part, a general outlook and course of social dialogue will be mentioned; in the second part the specific features of social dialogue mechanisms will be presented.

In Turkey the working class could not have many chances to direct the trade union movement by using its own power and struggle. On the contrary the movement was shaped by the amendments of the Laws or by the external dynamics. Similarly, social dialogue as a concept entered into the agenda of Turkey and trade union confederations under the impact of the process of Turkey's membership to the EU. During the acceleration period of accession process in 1990s, the institutional features of social dialogue under EU regulations were attempted to be transferred to Turkey. At the same time the president of Turkey in that period, Mr.Turgut Özal started to give voice about social dialogue to the public opinion.

Throughout between 1936 and 1960, due to the restrictions and prohibitions on trade union rights and freedoms rendered the development of social dialogue impossible. Although as an institutional attempt for compromising was taken by establishing the Work Assembly in 1947 (Görmüş, 2007, p.121) as consultative body in which representatives of workers, employers, and government and scientists negotiated the problems of working life, the Assembly did not concern the collective worker rights; rather it put the issue of individual rights to its agenda (Koray and Çelik, 2007, p. 354). During the same time period, one of the important mechanisms called Minimum Wage Commission through which the minimum wages have been set on national and tripartite level was founded.

However as Koray and Çelik (2007, p.349) argue that it does not mean to have social dialogue at national level, since the social parties do not have any capabilities and participation of trade unions is still very limited in conjunction with the control of the state. During the 1960 and 1980, despite the relation expansion in the trade union rights and freedoms, the only example of the history of Turkish industrial relations was Social Agreement that was close to social dialogue (Öke, 2005). According to Koray and Çelik (2007, p.358), during the period between 1960 and 1980 while there were several mechanisms functioning as social dialogue mechanism or informal meetings among the social parties, any output of them came out in the name of social dialogue. In the system of industrial relations except collective bargaining, it was difficult to indicate the effective presence of social dialogue between the social parties.

In 1978 the Prime Minister, Mr. Bülent Ecevit after the establishment of the new coalition, started a series of meetings with the president of TÜRK-İŞ, Mr Halil Tunç. As an output of these meetings, a declaration dated on 20th July 1978 was announced to the public that a social agreement covering the workers in the public sector had been signed as a result of the negotiations between the government and biggest trade union confederation. The agreement remained in force for only 14 months and TÜRK-İŞ withdrew by claiming that the government did not keep the commitments of the agreement (Kutal, 1998 cited in Koray and Çelik, 2007, p. 369). According to Işığışık (1999) the fall of the government in September 1979, the establishment of a new government and the failure of headquarter of TÜRK-İŞ in satisfying its affiliated trade unions were the reasons of this failure of the agreement. According to Talas (cited in Koray and Çelik, 2007, p. 369), the agreement was the product of the very heavy and depressive period of social life and it aimed to get political and social support from the workers organized in public sector. In the agreement wage policies, collective bargaining, labour law and participation in the management were stated in detail. Since the agreement was limited to situation of the workers in the public sector, it was claimed to create problem for the rest of the workers due to the existence of extensive clashes

between the workers and employers in the private sector (Koray and Çelik, 2007, p.373). DİSK did not participate and seriously criticized the agreement by saying that “the agreement invoiced the sins of the capital and governments of the capital to the working class”²⁴. Yet according to Talas (cited in Koray and Çelik, 2007, p. 375) without regarding the consequences and dimension of success of the social agreement, in the history of industrial relations, a dialogue that covered general economic and social problems of Turkey was materialized between the government and biggest workers trade union confederation. After this experience until 1990, social dialogue mechanisms did not exist officially in industrial relations in Turkey. In addition the bipartite social dialogue including collective agreement was not operated effectively.

The idea of social dialogue was firstly voiced by the president of that time, Mr. Turgut Özal in early 1990’sin “Social Compromising Seminar” that was organized jointly by TİSK and the September 9th University in İzmir in 1990²⁵. The similar tendency for social dialogue also came from TÜSİAD in their 20th Ordinary General Assembly. They declared their willingness of social and political compromising. The president of TÜSİAD, Mr. Cem Boyner stated that “as being the Executive Board of TÜSİAD, we desire all sections of the society to compromise since they have common interests”.²⁶ The government also took attempts in this direction and as a first step toward, it ratified the ILO Convention No. 144 on the tripartite consultative agreement for the implementation and development of international work standards in 1992 that would foster the establishments of different tripartite consultative platforms in 1995 (Van der Valk and Süral, 2006). However, it was not before 1995 that concrete measures were adopted for creating the relevant mechanisms and institutions.

²⁴ *Ibid*

²⁵ [Downloaded from <http://www.byegm.gov.tr/yayinlarimiz/ayintarihi/1990/ocak1990.htm> and from <http://www.byegm.gov.tr/yayinlarimiz/ayintarihi/1990/mart1990.htm> on 17 April 2008]

²⁶ [Downloaded from http://ekonomitarihi.blogspot.com/2006_03_01_ekonomitarihi_archive.html on 17 April 2008]

The prospect of EU membership increased the developments in Turkey in favour of social dialogue and led to the concrete measures to be taken by the government. Economic and Social Council (ESC) is respected as an important institutional structure that contributes to the development of industrial relations in the countries by the EU. European Commission supports the establishment of ESC as a crucial step “in the integration of basic values and features of the European social model” (EC, 2002). According to Yıldırım and Çalış (2002, p.7) the establishment of the ESC in Turkey is a significant step forward for the conformity with the EU *acquis* on social policy.

3.2.1 Tripartite and Bipartite Social Dialogue Mechanisms

Social dialogue institutions and mechanisms in Turkey are differentiated in accordance with their levels, structures and roles. Economic and Social Council, Minimum Wage Commission and Tripartite Consultation Board are some of the social dialogue institutions at tripartite level. In addition to these institutions, there are also different platforms at all levels with different structures. Other platforms for social dialogue include the administrative bodies of various state agencies both at national and provincial levels and *ad hoc* advisory bodies such as Work Assembly.

In Turkey, although in bilateral relations there are many mechanisms that could be identified as social dialogue mechanisms; the development of bipartite social dialogue has remained at the workplace level and it is mostly limited with the mechanism of collective bargaining that is originally generated before social dialogue. At national level, there are informal mechanisms of bipartite social dialogue. These kinds of mechanisms are emerging from the own initiatives of the employers and workers at workplace level. There is no any legal background of these mechanisms or no any legal obligation guaranteed by Turkish Laws. Umbrella employee and employer organizations come together voluntarily; they

establish de facto relations and dialogue. In general, employee and employers organizations run the social dialogue at sectoral level and at workplace level. At sectoral level they have only some consulting mechanisms. At workplace level, collective agreements as a most effective tool under the concept of social dialogue mechanisms could be run with reference to the legal base. The committees that are established at work place do not go beyond the consulting mechanisms.

3.2.1.1. Economic and Social Council (ESC)

During the 1980s and 1990s, many employers, authorities of the government and academicians declared the requirement of social agreement among the social parties and therefore they recommended establishing an economic and social council as an important and functional tool of this goal (Akkaya, 1999, p.218). Building on the meeting of European Community and Turkey Association Council dated 6th March 1995, first concrete steps were taken on this way. An agreement No. 95/1 dated 22nd December 1995 was signed between the EU and Turkey pursuant to the Ankara Agreement of 1963 and the Supplementary Protocol dated 1970. This agreement started the process for Turkey's admission to the Customs Unions and urged the process of the institutionalization of social dialogue. After the meeting, by the virtue of the Prime Ministry's circular No. 95/5 dated 17th March 2005, the ESC was established in Turkey officially. Under the commitment of the Article 27 of the Ankara Agreement, the circular referred to the importance of this council in order to make connections with the counterpart council in the Community in particular in the framework of integration process with European Community. The Circular No. 1995/5 also specified the tasks of the ESC: "to advise the government on the problems of the business world and social issues; ensure coordination between public institutions and private organizations; formulate proposals when laws concerning business and harmonious labour relations were being drafted; and to promote an enduring

peace between the government, workers and employers”²⁷. According to the Circular No. 1995/5, under the heading of the prime minister or a minister appointed by him the council would be composed of as: Minister of Finance, Minister of Labour and Social Security, two Ministers appointed by the Prime Minister, Deputy Secretary of Prime Ministry, Deputy Secretary of State Planning Organization, Deputy Secretary of Treasury, Deputy Secretary of Foreign Trade, President of State Institute of Statistics, Governor of Central Bank of the Republic of Turkey, Deputy Secretaries of affiliated Ministries, two representatives of the Turkish Council of Higher Education, one representative of TİSK, two representatives of the Union of Chambers of Industry, Commerce, Maritime, Trade and Commodity Exchanges of Turkey (TOBB), one representative of Confederation of Tradesmen and Artisans of Turkey (TESK), one representative of Union of Turkish Chambers of Agriculture (TZOB) and two representatives of TÜRK-İŞ. Therefore the state would be represented in the council with fourteenth representatives, the university council by two representatives, the employers by five representatives and the workers by only two representatives.

The ESC is designed to be a consultative body. The ESC does not legally have a bargaining function as social agreements and pay policy agreements; the decisions of the ECOSOC are not binding but they are hortative and recommendatory (Önal, 2003 cited in Kayhan, 2007, p.73). According to Yıldırım and Çalış (2007, p.9) the purposes of the ESC are to study for the establishment of social consensus through the representation of different sections of society in the formulation of economic policies, to realize and preserve long lasting peace in industrial relations, to recommend the government on major economic issues such as employment, productivity and incomes, to propose consultations on the issues of economic policy and legislation. According to Koray and Çelik, (2007, p.406), the ESC in Turkey is not consistent with the European Economic and Social Committee in European Union, since in ESC in EU the representatives of

²⁷ Prime Ministry’s Circular No. 1995/5, Downloaded from <http://mevzuat.dpt.gov.tr/basbakan/genelge/1995-5.pdf> on 20 April 2008]

government/state are not taken place and the Committee consists of only the representatives of non-governmental organizations and the Committee is assigned to be consulted by the government. However, in Turkey, the ESC does not only include many representatives of the state but also it is chaired by the Prime Minister. As a matter of fact, this situation means that the government does not consult to an independent body, but it consults to a body of the government.

The establishment of this council was also criticized by the trade unions and representatives of the employers. TÜRK-İŞ and TİSK criticized the council with the unilaterally preparation of the council by the government and predominance of state in the council (Koray and Çelik, 2007, p.403 and Yıldırım and Çalış, 2007, p.8). DİSK also made criticisms about the council concerning the predominance of employers in the council, the minority in the representation of workers²⁸. As Yıldırım and Çalış (2007, p.9) stated that the ESC is designed as an institution endorsed by the EU on paper but in reality it limited the role of employees and employer organizations in policy consultation due to the structure of the council.

The ESC was able to assemble its first meeting seven months later under the heading of Prime Minister, Mrs. Tansu Çiller on October 11th 1995. Although TÜRK-İŞ was invited, TÜRK-İŞ did not participate since the meeting date coincided with the time period of the ongoing strikes organized by TÜRK-İŞ in the public sector. Therefore the first ESC meeting had been held without the representation of the workers. Since the ESC did not have a legal basis and was operated by means of Prime Ministry's Circulars In the following years of 1995 until 2001, every government that came to the power had opportunity to direct the structure of the council line with the political perspective of the government. Every government included the organizations that were the closest to itself in order to increase its influence of sphere. In 1996 under the coalition government of Mother Land Party (ANAP) and True Path Party (DYP), TÜSİAD was added to the composition. However in 1997 when the government changed and a new

²⁸ DİSK Tarihi, [Available at <http://www.disk.org.tr/default.asp?Page=Content&ContentId=126>]

coalition government of Welfare Party (RP) and DYP was formed, TÜSİAD was replaced with Businessmen's Association (MÜSİAD). In this period the ESC had been turned into an organ serving the political aims of the government and deviated from its actual function (Çetik and Akkaya, 199, p.22). However on 11th April 2001, enactment of the Law on ESC ended the period of Circulars for ESC. The Law No. 4641 on the Establishment and Working Principles and Procedures of the Economic and Social Council was enacted. The aim of the Law was "to lay down the establishment and working principles and procedures of the Economic and Social Council whose task is to ensure social reconciliation and cooperation and deliver joint opinions of a consultative nature by providing a constant and sustainable environment for economic and social policymaking"²⁹.

According to the Article 2 of the Law, the Council is composed of the Prime Minister, as president, the deputy Prime Ministers, Minister of State responsible for the State Planning Organization, Minister of State responsible for the Treasury, Minister of State responsible for the Deputy Secretariat of Foreign Trade, Minister of State responsible for State Personnel Administration, Minister of Finance, Minister of Agriculture and Rural Affairs, Minister of Labour and Social Security, Minister of Industry and Trade, Minister of Energy and Natural Resources, Undersecretary of the State Planning Organization, Undersecretary of the Customs, President of the State Personnel Administration, and three members from the Union of Chambers and Commodity Exchanges of Turkey, the confederation of public employees which has the maximum members, TÜRK-İŞ, TİSK, TOBB, TZOB, HAK-İŞ, DİSK and other government representatives, representatives of non-governmental organizations and public employees to be nominated by the Prime Minister.

Since 2001, the Council meeting has been held seven times. In the meeting held in 25th March 2005 under the government of Justice and Development Party headed

²⁹ The Law No. 4641 on the Establishment and Working Principles and Procedures of the Economic and Social Council, [Available at <http://mevzuat.dpt.gov.tr/kanun/4641.html>]

by Mr. Tayyip Erdoğan, the issue of restructuring of ESC was discussed. Therefore although the representatives of the member organizations of the council including the trade unions, non governmental organizations, employers' organizations prepared an alternative proposal Law for ESC that envisaged the ESC to have more autonomous structure (Koray and Çelik, 2007, p.414). However the Law proposal has not been enacted. For that reason, DİSK declared to withdraw from participating in the Council until the proposal becomes law³⁰.

The last ESC meeting under the chair of Prime Minister was held in 3rd January 2008 with the aim of discussing social security reform. The government representatives, TÜRK-İŞ, HAK-İŞ, Türkiye Kamu-Sen, TOBB, TİSK, TZOB, TESK, TÜSİAD, MÜSİAD and other representatives attended the meeting. In the meeting while the employee representatives made serious critics about the proposal Law on Social Insurance and General Health Insurance, the Prime Minister focused on the necessity of restructuring the social security system and the importance of the social dialogue³¹.

To sum, since its establishment in 1995, the ESC met only 19 times. In 1996 and in 2004, the council could not meet. The main issues that were debated in the Council meetings were social security system, tax reform, inflation, unregistered economic activities, informal employment, global crisis on production and general issues of industrial relations. Three of these eighteen meetings were only the information meetings. In two meetings, the restructuring of the ESC were put the agenda of the meeting. The social security reform and industrial relations were discussed only in four meetings. As Koray and Çelik (2007, p.416) stated the council is not a compromising ground as its structure and functions are not conformity to the EU standards. Therefore the Council is established in order to

³⁰ Radikal, 30.05.2006, "DİSK,ESK'dan çekildiğini açıkladı" Downloaded from <http://www.radikal.com.tr/haber.php?haberno=188780&tarih=30/05/2006> on 20 April 2008]

³¹ Downloaded from <http://www.gundelik.net/2008/01/03/sosyal-sigortalar-ve-genel-saglik-sigortasi-taraflarla-tartisildi-biz-bu-yasayi-istemiyoruz/> on 18 April 2008]

fulfill the concerning obligations of ILO and the EU as a matter of form (Görmüş, 2007, p.132, Yıldırım and Çalış, 2007, p.10).

3.2.1.2. Minimum Wage Assessment Commission

The Minimum Wage could be defined as a wage that has to meet with the basic needs the economic and social requirements of a worker and his family³² and to provide with decent life (TÜRK-İŞ, 2006). Therefore the setting of the minimum wage is very important and sensitive issue due to its meaning and its coverage. In Turkey most of the workers are working with minimum wage therefore minimum wage influences the majority of the wage-earners directly. Minimum wage in Turkey is set at national level by the Minimum Wage Assessment Commission that consists of the representatives of the workers, employers and the government in accordance with the Article 39 of the Labour Law³³ and the Article 8 of the Regulation³⁴. Respectively with the largest membership, TÜRK-İŞ and TİSK participated to the meetings with five representatives. There are also five representatives from the government. The representatives from the social parties must be appointed from the different economic activities. The state is represented in the commission by the General Directorate of the Labour Department of Ministry of Labour and Social Security or his deputy, the general directorate of Occupational Health and Safety or his deputy, the General Directorate of the Statistics Department of State Institute of Statistics or his deputy, and relevant representatives of Deputy Secretariat of Treasury and State Planning Organization. The Ministry determines the president among the members. However the Commission is usually chaired by the general directorate of the Labour Department. In addition to the decisions taken on minimum wages, the

³²Downloaded from http://www.sendika.org/yazi.php?yazi_no=13619 on 2 May 2008]

³³ The Law no. 4857 “Labour Act of Turkey”
[Available at <http://www.ilo.org/public/english/region/eurpro/ankara/legislation/law4857.htm>]

³⁴ Regulation of Minimum Wage No. 25540 dated 1 August 2004 [Available at http://www.alomaliye.com/asgari_ucret_yonetmeligi.htm]

Commission makes various regulations on incomes policies, general level of wage, working conditions and other types of payment (Koray and Çelik, 2007. p. 444).

The decisions are taken by majority vote. In case of the equality of votes, the party which the President is in favor is supposed to be majority. Even though the decisions of the Minimum Wage Assessment Commission on minimum wages are final, it is possible to have recourse to the Council of State on minimum wages. The decisions are firstly published in the Official Gazette then they are enacted. As Petrol-İş (1991, p.163) stated that, since the trade union membership and coverage level of the collective agreements in Turkey is very low, decisions on minimum wage covers very wide range of workers. However, despite its deficiencies, in terms of its scope and structure, the system is functioned as a collective agreement

Table 3-12: The Decisions of Minimum Wage Commission (1974-2007)

Year	Type of Decision	Time of meeting	Unanimous	Opposing of Worker	Opposing of Employer	Opposing of Different sectors
1974	Majority	2 months 23 days		+		
1976	Majority	1 months 22 days		+		
1977	Majority	1 months 22 days		+		
1979	Majority	1 month				+
1981	Unanimous	16 days	+			
1982	Unanimous	18 days	+			
1984	Unanimous	9 days	+			
1985	Majority	18 days		+		
1987	Majority	30 days		+		
1988	Majority	1 month 22 days		+		
1989	Majority	1 month 1 day		+		
1990	Majority	2 months 8 days		+		
1991	Majority	2 months 2 days			+	

Table 3-12: (continued)

1992	Majority	2 months 15 days			+	
1993	Unanimous	2 months 2 days	+			
1994	Majority	2 months 19 days		+		
1995	Majority	3 months 8 days		+		
1996	Majority	3 months 3 days			+	
1997	Unanimous	2 months 2 days	+			
1998	Unanimous	2 months 21 days	+			
1999	Majority	2 months 12 days		+		
2000	Majority	2 months		+		
2001	Majority	10 days		+		
2002	Majority	2 months 3 days		+		
2003	Majority	1 month 16 days			+	
2004	Majority	1 month 10 days				
2005	Majority	22 days		+		
2006	Majority	27 days		+		
2007	Unanimous	24 days	+			

Source: Koray and Çelik, 2007, p.445 [Available at <http://rega.basbakanlik.gov.tr/eskiler/2007/12/20071229-14.htm> and <http://rega.basbakanlik.gov.tr/eskiler/2006/12/20061228-15.htm>]

As it can be seen in the Table 3-12, from 1969 to 2007, the Commission set the wage at national level 31 times. Among them only seven decisions were taken unanimously, there was no any compromise for other decisions. Three of the seven decisions were taken during the military period after 12th September 1980. Moreover as it is understood from the table, the meetings took very short time in order to take a decision unanimously. As it can be seen in the Table 3-12, mostly the decisions are taken in spite of the opposing of the trade unions.

In 2007 in the last meeting the decision was taken unanimously after 9 years in the last day of the meeting, 27th December. Approximately just before 15 days, 20th General Assembly of TÜRK-İŞ was held and the new president of TÜRK-İŞ was elected. Since the TÜRK-İŞ was still the biggest trade union confederation in

2007, TÜRK-İŞ represented the workers in the Commission. Furthermore President of TÜRK-İŞ, Mr. Mustafa Kumlu is claimed to have the close political views with the current AKP government³⁵. Hence since the final decision on the minimum wage was taken unanimously in other words, without any opposing vote of TÜRK-İŞ, this attempt of TÜRK-İŞ was criticized by many trade unions and other representatives³⁶.

The Minimum Wage Commission seems to be the closest mechanism for the mentality of social dialogue in particular collective agreement at national level. However its non democratic structure and inefficient functions are the important obstacles for the Commission in the context of social dialogue. Having taken into account the low level of unionization and serious limitations on unionization in Turkey, the responsibility of the Commission increases since it takes decision that affect the millions of workers in Turkey.

3.2.1.3. Tripartite Consultation Board

Tripartite Consultation Board was established in 2004 with the same motives of the ESC that was formed with the aim of effective consultation and exchange of views between the government and the representatives of employees and employers with reference to ILO Convention No.144 (Görmüş, 2007, p.132) for the sake of institutionalization of the understanding of social dialogue. The Board is endorsed with contributing to the formation of policies in working life, strengthening the compromise and cooperation among the parties, promoting job peace, improving industrial relations, working compatible with the ILO Convention No.144, realizing effective consultation, information and communication among the parties for the adaptation of the EU *acquis* related with

³⁵ Milliyet, 29.12.2007, Downloaded from <http://www.milliyet.com.tr/2007/12/29/ekonomi/aeko.html> on 21 May 2008]

³⁶ [Downloaded form <http://www.memurlar.net/haber/97370/> on 21 May 2008]

working life and enabling social parties to monitor preparation and implementation of legislation on working life. Therefore the Board deals with more specific and relevant issues about the working life than Economic and Social Council (Öke, 2006).

With respect to its structure, the Board is composed of relevant government authorities, one representative from first three biggest workers trade union confederations and public servant confederations, three representatives from employers' confederation. The Board is chaired by the Minister of MoLSS or the Undersecretary of MoLSS.³⁷ According to Koray and Çelik (2007, p.422) since the Board has more balanced composition compared with the others, it could be identified as the most compatible institution among the all tripartite social dialogue mechanisms.

Tripartite Consultation Board shall meet regularly every three months upon the invitation of the president or upon a written request of one-third of the representatives. The Board under the chair of former Minister of Labour and Social Security, Murat Başesgioğlu held the first meeting on 24th May 2004 with the participation of the representatives TİSK, TÜRK-İŞ, HAK-İŞ, DİSK. In the meeting, the problems in the application of Labour Law, proposals on the standardization in social security, the Laws no. 2821 and 2822, informal employment and proposal for severance pay fund was discussed³⁸. The second meeting was held after one year on 5th May 2005. The agenda was the Laws No. 2821 and No.2822 and the social security reform.³⁹ Third meeting was held on

³⁷ Regulation of Tripartite Consultation Board, [Available at http://www.isguvenligi.net/mevzuat/calisma_sosyal_guvenlik_bakanligi_isig_yon/calisma_hayatin_a_iliskin_uclu_danisma_kurulu.pdf]

³⁸ [Downloaded from http://www.tisk.org.tr/isveren_sayfa.asp?yazi_id=958&id=55 on 17 May 2008]

³⁹ Sabah, 5 May 2005, [Downloaded from <http://arsiv.sabah.com.tr/2005/05/05/eko100.html> on 17 May 2008]

28th December 2006.⁴⁰ The Board holds its meeting usually once year with the aim of discussing the issues of social security and trade unions laws. However in 2007, for the first time the Board convened the meetings three times in a year as it is envisaged in the Regulation. In 2008, the first meeting was materialized with the usual agenda. The amendment proposal for the Law No. 2821 and No. 2822 has been on the agenda since 2007. According to DİSK, in this meeting process, although the government was more active and had tendency to amend the Law, the efforts were halted in the period of ILO General Assembly in 2008 and delayed to the uncertain date⁴¹.

Although the Tripartite Consultation Board seems to be more democratic social dialogue mechanism in terms of its structure and its relatively regular meeting calendar, the last process indicated its inefficient functioning (DİSK, 2008).

3.2.1.4. Work Assembly

Work Assembly as a tripartite institution was established in 1945 simultaneously with the Ministry of Labour and Social Security. According to the government authorities, the Assembly represents the first institutionalization of tripartite concertation⁴². The Assembly which is regulated by the Article 26 of the Law No. 3146 is a consultative body as a dependent council of the MoLSS⁴³. The Assembly aims to discuss and negotiate the problems of the working life by the representatives of government, employees and employers and academicians. Since it is a consultative institution through which the social parties to express their opinions, it has no authority to take binding decisions (Görmüş, 2007, p.121).

⁴⁰ [Downloaded from <http://www.metropolis.com.tr/calisma//duyuru/2006faaliyetraporu.pdf> on 17 May 2008]

⁴¹ DİSK Tarihi, [Available at <http://www.disk.org.tr/default.asp?Page=Content&ContentId=546>]

⁴² [Downloaded from http://www.abgs.gov.tr/tarama/tarama_files/19/SC19DET_Social%20dialogue_1.pdf on 22 May 2008]

⁴³ The Law No.3146, Work Assembly, [Available at <http://www.csgb.gov.tr/mevzuat/kanunlar/3146.doc>]

The Assembly does not meet regularly but upon the invitation of the Minister of Labour and Social Security.

The Work Assembly is also reshaped in terms of its composition and functions in line with the political perspectives of the government as it is happening in ESC. Since its establishment, the Assembly has met only 9 times in 61 years. In 1977 for the first time DİSK and HAK-İŞ in addition to TÜRK-İŞ were invited to the meeting under the chair of Minister of Labour and Social Security, Şevket Kazan⁴⁴. However TÜRK-İŞ did not attend to the meeting for the first time. The 9th and last Work Assembly met in 2004⁴⁵. The Assembly meeting was composed of the government authorities with 35 members, employer organizations with 16 members and employee organizations with 7 members. The issues of the meeting were to increase employment, to eliminate informal employment and severance pay fund. However the last meeting ended with conflictual situation since DİSK left the meeting by criticizing the issue of severance pay fund in particular⁴⁶.

The most significant side of the meeting in terms of the understanding of social dialogue was its final declaration. It is the first official document that uses the term of “social partners” instead of “social parties”. According to Van der Volk and Süral (2006, p. 49) it implies a significant shift from divergent objectives to shared objectives and a cooperative mode of engagement.

⁴⁴ Şevket Kazan was the Ministry of Labour and Social Security in the first Nationalist Front government that was in the power between 31st March 1975 and 21st June 1977.

⁴⁵[Downloaded from http://www.csgb.gov.tr/CGM/cgm_web/9_sonuc_bildirgesi.htm on 22 May 2008]

⁴⁶ Akşam, 19 September 2004, [Downloaded from <http://www.aksam.com.tr/arsiv/aksam/2004/09/16/ekonomi/ekonomi7.html> on 22 May 2008]

3.2.1.5. Other Tripartite and multipartite mechanisms

In addition to these bodies there are some different tripartite and multipartite consultative and dialogue platforms. They have all particular scopes and institutions. Some of them aim to take decisions whereas some of them are only consulting mechanisms: High Consultation Board of Social Security, European Community Joint Consultative Committee, High Arbitration Board, General Assembly and Executive Board of Social Security Institution, Employment Board, Unemployment Insurance Fund Management Board, National Productivity Centre, Board Empowered to Use the Fines Imposed Upon Wages, Apprenticeship and Vocational Training Board, Consultation Committee for the EU Turkish Patent Institute, High Board for Disabled Persons, National and Regional Work Council, Council of Consumers, Occupational standards Commission, Vocational Training Council, Labour Market Information and Consultation Board, Human rights Consultation Board (Öke, 2006)

3.2.2. Bipartite Social Dialogue Mechanisms

A pre-requisite for effective tripartite arrangements appears to be strongly developed bipartite dialogue typically including collective bargaining. Bipartite social dialogue in the private sector is mostly limited to collective bargaining at the enterprise level. In the absence of formal representational structures, collective bargaining remains almost the sole method of employee influence at enterprise and establishment levels. Therefore the EC correctly notes that limited or no social dialogue exists in most private enterprises (EC, 2005, p. 35). There is a strong need to develop and strengthen bipartite social dialogue especially in the private sector where it remains virtually non-existent (EC, 2005, p.111).

3.2.2.1. Collective Bargaining

Collective bargaining is not only the one of most widespread forms of social dialogue but also the oldest and most effective instrument of trade union struggle. Both hierarchical and horizontal scope of the current system of collective bargaining is important indicators of its effectiveness and efficiency. The Laws in Turkey do not recognize to make collective agreement at sectoral level and national level in terms of hierarchical means as collective agreements can be operated only at workplace level. In addition the Laws also allows to cover only a minority of workers by collective agreements in the sense of horizontal means since only the trade union members can benefit from the collective agreements.

The restrictions of the Laws are not limited with the scope of collective agreement but also they put restrictions for the actors of the collective agreements. In line with the prohibition of making collective agreement at national level and sectoral level, the headquarters of trade unions do not have any authority to make collective agreement. This restriction impedes the workers being at same sector to be a collective power by merging their problems and demands. Collective bargaining is only issued at the level of work place and groups of workplace.

However the using of the right of making collective agreement at workplace level also depends on many requirements. The most important requirement is to surpass the double threshold system⁴⁷. After trade unions fulfill this obligation and take the authority, they could issue collective bargaining only at workplaces or enterprises one by one. With respect to group collective agreements covering more than one workplace in the same branch of sector could be realized at sectoral level but trade unions can not implement the agreement for whole sector.

The difficulties are not limited for the trade unions to be competent. There are also certain requirements for the workers as well as the trade unions. Only the

⁴⁷ The detailed legal dimension is mentioned in the former sections (3.3.1.1)

members of the authorized trade union at the date of signing the collective agreement could benefit from the agreement. However the non member workers may benefit from the agreement if they pay a monthly solidarity contribution to the relevant trade union. On the one hand, at the positive side this implementation increases the coverage rate of benefiting from the collective agreement, on the other hand at the negative side, this application discourage the workers from being a member of trade union. In addition, the workers at different workplaces but at the same sector may benefit from the agreement at the request of social parties. At this request, Council of Ministers might make an order for extending the collective agreement after receiving the opinion of the High Court of Arbitration. According to Koray and Çelik (2007, p. 467) this mechanism could prevent the unfair competition due to the double threshold system and promote social dialogue.

Agreements have a limited duration, generally two years and cover individual establishments, or several establishments in one enterprise. However as it is demonstrated in the table the number of workers benefiting from collective agreements are continuing to decrease.

Table 3-13: Collective Agreements Including Public and Private Sector in Turkey (1990-2005)

Years	Number of Agreements Concluded	Number of Workplaces Covered	Number of Workers
1990	1.954	11.399	483.852
1995	2.357	11.274	765.928
2000	1.646	6.844	208.595
2001	4.454	14.211	775.478
2002	1.773	7.453	255.059
2003	1.607	7.806	629.240
2004	1.479	7.913	325.189
2005	1.134	6.818	259.295

Source: Ministry of Labour and Social Security, Working Life Statistics, 2005, p.111

3.2.2.2. Other Bipartite Social Dialogue Mechanisms

At workplace level social dialogue mechanisms are constituted both by the legal regulations and collective agreements. Through collective agreements, some social dialogue mechanisms which the Laws do not envisage are generated. They are established in line the demands of both parties. Through the legal regulations, social dialogue is provided with such mechanisms as workplace trade unions' representatives, the boards of occupational health and safety, leaves, discipline and consultancy committees. In addition, social parties could form some mechanisms with respect to their joint decision, such as education and quality cycles. These establishments might not exist in either collective agreement or in the legal regulations. All related regulations about them are under the initiative of the parties.

Workplace representation had been introduced for the first time in the Labour Law No. 3008. These workers were not the representatives of trade unions; they were elected among the workers in the enterprises in order to establish legal bilateral relations with the employers at on certain issues (Çelik, 2004, p. 408). This application continued until 1963 and was displaced with the system of workplace trade union representation by the Law No. 274 and it is maintained in the current Law No.2821. These representatives are appointed by the authorized trade union in that workplace and are legally safeguarded in case of dismissal by the employer. If dismissal occurs, the Labour Court is empowered to reinstate stewards to their former jobs if it finds that their dismissal had not been based on fair grounds. In 2003, the application of workplace representative was recommended by the government in stead of the current situation. However all workers confederations objected this implementation on the ground that it would prevent the empowerment of unionism in the work place (Koray and Çelik, 2007, p.471).

With respect to the tasks of the representatives, they are responsible for listening to the views of employees, for keeping peace in the workplace by promoting cooperation and coordination between employees and employers, and for monitoring the administration of the collective agreement (Çelik, 1990 cited in Özdemir, 2001, p.53). These workplace trade union representatives defend the rights of the workers in some bipartite social dialogue mechanisms such as Occupational Health and Safety Council, Leave of Absence Councils that are established by the Laws, Disciplinary Committees, Industrial Relations Council that are established by the Collective agreements. Their tasks continue until the authorization of the trade union terminates.

Starting from Occupational Health and Safety Council, it is one of the participatory and consultation mechanisms. This council is the obligatory structure at work places where the MoLSS determines as being risky for the health of the workers or vocational diseases. According to the Labour Law No. 4857 employers are under the obligation to implement the decisions of the occupational health and safety councils taken in accordance with the legislation on occupational health and safety. In the composition of the council, the representation of the workers is limited, among seven members, only one of them is the worker's representative. The head of the council is the employer or deputy employer. The field of implementation of these councils is limited to the particular enterprise.

The other participatory mechanisms provided through laws at workplace level are the Leave of Absence Council. The related regulation envisages that a leave of absence council is set up in all enterprises that are employing more than one hundred. The council is consisted of one employer representative and two worker representatives. The head of the council is the employer representative. The task of the council is to solve all matters and disputes related with leaves of absence at the workplace.

Besides the mechanisms established by the laws, Disciplinary Committee is an autonomous and voluntary mechanism granted through the provisions in collective agreements. The employer and workers are represented in equal numbers in these committees that is chaired by the representative of the employer. The collective agreements identify the type of offences and relevant sanctions to be debated and resolved in the Committee. The committee could also decide on the issues of dismissal of workers. If the collective agreement has a provision for this kind of issue, employees can not be dismissed without the decision of the Disciplinary Committee. However, the representative of employee chairing the Committee could be regarded as a feature that weakens the authority of the Committee in the dismissal issues (Koray and Çelik, 2007, p.473).

Industrial Relations Council is set up in the enterprises through the provisions in the collective agreement. The task of this council is to inform the employer about the required new technological training, to acquire information about the economic situation of the enterprise, to suggest new methods for increasing the efficiency, of the enterprise, to submit proposals about trainings of workers, protection of environment and other matters related with the enterprise (Koray and Çelik, 2007, p.476-477). The councils are reconciliatory mechanisms between social parties. However they exist only in a few enterprises.

Until 1990s, although the representatives of employees and employers came together at ad hoc meetings and produced some joint works, they could not generate any noteworthy output from these meetings. After 1990s, some sort of concrete relations and mechanisms on important issues began to be established among them. For the first time in 1994 after the 5th April Decisions that are known as economic stability decisions, on 30th August 1994 the representatives of TÜRK-İŞ, DİSK, HAK-İŞ and TİSK agreed on joint written statement concerning the issues of social security and tax burden of wages (Öke, 2006, p.6). In 1997, after the establishment of ESC in 1995, TİSK, TÜRK-İŞ, HAK-İŞ, TOBB, DİSK, TESK and TZOB prepared a report consisting their common views and

recommendations about the working bases and procedures of ESC. The remarkable development in 1997 was the establishment of “Fivefold Initiative” composed of TİSK, TÜRK-İŞ, TOBB, DİSK and TESK during the 28th February military process. Since this cooperation focused on a very critical political situation in Turkey, Baydur (2000 in Koray and Çelik, 2007, p.462) claimed that this initiative had a great role in withdrawal of the coalition government of Welfare Party and Truth Path Party.⁴⁸ The Fivefold Initiative was transformed to “Civil Initiative” in 1999 with the participation of HAK-İŞ and TZOB. This initiative met and declared some joint statement many times on some issues such as inflation, ESC, privatizations, the relations with EU.

3.3. Impact of the Prospect of EU Membership

Turkey’s history with the European Union started officially in 1959. In 1959, Ankara applied for associate membership of the European Economic Community. Since that time, Turkey has always been obliged to fulfill the requirements of the EU in every issue varying from high to low politics. Among them one of the important issues is the development of social policy and related issues in line with Copenhagen criteria. In every document signing between the two parties, the expectations of the EU from Turkey are stated. In addition, since Turkey is a candidate country to the membership of the EU in accordance with the procedure of enlargement policy, in order to evaluate, criticize, and examine the developments in Turkey, every year the EU prepared the Progress Reports. The main aim in all documents is to make Turkey harmonic with the values, the standards and the policies of the EU. The third criteria of the Copenhagen Criteria are “*acqui communitarie*” which means the ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union. This criterion is one of the mile stones of the requirements and obligations

⁴⁸ The Welfare Party came into power following the December 24, 1995 elections. It was the parliament’s largest political party. The Welfare Party and the True Path Party (DYP formed a coalition government (Refah-Yol) led by Necmettin Erbakan (the president of Welfare party), was withdrawn from power through the indirect military intervention of “the 28 February process”.

of being a member of the EU. In this framework, before official accession of Turkey to the EU, she has to to adjust their administrative structures to ensure the harmonious operation of Community policies after accession. The social policy in particular social dialogue structure of Turkey has to be compatible with that of the EU by respecting *acqui communitarie*.

Starting with the Ankara Agreement establishing an Association between the European Economic Community and Turkey signed at Ankara in 1963, in the agreement it was stated that “The Council of Association shall take all appropriate steps to promote the necessary cooperation and contacts between the European Parliament, the Economic and Social Committee and other organs of the Community on the one hand and the Turkish Parliament and the corresponding organs in Turkey on the other.” This statement predicted that the similar or the same structures are expected to be constructed in Turkey.

In 1987, Turkey applied for full EEC membership. In 1989, the Commission approved Turkey's eligibility for membership but postponed the assessment of its application. In 1995, Turkey-EU Association Council concluded the agreement on the Customs Union which entered into force in 1996. In 2001, the EU Council of Ministers adopted EU-Turkey Accession Partnership⁴⁹. That was a Council Decision on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with Turkey (2001/235/EC). Under the title Priorities and Intermediate Objectives, in 4(1) Short-term (2001) it is stated that “...strengthen legal and constitutional guarantees of the right to freedom of association and peaceful assembly and encourage development of civil society.” This statement requires to reinforce the right of freedom of association if this right was engaged legally into the constitution, if not, it requires to guarantee them under legal obligation in the constitution.

⁴⁹ Accession Partnership (2001), [Available at http://www.abgs.gov.tr/files/AB_Iliskileri/AdaylikSureci/Kob/Turkiye_Kat_Ort_Belg_2001.pdf]

In Turkey especially after Accession Partnership, the development of social dialogue has also been fostered and shaped in line with the EU documents in particular Progress Reports published since 2000 up to now 2007. The main focus in these reports regarding the social dialogue is to make the administrative and legal structures compatible with ones of the EU. According to these reports, EU observed generally limited progress in the field of social dialogue. The EU emphasized the incompatibility with international organizations by monitoring the progress in the Laws such as Labour Law and in the existing social dialogue mechanisms such as ESC, tripartite advisory board and İŞKUR. As being one of the most important requirements of the social dialogue, the necessity of fulfilling trade union rights and the restrictions in the laws and in the implementations is strongly emphasized. In particular, they focused on the difficulties with regard to freedom of association and collective bargaining also persisting in law and practice and according to the law on collective bargaining, lockout and strikes the requirement for unions to represent 10% of workers at the sectoral level in order to gain collective bargaining rights. As been on the agenda of the EU itself, regarding the employment policy, social protection and social inclusion, it is said that Turkey needs to take more steps. Moreover, Turkey is claimed to lack in the transposition of the EU framework agreement and directives into domestic law besides the emphasis on contradiction with the relevant ILO conventions that Turkey had ratified. However it is observed that by the time passed, the stress on the developments of social dialogue and trade union rights and freedoms are being reduced in the progress reports.

Besides the Progress Reports, during the screening process in 2006, the answers from the Turkish Government to questions of the European Commission about the current situation of social dialogue reflect the unwillingness and insincerity and incapability of the government about the improvement of social dialogue.

Table 3-14: Answers of the Turkish Government to Questions of European Commission (2006)

<p>1- When will the draft revised law on trade unions be adopted? There are plans to make amendments in the Trade Unions Law No.2821. Technical evaluations together with the social partners are continuing. It is not possible at this stage to give a date for the prospective amendments.</p> <p>2- Will it lower the double threshold allowing trade unions to sign a collective agreement? This issue will be made clear once the technical evaluations referred to above are completed. The Government is working on the issue in close cooperation with social partners.</p> <p>3- Will it abolish the expensive notaries' fees prior to affiliate oneself to trade unions? This issue will be made clear once the technical evaluations referred to above are completed.</p> <p>4- Will the new pending law on public administration allow all service servants become members of trade unions ? Although a great majority of the civil servants enjoy the right to join the trade unions, it is not yet possible for all of the civil servants to become member thereof according to our legislation in force. However, it is intended to extend the scope of the existing legislation in this area, which is the Law on Civil Servants' Unions. Evaluations, together with the social partners, on possible amendments to be made in this Law are continuing</p> <p>5- How do you plan to tackle the under-representation of women within Trade unions? The unionization rates for women and men are 58.90 % and 57.27% respectively. For that reason, there is no problem with regard to the under representation of women.</p> <p>6- Do you plan to facilitate the right of strike? and to put an end to the 2 months suspension for security reason? The Government has plans to make amendments in the Collective Labour Agreements, Strike and Lock-out Law No.2822. However, it is not possible at this stage to give information about the possible content of these amendments, since the evaluations on the issue have not been completed yet.</p> <p>7- When will the draft law reshaping the composition of the economic and social committee with an increase of social partners' representatives be adopted? Technical evaluations towards drafting legislation are continuing.</p> <p>8- Do you plan to widen the information and consultation of workers beyond collective dismissals, dispute resolutions and disciplinary matters and health and safety? Yes, it is intended to widen the information and consultation of workers</p>

Source: Downloaded from

[http://www.abgs.gov.tr/tarama/tarama_files/19/sorular%20ve%cevaplar.htm/ on 27 June 2007]

3.4. Conclusion

This chapter identified the main features of the historical evolution of industrial relations system in Turkey and development of the idea of social dialogue in order to provide the background for the analysis of the assessments of the trade union confederations about social dialogue. The industrial relations systems was examined under three time period by referring the economic, employment, legal framework and the course of trade union movement in terms of the trade union rights and freedoms. Since the concept of social dialogue entered to the agenda in Turkey in 1990s and the main political, economic and legal dynamics of that period are still kept, the period of post 1980 was much more stressed in the chapter. It could be argued that the general development line of Turkish industrial relations system in particular the improvement trade union rights and freedoms followed a floating course. In terms of the economical developments, during the first and second period Turkey had traditional trade and industrial strategy based on import substitution through protectionist policies. The agricultural sector had a dominant share in the employment structure until 1980. In terms of the legal framework, while in the first period, Turkey witnessed the initial developments, these developments had very restrictive nature. Therefore although some attempts realized among the workers, the most important development was the establishment of TÜRK-İŞ. The transition to multi party period had a very important impact. However Turkey witnessed its golden ages between 1960 and 1980. The legal regulations that were enacted as a result of military takeover in 1960 presented a very wide scope of trade union rights and freedoms. Under this period the trade union movement got momentum by the impact of establishing DİSK that had a very militant and political stance. The relatively more liberal environment for organized labour during the second period led to rapid growth in trade union membership and militancy (Şenses, 1993, p.99). However despite this positive background compared to the current time, social dialogue did not emerge in the industrial relations system. However the beginning of third period was the turning point in the history of Turkish industrial relations. The policies of 1980

were shaped by the impact of growing economic crisis in the late 1970s and 1980 Stabilization programme enacted under the auspices of IMF, expanding trade unionism, and military intervention. The new economic policies shifted toward export-oriented policies were to reshape the pattern of production and investment compatible with the neo-liberal policies in the world. The 1982 Constitution and the Laws No. 2821 and 2822 that were the output of this process had remove the almost all rights and freedoms granted by the 1961 Constitution and the Laws No.274 and 275. Therefore Turkey experienced a period that had lasting marks and would not be able to compensate in any time, not just for workers but also for all sections of the society. The sum of these developments was to removal of the trade unions, wage restraint, antiunion stand of employers, severe restrictions and prohibitions on trade union activities and closing down of DİSK for 11 years. Since 1980, Turkey has been following the neo-liberal policies that are presented by the international economic funds in particular IMF. Although towards to the end of 1980 the working class started to accumulate its power, the living standards of the workers increased from time to time, the workers could not turn to the conditions similar to the previous period. Now Turkey is tackling with unemployment problem, low level of unionism, privatizations informal employment, different flexible working conditions and employment structure, ongoing restrictions and prohibitions on the trade union rights and freedoms. At the beginning of the 1990s, due to the increasing developments about the membership of Turkey to the EU, the Constitution and Laws were forced to be amended in line with the *acqui communautaire* of the EU. These developments fostered the process of social dialogue to be emerged and developed in Turkey. Due to the impact of the EU integration process, many social dialogue mechanisms were established at trilateral and bilateral level. However as it is observed in the Regular Reports, the development of social dialogue is progressing very slowly. The analysis of these mechanisms and practices will be analyzed in the next chapter in reference with the assessments of the trade union confederations.

CHAPTER 4

ANALYSIS OF THE APPROACHES OF THE TRADE UNION CONFEDERATIONS TOWARDS SOCIAL DIALOGUE

After presenting general outlook about development of social dialogue in the European Union, historical evaluation of industrial relations and social dialogue in Turkey, the first main aim of this study will be accomplished in this chapter. In this chapter, the approaches of the workers' trade union confederations in Turkey, namely TÜRK-İŞ, DİSK and HAK-İŞ concerning the social dialogue in the context of European integration will be analyzed in reference with certain indicators. This chapter consists of three main parts. In the first part, since the concept of social dialogue entered the agenda of Turkish society mostly in the period of Turkey's membership to the EU, the perspectives of the interviewees to the EU integration process in the framework of trade union rights and freedoms will introduce main points for the link between the EU and social dialogue. In the second part, conceptualizations of social dialogue will be analyzed. In this framework, elaborations of the interviewees on the meaning that they attribute to social dialogue, structural and functional features of social dialogue will be analyzed in reference with a spectrum developed by myself. In accordance with my spectrum, their elaborations are divided into three groups: sceptical, moderate and pragmatic. In the last part of this chapter, as a concrete and joint implication of the previous parts, the assessments of the interviewees about the outcomes of social dialogue practices in the EU will be examined. In this part, the interviewees did not make any differentiation between the social dialogue practices at the EU level and at the national level.

In order to provide a background for the positions of the trade union confederations to social dialogue, it may be useful to present a brief general outlook about the basic historical and current features of the confederations. Firstly, TÜRK-İŞ is the oldest and the biggest trade union confederation

established in 1952. In accordance with the working life statistics of Ministry of Labour and Social Security (2008, p.111), TÜRK-İŞ has 2.184.685 members organized in thirty three affiliated trade unions at twenty eight sectors. TÜRK-İŞ is mostly organized in public sector and it has the most authorized trade unions among the others. TÜRK-İŞ became the member of ETUC in 1988. TÜRK-İŞ is claimed to adopt corporatist relations with the governments, under the monitoring and control of the government from the beginning of its establishment (Akkaya, 2002). Moreover TÜRK-İŞ is also claimed to have “above party politics” in line with American trade unionism (Akkaya, 2002). Therefore TÜRK-İŞ is identified as a centrist confederation (Uçkan, 2007, p.110). It was stated in the official documents of TÜRK-İŞ that “...TÜRK-İŞ confronted with governments and employees from time to time, however TÜRK-İŞ did not caused any problem, and it attempted to solve the problems caused by the others before all else at the table through dialogue.”⁵⁰

DİSK as being the second biggest and oldest trade union confederation was established in 1963. It was closed down in 1980 with the decision of National Security Council in the period of the military intervention. However, DİSK became the member of ETUC in 1985. After 11 years, DİSK was re-opened legally. According to the working life statistics of Ministry of Labour and Social Security (2008, p.111), DİSK has 419.634 members organized in seventeen affiliated trade unions. However DİSK has two more trade unions organizing retired employees and students at de facto background since the Laws in Turkey do not recognize these two trade unions⁵¹. DİSK is claimed to adopt class and mass based trade unionism by giving attention to the political struggle under the ideology of socialism (Akkaya, 2002). However, after DİSK reopened in 1991, it

⁵⁰ [Available at http://www.turkis.org.tr/source.cms.docs/turkis.org.tr.ce/docs/file/turkis_tarihi.pdf]

⁵¹ Union of Retired Employees (Emekli-Sen) was established in 1992 and it was closed down in 2007 by decision of court. Therefore Emekli-Sen has applied to the ECHR this year. The Youth Trade Union (Genç-Sen) was established at the end of 2007, the lawsuit for closure of the Genç-Sen was brought in middle of this year and the court is still continuing.

is claimed to have shifted to social democratic policies albeit by preserving its class based and militant perspective (Akkaya, 2002). In the Article 3 of the statute of DİSK, it is stated that “It is not possible that the workers can get their all rights only by occupational struggle. Besides, they need to fight at a political level by using their democratic rights in the Constitution. This struggle aims to fight against the exploitation of human by another human along side proving the working class with the consciousness of its existence.”⁵²

The last confederation, HAK-İŞ was established in 1979. Although HAK-İŞ was also closed down in 1980, it was reopened after one year. In accordance with the working life statistics of Ministry of Labour and Social Security (2008, p.111), HAK-İŞ has 402.054 members organized in seven affiliated trade unions. HAK-İŞ became the member of ETUC in 1997. HAK-İŞ is claimed to be established on Islamic tendencies but in time HAK-İŞ is argued to refer less to the Islamic discourses but utilized every ongoing opportunity (Akkaya, 2002). Therefore HAK-İŞ has been increasing its organizational capacity and sphere of influence since the Justice and Development Party (AKP) has been the ruling party in the government. HAK-İŞ is defined to be conservative, formerly Islamic and religious (Uçkan, 2007, p.110). In accordance with its principles it is stated that “HAK-İŞ is in favour of the dialogue, consultation and peaceful methods and against conflictual understanding in its approach”⁵³. Moreover HAK-İŞ believes in the necessity of forming joint initiatives of civil society organizations in line with the principles of “compromising” and “parallelism based on interest”⁵⁴.

⁵² [Available at http://www.disk.org.tr/content_images/DISK_KurulusBildirgesi.doc]

⁵³ [Available at http://www.hakis.org.tr/tanitim/hakis_eng.htm]

⁵⁴ [Available at http://www.hakis.org.tr/tanitim/hakis_tr.html]

4.1. Perspectives on the European Union Integration Process

In this part of the chapter, firstly the perspectives of the confederation on Turkey's EU accession process, secondly the impact of accession process on social dialogue and lastly the evaluations of the confederations about the Regular Reports of the European Commission for Turkish development line will be analyzed.

With respect to the perspectives on the accession process, while most of the interviewees from all confederations express positive opinions about Turkey's membership to the EU, since their reference points are different, they show different levels of significance to the process.

“Attributing importance to the accession process, several interviewees from TÜRK-İŞ state that while this process is yielding very remarkable gains in terms of improvement of trade union rights and freedoms, the impacts of these outcomes on the improvement of industrial relations remain limited and inadequate. “We interpret the EU process within this frame: it is possible to consider the issue as a process of democratization, development of freedoms without reducing it to the accession to the EU. In this framework, we believe that trade unions can also consider social dialogue mechanisms through the same mentality. Of course, while attempting to benefit from these reforms, the risk of being reformist should not be ignored.” (TÜRK-İŞ - 6)

“The main matter of social dialogue in the EU accession process is the matter of recognition and implementation of the basic rights and freedoms for trade unions.” (TÜRK-İŞ - 5)

“The changes made in the EU accession process are positive steps but the amendments covering the working life and improving social dialogue have not been realized yet.” (TÜRK-İŞ - 7)

While the interviewees from DİSK do not denote anything about the EU membership explicitly, they emphasize the need for recreating the EU by strengthening its social aspects and promoting the struggle of labour. They stress on the importance of the international solidarity of the working class in Europe and in Turkey against the hegemony of capital and neo-liberal policies. Therefore

according to the interviewees from DİSK; the EU membership should be evaluated by taking into consideration the interests of the working class in Turkey. Therefore according to the interviewees from DİSK, the development of trade union rights and freedoms should be a significant reference point for monitoring the situation of social dialogue.

“We believe that unless we don’t create globalization of labour against globalization of capital through the joint struggles in Europe and in Turkey, this problem can not be overcome.”
(DİSK - 3)

“There are two different approaches about the EU; the first one is the Europe of labour or social Europe, the second one is the European system that is oppressed by economic policies and that is defined as liberal Europe. If we consider the impact of population of Turkey, if we take part in shaping this system, we will have to face with a dilemma between accomplishing a transformation standing mainly for labour and being spectator of this liberalizing process. There are important struggles of the working class on the way to the social Europe. (DİSK - 3)

“Actually the EU accession process imposes new life style in Turkey, or a new type of social relation. I think social dialogue is also one of the tools of this new life style and it is a concept that has become. In Turkey, in the EU process. I can identify this process as positive in terms of both social relations and social dialogue. I think this process is making positive contributions to Turkey.” (DİSK - 7)

“The EU process is in its infancy period, we are expected to internalize the concepts that are new for us. Social dialogue mechanism is also one of these concepts, which is also expected to be internalized in the EU process. This mechanism can not be beneficial as long as trade union rights and freedoms are not taken into consideration in the specific conditions of Turkey”. (DİSK - 4)

Contrary to the predominant opinions in TÜRK-İŞ and DİSK, some of the interviewees from TÜRK-İŞ and DİSK think that since the EU was established and structured by capitalist tenets, the policies of the EU are being shaped for the prolonging of the capitalist policies on behalf of the interests of capitalist class.

“This question should be replied by taking for granted that the EU is one of the main partnerships of capital. The EU is a project of capital. Priorities of labour are located in secondary position in this project”. (DİSK - 7)

“Because the EU is not a project of human rights and democracy, it is an imperialist bloc.”(TÜRK-İŞ - 3)

According to the interviewees from HAK-İŞ, since the EU is one of the most important political and economic structures throughout the world history, they consider that the membership of Turkey to the EU has a very critical location in the development of Turkish society. Moreover according to them this accession process does not provide benefit only for the improvement of industrial relations system but also for the whole system and society.

“I think it is an effective process. In my opinion, the EU project is one the most important stages in the history of humanity, it is the enhancement of welfare and the termination of war.” (HAK-İŞ - 5)

“I am supporting the EU process, I think it is right. I believe that the existing regulations of the EU should be brought to our country by this way.”(HAK-İŞ - 4)

“We are observing the best examples of social dialogue in the EU. According to us, the EU is a peace project in which countries solve their problems by sitting around the table rather than by fighting in the battlefield.”(HAK-İŞ – 2)

“I think that this process is very effective with all aspects, we are mostly influenced by this process. There are some difficulties but it works.” (HAK-İŞ – 5)

“There are strange packages that remove dogmas and taboos in political field. If you look at carefully, in eight packages there is nothing with social content. Actually packages are accepted, but; neither of them forces us or we do not care about them.”
(HAK-İŞ -3)

According to the interviewees from TÜRK-İŞ and HAK-İŞ since the negotiation process is a kind of a social dialogue practice, trade unions should actively participate in this process in order to strengthen the social dimensions of the chapters.

“The negotiation process of the European Union is a very important ground for social dialogue. However, the government excludes the representatives of labour from the

process. As being TÜRK-İŞ, we want to participate in the negotiation process actively.” (TÜRK-İŞ - 7)

“We or other trade unions should take part in the EU negotiation process as being social partners.”(HAK-İŞ - 2)

With respect to the evaluations of the confederations on the Regular Reports of the EU, according to the interviewees from all confederations, progress reports released by the EU are very important indicators in the EU accession process. According to them the main reason of this importance is that they illustrate the route of negotiation process with its roadmaps for the governments by providing important assumptions related with Turkey’s adoption level to the EU criteria. In addition, some interviewees from DİSK and HAK-İŞ stated that the parts concerning the development and deficiencies of the trade union rights and freedoms were not adequately mentioned in the progress reports.

“It is possible to see it in both the negotiation documents like accession partnership, and regular reports and in the negotiation process itself. Screening meetings related with the social policies revealed clearly how social dialogue was being perceived by the EU. The EU considers the assurance of basic trade union rights as a prerequisite of social dialogue. Minutes of screening meetings implicitly indicate that restrictions for trade unions are obstacles to social dialogue.”(TÜRK-İŞ - 5)

“I think actually the first two or three reports were effective and became one of the priorities of social policy. It was a speedy progress at the beginning but then started to slow down because there were also priorities of the governments. Then social policy was delayed to the last. Individual rights have always come into prominence. I think extremely politicization has an important impact on it too.” (DİSK - 5)

“They are including our demands and necessities in these reports, but the practical regulations have not been realized. Actually, it must be effective. Turkey’s reservations on trade union rights and prioritization of other topics by the EU demonstrate that the EU is not also very sincere.” (DİSK - 1)

“Despite all; I take into consideration the accession partnership documents since they are good reference points for us, they are positive for us. However, I do not think that these criticisms are enough. Sensitivity and decisiveness about political and economic criteria turns out to be inadequate when the issue is the trade unions.” (HAK-İŞ - 2)

“There is no progress up to now with the influence of the reports.
Emphasizes in the progress reports are not satisfactory.”
(HAK-İŞ - 4)

4.2. Conceptualization of Social Dialogue

According to the interviews that were conducted with three confederations, it is observed that approaches of the interviewees from the confederations towards social dialogue at conceptual, structural and functional level can be categorized into three. These categories are sceptical approach, moderate approach and pragmatic approach. First, it should be pointed out that there are not strict lines in this categorization but there is a level of mobility among them. This situation is more or less valid for the interviewees from TÜRK-İŞ and DİSK. Therefore this categorization does not present official opinions of the confederations. In this regard, it can be said that sceptical approach in which mostly critical opinions are adopted, is common in the interviewees from DİSK. Moderate approach that has a relatively balanced stance is common in the interviewees from TÜRK-İŞ. Lastly pragmatic approach that attributes completely positive motives is common in the interviewees from HAK-İŞ. The approaches that the interviewees from TÜRK-İŞ and DİSK intersected on are observed in both moderate and sceptical approach.

4.2.1. Sceptical Approach

With respect to the definition of sceptical approach, according to the interviewees that I categorized under this approach, social dialogue is a bargaining process in which working class make more concessions than capitalist class for the sake of compromising. According to these interviewees, with the impact of the pressure of the compromising attitude, social dialogue becomes a trade off that removes the state of class contradiction while at the same time causing loss of rights for the working class in the long term. It aims to replace traditional class struggle with an absolute compromising method in which incorporation of working class is

perceived as a legitimate tool in the eyes of the capitalist class in order to protect their own interests. As it is stated before although sceptical approach is predominant among the interviewees from DİSK, a certain minority among the interviewees from TÜRK-İŞ supported this opinion.

“I think social dialogue takes places as a kind of 'trade off' or 'bargaining...Antagonism between labour and capital is replaced with the concepts such as compromising and 'being in the same ship' that ignore the class contradiction.” (DİSK - 6)

“I think the current deadlocks of the capitalist class are being used as a guise to create an illusion by including trade unions, and saying that “you are also the part of this problem”. (DİSK - 1)

“The essence of social dialogue aims to lead the recession of class struggle and improvement of class compromise. Social dialogue is the denial of concept of class struggle.” (TÜRK-İŞ – 3)

“In my opinion, social dialogue is not a tool for fighting in a struggle but it exists for giving up the struggle according to the mentality of 'class antagonism ended, we are all in the same ship so it is time for peace and compromising not for fight and struggle.” (TÜRK-İŞ - 6)

From a different point of view, according to the interviewees from TÜRK-İŞ, social dialogue is one of the ultimate outputs of imperialist exploitation that result in cooperation among classes. They argue that capitalist class sacrifices some part of its welfare that is gained through exploiting the third world countries, in order to make cooperation with the working class. However according to them, due to the current situation of globalization, since this type of exploitation process is ended, capitalist class do not have anything to give to the working class by social dialogue.

“When the imperialist exploitation was replaced with classical understanding of exploitation of surplus, employers and capitalist class of imperialist countries granted their working classes rights systematically to get support for their imperialist policies. Therefore social dialogue was one of the tools of this alliance that was created for pursuing imperialist exploitation. These people establish social welfare state and social dialogue as a mask of capitalist system, and by this way they impeded the improvement of class fight. ” (TÜRK-İŞ - 3)

“In the context of globalization process, global competition so increased that for the imperialist states, the period of giving share of wealth that they gained from colonized countries, to their working class was finished. Therefore the workers of the developed capitalist countries, who have more concessions to make, are affected by the negative outcomes of the globalization more than the workers of less developed countries.” (TÜRK-İŞ - 6)

As a reasonable result of the stance of these interviewees in the definition of social dialogue, they differentiated social dialogue from the traditional struggle methods and rejects to use social dialogue instead of traditional ones. Moreover, they do not exclude the concept of dialogue but do not correspond the ways of establishing dialogue with social dialogue.

“Although the circumstances of collective bargaining process or the beginning and ending process of collective bargaining are also the kinds of a dialogue mechanism or the process of dialogue; beyond this situation it should be accepted that social dialogue makes labour passive.”
(DİSK -7)

“No it is not an alternative. Because I think the opposite situation occurs and negative points increase much more when the antagonism between labour and capital becomes invisible.”
(DİSK-6)

“It can not be an alternative. Anyway in the understanding of trade unionism, the mentality of compromising has already been dominant in Turkey.” (DİSK - 1)

“I think struggle should be inevitable as long as classes exist, moreover gaining strength and rights without struggle is not possible. Thus I think it is not a method which is separated from traditional struggle methods or which is an option just itself.”
(DİSK - 7)

“Although any kind of relations conducted by social parties seems like a dialogue, but they do different types of struggle and different appearances of class conflict and negotiation understand. Therefore your struggle, the struggle of the people who are suppressed and who are workers in other words the people who are at bottom determines the mode and results of dialogue directly.”
(TÜRK-İŞ - 6)

“What are the traditional struggle tools? Which one became old? What are the tools to be used instead of these traditional ones? ‘Social dialogue’ cannot be replaced by these tools. Sitting at the

table to talk about the solution of problems is something different, but just talking and making dialogue instead of struggle is something different.” (TÜRК- İŞ - 6)

These interviewees consider that the ultimate aim of social dialogue in the long term is to eliminate the class perspective in the trade union movement.

“In my opinion, capitalist class built up social dialogue to decrease the number of days lost in strike and they undertook a risk by making some certain concessions in the short and mid terms for the sake of its long term interests. The important point for the working class is to realize which class -capital or labour- will gain the advantage from the difference between the concession and loss. At this point it is clear that we as working class are losing and our losses can be summarized as; first, social dialogue speeded up the creation of privileged trade union aristocracy together with new institutions and structures, secondly, trade union struggle having collectivist and class based perspective were impeded step by step. Trade unions started to prefer their short term individual or group interests rather than long term class interests. ” (DİSK - 6)

“It cannot be an alternative, on the contrary these are attempts aiming at diminishing the working class and trade unionist movement, and these are the attempts for the adoption of imperialist policies.” (TÜRК-İŞ - 3)

Therefore according to the interviewees from DİSK and TÜRК-İŞ, the perceptions on the benefits and harms of social dialogue depend on the political preferences and unionist perspectives of the trade unions. Therefore trade unions struggling in the light of the class based perspective identify social dialogue as a tool that weakens this struggle.

“If you have a perspective based on class struggle in other words if you believe that workers will transform the system into another one at the end of this struggle via these tools of the struggle, this mechanism can be considered to make this struggle dilute. If you look at from the perspective of this current system or capitalist system, we can observe that it works and solves the problems.” (DİSK - 4)

“I am considering that what kind of an advantage it has for the people who are looking for alternatives for the system or for the people who are accepting the system as data: for example, such gains could be important experiences for those looking for these options.” (TÜRК-İŞ - 1)

According to the interviewees from DİSK, the balance of power determines the advantageous and disadvantageous sides of social dialogue. However they argue paradoxically that when the working class is powerfully organized, it does not incline to use social dialogue even if they seem to become advantageous since they can defeat the capitalist class and obtain more gains.

“The institutions created by social dialogue are identified as 'advantage' by the working class. The only reason of this situation is that trade unions believe in this way. Social dialogue can be seen as a bargaining process for both classes depending on the balance of power between classes... When the working class is powerful, it does not need to be obliged to engage in social dialogue, it is able to achieve its goals by using the power emanating from their force of production. Actually social dialogue is a very crucial barrier for working class to use this power in the mid and long terms.”
(DİSK - 6)

“Unless trade union movement is not powerful, employer does not accept to sit at the table of social dialogue and, if it accepts, it means that it will also take into account the power of class movement.” (DİSK - 4)

With respect to the functionality of social dialogue, the interviewees from DİSK and TÜRK-İŞ consider social dialogue as a mechanism that is formed and disseminated by the capitalist class in order to use it for overcoming the crisis of capitalism and for reproducing the capitalist system.

“I think analyzing the concept of social dialogue without its historical content is not possible. Therefore I think this concept was produced as a current issue to overcome the crisis of capitalism in 1970s. It aimed to decrease the number of days lost in the strikes to minimum level, since these strikes that were very intensive in that period caused serious recessions in the increasing rate of labour productivity.” (DİSK-6)

“I think social dialogue is a new tool, which has been generalized since new liberal policies started to be implemented, in particularly since mid-70s. I think it is a concept, which has an ideological content and is tried to be generalized to take over the concept of working class struggle.” (DİSK - 7)

“It is impossible to live in a capitalist society without social dialogue. It is working for the reproduction of the capitalism itself.” (DİSK - 2)

“At the final stage; it is a mechanism which reproduces capitalism as well. Because it blocks another social project. Thus it is a reproduction of system in ascribed circumstances of the capitalism.”(TÜRK-İŞ - 1)

In line with this capitalist stance, an interviewee from DİSK claims that the current role of the European Commission is to create a legitimate platform where the policies of the EU are formed with the impact of the interests of capital owners through approval of the representatives of labour.

“The real function of the Commission in the EU is bringing parties of social dialogue together, bringing their -indeed EU capital’s- political demands to the agenda of the institutions in the Union and making arrangements from results that parties agreed upon by themselves at the Union level.”(DİSK- 6)

According to the predominant opinion in the interviewees from DİSK, social dialogue has a broader function than it is supposed just for industrial relations. It aims to transform not only the trade union field but also whole social structure through capitalist policies.

“I think with the economic transformation; also social structure is aimed to be built up by the influence of economic policies...This social structure is built up independently from its parties or its social parties but it is a process that was determined by the hegemony of capital over other social parties.” (DİSK - 7)

“If we make a general comment about it, except for Turkey, I can say that it is an attempt to get a recognition and legitimacy for the continuation of existing capitalist hegemony.” (DİSK - 1)

With respect to the structural features of social dialogue, an interviewee from TÜRK-İŞ claims that the structural features of social dialogue are also designed in order to provide legitimate ground for the recognition of the interests of capital. one of the most widespread tool for this aim is to broaden the participation category by including politically closer institutions.

“They also adopted principle of "good governance", which was brought by neo-liberal policies. Through this principle, debates for social policies were included into the broader platforms. It means that they started to call not only direct but also indirect parties of

the issue. During this process non-governmental organizations were transformed into the capital based organizations. And you can observe that private sector, capital owners I mean and the government that followed the policies in favour of capital, started to speak in the same language with the capital owners, so as Birgöl Ayman Güler said there was structure which was surrounded with "three capitals". In other words the whole power is in the hands of capital.”(TÜRK-İŞ - 1)

4.2.2. Moderate Approach

With respect to the definition of social dialogue, according to the interviewees that I categorized under moderate approach, social dialogue is as an entirety of the actions that are carried out for the regulation of the relations among the parties. The main aim of social dialogue is to solve the problems through various platforms, methods and mechanisms based on the perception of compromise. Although this opinion is predominant among the interviewees from TÜRK-İŞ, a certain minority among the interviewees from DİSK supported this opinion.

“Social dialogue is defined by ILO as a process that covers any kinds of bipartite or multipartite negotiation, consultation or exchange of point of views about common interests such as economic and social policy among the representatives of government, employers and workers representatives.”
(TÜRK-İŞ - 7)

“Because it is the requirement of a democratic structure...Steps for the solution of the current problems may be confrontational or peaceful. For no reason at all, it is an effort.” (TÜRK-İŞ - 2)

“We define it as solving problems with different approaches, different interest groups via social, economic and political mechanisms. The concentration of compromising was materialized by these mechanisms and it became a significant tool for the solution of important problems of country.” (DİSK - 3)

According to the interviewees from TÜRK-İŞ, the root of social dialogue stems from Europe and it is a historical output of the transformations taken place in the Europe's political and economic structure in which the struggles occurred between labour and capital are respected as important determinants.

“European social dialogue can be assessed within the European social model. Labour and capital are the backbones of the political and civil society organizations in the European social model; they are the determinants of political structure in an important degree as well as the most efficient parties of civil society. Political or social organizations are mostly reshaped by these social parties in the framework of struggles for power. On one side in Europe, there is a basic social, political and economic structure on which the parties agree, on the other hand; outcomes of this structure are promoting the compromise among these parties.” (TÜRK-İŞ - 5)

“Social dialogue, as it is clearly pointed out in the EU Agreement, is an indispensable part of the European social model.” (TÜRK-İŞ - 7)

According to the interviewees from TÜRK-İŞ and DİSK categorized under moderate approach, social dialogue is adopted as an appropriate tool for reaching compromise with the aim of getting concrete results in favour of the working class.

“On the other hand we can say that it defines the totality of the processes having multi-aspects to accomplish a kind of compromise among different interests by means of these relations. It means it is a basic tool for compromise to get a result.” (TÜRK-İŞ - 5)

“Dialogue is a sine qua non in our period. The culture of compromise is a concept through which the parties understand each other or when we think psychologically, it is to establish empathy. Therefore it is beyond to understand.”(TÜRK-İŞ - 4)

“We perceive social dialogue as a mechanism, which aims to get a compromise from the relations having different interests and at least to find a common point. We don’t think that it is just an area of ideas.”(DİSK - 3)

“Social dialogue is built up to have an entire culture of compromise.” (DİSK - 5)

However the interviewees from TÜRK-İŞ and DİSK believe in the need of certain legal and institutional conditions for better functioning of the system of industrial relations and social dialogue in order to achieve compromising.

“The main issue is to assure occupational safety and right of association.” (TÜRK-İŞ - 7)

“Institutionalizing of the equality of relations and establishment of a balance in terms of gains and losses for both parties at a satisfactory level are important in order to establish a bargaining relation...The power of representation, capacity and efficiency of social parties affects the outcomes of social dialogue.”
(TÜRK-İŞ - 5)

“This kind of dialogue should be materialized with concrete tools not with abstract tools, it is a sort of compulsory encounter. All of them must have a legal base.”(DİSK - 2)

“Dialogue reminds me equality; parties which talk about a subject and equality of these parties come to my mind. Equal parties do not see each other as the one to be suppressed. Definition of the social dialogue includes equality at the table. Equality is necessary for compromising.”(DİSK - 5)

An interviewee from TÜRK-İŞ thinks that the mentality of social dialogue should not be applied only in trade union field but also the whole political and economic system should be steered by this mentality.

“When the social dialogue is mentioned, indeed it means a broader frame which covers the characteristics related with the political and economic system, democracy and mentality of administration, structured relations among parties.” (TÜRK-İŞ - 5)

According to the interviewees that I categorized under moderate approach, social dialogue is not an alternative tool against the methods of traditional trade union struggle. On the other hand social dialogue should be considered as a part of them.

“New ways should be used without giving up the traditional trade union tools, as well. If there is no power to struggle in the field, this issue should be overcome at the table rather than losing more power in the field.” (TÜRK-İŞ - 4)

“It is not an alternative but a mechanism which could be used by per se. Social dialogue should be treated as a complementary mechanism of the traditional tools of trade union struggle because social dialogue is a relation among the powers. You can discuss everything at the table but it cannot impede attempts of strike and association as it does not in Europe.” (TÜRK-İŞ – 5)

“Social dialogue can be a tool of a struggle...but in order to accomplish it; power must be accumulated and a dialogue mechanism should base on the equality of parties...Of course; canals for traditional struggle tools should be open, in other words the class struggle must be the main and basic point.” (DİSK - 7)

With respect to the functional features the interviewees consider social dialogue as a mutual bargaining between labour and capital owners. Therefore according to them due to the definition of the mutuality and increasing impacts of globalization; advantages and disadvantages might exist for both parties in this bargaining process.

“Social dialogue is a bargaining process to transform the conflicts of interest between labour and capital into compromise within the relations based on the balance of relative power. It is based on a mutual gains and concessions like in all bargainings.” (TÜRK-İŞ - 5)

“Because when the competition comes into prominence, elimination of social protection models becomes a current issue... But at this point trade unions did not get any result with a structure based on confrontational manner, and then they started to keep their existences on via compromising with the existing conditions. We should say “Yes” for the flexible working conditions but under certain conditions. Trade unions have to have an approach which is not totally obedient but tolerant.” (TÜRK-İŞ -2)

4.2.3. Pragmatic Approach

Interviewees that I categorize under pragmatic approach attribute an absolute positive meaning to the concept of social dialogue to a great extent without making any classification for any subject or any field of life. Different from moderate approach, due to the existence of this extreme positive attribution, this approach does not envisage any precondition for the maintenance of social dialogue. The interviewees having pragmatic approach believe that under any condition, mutual relations should be reinforced without accounting any ideological approaches and stances. The interviewees that I categorize under pragmatic approach are all from HAK-İŞ. Therefore this situation is a clear division line between the perspectives of the interviewees from HAK-İŞ and perspectives of the interviewees from TÜRK-İŞ and DİSK in the whole analysis.

With respect to the definition of social dialogue, according to the interviewees from HAK-İŞ; social dialogue is a state of reflection of a win-win policy in the

industrial relations system. The interviewees from HAK-İŞ identified social dialogue with a mechanism from which both capital and labour get equally balanced advantages.

“Dialogue is a mechanism through which mutual interests are balanced, through which both the workers and enterprises get new benefits at the end, so this is my definition of justice.”(HAK-İŞ - 2)

According to the interviewees under pragmatic approach; social dialogue is the only solution for all political, economic, social, cultural problems in the country. In other words its absence is one of the main reasons of the deadlock of all problems.

“If we had social dialogue even in a limited level, we would have had a society based on rules...Although half of the population is woman in Turkey, there is inequality between man and woman; the situation is like this...in terms of age average, economic independency, civil society, politics and bureaucracy, civilization, height of pavements, Civil Servant Selection Examinations in other words in all fields of the life we are facing with problems. Again it is related with the social dialogue.” (HAK-İŞ - 4)

“The concept of social dialogue is a priority issue for us. We use it very often and we attribute a great meaning to it. As a concept, social dialogue means having a well established structure. For us, it means putting actors, rules and institutions into the right places and using the relations among them in a right and effective manner.” (HAK-İŞ - 3)

According to the interviewees from HAK-İŞ; the mentality of social dialogue determines and transforms all economic, political and social structure of the society since this mentality is directly related with the human being existence.

“Social dialogue is a culture, a social culture. It is a mentality that shapes the society. It is a concept which is about life. It is a magic stick. It is a culture. It is inevitable if you are humanitarian, if you want to put the human being into the centre of structural, liberal, democratic system.”(HAK-İŞ - 4)

The interviewees from HAK-İŞ under pragmatic approach expand the meaning of social dialogue by adding all individual, daily and social relations among the

different sections of society. Moreover they also evaluate the basic humanitarian behaviors in the framework of social dialogue.

“Indeed for us or as being HAK-İŞ, the most important definition is socialization process. What does socialization process mean? It is a big phenomenon. Thanks to the social dialogue mechanisms; twenty presidents who think and act in different ways are coming together. We discuss together and we are socialized. I attended most of them. These discussions started with fight, tension increased and decreased but at the end everyone left the room by saying ‘goodbye’.” (HAK-İŞ - 3)

“It has a humanitarian relation aspect...the parties know each other. I am observing, they come together, talk to each other in different platforms, they can have dinner, they can sit and talk” (HAK-İŞ - 3)

“Social dialogue means learning how to talk, discuss and solve the problems together.”(HAK-İŞ - 4)

With respect to the functional features of social dialogue, the interviewees from HAK-İŞ under pragmatic approach do not make any differentiation between the interests of workers and employers. As a matter of fact, the interviewees believe in the need of flexibility for protecting the interests of the working class. In other words labour should take into consideration the specific circumstances of capital owners, and if it is necessary labour could sacrifice their rights for the interests of the capital owners.

“Sometimes, even, to provide a benefit to the other party. I mean that our interests do not always intersect. But the other party could also be strengthened by social dialogue and this situation directly influences me and makes me stronger as well.”(HAK-İŞ - 3)

“Through joint investments we are producing cement with Sabancı there. In other words the rules of economy are applied. We are also making our collective agreement. In parallel with the economy, sometimes we are making a very good contract or sometimes unsatisfactory contracts but we have never led the workers to be dismissed. That’s it. It is the feeling of belonging. There may not be such a thing in the Marxist terminology but there is in the real life.” (HAK-İŞ – 2)

With respect to the character of the relations with capital and labour, according to the interviewees from HAK-İŞ, power struggle of working class and capitalist class is a conflictual situation by nature therefore it leads to the emergence of new conflicts. Therefore the interviewees believe that the state of antagonism is contradictory with the development of social dialogue mentality. Consequently, according to the interviewees from HAK-İŞ, trade unions should avoid from all kinds of conflictual situations and take a position away from their ideological stances that foster the mentality of conflict.

“Actually, on the one hand if trade unions try to establish peace in the political field, on the other hand if they become the proponents of war and conflict in industrial relations, it becomes a crucial paradox for trade unions. Therefore the trade unions that are in this situation should explain their paradox.”(HAK-İŞ - 2)

“In my opinion, social dialogue is a situation of a peacekeeping I think it is a ground or a key of a common mind, common attempts for the solution without any pre-conditions, prejudices and memorized slogans”. (HAK-İŞ - 2)

“Dialogue is an issue of self-confidence as well...If you believe in democracy, you have to respect it. You should put away your prejudices and red lines and you should understand what is told by others and if there are right points, you become flexible.”
(HAK-İŞ - 2)

“Alliances should be promoted, not conflicts but common points at minimum level should become prominent.” (HAK-İŞ - 4)

The interviewees from HAK-İŞ consider that knowledge as a tool for solution should be used in order to eliminate the conflictual relations since the level of knowledge is one of main determining features of the balance between labour and capital in social dialogue mechanisms. The parties might redefine their principles in accordance with their measure of knowledge compared to the other party. As a result, the interviewees from HAK-İŞ that I categorize under pragmatic approach think that the advantageous and disadvantageous circumstances depend on the knowledge capacity of the parties.

“As knowledge is determinant in trade unionism in the age of knowledge, there is no meaning of persistence, insistence and slogans. Knowledge must be the main point in trade unionism. Actually thinking that if I am convinced in the table, I don’t betray the working class, I am not tricked. These questions are the matters of self-confidence and complex. Therefore at this point, anyone who has self-confidence trusts his knowledge, and experience and anyone that can prefer the tools and arguments of the age of the knowledge do not refrain from dialogue.”(HAK-İŞ - 2)

The interviewees that I categorize under pragmatic approach predominantly perceive social dialogue as one of the important alternative tools in trade union struggle, while being totally different from sceptical and moderate approach. Without sacrificing the traditional tools absolutely, due to these current unsatisfactory political and economic situations, social dialogue mechanisms should be prioritized in order to achieve success in trade union struggle.

“Of course dialogue does not remove the right of strike but strike is not a mechanism which can be used and harmed in every time...We can use it to make the struggle more effective by creating more options, benefiting from expertise and knowledge more.” (HAK-İŞ - 2)

“Trade union movement should be seriously criticized...If traditional trade union movement was an alternative, the situation would not have been like this. We have put away this kind of struggle mentality. We have to ascertain our damages. Trade unions must see social dialogue as an alternative” (HAK-İŞ - 4)

“Social dialogue has become one of the most effective tools, which have been applied in trade union struggle in recent years. Undoubtedly, social dialogue can be an alternative.”(HAK-İŞ-1)

“First as I said we perceive neo-liberalism as a liberalization in general meaning, as removing the shackles and chains. It might be more useful for employers in economic field. For us the situation is not so bad. Actually in any other forms, you are forced to accept that “employer is strong”, no I do not accept it...I believe in myself as a person and my institutions. It does not matter whether it is called as neo-liberalism or not. Actually they are appropriate to each other. If the relations become liberal, this process is also a kind of social dialogue.” (HAK-İŞ - 3)

4.3. Impressions on Social Dialogue Practices in the EU

The interviewees that I categorize in accordance to their discussions about the practices of social dialogue at EU level can be separated into two main impressions. The main measure for this separation is to evaluate the discussions whether the social dialogue mechanisms function and produce outcomes in favour of the interests of the working class. One of the important points is that the interviewees did not make any differentiation deliberately between social dialogue at national level and social dialogue at EU level in their discussions. Moreover the conceptual categorization made in the previous part could also be observed in this separation. Therefore the interviewees who consider social dialogue practices as functional and efficient are the ones who are categorized under pragmatic and moderate approach. The interviewees that consider social dialogue practices as functional but unfavourable to labour are the ones who are categorized under sceptical approach.

4.3.1. Impression 1: “Functional and Efficient”

The interviewees, who consider social dialogue practices as functional and efficient, believe that these practices produce outcomes in favour of working class. This approach is adopted by all interviewees from HAK-İŞ and a few interviewees from TÜRK-İŞ and DİSK. However the interviewees attribute this functionality and efficiency to different reasons. While the interviewees from HAK-İŞ argue that the practices in the EU are functional and efficient because of their traditions and established system, the interviewees from TÜRK-İŞ and DİSK state that social dialogue practices in EU are functional and efficient due to the historical heritage of the power of trade union struggle in the past.

First of all, according to the interviewees from HAK-İŞ, social dialogue practices in the EU are efficient and functional since the mentality of social dialogue has

been structurally integrated with the all parts of the system and the structures of social dialogue are horizontally and vertically established within the system.

“Although Economic and Social Councils can be different in each country in terms of their type of composition, they are not just a dialogue mechanism at top. They have reflections at bottom such as work place councils or industrial councils. Dialogue mechanisms have been composed of many mechanisms both at many various levels and from bottom to up.”(HAK-İŞ - 2)

“As the EU has this mentality for a long time, thanks to its traditions, history and cultures; it transformed social dialogue into a life style.” (HAK-İŞ -4)

“First there is a culture in Europe. I mean there is a structure and they re-establish it by the understanding of social dialogue. Because social dialogue institutions in Europe are built as they are believed. They are the parts of a culture and have role in the system.”(HAK-İŞ - 3)

“Because of democracy then freedom. Of course they have such a culture. Social dialogue has become a culture in Europe. They absorbed it more than us.”(HAK-İŞ -5)

According to the interviewees from HAK-İŞ, the main reasons of the functionality and efficiency are that the EU countries have economically developed and established system and social partnerd are taking positions in line with the codes of conduct of the system.

“European social dialogue is the base of European social model. Indeed there is a dialogue in the base of the European social model that we consider a lot and even demand. There are economic and social councils in almost all European countries that have a good and proper economy and social model.”(HAK-İŞ - 2)

“If you examine operation of institutions, you will see that there is not one more or one less. When you examine operation within them, you will see that all aspects system and rules are running correctly.” (HAK-İŞ – 3)

“The relations among social parties are established in accordance with their definitions; therefore they do not have difficulties. They do not have any difficulty in explaining social dialogue to each other or in working together or in making decision together. ETUC and UNICE do not have such a problem. They act in accordance with an established system and rules. And actors know and understand each other very well.”(HAK-İŞ - 3)

The interviewees from HAK-İŞ consider globalization process as an important factor that reveals the need for social dialogue in order to adopt flexibility for the social partners in the EU.

“Of course globalization process affected the mentality, roles, structures and approaches of the organizations and institutions remarkably. Therefore there is a breaking process. Everyone tries to understand this new process and renew him or herself according to it. Everyone tries to build institutional capacities, roles and power. If you examine it under these conditions, dialogue has a meaning there. ETUC says yes to flexible work and signs a joint document with UNICE. However it builds a balance between flexible work and security.”(HAK-İŞ - 2)

Although some interviewees from DİSK and TÜRK-İŞ state that social dialogue practices in the EU are functional and efficient and they are somehow good. However the interviewees from DİSK and TÜRK-İŞ are differentiated from HAK-İŞ with respect to their interpretation of the causes of this functionality. According to the interviewees from DİSK and TÜRK-İŞ, this functionality is the result of the struggle of European working class in the past since they establish at legal and institutional level in order to guarantee the rights of the working class. Moreover the interviewees from TÜRK-İŞ state that these mechanisms are functional because of the continuity of using traditional methods of trade union struggle.

“Due to the power of trade union movement in the EU, these mechanisms are based on serious legal mechanisms even some of them became bases for law in the West. Social dialogue occurs by itself in a place where such mechanisms arise within their dynamics.”(DİSK – 3)

“There is a trade union movement and working class consciousness. Because there were rights that were granted to them. Actually they gained these rights. Employers carry out their struggles so as not to give such rights.” (TÜRK-İŞ - 4)

“They try to carry out it by both trade union struggle at the bottom by their struggle against multinational companies by trade unions that are affiliated to confederations and social dialogue struggle at the top. Confederations become member of ETUC, different dialogue in EU including EU commission. In other words they did not give up trade union struggle at local level, too.” (TÜRK-İŞ - 4)

4.3.2. Impression 2: “Functional but Unfavourable to Labour”

The interviewees that consider social dialogue practices as functional but unfavourable to labour are the ones who are categorized under sceptical approach. However this approach is mostly highlighted by the interviewees from DĪSK. According to the interviewees, social dialogue practices in the EU are also used with the aim of drawing the rights of workers back and protecting the interests of capital owners in the long term.

“Capitalists took a chance to make some concessions in the short and mid term for their long term interests.”(DĪSK -6)

“Capitalists brought the concept of social dialogue as a current issue to take back positions that they lost in 2000s.” (DĪSK-1)

According to the interviewees from DĪSK, social dialogue emerged as a reaction to the forceful trade union movement. Therefore European employers aimed to weaken the struggle and transform it into compromising mechanisms. DĪSK stated that this struggle and gains were created by traditional struggle tools of trade union movement. However as traditional tools of trade union struggle were replaced with the social dialogue mechanisms, they started to lose their rights since the working class started to make cooperation with capital with the aim of protecting their rights.

“Social dialogue is a result which depends on parties organized powers rather than a mentality of ‘good will, let’s sit and solve the problem’. Social dialogue mechanisms in Europe emerged as a result of struggle of working class prolonging more one hundred years. Employers created social state as an alternative to this struggle. European employers see it as a requirement and accept such a mechanism. European employers developed this mechanism in order to stand against such a strong class movement. They established mechanism through which parties talk and seek a solution without causing a problem and conflict. At least its development in Europe is like this.” (DĪSK -4)

“They might have considered social dialogue as a mechanism to protect that they got. They considered and acted in this way. They cooperated with capital to protect something via social dialogue and compromise. They did it and confirmed to give some parts

what they have. They agreed on compromising and making concessions.”(DİSK - 7)

According to some interviewees from DİSK and TÜRK-İŞ since social dialogue is established upon the powerful social parties, due to the deterioration of this balance with neo-liberal policies after the 1980, the working class has been gradually losing its rights since that time.

“Until today these gains are efficient to deal with concrete facts that occurred from new liberal policies in the context of deepening of economic union in the EU. On one hand lost gains did not cause a deep social effect, on the other hand most of things were lost gradually.”(DİSK-7)

“Social dialogue does not have a big chance to work in favour of labour in this globalization period in which neo-liberal policies are implemented. The balance was broken down as capitalists perpetually benefited from the facilities of the globalization.” (TÜRK-İŞ - 1)

Moreover according to the interviewees from DİSK, the current engagement of trade unions in the EU in social dialogue practices is causing the weakening of trade union movement within time together with eliminating the struggle perspective based on class consciousness.

“Class struggle is receding from its original point and becomes like a bureaucracy and table games. Therefore the powerful and determinant one in this atmosphere was the power center created by the European Commission. Therefore this is an artificial process and excludes the class struggle; it is a kind of delaying tactics of capital.”(DİSK-7)

“When working class is not organized, not unified and departed from class perspective, capitalists want to get social dialogue in turn less cost or without any cost.”(DİSK - 6)

“Trade unions in the EU have already become the spare apparatus for the capitalism.”(DİSK -5)

Lastly with respect to the role of European Commission in directing the qualifications of the outcomes of social dialogue practices in the EU, an interviewee from DİSK claims that the Commission has a liability for the

disadvantaged functionality of the social dialogue mechanisms for the working class by acting in line with the interest of capital.

“The real function of the Commission in the EU is bringing together the parties of social dialogue, bringing their, indeed EU capital’s, political demands to the agenda of institutions in the Union and transforming their agreements into the regulations at EU level.”(DİSK - 6)

4.4. Assessments on the Position of ETUC to Social Dialogue

In the context of Turkey’s membership to the EU, analyzing the approaches of the confederations towards their upper affiliated organization at European level since they will be directly influenced by the position of ETUC when the membership is realized.

Approaches of the interviewees from DİSK regarding ETUC’s current position in European trade union struggle and its approach to social dialogue is quite different from the approaches of the interviewees from TÜRK-İŞ and HAK-İŞ. The interviewees from DİSK have a critical position to ETUC while other confederations have a more positive approach.

First of all, the interviewees from DİSK consider that ETUC has an important position in European trade union struggle and it has valuable practices. However according to the interviewees from DİSK, while class struggle is devitalizing, ETUC is losing its class focused standpoint. Therefore the interviewees from DİSK state that ETUC gives too much priority to social dialogue and tries to spread it, on the other hand ETUC does not use traditional tools of trade union struggle, as much as it did in the past. According to the interviewees from DİSK, this position of ETUC makes ETUC more dependent on social dialogue and as a result more concessions has to be made because of this dependency.

“ETUC is an important tool regarding the European trade union movement. However ETUC is not shaped by its relations with people but by its member organizations. It had conducted more effective struggle during its first period but it changed. Even this change in class perspective of ETUC is small; there is an obvious change due to effects of liberalized trade unions as the outcome of the liberalization period.”(DÍSK - 3)

“I think ETUC exaggerates social dialogue...They might have considered social dialogue as a mechanism to protect the rights gained and they acted accordingly. Class struggle deviates from its core and becomes more bureaucratized. In this setting, European Commission is strong and determinant; it is the centre of power. I think, this process is capital’s tactic to delay the trade unions but ETUC takes part in this process with good faith.”(DÍSK - 7)

“ETUC’s complaints of recent years regarding employers not being eager to social dialogue in the EU confirm the attitudes of the capitalists. They manipulate the social dialogue at a low cost or without cost when the working class is distant from class perspective.”(DÍSK - 6)

“ETUC, definitely accepts social dialogue, indeed imposes it on us. They are working like missionaries.”(DÍSK - 1)

On the other hand the interviewees from DÍSK express positive opinion about ETUC’s policy in their last congress in 2007 to deal with social dialogue in a more critical manner. In its last congress ETUC accepted that their struggle was not effective and efficient and it had to follow a strategy with a more class focus.

“The slogan in ETUC’s congress of this year was very well but it should not remain just as a slogan. ETUC’s role in this issue is very important. There is a loosening in every field. I believe that if ETUC acts in line with the slogan of this year and conducts an effective struggle in Europe, more class gains will be achieved.”(DÍSK - 3)

“I think, ETUC had acted as if social dialogue was the only tool in the EU until its last General Assembly. I assume there was a change of mentality. I think they started to deal with social dialogue in a critical manner, it will be dealt in more of a class scope.”(DÍSK - 7)

“You see that ETUC is making some contributions but these contributions are weak. There must be a pressure, which shakes and trembles both employer associations and governments to create a necessity to reorganize workers struggle in the EU. There are some activities about this issue in the next period. ETUC is aware

of the fact that its direction is not good and it has attempts for a new struggle.” (DİSK - 4)

The interviewees from trade unions affiliates of TÜRK-İŞ do not make any assessment about ETUC since the membership of ETUC is possible at confederational level. On the other hand, trade unions in Turkey are to become members to the federations at the European level, which are conforming to their branches of industry. These federations might be the members of ETUC. Therefore although an interviewee considers the position of ETUC as positive, the position of the affiliated federation of the ETUC is criticized for ignoring the class perspective by another interview.

“We think that the position of ETUC is positive.”(TÜRK-İŞ - 7)

“EMCEF, as trade union centre at the level of industry branch, works mostly to establish an institutional and legal frame of the EU. Mainly focusing on this main strategy limits the possibilities of EMCEF as a trade union movement, such possibilities as benefiting from the heritage of European working class and social heritage of its trade union movement and enriching this heritage.” (TÜRK-İŞ - 6)

The interviewees from HAK-İŞ are the ones who attribute very positive approach towards ETUC and ETUC’s attitudes towards social dialogue most. The interviewees express that they are satisfied with the ETUC’s activities conducted together with UNICE and they consider the outcomes and application methods of social dialogue in the EU as very successful examples.

“We give a great importance to ETUC. Workers do not have any other chance against new developments of the global world.”(TÜRK-İŞ - 5)

“They do not have any difficulty in explaining social dialogue to each other or in working together or in making decision together. ETUC and UNICE do not have such a problem. They act in accordance with an established system and rules. And actors know and understand each other very well.”(HAK-İŞ - 3)

The interviewees from HAK-İŞ state that both constructive and efficient attitudes of UNICE and outcomes of ETUC are required to be taken as a reference point and are applied in Turkey.

“It should be evaluated in the European conditions. Parties try to increase their institutional capacities, roles and power. ETUC says yes to flexible work and signs a joint document with UNICE yet it builds a balance between flexible work and security.”(HAK-İŞ - 2)

“For example; an item was prepared against us in labour law about labour contract. It was prepared by UNICE and ETUC; DİSK left there and it rushed out into the street, TÜRK-İŞ left and it was also the same, but we are still there. We took the text agreed by ETUC and UNICE to the table but we couldn’t get the employer to accept it. Even UNICE signed it.”(HAK-İŞ - 2)

"We are satisfied with the compromise between ETUC and UNICE since we can use it in Turkey as a reference." (HAK-İŞ – 5)

The interviewees from HAK-İŞ have an opposite standpoint to the opinions of the interviewees from DİSK about the change of direction in the ETUC policies in its last congress. According to the interviewees from HAK-İŞ, ETUC’s new attitude which came into prominence in its last congress does not have real assumptions for the development of trade union movement. According to the interviewees from HAK-İŞ, a strategy having more of a class perspective and willing to get into more struggles is not appropriate under current circumstances.

“I participated in that process. I worked in the congress participatory committee. I know details in those processes. There were not real actions regarding this new movement, merely discourse. We had serious discussions there. Which new attack, who is the rival, what are your tools, what will ETUC do compared to yesterday? I do not know what is in its mind but the only explanation was, ETUC wrote also something like ‘casino capitalism’, ETUC linked the issue with this discourse, I do not understand.”(HAK-İŞ - 2)

4.5. Conclusion

Since 1990s, social dialogue as a new method in the industrial relations system in particular in the trade union struggle has come to the agenda in Turkey. This chapter attempted to analyze the approaches of the trade union confederations about the EU integration process, concept of social dialogue and outcomes of social dialogue practices in the EU in reference with the interviews conducted with trade union official and experts.

One of the main results of this chapter is that the perspectives of the interviewees from TÜRK-İŞ, DİSK and HAK-İŞ towards the meaning of social dialogue and structural and functional features of social dialogue in Turkey and in the EU are closely conforming to their approaches towards the EU integration process and Turkey's membership to the EU. Among the interviewees, while the interviewees from HAK-İŞ adhere to the EU integration process as a whole at most, the interviewees from DİSK prioritize the development of social policies including trade union rights and freedoms in the EU integration process. The interviewees from TÜRK-İŞ focus on the deficiencies about the trade union rights and freedoms during the accession process. Majority of the interviewees from DİSK and HAK-İŞ criticize the inadequate efforts of the EU in making pressure to the authorities Turkey.

One of noteworthy results emerging from the interviews is that, the interviewees from the confederations have very different approaches towards the conceptualization of social dialogue. In accordance to the spectrum that I developed, while majority of the interviewees from DİSK have sceptical approach, the majority of the interviewees from TÜRK-İŞ have moderate approach and all interviewees from HAK-İŞ have a pragmatic approach. The main measure referred in this spectrum whether social dialogue is a method in order to contribute to the development of trade union movement or weaken the movement. Therefore in general the interviewees categorized under sceptical approach see

social dialogue as a tool aiming at weakening the movement with the contribution of its all dimensions. According to the interviewees categorized under pragmatic approach, social dialogue is a very important and beneficial tool in the current period for the revitalizing the trade union movement. Lastly according to the interviewees categorized under moderate approach social dialogue could be used without ignoring the traditional tools if the circumstances are appropriate for the development of trade union movement.

Lastly, the approaches of the interviewees revealed two main inclinations about the outcomes of the social dialogue practices in the EU. In line with the conceptualization of social dialogue the interviewees categorized under moderate and pragmatic approach consider the outcomes of practices as functional and efficient in reference to different reasons. While according to the interviewees categorized under moderate approach, the main reason is the existence of strong trade union movement; according to the interviewees categorized under sceptical approach is the capability of the social partners on adoption of social dialogue mentality. The interviewees categorized the sceptical approach evaluates the practices as functional but unfavourable to labour since they believe that there will be disadvantaged outcomes for the working class in the long term. Lastly, while most of the interviewees from HAK-İŞ and TÜRK-İŞ evaluate the position of ETUC on social dialogue positive, the interviewees from DİSK criticize the dependence of ETUC on social dialogue.

CHAPTER 5

ANALYSIS OF THE SOCIAL DIALOGUE EXPERIENCES OF TRADE UNION CONFEDERATIONS IN TURKEY

In Turkey, due to the impact of the EU membership process, the establishment of social dialogue mechanisms has been initiated at trilateral and bilateral level. This process accelerated the amendments of legal and institutional regulations in the sphere of social dialogue. This chapter consists of seven main parts, aiming to explore the social dialogue experiences of confederations at trilateral and bilateral level. As a first step the assessments of the interviewees about the practical outcomes that they experienced will be analyzed with respect to whether the outcomes of social dialogue practices are in favour of labour or not. As it was stated before, the mentality of social dialogue is mostly embodied and taken to the agenda through tripartite mechanisms. The interviewees mostly referred to trilateral level in particular. Therefore as a second step, some important tripartite social dialogue mechanisms will be assessed in reference with their existence, their structural and functional features. In the next step, although there are recently established social dialogue mechanisms in bipartite level, the assessments of the interviewees will be examined in the framework of trade union rights and freedoms in particular collective agreement.

Since the social dialogue processes are realized among state, capital and labour and between capital and labour, the assessments of the interviewees on the role of social parties will be analyzed in the fourth part. Given that the social dialogue is an interactive relation type, not only the process transforms the parties but also social parties have a great impact on the process. In the next part, the main obstacles that are emphasized by the confederations will be examined. With respect to this part, the interviewees did not stress on the specific obstacles to the social dialogue mechanisms without differing the trilateral and bilateral level. Rather they evaluated the obstacles through a general outlook for problems of

trade union in particular the legal regulations. In the next part, related with the obstacles, the differences of social dialogue between in the EU and in Turkey will be explored by referring the discussions of the interviewees. Lastly, the approaches of the interviewees about the position of ETUC on social dialogue practices and relations of the confederation with ETUC in particular in the sense of social dialogue will be analyzed in this chapter.

5.1. Experiences of the Confederations on the Outcomes of Social Dialogue Practices

The responses of the interviewees from TÜRK-İŞ, DİSK and HAK-İŞ presented their assessment on the outcomes of social dialogue mechanisms in the context of tripartite social dialogue mechanisms. According to the responses of the interviewees, I categorize these assessments into three main groups. Since many interviewees from TÜRK-İŞ and DİSK consider social dialogue mechanisms as dysfunctional and inefficient. According to them, the outcomes of these mechanisms do not resemble to the outcomes occurred in the EU. As a second group, the interviewees from HAK-İŞ believe that despite the functionality of these mechanisms, their outcomes are not satisfactory and adequate. Lastly, according to the some interviewees from DİSK and TÜRK-İŞ, these practices functions but produce outcomes unfavourable to labour. However these three confederations agree that social dialogue practices conducted in bipartite level are more functional than the practices conducted in tripartite level.

5.1.1. Impression 1: “Dysfunctional and Inefficient”

According to some of the interviewees from TÜRK-İŞ and DİSK, since social dialogue practices at trilateral level do not work functionally as much as the practices in the EU. Therefore the interviewees do not consider the outcomes of these mechanisms as functionally positive since they do not resemble the outcomes of social dialogue mechanisms in the EU.

“There is not any proper attempt for implementing the meaning of social dialogue as a concept...I do not think that the outcomes of these attempts are social dialogue.” (TÜRK-İŞ - 4)

“These mechanisms are not claimed to exist in real meaning.”(TÜRK-İŞ - 1)

“There is not any social dialogue mechanism in Turkey as in Europe.” (DİSK-7)

“In Turkey, there is not social dialogue as in the EU. In the EU, social dialogue is such a mechanism through which the problems are directly solved by the workers and employers, in other words by the representatives of the industrial relations. There is not such a mechanism in our country.”(DİSK - 5)

According to the majority of the interviewees from DİSK and some interviewees from TÜRK-İŞ, one of the main reasons of dysfunctionality of social dialogue mechanisms at trilateral level is that these mechanisms are established by impose of the external dynamics and besides they are not in conformity with the international standards.

“Existing social dialogue mechanisms at tripartite level are only formal; they are blank in terms of content.” (DİSK - 2)

“The improvement of these tripartite consultation mechanisms is also stated in ILO conventions. It is a structure which seems to be appropriate to the convention from outside but it does not work functionally.” (DİSK - 4)

“I think the meanings, or rather functions and definitions, which are attributed to these mechanisms as a means of multipartite social dialogue mechanism are compulsory. I mean we appoint this mission to these institutions by force.” (DİSK - 7)

“However some tripartite structures are cosmetic existences and they are only for show.”(TÜRK-İŞ - 5)

Therefore because of this current dissatisfactory situation, according to interviewees from DİSK and some interviewees from TÜRK-İŞ although social dialogue mechanisms exist in Turkey conceptually and concretely, they do not accomplish with its function, that is attributed to them and they just stay on the paper.

“Social dialogue mechanism processes that occurred in Turkey, have had no any concrete contribution. There is not any contribution of the activities conducted on the paper for the sake of appearance.” (DİSK - 3)

“All these structures that you mention have no any contribution to the industrial relations in Turkey- at least they do not have any impact on the current process. Therefore, I do not accept these structures to be described as social dialogue mechanisms in Turkey.” (DİSK - 5)

“They work well but there is no any outcome. They exist as being figures. They should be made functional.” (TÜRK-İŞ – 2)

5.1.2. Impression 2: “Functional but Insufficient”

Among the confederations, the interviewees from HAK-İŞ consider the outcomes of social dialogue mechanisms at tripartite and bipartite level in Turkey as functional but these outcomes are insufficient in general. According to the interviewees from HAK-İŞ, HAK-İŞ became the pioneer of the establishment and implementation of all these mechanisms before these mechanisms became the part of working life officially.

“We are a confederation that materialized the concept of dialogue in a period when this concept was not known in Turkey, when labour unions among themselves or between them and employers were afraid of being seen together even while having tea. Foundations of all these civil, formal and informal dialogue mechanisms were laid in 1987.” (HAK-İŞ - 2)

However according to an interviewee from HAK-İŞ, social dialogue practices are not limited with the experiences materialized just among social partners. They also include the attempts of the labour organizations for coming together informally.

“The first confederation that invited TÜRK-İŞ to dialogue, coalition and cooperation was HAK-İŞ -DİSK was closed during that time- We signed a cooperation protocol together and it was the

first time in Turkish history that two confederations came together. Then in 1991 we all, including DİSK, celebrated May Day together. Then we contacted with Turkish Confederation of Employer Associations (TİSK) and began to hold quadripartite summits. Then initiatives comprising the Union of Chambers and Commodity Exchange of Turkey (TOBB), the Confederation of Turkish Tradesmen and Craftsmen TESK, and Chambers of Agriculture Union were developed. Then Democracy and Labour platforms were developed. And then some of them were shaped as Economic Social Council and such things.”(HAK-İŞ - 2)

An interviewee from HAK-İŞ believes that social dialogue does not mean to obtain results persistently and regularly. According to this interviewee, the meaning that is attributed to the concept of interest should be perceived from a wide perspective even including the demands of capital owners. Therefore participation to all kind of social dialogue mechanisms is claimed to be necessary and beneficial by the interviewee.

“Interests do not intersect every time as it is supposed, I mean there are a lot of different interests. In other words social dialogue means looking from a broader perspective, searching for solution together. That is the reason why we take part in every platform of social dialogue.”(HAK-İŞ - 3)

Therefore in parallel with the definition of the concept of interest, according to the interviewees from HAK-İŞ, despite the insufficient outcomes of these mechanisms, these mechanisms have important contributions to the development of social dialogue. One of the main remarkable outcomes of these practices is that they strengthen social relations among different sections of the society.

“Although Turkey has made important progresses in two years, there are still some difficulties in making social dialogue more functional.”(HAK-İŞ - 1)

“Well, what happened at the end? Preconceived objections to the concept of dialogue disappeared. We discussed but at the end, an acknowledgement was emerged. Then, everybody began to present his or her own perception of dialogue and began to realize the meaning of the word.”(HAK-İŞ - 2)

“For example; the concept that we give the importance very much, is a kind of socialization process for us. It is a very important process.”(HAK-İŞ -3)

5.1.3. Impression 3: “Functional but Unfavourable to Labour”

Some of the interviewees from DİSK and TÜRK-İŞ consider that social dialogue mechanisms in tripartite level are functioning but they are producing outcomes unfavourable to labour in Turkey. Therefore these interviewees do not differentiate the features of outcomes of social dialogue mechanisms from the ones that are experienced in the EU.

In line with the general framework of sceptical approach, this view states that as social dialogue mechanisms are established for protecting and expanding the interests of capital, their outcomes certainly serve this aim. According to the interviewees from DİSK and TÜRK-İŞ, these mechanisms do not have any opportunity to produce outcomes in favour of labour in a atmosphere where the most basic trade union rights and freedoms are prohibited and neo-liberal policies remove the possible any condition for social dialogue. Under these circumstances, since the balance of power among partners is not provided, it forms a legitimate ground for the implementation of the demands of the powerful one.

“There is an outcome, which legitimizes the demands of the capital and state under the circumstances that include serious obstacles for the association of labour, that make trade unions dysfunctional, that degrade trade unions into a position of insignificant social dialogue parties. Moreover they are in conflict under the circumstances in which there is no balance of power. The conflict goes on and at the end; a result which is forced by powerful party is occurred.”
(DİSK - 7)

“Social dialogue mechanisms are retardant for the process.”(DİSK - 2)

“Some of these are the mechanisms that are composed and operated according to the demands of the dominant class rather than social dialogue.” (TÜRK-İŞ - 6)

“Social dialogue does not have enough opportunities to work well in such a globalization period in which neo-liberal policies are implemented. Because when capitalists started to benefit from the felicities of globalization perpetually, the balance was distorted.”(TÜRK-İŞ - 1)

According to an interviewee from DİSK, these social dialogue mechanisms do not only produce unfavourable outcomes for trade unions but also these outcomes lead to a transformation of the perception of trade union movement by eliminating the existence of class conflict in the long term.

“Trade unions started to concentrate on short term and individual or group interests in their preferences between short and long term interest as well as between individual or group interest and class interest.”(DİSK - 6)

“Institutions and structures of social dialogue speed up the creation of a privileged union aristocracy...Antagonism between labour and capital is replaced with the concepts such as compromise and 'being in the same ship' that ignore the class contradiction.”(DİSK - 6)

5.2. Experiences of the Confederations on Social Dialogue Practices at Trilateral Level

There are many social dialogue mechanisms at trilateral level in Turkey. However in this study, a general evaluation about the mechanisms, which are mostly recognized and discussed in the public opinion due to their importance for both the confederations and interviewees, will be made. These institutions are; the Economic and Social Council, Minimum Wage Assessment Commission, Joint Consultative Committee and Tripartite Consultation Board. Economic and Social Council and Minimum Wage Assessment Commission are the most popular institutions due to their structural and functional features. Joint Consultative Committee was included since it has particular features in terms of the development of the social dialogue and trade union rights.

5.2.1. Economic and Social Council (ESC)

The interviewees from TÜRK-İŞ, DİSK and HAK-İŞ assessed the ESC by referring to its establishment process, structural and functional features.

With respect to the establishment process, according to the interviewees from DİSK and HAK-İŞ, ESC has entered to the agenda in Turkey most prominently during the Turkey's membership to the EU. Therefore the interviewees from DİSK and HAK-İŞ stated that since ESC was established by the impact of the membership expectations and it was imitated from outside in order to accomplish a mission, it is not compatible with the particular conditions in Turkey.

“It is generated in reference with Ankara treaty. In Europe, in-other places it is functional. We have a poor form which is copied from the EU.”(DİSK - 3)

“The first issue is Economic and Social Council...It is not an institution to take decisions. It is an imitation; it exists as a necessity of compulsory. And the situation is very bad.”
(HAK-İŞ – 3)

Regarding the structural features of the ESC, the interviewees from all three confederations highlight that since the structure of the Council is not based on equal representation principle, the dominant representation of the state negatively affected the balance among the representatives of labour, capital and government. Therefore the interviewees consider this situation as one of the main reasons of dysfunctional feature of the Council.

“It is a narrowed structure in which there is weighted representation of the government and there is no representation of other interest groups or these groups are represented just for the sake of procedure.”(DİSK - 3)

“The state does not want to give up the control.”(DİSK - 4)

“Its composition is unequal. The government has majority in this structure.”(TÜRK-İŞ - 5)

“For example Economic and Social Council has limited participation and does not have a civil composition. Moreover it is held whenever the government wants.” (HAK-İŞ - 2)

“Its structure is not democratic.”(HAK-İŞ - 4)

In contrast to the structure of Economic and Social Committees or Councils established in the EU member states⁵⁵, some interviewees from TÜRK-İŞ and HAK-İŞ emphasize the necessity of the representation of the state is in order to provide functionality with the ESC since the state is under the obligation of executing the administrative policies.

“It is not important who has the majority. Economic and Social Council is a consultative structure. There is no any sanction; it does not take binding decisions. It loses its importance completely in countries such as Turkey, when the government decreases the number of its participants and when the prime minister does not attend.”(TÜRK-İŞ - 2)

“Of course, the Prime Minister should not be the president of the Economic and Social Council, however; they also should be represented as the government applies the decisions.” (HAK-İŞ - 5)

Some interviewees from DİSK and HAK-İŞ express that the structure and functions of the ESC are directed under the influence of political preferences. While the interviewees from DİSK focus on the priority of interests of capital, the interviewees from HAK-İŞ stress on the irresponsibility and initiative of the state to a large extent. Besides, both DİSK and HAK-İŞ criticize the authoritarian dimension of the Council and control of state on it. However HAK-İŞ also suggests that the Council should be independent from the government and should work as non governmental organization.

“Every issue on which the government and employer agree, is passed without considering the preferences of other interest groups. Sometimes we evaluate it as the National Security Council. It is an institution whose agenda is determined mainly by the ministries of the government.”(DİSK-3)

⁵⁵ [Downloaded from <http://www.isguc.org/armaganlar/nusretekin/3/08.pdf> on 25 June 2008]

“It is executed like the National Security Council, although the outcomes of Economic and Social Council are just recommendations...Its president should not be the government or not be appointed by the preference of the government, the Council should be a private think tank organization without working as a body of the government. The government should not impose its policy there.”(HAK-İŞ - 5)

“Political structures are very effective.”(HAK-İŞ - 4)

Regarding the functionality of the ESC; some interviewees from TÜRK-İŞ, DİSK and HAK-İŞ argue that in terms of its ultimate decisions, the meetings of the ESC within its current structure do not result in satisfaction. With respect to these decisions, while the interviewees from DİSK concentrate on the qualitative side of these outcomes, the interviewees from TÜRK-İŞ and HAK-İŞ criticize the role of the government in failure of the application of these decisions.

“Since the Economic and Social Council is not established with the aim of materialization of the society’s own demands on the contrary its structural and functional aspects are shaped in line with the demands of the state and capital it is established to limit the social demands.” (DİSK - 2)

“There is no any concrete contribution of the Economic and Social Council for the sake of the development of social dialogue processes in Turkey...Economic and Social Council has never taken any decision which corresponds with the Turkish society for 13 years.”(DİSK - 3)

“Everybody comes, attends, and tells but in the next meeting, there is no feedback of these records. The working group established in the Economic and Social Council about the development of employment was the first and single working group. Except the government, the social parties are working. We had submitted a detailed report but it was not even handled.”(TÜRK-İŞ - 2)

“Governments must come to these places to present their activities and plans for the future. The government must prepare its programme by asking opinions of the others. But, what does happen? Everyone talks once and the prime minister makes the final speech and meeting ends.” (HAK-İŞ – 4)

“If it works well and the recommendations are applied, the government will take an easy breath as well.” (HAK-İŞ - 5)

The interviewees from HAK-İŞ stated that Economic and Social Council is not institutionalized therefore it is not functional as much as it should be. According

to them, in order to achieve this institutionalization, firstly the tasks, aims and structure of the ESC should be described as it should be transformed into an institution in which not just employment issues but all economic, social and political problems of the country's are discussed.

“Development of these institutions will provide benefit to the all sections of the society and add functionality to the system.”
(HAK-İŞ - 2)

“The government should make a definition for the council. I mean the government, in this case, the government can say that it will attend the meetings with majority and also the government also can say that we will meet just for sitting and having a tea in every three months. It is no problem for us, it is also okay for us.”
(HAK-İŞ - 3)

“These institutions work efficiently in abroad. For example, the corresponding institution in Japan chooses the appropriate places for investment or which land is more productive. They are very efficient. The problem is not related with the government, it is related with the country. Such institutions in abroad take any decisions about their countries. Turkey does not realize it.”
(HAK-İŞ - 5)

Lastly with respect to the preferences of the confederations about the participation to the ESC, although the interviewees from TÜRK-İŞ and HAK-İŞ consider the current structure of the ESC as dysfunctional, they believe in the requirement for participation to the meetings of ESC in order to make it functional by standing for their criticisms.

“The existence of a mechanism is different; in a mechanism taking a decision that you want is different. If you leave mechanism, it means that your right to speak is suspended. Therefore I believe that it should be enforced till the end.”(TÜRK-İŞ - 2)

“If you leave mechanism, it means that you forfeit the right to speak, so confederations should participate.”(TÜRK-İŞ - 2)

“I think that it is definitely necessary to participate to the Economic and Social Council. I think it should be criticized and some constructive suggestions should be made, because the improvement of these institutions as effective mechanisms provides benefit to the society at the end, and it contributes to the functionality of the system.” (HAK-İŞ - 2)

“Although it is not functional, we believe that it is right to participate to the Economic and Social Council. We can enhance its functionality by saying our opinions in the Council. When you are out, you can not do anything.”(HAK-İŞ - 5)

In contrast to the approaches of the interviewees from TÜRK-İŞ and HAK-İŞ, all interviewees from DİSK consider that these structures do not have democratic representation and do not produce any concrete and effective results. Therefore the interviewees support the decision of the General Assembly of DİSK about the withdrawal from the ESC temporarily until its structure and functions are redesigned in favour of the working class⁵⁶.

“The Law of Economic and Social Council must be enacted...We left these councils in May 2006. It is not because we do not accept or reject these councils. For this reason as being DİSK we left in order not to stay there just as a figure, not to be only for show, not to be the part of a vision as “there are such organizations”. But we have a reason, if these points are realized, we will turn back. We want the decisions taken in these structures to be implemented in the practical life.”(DİSK - 3)

“There is not a problem with the existence of such these institutions, but you cannot get any outcome. For example Economic and Social Council, its function is not democratic. For instance, TÜRK-İŞ is there. Sometimes not to participate is better because when a criticism is made; it was said that you were also a part of this. Because all unions look like same in the minds of the people. The workers are becoming figurant when the unions participate just for the sake of appearance.” (DİSK - 1)

5.2.2. Minimum Wage Assessment Commission

The interviewees from TÜRK-İŞ, DİSK and HAK-İŞ expressed their assessments about the structural and functional features of the Minimum Wage Assessment Commission (MWAC). Minimum Wage Assessment Commission is described as a very important mechanism by the confederations since their decisions are taken at national level with collective agreement covering many workers who are earning a bare subsistence.

⁵⁶ [Downloaded from <http://www.disk.org.tr/default.asp?Page=Content&ContentId=212> on 2 September 2007]

Although the features of the Commission seem to be close to the concept of social dialogue, firstly and prominently it is criticized by all interviewees because of its structure of representation. All interviewees consider that the Commission does not have a democratic structure due to the inequality in the representation of the social partners. According to the interviewees, this unfair situation is intensified since the state is the biggest employer in the Commission. Therefore the labour organizations have to advocate the rights of the working class against both the state and the employer organizations.

“There are fifteen people. You are five people and they are ten people there. You cannot convince even one person among them. There is a so called representation on paper.”(DİSK - 3)

“The state seems as an impartial party but it is the biggest employer in Turkey. The state has the State Economic Enterprises, municipalities that are all public economic institutions.”(DİSK - 4)

“Three parties exist there. However the decisions are taken by the majority of votes of the government and employers.”(TÜRK-İŞ - 2)

“When you examine the structure of Minimum Wage Assessment Commission, you see that it is the private sector and public employer weighted structure. There is no democratic balance in the Commission.”(HAK-İŞ - 2)

Besides the quantitative dimension of the representation, as some interviewees from DİSK and TÜRK-İŞ argue, the state acts in cooperation with the representatives of the employers while the interests of the working class are being disregarded by prioritizing the interests of capital.

“The government is an employer in the Minimum Wage Assessment Commission. There is a natural partnership albeit the government is much stricter boss than a real boss. The government has a more determinant role in the real policy because the decision on the minimum wage is critical for the government in order to protect its credit with outside forces, with external economic powers.” (DİSK - 3)

“In the Minimum Wage Assessment Commission, any trade unions have not offered yet the amount of 419 New Turkish Liras which

was offered by this commission. However it is seen as if social dialogue works, there is a democratic structure in the process. Its operation is not democratic.”(DİSK - 1)

“Each party only considers its interest. Representatives of labour is a party in this atmosphere, so it is not accepted as a partner. However government and employer becomes partner easily...There is an imposition rather than compromise in all decisions. Although detailed reports are submitted, the government does what it wants to do without listening...There is only an informing process from one authority to another authority.”(TÜRK-İŞ - 4)

“The commission is a mechanism in which wage policy adopted by the state, is confirmed. The block of employer and government has majority and control in this structure.”(TÜRK-İŞ - 5)

Another dimension of the representation issue is related with the equality issue in the representation among the trade union confederations. The interviewees from DİSK and HAK-İŞ consider that there is not a balanced composition among the representatives of confederations. They criticize the permanent representation of TÜRK-İŞ in the mechanism. Therefore as a solution, they advocate the adoption of the principle of pluralism that will allow for the participation of the other confederations in accordance with their sizes.

“We do not want numerically equal representation in the Commission. We just want to be represented according to the number of members of our confederation.” (DİSK - 3)

“If there were HAK-İŞ and DİSK in the Commission, the situation would have changed. If so, there would have been competition. We are defending pluralism. We perceive this competition as pluralism. I do not covet the representation of TÜRK-İŞ. Everyone can make contributions according to their capacity.”(HAK-İŞ - 3)

Unlike the interviewees from DİSK and HAK-İŞ; the interviewees from TÜRK-İŞ believe that the current of the representation is appropriate and fair. Moreover they also take attention to the consistency of majority principle with the international conventions in these applications.

“The majority principle referred in ILO Convention No. 114 is adopted in the evaluations of tripartite or multipartite social dialogue structures in Turkey. Institutions which have more

members than other institutions have the right to represent. This application is adopted by also our country. In accordance with majority principle TÜRK-İŞ presents in many structures on behalf of all workers and it defends the rights of the workers without any discrimination. All kinds of consultations with other confederations are conducted during these processes.” (TÜRK-İŞ - 7)

Apart from the unfair structure of representation, according to the interviewees from DİSK and HAK-İŞ, TÜRK-İŞ is not taking attitude effectively in the commission and is not able to bring about satisfactory results for the workers. At this point, while the interviewees from DİSK⁵⁷ state that TÜRK-İŞ should be withdrawn from this structure or oppose to the structure, the interviewees from HAK-İŞ express that TÜRK-İŞ should have act in a more sensible manner regarding the representation and accept the application of the principle of pluralism.

“TÜRK-İŞ put the minute of dissent in the decisions of the Commission every year. However we expect TÜRK-İŞ to oppose to this unfair structure, there should be an equal representation.” (DİSK - 4)

“For example, TÜRK-İŞ participates to the meetings. Sometimes not to participate is better because when we make a criticism about the Commission, it is told that we were also there...In any case the outcomes are decided without taking into account your opinions or your oppositions, hence there is no meaning of your opposing position.”(DİSK – 1)

“TÜRK-İŞ does not have to chance to be effective; it could only put annotation.”(HAK-İŞ - 2)

“Every year, TÜRK-İŞ declares that “I am protesting it”, but then minimum wage is decided and announced. Could TÜRK-İŞ change itself? How is it the same in every year, TURK-İŞ entered in 1991? Is it proper to repeat same thing for 17 years?” (HAK-İŞ - 3)

Some interviewees from TÜRK-İŞ and DİSK express that since the decisions are also determined by the directives and impositions of the international economic institutions, the Commission serves as a legitimizing ground for these decisions.

⁵⁷ On 27.11.2006, DİSK issued a press release which invites TÜRK-İŞ to leave Minimum Wage Assessment Commission. [Downloaded from <http://www.bianet.org/2006/10/27/86993.htm> on 28 July 2008]

“While minimum wage assessment commission meetings are going on, new programme of State Planning Organization is introduced. In this case, these mechanisms have such a function; legitimizing policies of which main frame is determined by capital owners namely IMF and World Bank.”(TÜRK-İŞ - 1)

“You decide the amount of a wage in the Minimum Wage Assessment Commission. Most of the workers in Turkey earns minimum wage. Any increase in the wages affects the regulation of market and economic policies that are adjusted to the receipts of IMF.”(DİSK - 4)

Regarding the character of the decisions taken by the imposition, in contrast to the interviewees from TÜRK-İŞ and DİSK, an interviewee from HAK-İŞ considers that international institutions or governments are not responsible directly for this dissatisfactory results since this situation depends on the economic conditions of the country and problem of employment.

“Regarding the wage; I do not see it as too much problematic, it is the matter of supply and demand, and there is an invisible balance. Sometimes this balance has to become more important than politics. Demand is too much, supply is too less, young generation and population is increasing very fast, if you do not find jobs for these people, no doubt that minimum wage application gets in trouble as well.”(HAK-İŞ - 5)

In addition, with respect to the legal features of the Commission, the interviewees from DİSK argue that the unfair status of the Commission is being intensified with the imposition of more prohibitive and restrictive regulations.

“Regulation about Minimum Wage Assessment Commission is worse than before. For example; some regulations were made in order to prohibit talking outside the commission about the topics handled here; it indicates that it can not be criticized. These steps are reactionary steps.”(DİSK - 5)

5.2.3. EU-Turkey Joint Consultative Committee

EU-Turkey Joint Consultative Committee is a kind of social dialogue mechanisms different from other mechanisms in terms of its structure and functions. Due to the impact of the EU accession process, confederations gives importance to this

Committee since they believe that the rights of the working class in particular social dialogue could be developed through this Committee. It is a mechanism that is composed of the representatives of labour and capital, and of the EU non-governmental organizations. Although representatives of the state are not included in the Committee, they are responsible for applying the outcomes of the Committee unofficially.

With respect to the functional features, although the interviewees from DİSK define the Joint Consultative Committee as a lobby for the capital owners in Turkey during the EU accession process, they state that the representation of labour is much more visible in the Committee than being in the other mechanisms and confederations has relatively more power of determination in the Committee since the state is not represented and all representatives have right to hold presidency alternately. However besides these positive features of the Committee, the interviewees from DİSK criticize the Committee that since the decisions taken in the Committee are not applied by the government authorities.

“The government and employer organizations see the Joint Consultative Committee as a structure in which Turkey can do lobby in the EU.”(DİSK - 5)

“We made important contributions to the EU progress report. In Turkey employers and other trade union confederations were disturbed because of these contributions. They made heavy criticisms against us. We had a power to determine priorities and agenda in the Joint Consultative Committee but there was no outcome.”(DİSK - 4)

“Decisions are taken. We prepared twenty eight reports but none of them were applied.” (DİSK -3)

The interviewees from DİSK support the withdrawal of DİSK from the committee as they do it for the Economic and Social Council since the decisions and recommendations mentioned in the reports are not implemented.⁵⁸

⁵⁸ *ibid*

“DİSK left this structure as we felt that a figurative role was thought fit for us. I mean the decisions were not applied in Turkey. Despite all pressures; Europeans prepared reports, came and criticized but there was no result.”(DİSK - 4)

However, an interviewee from HAK-İŞ criticizes the withdrawal decision of DİSK with political maneuvers.

“One day the government was changed, as Mr. Süleyman Çelebi got bored, he started to say let’s not participate to these structures. It is a choice and is okay for us, however; if it was a reaction rather than a choice, these reactions depends on time and they could change.”(HAK-İŞ - 2)

According to the interviewees from HAK-İŞ, since the Joint Consultative Committee is established during the EU accession process with the aim of accelerating the integration process, it should not be criticized but it needs to be functionally improved.

“For the EU Joint Consultative Committee, whose origins are coming from Ankara treaty, is a different structure and we have no much criticisms against it.” (HAK-İŞ - 2)

“Actually it is good but not functional.” (HAK-İŞ – 4)

“There are no any representatives of the state in the Committee, so it is more democratic.” (HAK-İŞ -3)

According to some interviewees from TÜRK-İŞ and HAK-İŞ, the composition of the Committee is determined by the impact of the political preferences of the external parties.

“The government assign the members of the Committee in accordance with its political position” (TÜRK-İŞ - 4)

“I told you the Consultative Committee. The stick policy was used and they ordered to change it. Even they said the names of the institutions that they prefer for the Committee explicitly.”
(HAK-İŞ - 3)

According to the assessments made by the interviewees from TÜRK-İŞ, the structure of the Committee resembles to the structure of ECOSOC in the EU.

Therefore this mechanism is relatively compatible with the logic of social dialogue.

“The Joint Consultative Committee has a structure which is similar to the European Economic and Social Committee...An autonomous social dialogue mechanism can be developed by reinforcing tripartite structure in Joint Consultative Committee.”(TÜRK-İŞ - 5)

“The Committee is more proper to social dialogue.”(TÜRK-İŞ – 2)

5.2.4. Tripartite Consultation Board

The Confederations do not evaluate the Tripartite Consultation Board, as much as they do for other social dialogue structures since it is more recently established compared to the other mechanisms.

Still all confederations approach the board positively as a concept, an interviewee from TÜRK-İŞ also identifies the Board with the most compatible mechanism with the concept of the social dialogue in terms of its structural feature due to its broadest participation based on equality principle.

“Tripartite Consultation Board within this formation is the closest concept of the social dialogue in various dialogue mechanisms and cooperation structures.”(TÜRK-İŞ- 5)

“Tripartite Consultation Board has a composition that is the most appropriate to the nature of tripartite social dialogue...Although the progress launching with the application of the Board has serious deficiencies, its basic approach on representation based on tripartite and equality has to be assured and enhanced.”
(TÜRK-İŞ – 5)

In terms of the functionality of the Board; according to the same interviewee from TÜRK-İŞ, the tasks of the Board should be revised with the aim of making it more functional.

“Tripartite Consultation Board has similar functions with Work Assembly and Economic and Social Council and therefore its tasks are not taken into account as much as the others. Work Assembly,

Economic and Social Council and Tripartite Consultation Board have to be reorganized together.”(TÜRK-İŞ - 5)

According to an interviewee from DİSK, although the Board is established in accordance with the ILO Conventions, it is dysfunctional because of the inadequate and unsatisfactory and efforts of the representatives. .

“It is a structure, which is in conformity with the ILO convention but it is not operated well.”(DİSK - 4)

“The state has to call for the meeting which is chaired by a minister or bureaucrat but the meetings have not been held even once in a year. Therefore it means that the state is not willing to encourage it. Of course also the representatives do not force it as it is required.”(DİSK - 4)

An interviewee from HAK-İŞ concentrates on the requirement of adjusting the structure of Board in conformity with the definition pointed out in legislation.

“Now the Board is recently established. I do not think that the government should not be there. I mean if the government needs to be there, it must be in accordance with the definition in the legislation, so the government can participate within this framework.”(HAK-İŞ - 3)

5.2.5. Work Assembly

Although the Work Assembly is the oldest mechanisms among all, since it is not established in reference with social dialogue by the impact of the EU accession process and also others are much more recently, the Assembly does not enter the agenda of the confederations in the sense of social dialogue. Since TÜRK-İŞ witnessed the establishment period of the Assembly, only two interviewees from TÜRK-İŞ made an assessment about it. According to the interviewees, although at the beginning years of the Work Assembly, it produced important outcomes, the existing status is not effective and pursued its unequal representation structure.

“The meetings of Work assembly are more logical. Especially 1962 Work Assembly that was held in 1962 was very effective on the endorsement of the labour legislation of 1963.”(TÜRK-İŞ - 3)

“Especially at the beginning of 1960s Work Assembly performed as an important negotiation ground and a forum but then it was turned into a structure only for show. Work Assembly is now a council which is imbalanced in terms of representation and symbolic in terms of function.”
(TÜRK-İŞ - 5)

5.2.6. General Evaluation of the Views of Confederations on Social Dialogue Mechanisms at Trilateral Level

As it can be depicted from the citations above, according to the majority of interviewees from TÜRK-İŞ, the tripartite social dialogue mechanisms in Turkey are not established by taking into account the particular conditions of Turkey. Therefore these mechanisms that are formed as a result of the influence of the EU accession process are only for show. According to the interviewees from TÜRK-İŞ these mechanisms do not have a democratic structure in terms of representation. However despite the critics on imbalanced representation and over representation of the state, the interviewees from TÜRK-İŞ see the representation of the state as a requirement in these mechanisms due to its responsibility for applying the outcomes of them. Regarding the representation of labour, the interviewees from TÜRK-İŞ argue that as TÜRK-İŞ is the biggest confederation, it could represent all the workers in accordance with the majority principle without making any discrimination among the workers.

With respect to the functional aspect of the mechanisms, they think that the non-implementation of the decisions is reducing the functions of these mechanisms. On other hand, majority of the interviewees from TÜRK-İŞ believe that if the required conditions in line with the EU directives are fulfilled, these mechanisms becomes more powerful and effective. Therefore contrary to the approach of the interviewees from DİSK, the permanent participation to these mechanisms is

important and necessary in order to contribute to the attempts of increasing functionality of these mechanisms.

As it can be depicted from the citations above, the interviewees from DİSK think that tripartite social dialogue structures in Turkey are ostensible and they are copied from the EU. The interviewees from DİSK consider that these mechanisms have been established by the imposition of international conventions or international treatments. They are not the mechanisms emerging naturally as a required or necessary condition in accordance with the development line of the social relations in Turkey.

According to some interviewees from DİSK; these mechanisms can be worthwhile and can produce outcomes in favour of labour if they are reshaped with the aim of establishing operative and democratic structure. In line with this assumption, the interviewees from DİSK emphasize the non-implementation of the decisions taken in these mechanisms due to the unwillingness of the state. The interviewees from DİSK also argue that outcomes of these mechanisms are in favour of capital since the state and capital cooperate in these mechanisms under the imposition of international economy institutions. On the other hand, some interviewees from DİSK emphasize that since these mechanisms are impeding the progress of trade union movement, the functionality or dysfunctionality of these mechanisms is not the issue.

The interviewees from DİSK express that due to the lack of the balance of power and principle of equal representation in most of these mechanisms, the state has the power of the representation. In addition to the representational advantage of the state, since the state acts like as a spokesman of the capital owners, the representation and opposition of labour remain weak.

Moreover regarding the issue of equal representation, they also criticize the imbalanced and unfair representation among the representatives of labour

organizations. They state that the representation of the biggest confederation in some mechanisms is non-democratic therefore the principle of pluralism rather than the principle of majority must be applied in order to democratize the structure of these mechanisms.

Therefore due to the reasons mentioned above, they withdrew from these mechanisms for a temporary period in May 2006 till the structural and functional problems are solved and till it is turned into a democratic and functional mechanism in favour of the interests labour. Despite more than two years passed, DİSK is still continuing not to participate to the meetings since the required conditions have not been provided yet.

Compared to the other confederations; the interviewees from HAK-İŞ has the most positive approach to the tripartite social dialogue mechanisms. They perceive them as fundamental and indispensable tools for the development of Turkey even if they are copied from the EU.

The interviewees from HAK-İŞ, like the other confederations, believe that the biggest deficiency of these mechanisms is their dysfunctionality. One of the important reasons of this situation is that decisions that are taken in these mechanisms are not implemented. Therefore since these mechanisms do not work efficiently they do not accomplish their functions. According to the interviewees from HAK-İŞ, if these mechanisms function in accordance with their defined tasks they become efficient. For the interviewees from HAK-İŞ, the content of the tasks are the secondary issue. Therefore they believe that these mechanisms should definitely exist and they should be developed under any circumstances. In line with this opinion, like the interviewees from TÜRK-İŞ, the interviewees from HAK-İŞ also support the continuing participation to the mechanisms despite their negative aspects.

With respect to the representation issue, they express that the state should be definitely represented but there should be a democratic balance among the partners. Moreover the interviewees from HAK-İŞ make either negative or positive comment on the representation of capital and attitude of the state. On the other hand like the interviewees from DİSK, the interviewees from HAK-İŞ also criticize the unequal representation among the representatives of labour and the representation of TÜRK-İŞ in some mechanisms due to the majority principle. Hence the interviewees from HAK-İŞ believe in the necessity of representation of the other confederations since it believes that the representation based on the principle of pluralism creates the competition that leads to the emergence of positive outcomes.

5.3. Experiences of the Confederations on Social Dialogue Practices at Bilateral Level

During the EU integration process, it is required that the development of social dialogue should be stipulated not only at trilateral level but also at bilateral level. Hence this part aims to provide the evaluations of the interviewees from three confederations about the current situation of bipartite social dialogue. However in Turkey the progress has been provided on tripartite social dialogue mechanisms at most. Bipartite social dialogue mechanisms have not been advanced, the traditional struggle methods have still remained on the agenda. Therefore the interviewees from TÜRK-İŞ, DİSK and HAK-İŞ concentrate on traditional dimension of the trade union struggle tools. In particular, while the interviewees from the confederation are evaluating these mechanisms, they concentrate on the legal aspect, the qualifications of the collective bargaining, recommendations for the advance and obstacles at a certain level. Despite divergent opinions, the most noteworthy commonality is that bipartite social dialogue mechanisms are more significant and function more successfully than tripartite social dialogue mechanisms.

5.3.1. Experiences of TÜRK –İŞ

In accordance with the approaches of the interviewees from TÜRK-İŞ, it is observed that the common opinion among the interviewees from TÜRK-İŞ is that bipartite social dialogue is more essential than tripartite social dialogue. With respect to the various practical experiences at bipartite level according to TÜRK-İŞ, since the representatives of labour and capital can express their interests more obviously and the application field of these mechanisms is not limited by the Laws, these mechanisms can be more effectively operated.

“We can say that the most functional one is the relation of worker and employer. It is a relation, which is regulated with laws, for more than fifty years. It is a very active mechanism. Perhaps it is because that the most concrete interest relations exist. I cannot find any other bipartite dialogue mechanism which is more active than it.”

(TÜRK-İŞ - 6)

“Bipartite social dialogue is necessary and important. Bipartite social dialogue mechanisms are more functional and it should be more and more functional than it is. It is more concrete since the issues are more specific.”

(TÜRK-İŞ - 2)

“I think that de facto relations and dialogue processes between social parties are important at least as much as within the legal institutions. I think these relations are not the outcomes of the legal compulsory or forms, so they can produce more constructive outcomes. Therefore social dialogue applications at bipartite level are more functional than they are at tripartite level.”(TÜRK-İŞ - 5)

Although the interviewees from TÜRK-İŞ consider bipartite social dialogue mechanisms as relatively more functional than tripartite social dialogue mechanisms, they argue that these mechanisms do not function satisfactorily at an expected level due to the underdevelopment of social dialogue mechanisms and problems in the working life.

“The factors, which make bipartite social dialogue mechanisms dysfunctional can be listed as, having an inadequate social dialogue understanding and culture of compromise; inadequate development level of social dialogue mechanisms in a local, sectoral and workplace levels and a necessity for more effective operation of social dialogue at the national level. There are also problems of

trade union organization for workers and public employees; there is a high level of unregistered employment along with the institutional inadequacy of the social parties.” (TÜRK-İŞ - 7)

“Bipartite social dialogue at the national level focuses on the secondary problems of working life rather than the main issues of it. Moreover, this kind of relation is conducted by informal meetings, cooperation and joint projects in limited areas.”(TÜRK-İŞ - 5)

With respect to the approaches of the interviewees on the role of capital owners, the representatives of capital seem to engage in social dialogue when the circumstances serve its interests. Moreover the representatives of capital hesitate to conduct relations with the workers in an equal manner and it violates trade union rights seriously.

5.3.2. Experiences of DİSK

In accordance with the approaches of the interviewees from DİSK, it is observed that the most part of their evaluations on bipartite social dialogue mechanisms are intersected with their evaluations on the obstacles for social dialogue mechanisms. The interviewees from DİSK focus mostly on the legal and de facto obstacles for the bipartite social dialogue practices and current functioning system defined by the laws regulating the working and trade union life.

“Actually, I think I should answer this question with reference to the Laws No. 2821 and 2822. Moreover in order to give an answer, however; the system, which is configurated by these two Laws, should be criticized and evaluated.” (DİSK - 7)

The predominant opinion stated by the interviewees from DİSK is that the Laws No.2821 and No.2822 are the most critical obstacles for the bipartite social dialogue since trade union rights and freedoms are the indispensable instruments of the struggle of trade union movement and social dialogue. Therefore according to the interviewees from DİSK, all prohibitive and restrictive regulations in these Laws should be removed in order to obtain outcomes in favour of the workers.

“The thresholds, nonexistence of collective agreement at sectoral level, prohibition for the right of Confederations to make collective agreement and low capacity of the coverage are the obstacles. Indeed the Laws, enacted after 1980 in Turkey, were aimed to prevent the organization of trade unions.”(DİSK - 1)

“It is such a structure in which everything including the membership, establishment of trade unions, qualifications of the founders and internal process is under control.”(DİSK - 7)

“It is a much prohibited process with the thresholds, requirement of notary, prohibitions of strike, and collective agreements at the level of enterprises. Indeed the group collective agreements are not explicitly defined in the law, but they are established and used by using the gaps in the law.”(DİSK - 7)

An interviewee from DİSK considers that in addition to the legal obstacles, trade unions are confronted with de facto pressures of the powerful parties. As a matter of fact, the interviewee argues that the organizational activities of the trade unions having closest political relations with the state and employer are promoted and loomed large.

“In Turkey an employer can be easily manipulated in one day. In Gebze, in the Çolakoğlu enterprise where we organized, in one night, they called for the notary to the workplace. They transferred the workers illegally to Türk-Metal-İş that affiliates to TÜRK-İŞ. Police forces waited in front of the door and we could not enter to the workplace where we were authorized.”(DİSK - 1)

However, the interviewees from DİSK state that despite the legal and actual problems, more concrete and positive outcomes can be produced in the bipartite social dialogue mechanisms depending on the objective positions the representatives of labour and capital. Moreover, according to them, if the basic trade union rights and freedoms are recognized and they can be implemented in the practical life, these structures can bring out efficient outcomes immensely. Therefore the interviewees from DİSK differentiate bipartite social dialogue mechanisms from tripartite social dialogue mechanism in terms of the level of functionality.

“While they are not very functional, we see some practical outcomes of it. Modern approaches can produce outcomes but it is not valid for every employer.”(DİSK - 3)

“If it is not based on prejudice, and if it has objective criteria rather than ideological resistance, an outcome can be produced from these social dialogue processes, from these bipartite processes because they are more sincerely.” (DİSK -3)

“For example; social dialogue is conducted well by Turkish Employers’ Association of Metal Industries (MESS), we can witness it in our collective agreements, because there is a level of trade union organization in this field.”(DİSK -1)

Moreover according to an interviewee from DİSK, another reason of this relatively more satisfactory situation is the materialization of the social dialogue practices without any intervention of the state. Thanks to the non participation of the state, organized power of the labour and capital could reveal more transparently in these practices.

“I think the balance of power between the classes become more visible in the social dialogues in which the state does not intervene.”(DİSK - 6)

However the interviewees from DİSK consider that these social dialogue practices are not very common and they do not produce satisfactory results at expected level. According to the interviewees from DİSK, since the scope of current collective agreements are limited and unsatisfactory, they do not meet the demands of workers in a holistic manner but they could present daily and short term demands.

“There are Occupational Health and Safety Committees, Leave of Absence Committees in some workplaces...There are some committees which are established by the means of collective agreement and committees of workplaces but we know that these committees do not work although they exist by the means of law in too many workplaces in Turkey.”(DİSK - 4)

“Of course, these are not well established mechanisms to solve the current problems of the working class in Turkey. They are not established with the aim of granting more shares from the distribution of income to the working class or with the aim of increasing the wages and social rights of workers. They are

producing palliative solutions; they are solving the daily problems.”(DİSK -4)

“The content of collective agreements has turned into a form that is shaped and controlled by this structure. It is possible to make a regulation about only the wages. Everything further to that becomes a fantasy.” (DİSK -7)

“When you look at the system of collective agreement, I think in Turkey these agreements do not introduce new and splendid rights. Let’s look at the agreements of last ten years, none of them made workers happy and satisfied. Trade unions are forced to sign these agreements because of the problems, such as prohibitions on strike.”(DİSK -4)

In regard to the approach of the interviewees about the role of capital, it will be assessed in detail in the following sections. But in summary, the interviewees from DİSK state that capital has a very obstructive and two faced standing towards social dialogue including implementation of basic trade unions rights and freedoms. Employer organizations are violating the rights of the workers by using serious authoritarian and repressive tools.

Therefore the interviewees from DİSK believe that lifting the prohibitions and limitations in front of trade union organization, collective agreement and use of the right of strike contribute to the development of bipartite social dialogue. In addition, if these mechanisms aim to solve not only the specific problems in workplace but also the problems of the whole society via class struggle perspective, the application field of the social dialogue enlarges.

“As soon as trade union movement started to institutionalize in Turkey, trade union systems pursued the American system rather than the European one. They started to conduct a trade unionism of collective agreement in workplace level. An understanding, which includes also democratic, social and economic rights, should be developed. In other words social transformation should be aimed, not individuals but the whole society’s rights must be protected collectively.”(DİSK -2)

5.3.3. Experiences of HAK-İŞ

Like the interviewees from TÜRK-İŞ and DİSK, the interviewees from HAK-İŞ consider that bipartite social dialogue is more successful and functional than tripartite social dialogue. According to the interviewees from HAK-İŞ, there are mainly two reasons of this situation. One of them is that the problems in the workplace are more specific and the other one is that state does not have right to intervene to the mechanisms.

“But I believe that the dialogues are more successful in the workplaces since the problems are more specific.”(HAK-İŞ - 2)

“It is definitely more functional. It is more functional in a place where the state is not there.” (HAK-İŞ - 5)

According to the interviewees from HAK-İŞ, many practices of social dialogue between the representatives of labour and capital exist in the many areas of working life in Turkey but these mechanisms are not visible and do not have legal status. Owing to the fact that they believe that bipartite social dialogue is not just to make collective agreements or establish various committees, on the contrary; any aspect of the relation established between the worker and employer is a kind of bipartite social dialogue practices.

“Indeed there are social dialogues in many fields in Turkey but they are not illustrated in the indicators. Worker and employer representatives always come together and conduct dialogue. However this relation materialized as informal, are not reflected in formal level.”(HAK-İŞ - 1)

“Important developments have been realized in Turkey for last two years...Institutions were established for the professional, perpetual trainings and for the projects at sectoral level.”(HAK-İŞ - 1)

“Summits between the workers and employers were held. All of them had contributions. At least parties know each other. I am observing that they come together, meet in other platforms, and have a meal, sit and talk.”(HAK-İŞ - 3)

The interviewees from HAK-İŞ believed that any kind of relation between capital and labour improves the culture of the relations among them. Moreover they state that the practices of dialogue facilitate the comprehension of flexibility and compromising capacity of the partners. Therefore they highlight the importance of participation to all social dialogue mechanisms.

“Of course HAK-İŞ can not directly call for the Turkish Confederation of Employer Associations (TİSK) and say “let’s sit down brother and talk these issues” it does not go on like this; but during the process, a culture is being developed, people know each other or they appreciate and respect each other. As a result you begin to manifest flexibility in your opinions in a certain level. This is the reflection of your subconscious.” (HAK-İŞ - 3)

“Our confederation tries to act in all fields with this mentality and culture. There might be necessity for flexibility in your position. Some people are disturbed with this situation but it is the only way.”(HAK-İŞ - 5)

“Anyway I am not sure but we have observations for other organizations, we are using social dialogue at most and also in practice...Thus, we are taken place in all platforms of the social dialogue.”(HAK-İŞ - 5)

Despite such a positive approach, the interviewees from HAK-İŞ also emphasize the functional deficiencies of the bipartite social dialogue mechanisms. According to the interviewees from HAK-İŞ, restricted trade union rights and freedoms in the laws, lower level and narrow coverage of social dialogue mechanisms are the most important factors that make social dialogue dysfunctional.

“There is a tradition of a bilateral collective agreement but it is limited for national and sectoral levels. Because, the current laws are not regulated in line with the universal trade union freedoms and principles of collective bargaining and there is not a satisfactory cooperation atmosphere between the government and social partners and between the capital and labour force.”
(HAK-İŞ - 1)

“Therefore in the metal sector three trade unions and Turkish Employers’ Association of Metal Industries (MESS) must sit and sign a frame agreement, which can be applied not only to the members but also to the whole branch of industry, they should be able to determine minimum working conditions and wage.”
(HAK-İŞ - 5)

In addition to the evaluation on existing bipartite social dialogue mechanisms, according to an interviewee from HAK-İŞ, bipartite social dialogue should receive priority consideration and it should be reshaped with a new mentality. Its content should not be limited with collective agreements but new structures should be established for the solution of the problems that are the matter of discussion of the collective agreement in its existing form.

“Before Economic and Social Councils, industrial relations should be fixed on a new ground in the enterprises. You can call it as industrial committees, workplace councils but there must be some mechanisms in which you can solve the problems without waiting for the process of collective agreements, which is held in every two years. Hence you can get rid of or manage the problems or you can make them manageable...Otherwise having such considerations like “anyhow we have collective agreement process every two years. Day on which we will drive you into a corner, we will take advantage of your market of exporting”. This mentality results in culture of clash...In other words the more right minded and rational approaches you have, the more prejudices you can eradicate, the more you can abandon to execute the orient safety first policies, the more meaningful you can make the councils of workplaces.”
(HAK-İŞ - 2)

In terms of the content of the collective agreements, an interviewee from HAK-İŞ state that the issues included in collective agreements should be limited with the working conditions and economic rights. According to an interviewee from HAK-İŞ other problems should not be concerned with the collective agreement in order to reduce the level of conflict atmosphere of the processes of collective agreement. Therefore one of the significant effects of this situation is that it would provide advantages for both sides since trade unions would solve their problems easily, employers would carry out its relations in the market without any concern.

“If collective agreements could be turned into the routine processes, during which only working and wage conditions are discussed, in other words if they are not perceived as a platform for fighting and a historical day for revenge, then; the agreements are accomplished without tensions. If an agreement is accomplished without tensions, it means that trade union act easily, it takes initiatives easily and discusses and overcomes fewer problems easily. It means also that enterprise can preserve its market

connections easily and it can perform in the market without experiencing any tension and uncertainties.”(HAK-İŞ - 2)

5.4. Approaches of the Confederations on the Roles of Social Partners in Social Dialogue Mechanisms

As it stated many times in the previous sections, social dialogue is materialized among the social parties. At this point, in the context of this study, whether the EU membership process is successfully accomplished or not, whether all the legal and institutional requirements are fulfilled, this process can not be steered without its actors. Therefore the evaluations of trade union confederation, as being the main partners of social dialogue, on the role of social parties including itself gets importance. This part aims to explore these approaches in order to identify the perceptions of trade union confederations. As a matter of fact, the approaches of the interviewees on the role of state, capital and themselves will be analyzed.

5.4.1. Role of State

The assessments of the interviewees from all confederations about the role of the state in tripartite social dialogue mechanisms can be assessed in reference with two main dimensions. The interviewees assess the role of the state in relation to the number of the representatives of the state and in relation to the attitudes of the representatives of the state and administrative capacity of the state. Although all interviewees from the confederations had relatively common opinions for the first dimension, they differed in the second dimension. The second dimension is related with the qualifications of the state to accomplish its task in the social dialogue mechanisms.

With respect to the issue of representation, in relation to the counterbalance in the quantification of the representatives among the parties, the prominent opinion of all the confederations is that the representation of the state is not numerically

equal to the representation of the other partners in particular representatives of labour.

“There is a state majority in the institutions.”(DİSK - 1)

“State is not represented in an equal level, but in a dominant position in the tripartite structures.”(TÜRK-İŞ - 5)

“The state majority in the mechanisms are going on.” (HAK-İŞ - 5)

Although all of them make criticisms about the qualifications of the state, their dominant emphasize differ. The interviewees from DİSK make an evaluation on the position of the state depending on the position of capital in these mechanisms. The interviewees from TÜRK-İŞ consist of similar approaches with the interviewees from DİSK besides they emphasize on the administrative mentality of the state. The interviewees from HAK-İŞ focus on dysfunctional tasks of the state in these mechanisms.

According to the interviewees from DİSK, with respect to the role of the state, the state does not act as a third party but it acts as a supporter of capital owners. The partial position of the state in favour of capital in social dialogue mechanisms may be evaluated in two different levels that are connected to each other. The first one is the organic relation between the state and capital owners. Second one is the policies of the state in line with the capitalist system. While this approach appears as a predominant opinion in the interviewees from DİSK, some interviewees from TÜRK-İŞ also support this opinion.

With respect to the organic relation between the state and capital owners; the interviewees from DİSK and TÜRK-İŞ express that the representatives of the state are in charge of possessing the priorities of capital owners and advocating them in these mechanisms. Moreover the representation structure of the tripartite social dialogue mechanisms also strengthens and promotes this organic and political cooperation between the state and capital owners.

“It is definite that it acts absolutely in favour of capital.”(DİSK -1)

“In Turkey the governments act like spokespersons of capital and serve them. It is not possible to think that the state or any government using the power of the state, keep away from capital or act in a different manner from the capital.”(DİSK - 7)

“What I mention here is the classical definition of the state, as a tool of dominant class...There is a reality that employers have a strong hegemony on the governments...Actually the state, as result of its inherited mentality, supports the strongest one. I mean it supports capital as being always powerful.”(DİSK -4)

“In Turkey the state, as a result of its tradition, is more interventionist than in the EU. By the interventionism I mean it aims to be loyal to the interests of a certain social class, the interests of capital.”(DİSK – 6)

“In some tripartite structures state presents as an employer rather than a “third party...although the workers, employers and state are represented in an equal level, the balance is distorted because the employer and state block is acting together.”(TÜRK-İŞ - 5)

“We do not consider the state as independent from the classes, or as an abstract mechanism. The state, as necessity of capitalist system, defends the interests of the dominant class.”(TÜRK-İŞ - 6)

With respect to the relation between the state and current capitalist system, it is underlined by the interviewees from DİSK and TÜRK-İŞ that in conjunction with establishing an organic cooperation with the capital owners, the state is a capitalist state and pursues neo-liberal policies.

“Actually it means that state withdraws from the system in other words leaving out from the tripartite structures, becoming abstract, revealing a preference which is suitable to accomplish the tasks of auditing and observation given by the neo-liberal state”(DİSK -7)

“It has become a post modern structure after 12th September. Actually no more improvement can be expected in such countries like Turkey due to the neo-liberal policies, in particular from the states.”(DİSK - 2)

“The role of the state as a party having social tasks in favour of labours, has been reduced by the means of neo-liberal policies. Actually the state has been enfranchised from such a structure. Actually the contribution of the state to social dialogue is not so possible.”(TÜRK-İŞ - 1)

“State acts generally as a "representative of employer" in tripartite structures in current time. The state has been detached from its social responsibilities and become an effective tool of neo-liberal policies.”(TÜRK-İŞ - 5)

Moreover, the predominant opinion expressed by the majority of interviewees from TÜRK-İŞ and HAK-İŞ that the authoritarian and hegemonic position of the state in these mechanisms is related with its traditional governing mentality and therefore this mentality impedes the effective functioning of the social dialogue mechanisms.

“We consider the majority representation of the state in tripartite social dialogue structures as an injustice, which blocks both autonomy and social dialogue.” (TÜRK-İŞ - 7)

“The state in Turkey is an authoritarian state.”(TÜRK-İŞ - 2)

“The state does not take care of these features a lot. Quite different channels and policies are used in determination of the state's policies. Even I do not think that it tries to prevent. State is much stronger than it is supposed.”(TÜRK-İŞ - 3)

“For the state; due to our political culture and tradition, the structure of the state does not have a tradition of sharing its authorities with the individuals or non governmental organizations.”(HAK-İŞ - 2)

“Its authority emanating from the past is still going on.”
(HAK-İŞ - 3)

According to the interviewees from DİSK and HAK-İŞ, the state does not believe in social dialogue mechanisms and does not act sincerely. However the interviewees from DİSK and HAK-İŞ differ in their interpretations of insincerity. According to the interviewees from DİSK although the state pretends to operate the social dialogue mechanisms, in reality it abstains from fulfilling its responsibilities arising from the EU membership. On the other hand, according to an interviewee from HAK-İŞ, the state actually opposes to the EU accession process and blocks the functioning of the social dialogue mechanisms.

“It is just closing the gaps that are resulted from abstaining of labour organizations from the social dialogue mechanisms. Therefore it provided a vision for the functioning of the system.

This image is necessary and important for the state especially in the EU accession process.” (DİSK - 6)

“Despite the existence of the will within the worker, employer and other parties to a large extent, if the government imposes there, that means there is insincerity also there, a silence, stalling off and lack of action behind it.”(DİSK -3)

“State, public institutions...first social dialogue should exist in the state. But the state does not believe in it. Firstly it opposes to the EU process, too. Therefore in my opinion, the current government is not successful in social dialogue.”(HAK-İŞ - 3)

The interviewees from HAK İŞ do not limit this insincere stance of the state only with the functioning of the social dialogue mechanisms. They consider that the state does not declare its expectations and demands obviously and it has a partial approach towards some trade unions.

“First it should explain last five years. Three parties say that the Law No. 2821 and No. 2822 should be changed. Lastly we put it into agenda in ILO and conducted an election. I mean we should give up these kinds of manners. If it is said that these laws are good, it should be said. Am I clear? We want to be transparent. There is nothing to shame on this; at least it is also a definition of interest.” (HAK-İŞ - 3)

“State has an official policy about this issue, too. The state has an approach to produce a trade union which is supporter and playmate for itself.”(HAK-İŞ - 2)

5.4.2. Role of Capital

Capital as being one of the partners in these social dialogue mechanisms has a very important and directive role for the development of the social dialogue process in Turkey. According to the interviews conducted with the confederations, when the role of the capital is evaluated, it is observed that the interviewees from DİSK and TÜRK-İŞ have relatively common opinions, on the other hand the majority of interviewees from HAK-İŞ have completely opposite approaches to the ones of DİSK and TÜRK-İŞ although there are also some interviewees who share similar opinions with the interviewees from DİSK and TÜRK-İŞ.

Before the evaluation of the approaches of the interviewees from the confederations about the position of capital towards social dialogue, there is an approach from an interviewee from DİSK about the partiality in the definition of social dialogue. According to the interviewee, since the partners define social dialogue concept different from each other, also their expectations from the social dialogue differ, this situation may cause that the partners are accusing each other of impeding the development of social dialogue.

“I think there is a very crucial difference in the point of views between employers’ and labour’s definition of social dialogue. For labour organizations, this difference causes an illusion, according to which “employers do not accept social dialogue”. Indeed, employers in Turkey ‘support a social dialogue mechanism which is suitable to their definition’. Therefore although both organizations attribute a positive meaning to the social dialogue, it becomes very interesting since each party alleges the other party with escaping from the social dialogue. However the understanding and interpretation of the parties for social dialogue is completely different.” (DİSK- 6)

The most predominant approach stemming from the interviewees from DİSK and TÜRK-İŞ about the role of employers in social dialogue mechanisms is that although the employers do not reject social dialogue mechanisms beforehand, they do not believe in its function. However, according to the interviewees, there is insincerity since capital uses social dialogue mechanisms when it suits its own interests.

“The idea of social dialogue entered the minds of employers when they are in trouble, as it is seen in all hegemonic relations, too.” (TÜRK-İŞ - 6)

“They believe in social dialogue mechanisms as long as these mechanisms serve for them.”(TÜRK-İŞ - 2)

“Sometimes Turkish Confederation of Employer Associations (TİSK), The Union of Chambers and Commodity Exchange of Turkey (TOBB) and the government make statements or make predictions about the issues related with the workers but without consulting them. In this way, the representatives are excluded actually but they are pretended to be included legally.” (TÜRK-İŞ - 1)

“I think the positions of employers are disingenuous. They emphasize the importance or function of these mechanisms only when it serves for them. However they change their position and cross another position when the conditions are changed.”
(DİSK - 7)

“I think employers do not reject it but they dilute the standards. They do not really want to solve or to understand problem, but they just want to seem that they are using these mechanisms that are imposed from outside.” (DİSK- 1)

It is stated by an interviewee from TÜRK-İŞ that when the employers have to use social dialogue, they do not establish relation with the workers through their trade unions but they seeks for the structures in which the workers are not represented collectively in the name of trade unions.

“Moreover, within the production processes, they prefer to establish dialogue with the structures such as workplace committees or quality circles, in which workers are represented as an individual. They did not choose the structures in which workers are represented by their organizations.”(TÜRK-İŞ – 6)

On the contrary, the interviewees from HAK-İŞ have a completely opposite approach about the stance of the employers. According to the interviewees from HAK-İŞ, employers have positive approach towards social dialogue since they believe in the advantages of social dialogue by increasing the interests of the workers and employers.

“Modern enterprises, which give importance to the human resource, intelligence and association, are looking on a social dialogue with favour.” (HAK-İŞ - 2)

“It was a State Economic Enterprise and it was privatized. Then this loss making enterprise got back into profit. We asked how you managed it. They simply replied that we started to benefit from the intelligence of the employees. Therefore what we did, we established 17-18 committees, which varied from the committee of leisure activities to the committees of innovations.”(HAK-İŞ - 2)

According to the interviewees from HAK-İŞ, the current system in which social dialogue is developed is a neo-liberalization process. As a matter of fact, this neo-liberal agenda envisages and accepts the existence of the partners having different

interests. Therefore it is acceptable that the employers acts for strengthening their position such as the workers advocate their rights and interests.

“Indeed they are trying to say there must be law or implementation that would belong to them, that reflect their interests, too. I think it is not problem for us.”(HAK-İŞ - 3)

“In regard to neo-liberalism, it should be accepted that although neo-liberalism is economy based issue, it brought freedom in every fields, strengthened the relations and employers need something. You, as the worker, are not the state, private sector is increasing.. it is freedom, which I mean, for example at least, you are traveling by plane together. I mean they are also in confusion; they are trying to use it without attributing a deep meaning to it. It is also good, it brings something with itself. A law occurs; I mean social dialogue improves the process in this way.” (HAK-İŞ - 3)

Prior to the positions of employers in social dialogue, another important situation is the denial of the existence of classes and different interests. The interviewees from TÜRK-İŞ and DİSK state that employers do not recognize trade unions or workers as a partner to the social dialogue mechanisms. However according to the interviewees from TÜRK-İŞ and DİSK, the employers they identify trade unions or workers with so called "shareholder" of the company. The interviewees from TÜRK-İŞ and DİSK call this mentality as “being in the same boat”. According to this mentality, the class consciousness among the working class is tried to be eradicated and workers are manipulated with the company culture.

“For employers, we are all the members of the same family. This company is all of us, first we should take care of it. They go towards a system, which is called as governance and involves all the workers in all process, rather than establishing vertical hierarchical relation.”(TÜRK-İŞ - 6)

“As a result of increasing requirements for competition, employers created the concept of “we” to decrease the costs. Company is a whole with its workers and employer. This understanding detaches the working class from its own class and attaches them to the company culture. It is a mentality that protects the corporation more than the workers, and that prevails for the importance of the corporation more.” (TÜRK-İŞ - 2)

“The concepts such as compromising or being in the same boat are replacing with antagonism between labour and capital. These concepts are discarding the class based interests.” (DİSK - 6)

On the contrary, the interviewees from HAK-İŞ support the mentality of being in the same boat. The interviewees from HAK-İŞ argue that this mentality is an advantageous situation for the interests of workers and employers since this corporation could increase the capacity of the enterprise which provides benefit for both them ultimately. According to the interviewees from HAK-İŞ, the partners should adjust themselves to the economic policies and modify their policies in accordance with the general economic situation of Turkey.

“And they said that embracing the work place together increased the profits. We did a similar thing in a factory in Karabük .We did not say “we did not want”, while it was going to be privatized. We said “Yes” to privatization but then we put forward our model. It is also a manner of dialogue. We convinced the government, Karabük was a factory which was going to be closed as it finished its period. We convinced the government and bought here with one lira which is a symbolic price...We made a long term plan. We put forward our model rather than said "we did not want.” (HAK-İŞ - 2)

“Through joint investments we are producing cement with Sabancı there. In other words the rules of economy are applied. We are also making our collective agreement. In parallel with the economy, sometimes we are making a very good contract or sometimes unsatisfactory contracts but we have never led the workers to be dismissed. That’s it. It is the feeling of belonging. There may not be such a thing in the Marxist terminology but it is in the real life.” (HAK-İŞ – 2)

Moreover, one of the interviewees from TÜRK-İŞ shares similar ideas with the interviewees from HAK-İŞ. However, differently the interview prefers to concentrate on the direct impact of the continuation of the company on the employment of the worker.

“We always meet with Turkish Confederation of Employer Associations (TİSK). When you consider our trade union's official opinion; we have a point of that if there is no employer, we will not also exist there. It is an acceptable stance. If employer bankrupts or does not get profit, our workers suffer from this situation. Therefore we do not propose the regulations, social dialogue mechanisms or law drafts that can sabotage, or give harm to the employer.”(TÜRK-İŞ - 4)

Apart from the interviewees from HAK-İŞ that identify the capital owners with close partner, according to the interviewees from TÜRK-İŞ and DİSK, many employers have a patronizing mentality through which the capital owners exhibit its power to labour, aims to reduce the strength of trade unions and to force them to accept their own opinions. As a matter of fact, the interviewees consider that the representatives of capital avoid from establishing mutual relations with trade unions and they recede from the perception of compromise.

“Most of the employers do not accept an equal dialogue with the workers, with the trade unions at institutional and equal level. This approach, which depends on mentality of ‘I am boss’, is one of the biggest impediments for the freedom of association.”(TÜRK-İŞ -5)

“It can be said that their approach depends mainly on making trade union passive, limiting the rights and demands of the trade unions, and imposing their opinions on trade unions.” (TÜRK-İŞ - 5)

“Capital does not give opportunity to labour to get a gain by means of either dialogue or struggle. Besides, it says that “I am strong and I rule the roost in the workplace”. Capital tries to legitimize everything in favour of its interest and it imposes this approach.”(DİSK - 7)

Related with the above mentioned opinion, it is stated by the interviewees from TÜRK-İŞ and DİSK that capital owners are still engaging in wild capitalism and exposing repressive and coercive attitudes to them including heavy punishments, dismissing, attempts for deunionization, and all other forms of impeding the trade unions rights.

“The stance of the employers towards association is like these; pressure, threat and violence, compelling the trade unionist workers to resign from trade unions and dismissing them, their objections in the authorization processes, closing workplaces during the authorization processes.”(TÜRK-İŞ – 7)

“They can easily dismiss workers, whenever they feel that it harms their interest.” (TÜRK-İŞ – 2)

“They are dismissing workers because of the thresholds and when they do it, they choose the workers who are the member of trade union.”(TÜRK-İŞ - 4)

“We realize that employers in Turkey are so wild that they can not accept social dialogue...Whenever employers have to recognize the right of association, they try to destroy you immediately. In a workplace four hundreds workers were dismissed in one day just because they became the members of trade union. You are witnessing other obstacles even if you are organized and powerful against many obstacles.”(DİSK-1)

“Right to strike has been almost diminished. We have a recent example; Hava-İş wants to use its right to strike. Employer is standing and forcing the workers not to vote for strike.”(DİSK -4)

With respect to the particular features of capital in Turkey, the interviewees from DİSK argue that; since the capital in Turkey is less developed than international capital owners, it tries to close the ranks by applying coercion and making pressure on labour.

“Capital is trying to overcome the problems of its incapability, weak sides via using force. Capital in Turkey defends and improves the policies such as cheap labour, unregistered employment to compete with the markets in the world. But it is trying to win competition via eliminating trade union rights rather than via using its own power or their capacity. This approach is underpinning also by the current government.”(DİSK - 7)

“There is a necessity of cheap labour to keep our competition power, Turkey is a developing country. Therefore employers have a mentality, they know that if the workers are organized, they have the social rights and this cheap labour will be eliminated. Therefore big capital aiming to compete in the global markets, want to restrict the trade union rights. This mentality is supported also by the current government.” (DİSK -4)

As a different point of view, according to the interviewees from DİSK, capital owners does not even necessitate to adhere to social dialogue since in Turkey trade union movement is so not powerful that it needs to be challenged. In contrast to the situation of the trade unions, the interviewees from TÜRK-İŞ consider that the capital owners in Turkey are very strong and organized and also very intelligent in using social dialogue.

“Employers are in a very first-class position now in Turkey, they do not need such a tool. As you are not a power against the employer, he or she does not need such a dialogue mechanism.” (DİSK - 4)

“In order to create the necessity of social dialogue, you must be strong, then; employer will come to you with a good packed thing like social dialogue. In other words, it does not need social dialogue mechanisms in a country in which trade union movement is not strong. It does not have even a concern about establishing relations with the trade unions in a legal ground in order to make them calm.”(DİSK -1)

“They are very calm and clever. They put social dialogue on the agenda without expecting anything but just to use it as tool to create an image that reflects their influence. Because they are doing it without any inclination to solve any problem by social dialogue. I worked with Mr. Refik Baydur for a long time. He was the president of TİSK before Mr. Kutat Kubilik. He was very clever and practical. The impression in my mind about him was that he was trying to increase the image of TİSK in public by means of social dialogue.”(TÜRK-İŞ -3)

“Employers are very strong, employers are very well organized.”(TÜRK-İŞ - 4)

With respect to the internal relations among the capital owners, the interviewees from DİSK argue that since their main aim is to maximize their own interest, their preferences for the ways in order to achieve their target could be change among themselves. Each employer has its own priorities for making profit. As a matter of fact this situation could lead to the differentiation in their roles in social dialogue mechanisms. At this point according to an interviewee from TÜRK-İŞ argues if the issue is to take a position against labour, the capital owners could cooperate very easily.

“For example; while TİSK accepted ten workers for the criterion in the occupational health and safety issue, TOBB was opposed it seriously and proposed fifty workers. At the end of the discussions, it increased to thirty workers.”(DİSK - 4)

“The employers are against all kinds of democratic structures. Only exception is TÜSİAD for just individual rights and freedoms just because it supports explicitly the EU accession process. Therefore these approaches becomes only for show. TİSK is worse than the state regarding the democratic rights and freedoms.” (DİSK -2)

“Although they are rivals to each other at private sector level, they come together to carry out policies against workers, that is the association of employers.” (TÜRK-İŞ – 4)

5.4.3. Role of Labour

The most important result in the interviews is that the evaluations of all the interviewees about the relations and cooperation among themselves reveal also their approaches towards social dialogue in some way. These evaluations show parallelism with the interpretations about their conceptualization of social dialogue. The evaluations about the Labour Platform and other cooperative mechanisms are in consistency with each other. Another result of this analysis is that all interviewees generally make the similar criticisms about other confederations and relations with them. The interviewees believe in the importance and necessity of the cooperation among the confederations but also they consider that the current existing relations are dysfunctional and stay on paper. Many different opinions and point of views were expressed about this issue. Whilst some of them are similar, some of them are opposite to each other. These results also indicate the differences among the interviewees from different confederations.

The interviewees from DİSK and TÜRK-İŞ state that the relation type of the confederations that are conducted with the state, capital and political parties is damaging the cooperation among the confederations crucially. According to the interviewees from DİSK and TÜRK-İŞ; the confederations, which have organic relations with the ruling political parties, always defend the official ideology of the ruling government in the joint platforms by acting insincerely.

“But when there was a change of ruling party immediately, we became the backyard of the political parties, which are close to us. The issues, which they were against in the period of former ruling party, were turned into the issues that were necessary to be supported. In this point; dependent or independent relations of the trade unions are established or ideological perspectives are arising.

They can be the passionate advocate of the issues, which they were against in the past. This is the point. It is the ground on which the independent relations of trade unions from the state, political parties and capital are shaped.” (TÜRK-İŞ - 2)

“Except for DİSK, the other confederations have a gilt edged dialogue. If you look at TÜRK-İŞ; it is a trade union, which organizes within the state and it has an institutional function. There was such an approach in TÜRK-İŞ, “it was not necessary to announce it to everybody, we could deal with it with the general directorate at the top”. Anyway it is very ordinary attitude in TÜRK-İŞ. Today, HAK-İŞ follows the same policy.”(DİSK -1)

“I think having closer relations with the political parties or ideology of the state prevents from taking a common action in the issue.”(DİSK - 7)

However, the interviewees from TÜRK-İŞ do not limit this relation type with the political approaches of the ruling party. According to the interviewees from TÜRK-İŞ, not only organic and structural relations with any political parties but also reflecting similar political perspectives with any political structure or ideology prevents the confederations from having objective approaches. Therefore the interviewees from TÜRK-İŞ implicitly defended the policy of “above party politics”.

“If some approaches are opposite to the political views of a party that they have close relation, these approaches are not applied. Or any reasonable coalition or partnership is not materialized just because of making opposition...there can not be a stance that have never criticized the current government for four and half years.” (TÜRK-İŞ - 2)

“If the confederations are carrying on their association activities with the promotion or support of the government, Labour Platform is damaging at the beginning.”(TÜRK-İŞ - 1)

“It does not mean to support any policy or to be apolitical but it means not to support any policies of a political party. I am observing the applications in terms of the interests of working class. It is a bit pragmatic issue... you should not be engaged under any conditions. There are different political opinions... my common point is a coalition completely based on working conditions. Coalition of wage - earning men.” (TÜRK-İŞ -2)

“It can be achieved by breaking off the relations especially with those having policies against labour.”(TÜRK-İŞ - 1)

According to the interviewees from DİSK and HAK-İŞ, another dimension of the failure of cooperation among the confederations is the adoption of different perspectives about the development of trade union rights. However, while an interviewee from DİSK criticizes other confederations for ignoring the class based perspective and class consciousness, oppositely an interviewee from HAK-İŞ emphasizes the improperness of having ideological posture. Moreover the interviewee from HAK-İŞ accuses the confederations of enjoying privileges from such platforms for expanding their political struggles.

“I think it is necessary and important to focus on the lack of class consciousness. Trade unions perceived the occasions or issues as small or daily interests apart from class perspective. This is problematic.”(DİSK - 7)

“Institutions that are composing these structures could not go beyond the state of their ideological stances, their ideological patterns and memorizations.” (HAK-İŞ - 2)

“They tried to accomplish their aims through these institutions by assigning their institutional functions to them; they tried to express their political discourses through these institutions, by ignoring the differences of other components of the entity. They started to perceive partnership as an object for their political tools not as a main subject of the issue.” (HAK-İŞ - 2)

In line with their opinions mentioned above, these two interviewees suggest opposite ways to achieve and reinforce the cooperation and development of trade union movement. The interviewee from DİSK recommends that the confederations should not remain limited with the compromised issues but they should take effort to agree and take a common action on the conflictual issues among themselves. On the contrary, the interviewee from HAK-İŞ defends to agree at minimum level within the framework of flexibility towards the differences of each organization.

“Reaching an agreement on compromised issues and keeping the conflictual issues outside of the agenda is not a right approach. I think it reduces the influences of the struggle.”(DİSK - 7)

“I can be more sensible than you, but; if I am conducting with the organizations, which do not have same opinion with me, the aim of the partnership can be something different but it may not be human rights. These kind flexibilities should be made.”(HAK-İŞ - 2)

With respect to having different trade union perspectives, an interviewee from TÜRK-İŞ focused on the differences for the strategies in trade union movement and patterns of alliances from a nationalistic stance. The interviewee from TÜRK-İŞ states that national alliances should take the priority apart from the international alliances. According to the interviewee from TÜRK-İŞ, these strategically different approaches are the main obstacles for both the labour movement and cooperation among the confederations.

“The reason of this division is the differences of strategy in trade union struggle among the confederations. And one of the most important reasons of this division is the relations with the EU and the working classes in the EU. As the problems increase, DİSK and KESK are looking for a basic ally in international working class movement. Actually it is a wrong approach. Relations with ETUC mean relations with imperialist countries one by one. An anti-imperialist and nationalist strategy is the right one; our main problem is imperialism. Imperialism cooperates with the working classes of its own country. They are bourgeois proletariat; my main allies should be peasantry, tradesman of the country and other nationalistic and anti-imperialistic elements in my anti-imperialist struggle.” (TÜRK-İŞ - 3)

In line with the approach mentioned above, some from TÜRK-İŞ argued that trade unions prefer to develop through the impact of the external dynamics like the EU and ILO rather than through their own national dynamics.

“The weak trade union movement tries to achieve its recognition of existence by acting as a party with the demand of “peace” and by depending on external dynamics. For example, people are supposing that if they become the member to the EU, trade union rights will improve.” (TÜRK-İŞ - 6)

“We devolves our problems upon outside, it is a very easy way. We don’t solve them within us by using our internal dynamics. Therefore before every ILO Conference, as being TÜRK-İŞ, we are concerning about whether we would be included to the

application committee of ILO or not. Employer is also disturbed from this issue as well as us.”(TÜRK-İŞ - 4)

According to the interviewees from DİSK and TÜRK-İŞ; one of the most important impediments for the development of cooperation among the confederations in Turkey is the competition among themselves as well as their different political point of views.

“The class based perspectives of confederations could be definite. As I said before, problem in this issue is that confederations consider each other as a rival or as an opponent like capital organizations. For example; sometimes we are witnessing an attitude of TÜRK-İŞ against DİSK, it is stricter attitude than it showed against TİSK.”(DİSK -7)

“On of the main problem of failure of cooperation among the confederations is the competition between them.”(DİSK – 6)

“It is also because they consider each other as rival. If they are waiting for the conjectural political conditions that pave a way, if they expect the other to weaken, could you talk about social dialogue?”(TÜRK-İŞ - 4)

The insincerity based on distrust about the stances of the confederations is also considered as an important impediment for the failure of cooperation and taking joint actions. The interviewees from DİSK and HAK-İŞ target their criticisms on the attitudes of TÜRK-İŞ that is claimed to have closer relations with TİSK.

“TÜRK-İŞ mostly prefers to act together with TİSK rather than DİSK in the issues about labour rights.”(DİSK -7)

“When you look at the confederations, you notice that they accept the laws, which you call as slave laws, they do not oppose as much as you do in our life. They pretend to oppose but in reality they are doing something completely different.”(DİSK - 4)

“I do not think that trade unions are sincere about the modification of the Law on trade union. The government, which changed the structure of National Security Council, could have changed the Law No. 2822 in a shorter period but TÜRK-İŞ and TİSK does not wish for any changes in this Law.”(HAK-İŞ - 2)

In parallel with the interpretation of an interviewee from HAK-İŞ on insincerity, the interviewee from HAK-İŞ also criticizes TÜRK-İŞ and DİSK for pursuing an inconsistent and unprincipled policy in social dialogue mechanisms. As a matter of fact, the interviewee considers that the labour organizations are in the charge for dysfunctional structure of social dialogue mechanisms.

“I do not understand that why the confederations do not participate to the meetings this year although they participated in the previous years. I do not respect to act in accordance with the conjuncture, it contradicts with the principality, it is not meaningful and valuable. Therefore I do not accept to accuse the current or other governments in every case that we do not like. We should check ourselves.”(HAK-İŞ - 2)

Apart from the internal problems among the confederations in terms of the failure of cooperation, in particular an interviewee from DİSK stresses on the necessity of cooperation and strengthening of labour movement in order to establish a resistance against the capital and state. Within this framework, the interviewee from DİSK firstly focuses on the balance of power and established relations among these powers.

“If there is no equality of power, balance of power among parties, there is no chance for the institutions, except staying only for show. And there is no such a balance of power in Turkey.”
(DİSK -7)

“Labour does not have a satisfactory organization level to protect and promote to gain new rights.” (DİSK -7)

Secondly, the interviewees from DİSK states that structural and political division of labour within itself made its accumulation of power difficult in particular against capital. Therefore they believe in forming ground to cooperate and act jointly albeit they have different perspectives and struggle mentalities.

“I think establishing a superstructure; a platform like a union of confederations is compulsory and necessary for the interests of the class. Because you see the current situation; you see the disorganization because of the division, you see that capital is getting to first base with by benefiting from this disorganization.” (DİSK - 7)

“There should be cooperation without making any difference for any trade union. As it is written in Marxist literature, even the worst retrogressive trade union has a progressive unit inside itself just because of its existence as a trade union.”(DİSK -1)

5.5. Obstacles to the Social Dialogue

Not only the political, economic and social conditions but also some specific conditions for the social partners should be stipulated for the emergence and for the progress of social dialogue. These conditions should be particularly provided at institutional and legal level. Therefore the fundamental requirement is the change of mentality towards social dialogue.

Political, economic, and social patterns of the development line of Turkey influence social dialogue as well as the current situation of industrial relations in Turkey. As it is mentioned in the third chapter of this study; although current industrial relations have inheritance of the past, it changed its direction completely after 1980. This change is not only limited with the legislation but there was a great political, economic and social change in a holistic manner. Social dialogue also came into agenda after this period, and it is still being shaped on the ground that was formed by 1980 period.

In accordance with the approaches of the interviewees, it is needed to identify the impediments for social dialogue. Therefore in order to comprehend the reasons of why social dialogue does not work, or why social dialogue is not established in Turkey, why there is no social dialogue like in the EU. This part targets to reveal the impediments stated by the interviewees for social dialogue and the interviewees' priorities in these impediments. Moreover as it will be observed, the

most of the obstacles argued by the interviewees for social dialogue are the obstacles for the development of trade union rights and freedoms. Because of the direct link between social dialogue and trade union rights, firstly the historical background of current situation is to be touched upon. Then in this part, restrictions and prohibitions on freedoms and rights of trade unions, the impact of economic and employment structure, power balance among classes, structure of employment, the multiplicity of confederations, absence of culture of compromise, role of state and capital, weakness of labour, and non development of cooperation among trade union confederations will be analyzed. All these items identified as obstacles are not common among all interviewees from TÜRK-İŞ, DİSK and HAK-İŞ. They include also divergent approaches.

5.5.1 Historical Background of 1980s

With respect to the period of 1980, all interviewees from DİSK as a whole and some interviewees from TÜRK-İŞ state that 24 January economic decisions directing the economic policy and legal regulations made before and after 12th September 1980 military intervention were closely attached to each other. According to the interviewees from DİSK and TÜRK-İŞ, these policies were radically shaped the political, social and economic aspects of Turkey. The interviewees argue that the military intervention form the political base of the process, besides 1982 Turkish Constitution and the Laws No. 2821 and No. 2822 establish the legal base for the economic policies.

“Indeed 24 January decisions are the main reason of 12th September. 1980 military intervention was materialized when they realized that they could not implement 24 January decisions. 1982 Constitution formed a legal basis for it. Now we are experiencing its political outcomes.” (DİSK - 1)

“12th September is the extension of 24 January decisions. Capital owners did it to prepare a legal base for it, to suppress, to limit trade union movement which was developed under the free atmosphere of the 1961 constitution, because capital understood

clearly the conditions were not adequate to apply 24 January decisions and get result as long as there was such a strong trade union movement.”(DİSK - 4)

“1982 Constitution and 12th September can not be independently evaluated from 24 January decisions. The legal shield for the applications in economic field was provided with the 1982 Constitution.” (TÜRK-İŞ - 2)

“As it is known, 24 January decisions and 12th September military intervention were two steps that completed each other; it was decided to shape the country completely. Such a thing could only be accomplished by using force because it was impossible to do it by means of democratic processes.”(TÜRK-İŞ - 6)

Besides, the interviewees from DİSK and TÜRK-İŞ state that on the one side the 1980 period in Turkey was politically and economically connected to the developments in the world, on the other side not only Turkey but also other countries similar to Turkey were under the impact of these international atmosphere.

“It was the beginning of globalization process, it was the part of designing Turkey. It was also same in other countries such as Chile and Argentina. 24 January decisions were the means of implementing globalization process in our country. It was the step in Turkey for establishing an infrastructure for the new world order.”(DİSK - 3)

“The so-called economic and political freedoms introduced by the Constitution created an atmosphere and legal bases through which the policies of IMF and World Bank could be implemented.”(TÜRK-İŞ - 1)

On the contrary to the interviewees from DİSK and TÜRK-İŞ, some interviewees from HAK-İŞ have a completely different stance. Some interviewees from HAK-İŞ thinks that although the ideology of neo-liberalism has some negative aspects in terms of economic policies and trade union rights, this process also gives an opportunity to make new self-criticism for the representatives of labour and capital.

“Trade unions and employers’ associations questioned themselves, their positions and roles during the period after 12th September when trade union activities were suspended. Some people did it, some did not. In this regard, I can say that despite so many

mistakes and negative results, this was the positive aspect of this period.” (HAK-İŞ - 2)

“Although neo-liberalism is an economy-based thought, it provided liberalization in every field and it intensifying the relations and abolished the restrictions. It is true that difficult conditions in working life and competition were imposed. However when we say neo-liberalism, it means the establishment of trouble-free relations as well as cross relations. I mean we do not consider it as a means for predominance of someone on other.”(HAK-İŞ - 3)

“It served for the employers in the economic field. The situation is not bad for us; I mean the sharp positions of globalization were eliminated in some fields.” (HAK-İŞ - 3)

Furthermore, as another benefit of neo-liberalism, according to the interviewees from HAK-İŞ, neo-liberal policies opened the channels of establishing closer relations with the capital owners and provide certain conditions for cooperation. Therefore the interviewees believe that thanks to the neo-liberal system, the most antagonistic features of the class relations were eliminated.

“If relations have become free, it is also a kind of social dialogue. There was not such a thing before 1980. We did not experience it, also it was not easy.”(HAK-İŞ - 3)

“For example, labour and employer organizations started to come together after that period. They started to initiated some activities together. There are many examples about this issue. For instance, they started to prepare report about employment, to fight against child labour and to celebrate May Day together.”(HAK-İŞ - 2)

5.5.2. Restrictions and Prohibitions on Trade Unions Rights and Freedoms at Legal Ground

All interviewees from the confederations evaluate the reflections of the current 1982 Constitution and the Laws No. 2821 and No. 2822 on the working life and trade union rights and freedoms within the general evaluations on social dialogue. This part could be separated into two subtitles. The interviewees from DİSK evaluate the legal ground by referring firstly to the Constitution since it presents a

holistic picture about the political, economic and social relations. Secondly the interviewees from all confederations assess in reference with the Laws No. 2821 and No. 2822 that present more specific obstacles for social dialogue.

With respect to the Constitution, while the interviewees from DİSK make a general evaluation about the Constitution, the interviewees from TÜRK-İŞ and HAK-İŞ point out anything. First of all, the interviewees from DİSK consider that the 1982 Constitution has very anti-democratic features in terms of trade union rights and freedoms. These features are formed on the basis of the interests of capital that aim to take the control of the whole sections of the society by using legal regulations.

“We are sorry to say that in Turkey, The constitution and current laws do not include any trade union rights and freedoms. It was a process of losing rights that were gained before and this process is still going on. Mr. Halit Narin, who was president of TİSK at that time had said ‘until this time we cried, they laughed; now it is our turn’.” (DİSK - 3)

“Both 24 January 1980 decisions and the military intervention and the 1982 Constitution restricted the trade union rights and freedoms drastically in Turkey.” (DİSK - 6)

“The provisions related with trade unions or trade union rights and freedoms in the Constitution and the previous provisions that have just been cleaned out had aimed to create a social structure under an absolute control of capital.” (DİSK -7)

The interviewees from DİSK state that with the aim of controlling the society under neo-liberal policies; the 1982 Constitution is strengthened by the Laws No. 2821 and No. 2822. The interviewees from DİSK express that trade union rights and freedoms and organizing activities are limited and using the right of collective agreement and strike are impeded for the better functioning of neo-liberal policies.

“Strictly speaking, the Laws constituted after 12th September only aimed to create an atmosphere for the implementation of 24 January decisions in other words the neo-liberal policies. Therefore this collective agreement system, which is determined by these two

structures, defines the systems of social relations and collective working relations that were completely under the control.”
(DİSK -7)

“The Laws took the measures against the certain points that made working class association strong before 12 September. Although the Laws related with social issues should have been made to protect the weak side, these laws preferred to protect the employer and to drive worker into a corner.” (DİSK - 5)

“This legal regulation removed any change to act flexible. Overcoming this legal regulation or acting without this regulation is not possible because the system eliminated all structures that are contrary to itself, and it prevents them from getting function.”(DİSK -7)

All interviewees state that the Laws No. 2821 and No. 2822 include serious prohibitions and restrictions that impeded the development of social dialogue. While some interviewees in TÜRK-İŞ focus on this issue mostly in a general framework without presenting any details, only a few interviewees from HAK-İŞ made a specific evaluation about the trade union rights and freedoms. However, many interviewees from DİSK make serious and detailed evaluations on the legal obstacles and they identify these obstacles with their priorities.

“Workers defrayed the cost of the 1982 Constitution and economic decisions that were implemented. Workers do not have any protective laws because Trade Unions Law No. 2821 and Collective Bargaining, Strike and Lockout Law No. 2822 include many prohibitions and limitations. Obstacles to the workers’ right of association, to collective agreement and using the right of strike must be removed.”(TÜRK-İŞ - 7)

“It brought about serious limitations about trade union rights, both the 1982 Constitution and trade union laws led to the decline of trade union movement.” (HAK-İŞ - 2)

“Of course they are negative. The current Laws aimed to eliminate freedoms and annihilate trade union structure. The Law on trade union is an absolute minefield and is completely regulated unfavour of trade unions. These are the laws that make the worker dependent on the employer.”(HAK-İŞ - 4)

“It is a very prohibited process with the thresholds, requirement of notary, prohibitions of strike, collective agreements at the level of enterprise...Indeed the group collective agreements are not

explicitly defined in the law, but they are established and used by using the gaps in the law. In other words it is a system that imposes a monotype model to all trade unions, the system does not have any opportunity for the professional organizations for organizing based on sector, for organizing multi sector at the multi levels.”(DİSK -7)

“Therefore these laws were prepared to weaken the trade unions and to remove the possible conditions for the future.”(DİSK - 5)

Having concerned the trade union rights as a whole, the interviewees from TÜRK-İŞ, DİSK and HAK-İŞ state that the legal restrictions and prohibitions for organizing of labour prevent the emergence of social dialogue.

“Without having a strong trade union movement, the development of social dialogue can be accomplished only for show such as some committees.”(DİSK - 4)

“If one of the parties does not exist in social dialogue, if this party has organizational difficulties it means that social dialogue exists as being only for show. Therefore the obstacles for organizing must be removed.”(TÜRK-İŞ -2)

“The balance of power among social parties were seriously distorted unfavour of the trade unions with the neo-liberal economic policies, with the Constitution, and with the Labour Legislation. Therefore in addition to the structural and environmental factors, the legal regulations have also serious constraints.”(TÜRK-İŞ - 5)

“Beside this, any legal restrictions on freedom of association should be removed. Because restricting freedom of association through laws also impeded the legal support for the improvement of social dialogue.”(HAK-İŞ - 1)

According to the interviewees from TÜRK-İŞ, DİSK and HAK-İŞ; the Laws No. 2821 and No. 2822 that regulate the trade union rights and freedoms and regulations in current Constitution contradict with the International Conventions No.87, No.98 and No.151 in particular which Turkey signed.

“The obstacles for the development of social dialogue, I mentioned before; it is related with the mentality. It’s a mentality that does not recognize the rights of workers in Turkey. There is a resistance against this. Turkey signed ILO Conventions; on association, right of collective agreement and association of civil servants. Turkey adopted European Social Charter but with some reservations

regarding the trade union rights, also Turkey adopted the right to association by the Universal Declaration of Human Rights. Moreover the Constitution includes some basic rights. However; when you consider the implementation of these laws and conventions, you are confronting with serious legal restrictions.”(DİSK - 4)

“For this reason, we demand the laws about working life to be amended in accordance with the criteria of the ILO and the EU.”(TÜRK-İŞ - 7)

“Now, there are also the ILO conventions. We signed also them, subsequently; we must act in accordance with these conventions.”(HAK-İŞ - 5)

“Branches of industry must be less than fifteen. In the world there is no country having 28 branches of industry. For example someone became minister in 12th September, the branch of industry in which that minister worked before, became a special branch of that industry. Also tobacco productions are included in the food branch of industry but sugar is not. It is a scandal.”(HAK-İŞ - 4)

With respect to the specific regulations in the Laws, the interviewees from DİSK focus on the restrictions included in every phases of association such as the procedure of being member of a trade union, notary clauses, internal regulations of the trade unions, authority process for collective agreement.

“It is structure in which everything is under control. Everything means membership, establishment of trade unions, founders and internal process and so on.”(DİSK - 7)

“Problems of authorization processes which our every trade union experiences; although the trade union went over the thresholds, appealing process regarding disagreement of authority, then if you overcome it then there is a very long and heavy procedure of collective agreement, all are about to prohibit to use your make existing rights.”(DİSK -5)

“A worker who wants to be a member of a trade union in Turkey, can complete this process after about three years, moreover without any guarantee of being member.”(DİSK – 4)

According to the interviewees predominantly from DİSK, one of the most essential legal obstructions for the progress of social dialogue in Turkey is to implement collective agreement only at workplace or group enterprise levels. In

addition to the issue of level, the interviewees from DİSK and HAK-İŞ also the legal coverage of the agreements decreases the possible function of collective agreements.

“Thresholds, prohibitions of making collective agreements at sectoral level, non recognition of confederations as a party in collective agreements, low coverage of the agreements are all obstacles.”(DİSK -1)

“Collective agreements have very limited coverage. These laws should be changed. Compatible regulations should be included in labour legislation.” (DİSK - 5)

“Approximately only 5% of the workers are enjoying the trade union rights stemming from the collective agreement in Turkey. Besides most of them are from public sector.”(DİSK -4)

“Beside these, it is necessary to endow with equality of parties and to broaden the coverage of collective agreements.”(HAK-İŞ - 1)

Moreover according to an interviewee from TÜRK-İŞ, prohibition of collective agreement at national level, in other words the non recognition of confederations as a party in collective agreements, decreases the authority of the confederations at their headquarters level in the eyes of its affiliated trade unions.

“Social dialogue and negotiation grounds among social parties at high level are not implemented in our country since the confederations do not have authority of collective bargaining; they are weak against their affiliated trade unions. As a result, there is no opportunity to reach an agreement or compromise among parties at confederation level.”(TÜRK-İŞ - 5)

The interviewees from DİSK and HAK-İŞ emphasize the existence of the restrictions for collective agreement at work place level as well as the legal prohibitions for sectoral and national level. According to the interviewees, sectoral threshold of 10 % and workplace threshold of more than half of the workers (fifty plus one) are the current severe barriers for using not only the right of collective bargaining but also for the rights of establishing trade union.

According to the interviewees from DİSK, the thresholds must be totally removed and reduced to zero at the first stage since these thresholds do not comply with the international standards. According to the interviewees from HAK-İŞ, thresholds should be gradually decreased in order to preclude the coming out of yellow trade unions which are called as employer's association. However the interviewees from TÜRK-İŞ did not point out anything about the thresholds as obstacles for the social dialogue and trade union rights.

“There are thresholds; threshold of 10% for sectoral level, threshold of 50 plus 1% for enterprise level. The procedure of collective agreement is not only difficult in its nature but also it is violated by employers, because employers are objecting to the every stage of collective agreement.”(DİSK -4)

“There are sectoral thresholds of 3% or 5% in other countries but in Turkey 10% is too high. Moreover, there is little or no threshold of 50 plus 1 % at workplace level in the world.”(DİSK -1)

“I am against all thresholds. In my opinion, it must be 0. On the other hand, if we start from minimum common point, let's make it 5 and 3. But not 10%. Let's make it 1/3 but not 50 plus 1. As being HAK-İŞ, we think like this.”(HAK-İŞ - 4)

“In principle thresholds must be eliminated. However I am concerning that all trademarks, all companies could establish a trade union in the name of themselves and I know it happened in the past. Having more than one trade union is not problem, however; problem is that there will be yellow trade unions to weaken trade union movement. We are concerning about it.”(HAK-İŞ - 2)

According to an interviewee from DİSK, because of the deficiencies and restrictions in the Laws, most trade unions in Turkey can not execute its tasks that are attributed to trade unions normally and principally but they just aim to exceed thresholds. Moreover similarly, also the workers do not become a member to an authorized trade union due to their class consciousnesses, but they just want to benefit from the collective agreement.

“Due to the system, there remains no difference among the identities of trade unions. One of the most important structural reasons for this situation is; threshold of 50 plus 1. Trade union affiliates member just to reach required level and a worker wants to

be a member of trade union which has authority, in order to be included in the coverage of the collective agreement.”(DİSK - 2)

According to an interviewee from DİSK, one of the fundamental dimensions of the prohibitions and restrictions in the Laws is about the right to strike. The interviewee from argue that the conditions of going on a strike are as difficult as of making collective agreements.

“Therefore, it is almost impossible to go on a strike in Turkey. When we look at statistics of strikes, there is such an illusion: collective agreements end in peace, there is no strike. There is no strike because trade unionists know that cost of strike is too high and so it becomes a dysfunctional strike. Overcoming with the process, going on a strike is quite difficult; it is almost an obsolete right. For this reason, these restrictions on strike in the Constitution and laws must be abolished.”(DİSK - 4)

Besides the obstacles in particular in front of making collective agreement, the interviewees from DİSK and HAK-İŞ stress on the notary clause impeding organizing severely, is the unique regulation in the world, that.

“In the world there is no country where the requirement of notary exists. Notary clause leads to the emergence of authority directly.”(DİSK - 2)

“The requirement of notary is not compatible with the democracy, it is definitely despotism.”(HAK-İŞ - 4)

As a result, regarding the sum of the evaluations, while an interviewee from DİSK prefers the 1961 Constitution and the Laws No. 274 and No. 275 to the 1982 Constitution and the Laws No. 2821 and No. 2822, an interviewee from HAK-İŞ consider making criticism permanently as pointless.

“We still wish for the 1961 constitution, I mean we want at least such a democratic constitution in Turkey. In addition, we want to have the Laws No. 274 and 275 that we had criticized and demanded for the amendment in the past.”(DİSK - 3)

“I do not know that culture. I mean we witnessed a life after military intervention. Of course, the military intervention and new laws limited many things but it does not bear a sense to question them now. Because it presents a data so let’s accept it. What I try to tell is that these laws will change in one day.”(HAK-İŞ -3)

5.5.3. Impact of Economic and Employment Structure

The above mentioned legal regulations should not be concerned as independent features from the economic policies and their impacts on Turkey in particular on employment structure. The location of Turkey in global division of labour and its impact on employment structure and social dialogue are not only attached to each other but also they are the processes reinforcing their own dynamics.

According to the some interviewees from TÜRK-İŞ and DİSK, the working class and capital owners are directly affected by the current process of global division of labour that is an interactive process. According to these interviewees in this process, the location of a country in this global division of labour is very important factor that determines the dimensions of this influence compared to the other countries. Therefore the interviewees state that due to disadvantage location of Turkey in the global division of labour, the working class of Turkey has lost more rights than the working classes of other countries.

“It is a mechanism in order to prevent from class struggle with the opportunities provided through imperialist exploitation. Turkey has no such an opportunity because Turkey is a country that is exploited by the EU and the USA.”(TÜRK-İŞ -3)

“European Union member countries, not as much as the USA, is also imperialist countries; they can make some concessions to convince their working class. Global competition has so increased in the globalization process that for the imperialist states, the period of giving share of wealth that they gained from colonized countries, to their working class has finished. Therefore workers of developed capitalist countries, who have more concessions to make, are influenced by the negative outcomes of the globalization more than the workers of less developed countries.” (TÜRK-İŞ - 6)

“Due to the economic atmosphere, since there is no developed working class in Turkey, its gaining does not have to be downgraded by social dialogue or other tools. Because of their legal systems and unorganized labour force, Turkey and other similar countries are the countries in which capital does not need to pay a cost for social dialogue.”(DİSK - 6)

With respect to the social dialogue dimension of this issue, an interviewee from DİSK makes a challenging interpretation about the connection between the EU accession process of Turkey and social dialogue. The interviewee emphasizes that location of Turkey in global division of labour and the existing situation of social dialogue in Turkey are the basic driving forces of the EU enlargement policy and the EU accession process for Turkey.

“In other words; we can think that if there had been a developed working class, whose gains had too been downgraded by social dialogue or other tools, Turkey would not have been within the scope of enlargement process and would not have been an attractive country for the investment of the EU capital. Retarding the improvement of social dialogue institutions or structures in Turkey and other non-EU countries means decreasing the costs of capitalists by social dialogue in EU. Therefore it was claimed that even preventing from the development of social dialogue in Turkey was not necessary.” (DİSK - 6)

In this process, as global competition determines and shapes the location of Turkey in global division of labour, hegemonic mode of production in Turkey contributes to this process as being one of the main driving forces of the maintenance of this division of labour. According to the interviewees from DİSK and TÜRK-İŞ; Turkey is a developing country and under the impact of global division of labour, hegemonic mode of production in Turkey bases on neo-liberal policies including unregistered economy and employment, cheap labour force, flexible working conditions, subcontracting that are conducted by the state and capital owners in order to compete in the world market. Therefore these basic features of the mode of production are very essential obstacles for strengthening of working class and ultimately social dialogue.

“There is a necessity of cheap labour to keep power of competition because Turkey is a developing country. Turkey is a middle-class country, in which there are many Small and Medium Sized Enterprises. One part of Small and Medium Sized Enterprises (SMEs) is based on unregistered employment...t is definite that if there is unionism, unregistered employment does not exist. With the aim of competing in global market, big capital desire to limit the trade union rights in order to prevent from decreasing of its competition power.”(DİSK - 4)

“Neo-liberal policies have characteristics to limit development of social dialogue. New social and financial atmosphere that has occurred after 1980, made social dialogue quite difficult rather than establish and develop it in Turkey.” (TÜRK-İŞ - 5)

“Capital has a desire to benefit from this unorganized, fragmental structure and the type of social dialogue which gives the lowest cost for itself.”(DİSK - 6)

“Widespread unemployment and low rate in trade union association surrounded also trade unions.”(DİSK -7)

“You see the unionization level, that is about 2% in private sector. It is a big unregistered sector. If there is trade union organization, it is certain that there will not be unregistered economy.”(DİSK - 4)

“Problems can be listed as:...widespread unregistered economy and high unemployment and inadequate struggle, fear of being dismissed under such an atmosphere, precarious jobs in small-sized enterprises, no occupational safety in a broad sense, inadequacy of safety regulations, leaving the last decision about labour contract to the employer, inadequate sanctions in labour legislation and new penal code, subcontractor and service procurement applications, different forms of flexible work.”(TÜRK-İŞ - 7)

“Unionization level is less than 10%, actually anything else is not possible under these circumstances. Half of the economy is unregistered.”(TÜRK-İŞ - 5)

In contrast to the views of TÜRK-İŞ and DİSK, according to an interviewee from HAK-İŞ, some of the applications of neo-liberal policies could be beneficial for the workers such as flexibility of working conditions if some sort of balance among the demands of capital and labour is provided.

“When you say “I am against flexible work, it means nothing”. You should say yes to flexible work because conditions of enterprises require it. Or, if an employer says “I want flexible work but do not care about secure for job”, it is also a wrong approach... However situation is not like this in our country. One side tries to accomplish flexible work, other side refuses at beginning because of its outcomes.” (HAK-İŞ - 5)

“We adopted flexible work law but there is no flexible work... When you will solve problem of unemployment, control working hours, arrange labour supply, wage will gain its real characteristic and you will leave culture of employing workers with less than minimum wage. (HAK-İŞ - 5)

In relation with the location of Turkey in the global division of labour, according to an interviewee from DİSK, as the mode of production is determined in line with the specific circumstances of that country, the underlying conditions of social dialogue also were shaped by the same dynamics.

“I think the institutional and structural functions of social dialogue are affected by the society where it is applied and it transforms the society even in different forms, the situation is the same for the capitalist production. Capitalist production relations determine cultural and traditional conditions of the society in which it exists and capitalism is shaped according to these conditions.”(DİSK -6)

5.5.4. Power Imbalance among Social Partners

The most usual and typical result of this economic and political transformation of the society is the distorted balance of power among the social parties. According to the interviewees from DİSK and TÜRK-İŞ, the process started with 24 January decisions and continued with 1980 military intervention reversed the situation for trade unions. The interviewees from DİSK and TÜRK-İŞ underline that in line with this process, on the one side working class has lost its economic rights due to the neo-liberal economic policies, on the other side they have been deprived of political rights and trade union rights and freedoms because of the legal regulations.

“Due to the military intervention, democratic and economic rights of the workers were grabbed by force of arms.” (DİSK - 3)

“International capital and its partners in Turkey have the policies to make capital dominant and to distort balance of struggle among classes in favour of employers.”(DİSK -4)

“The balance of power among social parties was distorted due to the neo-liberal economic policies and legal regulations that made trade unions weak. Already limited political influence of trade unions was much more restricted in that period.”(TÜRK-İŞ - 5)

According to the interviewees from DİSK and TÜRK-İŞ, this political and economic process of 1980 aimed to annihilate not only working class but also all social opposition movements in the country.

“I am quoting a statement from Mr. Uğur Mumcu, he said it in a panel organized by DİSK. He had said that ‘12th September is a dominance of a class on other classes’.” (DİSK - 3)

“In order to implement this programme, all social opposition groups should have been dysfunctional. It was necessary to creating a voiceless society, to establish passive social relations. 12th September accomplished it...It created a structure in which neo-liberal policies were implemented by a structural transformation.” (DİSK - 7)

“After the military intervention, our current situation is very clear.. there is a social life that has not come to its senses yet for thirty years...All fundamental and basic dynamics of the social life and organized society were destroyed almost.”(TÜRK-İŞ - 6)

“It can be said in the period after 1980 there is a dominant hegemony of a class over the state rather than a balance among classes.”(TÜRK-İŞ - 5)

5.5.5. Impact of Dual Structure between Workers and Civil Servants

As the employment structure in Turkey includes many different models, there is a dual structure for all employees in Turkey. There is clear difference between the employees working in the public sector as civil servants and the employees working in the private sector as workers. This distinction among the employees is also observed in their labour laws, trade unions rights and freedoms, organization models and social dialogue mechanisms. On this issue while the interviewees from TÜRK-İŞ and DİSK have common opinions, the interviewees from HAK-İŞ predominantly have a different approach.

First of all, the interviewees from TÜRK-İŞ and DİSK state that the dual structure should be eliminated in order to diminish the intervention of the state since this structure provides channels for the state and capital in order to establish their

dominance easily. As a matter of fact, according to the interviewees from TÜRK-İŞ and DİSK, the power of labour is divided, and hence the trade union movement is weakened. Therefore the interviewees from DİSK and TÜRK-İŞ demand to be organized in any confederation and common trade union law for all employees including workers and civil servants.

“This artificial distinction between worker and public servant must be abolished. If a person works as a driver in public sector, he or she becomes a public servant but in private sector he or she becomes a worker...Work is the same but they are subjecting to different laws, organizations. This is a very good example of “divide-manage” policy.”(TÜRK-İŞ - 1)

“This kind of distinction between workers and civil servants should not be exist. There should be a concept that covers all people working and it is the concept of ‘employee’ in order to have more power.”(TÜRK-İŞ - 2)

“Dual structure makes labour movement disadvantaged and weakens social dialogue structures. As dual structure prevents from the uncovering of real potential of labour organizations in social dialogue grounds, it generates outcomes in favour of employees.”(TÜRK-İŞ - 5)

“It leads weak organizational structures.”(TÜRK-İŞ - 6)

“TÜRK-İŞ supports the cooperation of powers and only one Confederation.”(TÜRK-İŞ - 7)

“The distinction between worker and civil servants divides our powers. As DİSK, we demand for passing a joint law for all employees. If there is not, discriminative applications reveal some sorts of contradictions.”(DİSK - 3)

“Let’s think that there are two organizations, KESK and DİSK, coming from same roots. If these two movements, which have same political roots, same traditions of struggle, experienced same processes, are united, it will not just a quantitative unity but an organized power. It is prevented in Turkey.”(DİSK - 4)

“The abolishment of distinction between worker and public servant would make positive contributions in organizing and accumulating power in order to achieve balance of power in terms of the equal relations of power in the context of development of social dialogue. This situation also would affect social dialogue positively and make contribution to social dialogue in a manner as it should be...it is definite that subjecting to the same legal regulation and organizing in same trade union structures are much better.”
(DİSK - 7)

While the interviewees from HAK-İŞ shares the similar concerns with the interviewees from TÜRK-İŞ and DİSK on the problem of dual structure, however they consider that using the concept of “employee” for workers and civil servants and common organizing do not solve the problem emerging because of dual structure since both of them have very different working conditions and standards.

“When workers and civil servants are organized in the same trade unions, civil servants sometimes may use their administrative positions as a stick. It happened in Fisko Birlik-. Civil servants have an implicit inclination to use their status against others when it is necessary.”(HAK-İŞ - 2)

“We cannot say that it is exactly right. First, our basic acceptance, there should be pluralism even there is a distinction. Second, workers and civil servants do not have close relations in our country. I mean their statuses are different, their social securities are different, they do not have same conditions. Oppositely, and it does not divide labour movement. If you want to unite it, there must be conditions for it.”(HAK-İŞ - 3)

“We are supporting a distinction of course also as they are doing different works they do not have to be objected to different laws or confederations. Moreover to have only one confederation is also not very essential for us. But if you wish, the term of “employee” can be used.”(HAK-İŞ - 5)

Therefore in line with the assessments of the interviewees from HAK-İŞ on dual structure, they also believe in the difficulties of establishment of joint organization due to the different employment and working conditions. As a result, the interviewees from HAK-İŞ support alternative organizing models that could be used in transition period.

“For this reason I support togetherness of worker and public servant organizations during this transition period. What kind of a transition period; first of all I think there should be different worker and public servant trade unions but only one same confederation.”(HAK-İŞ - 2)

“Actually as confederations they can unite easily under one confederation. However; in terms of trade union, working conditions and structures are different for worker-public servant so...it is a bit difficult but of course if it can be succeeded. It is not obstacle to be united under one confederation for general interests of the workers.”(HAK-İŞ - 5)

“Even our suggestion is not to unite trade unions with each other but trade unions can be united under confederations. The number of confederations can decrease. If we unite them today without defining the terms of worker and public servant, without changing the laws; there could be problems because they are different in workplace. Moreover, it should be done voluntarily. I mean, to say ‘let’s pass a law and say you will unite, all of you will go to DİSK or HAK-İŞ’ is wrong.” (HAK-İŞ - 3)

In contrast to the predominant opinion of the interviewees from DİSK, according to a few interviewees from DİSK, the removal of the dual structure would not contribute to the improvement of organization as much as it is expected. They emphasize that joint struggle of different organizations aiming at same targets is more beneficial and important than the struggle of one type of organization.

“The size is not important. The important point is its dynamics. Is it coming as a bolt from the blue or from its struggle ground? A unity that would limit the sphere of struggle and that would gather these spheres in one confederation are not right.”(DİSK - 2)

“Unities in social fields do not bring always arithmetic totality. Civil servants and workers confederations can be different, like in Sweden. There are some successful examples, for me it is not a problem. And it becomes stronger. Better outcomes can be reached when KESK and DİSK direct to same target from different positions.” (DİSK - 5)

5.5.6. Impact of Diversity of Confederations

As the interviewees from the confederations have different approaches towards the organizing models of workers and civil servants, they differ also in the organizing models within the workers. While the interviewees from DİSK and HAK-İŞ state that more than one confederation among worker organizations does not impede the development of social dialogue, the interviewees from TÜRK-İŞ believe in organizing under one confederation to strengthen the trade union struggle and develop social dialogue subsequently.

“I think more than one trade union confederation does not affect the social dialogue negatively so much. Just for the sake of being more powerful, insisting on only one confederation is not right.”(DİSK - 4)

“Being more than one worker confederation in Turkey affects the development of social dialogue positively. Joint efforts of all trade unions could achieve many successes.”(DİSK - 7)

“TÜRK-İŞ supports the cooperation of powers and only one Confederation.”(TÜRK-İŞ - 7)

“Existence of more than one confederation in addition not having a cooperation of powers among them weakens the trade unions in the issues of social dialogue and working relations.”(TÜRK-İŞ - 5)

Although the interviewees from DİSK and HAK-İŞ agree on the need for more than one confederation to develop social dialogue, they disagree on the basic reasons that they attribute to. According to the interviewees from DİSK, the main reason of this pluralism is to challenge the demands of capital owners and to strengthen the trade union movement more with a class based perspective through different confederations having same political approaches. This approach may seem to contradict with the approaches of the majority of the interviewees from DİSK on common organization with workers and civil servants, however they mean merging of workers and public servant trade union organization that have same political targets.

“They must not betray their classes, but do something in favour of their interests. Unless it is accomplished, it does not matter whether there is only one or more than one worker confederation.”
(DİSK - 3)

“There is an effortless approach in the method. This approach aims to divide the whole or convince one of the parties and then to adjust other parts to the former one... Indeed it should not affect the development of social dialogue and multi-system should be supported, however; due to the specific conditions of Turkey such a circumstance creates a situation from which capital benefits.”(DİSK - 7)

“For example, there are three strong confederations in Italy and they participate to the process of collective bargaining together and it seems to me more powerful.”(DİSK - 5)

Unlike the interviewees from DİSK, the interviewees from HAK-İŞ have a different approach related with the position of employers in Turkey. According to the interviewees from HAK-İŞ, if the workers confederations apply social dialogue practices, pluralist structure of workers trade union confederation would improve social dialogue by creating a competition atmosphere among different confederations.

“The existence of more than one trade union confederation... Definitely employers express negative opinion about this issue but I do not agree with them. Trade unions act in an experienced and reasonable manner. The trade unions which support social dialogue process sincerely are conducting social dialogue in practical life. I do not think there is a problem in this issue.”(HAK-İŞ - 2)

“Trade unions do not need to be affiliated to the same organization. DİSK and HAK-İŞ did not exist after 12th September. TÜRK-İŞ was alone in that time. It did not bring powerful trade unionism but on the contrary it led to a weak trade unionism.”(HAK-İŞ - 2)

“Competition brings quality. What is the general characteristic of democracy? That is the diversity.”(HAK-İŞ - 4)

5.5.7. Absence of Culture of Compromise

Despite having different approaches about the obstacles for the development of social dialogue, majority of the interviewees from TÜRK-İŞ, DİSK and HAK-İŞ stress on the lack of well established social dialogue mentality and culture of compromise.

“We do not have a well established social dialogue mentality and culture of compromise.”(TÜRK-İŞ - 7)

“Compromise was accomplished by the means of these mechanisms and became an important tool for the solution of problems in the country.”(DİSK - 3)

“We need to combine principles, to determine joint targets and to have an idea of joint future. Dialogue, talking, compromise, working together, such a traditional structure should be composed for this aim.”(HAK-İŞ - 2)

However according to the interviewees from DİSK, the representatives of labor, capital and state should evaluate and define the concept of compromise from the same point of view and they should respect demands of each other in order to get an outcome in order to constitute the culture of compromise.

“A conceptual approach should be developed about the definition of a real dialogue and compromise. It should not be a mentality that interprets compromise as I am strong, I force it. In this situation the compromise occurs but just because other party has to obey. Imposing, which depends on power, always becomes a type of relation that capital imposes labour. In real life, these structures cannot and indeed does not act sincerely by considering other party’s wishes, perspectives and necessities.”(DİSK -7)

“There must be equality to have an absolute culture of compromise.” (DİSK -5)

In addition to the approach of the interviewees from DİSK, also the interviewees from TÜRK-İŞ corresponds the concept of compromise with the culture of democracy and social, political and economic structural patterns of the country.

“Social dialogue is an issue of culture. It is a reflection of a democratic structure such as family-job-tradition...If there is suppression not democracy in your culture, if the concept of right is not interpreted in a satisfactory level, how can it be close to the understanding of compromise?”(TÜRK-İŞ - 2)

“However, in Europe there is a social-political-economic structure on which social parties agree, moreover outputs of the system provide for the maintenance of the compromise among them.” (TÜRK-İŞ - 5)

Lastly, it is observed that the majority of the interviewees from HAK-İŞ focus not only on the culture of compromise but also on all aspects of culture as a whole since the interviewees see the matter of social dialogue as a cultural issue.

“There is a very big gap between us and the Europe. To be person adopting European culture is different, it is an improvement. Social dialogue is a culture, it is a societal culture.”(HAK-İŞ – 4)

“Now, they are living in a culture. If you want democracy, if you want freedom, they have a culture that includes these wishes.”(HAK-İŞ – 5)

“First of all, there is a culture in Europe.”(HAK-İŞ – 3)

5.5.8. Role of State and Capital and Non-Development of Cooperation among Confederations⁵⁹

The interviewees from the confederations state that there were preventive approaches of state and capital owners towards the development of social dialogue. They express that since the state and capital owners do not believe in the development of social dialogue sincerely, they have retardant attitudes towards the process. While TÜRK-İŞ and DİSK highlight that capital weighted stance is the dominant in social dialogue practices and emphasize that both capital owners and state have preventive positions, HAK-İŞ concentrates its criticisms mostly on the preventive positions of the state. According to HAK-İŞ, the approach of capital is not negative and preventive.

According to the confederations, although the representatives of labor experience many obstacles for development of social dialogue because of external reasons, all confederations state that the labour organizations have also a great weight of responsibility for the current situation. They state that the underdevelopment of cooperation due to their internal problems and their different unionist perspectives, the labour itself is one of the main obstacles.

5.6. Social Dialogue Differences between the EU and Turkey

There is a difference to a large extend between Turkey and the EU countries in terms of the meaning, emergence, function and outcomes of social dialogue. None of the interviewees from confederations believe that conceptual, structural and functional patterns of social dialogue have same features in the EU and in Turkey.

According to the predominant opinion in these interviewees from three confederations; since the EU countries and Turkey have distinctive historical,

⁵⁹ This subtitle is shortly mentioned as a summary since these opinions were handled in a detailed way in the previous sections.

political, economic and social processes, they are differentiated with respect to the emergence process of social dialogue. In the EU countries, social dialogue occurs by its nature as a result of political, economic and social necessities of the states.

“I think there is not a social dialogue mechanism in Turkey such as in Europe. Our system is a kind of a designed system but social dialogue arose per se there, it was materialized according to the necessities. We build the system and then we expect people to adopt it.”(DİSK- 7)

“Social dialogue is naturally generated where such mechanisms occur within their dynamics.”(DİSK - 2)

“Like many things in the EU, it does not exist here too. Of course the differences in economic, social and political development histories of the EU countries have determinant roles also in this issue.”(TÜRK-İŞ - 6)

“Definitely in Turkey there is not an understanding of social dialogue such as in the EU...First of all, we have different historical roots and mentalities.”(HAK-İŞ - 2)

With respect to the emergence process of social dialogue, an interviewee from DİSK states that in Turkey social dialogue is introduced by forcing and by enforcement of the EU accession process in the context of globalization process. On the contrary, an interviewee from HAK-İŞ express that the emergence of social dialogue is also shaped by Turkey’s own internal dynamics beyond the impact of the EU.

“It was taken to the agenda in our society mainly due to the EU process. Therefore it looks quite new to us; mostly by the imposition of globalization.”(DİSK -3)

“I’m going to say you an interesting thing now; it did not enter into our life directly only by the EU process, I mean we started this process by ourselves at the beginnings of 1990s. There was not very much impact of the EU at the beginning of 1990s as much as in this period. Anyway I want to say that we had also discovered it by ourselves.” (HAK-İŞ - 3)

In addition, according to the interviewees from DİSK; with respect to the emergence process of social dialogue, social dialogue is unilaterally established and it is designed under the hegemony of the capital owners against the struggle of trade unions.

“In regard to social dialogue mechanisms in Europe; class movement increased after 100 years lasting struggle of working class and then employers introduced the concept of social state and social dialogue. The underlying reason of this context was to search for the ways of weakening this powerful trade union movement. There were often strikes and clashes, in other words they introduced it to overcome their problems...but today employers in our country are not worried since they do not need such a tool.”(DİSK - 4)

“Capitalist class reached faster accumulation by using force and violence without sacrificing anything because of social dialogue. This situation demonstrated that the process in Turkey was very different from the process in the EU. This situation stipulated societal conditions through which capitalist class built social dialogue unilaterally. Hence the working class did not have any chances to intervene so they had to be engaged to it.” (DİSK - 6)

According to the interviewees from TÜRK-İŞ and DİSK, the main difference between Turkey and the EU is the Laws that are regulating the working conditions and rights of the workers in both trade union field and employment field. In Turkey, workers are deprived of many required employment conditions and trade union and association rights compared to the EU. Therefore these structural and legal conditions are important deficiencies for the development of social dialogue in Turkey.

“Labour is not organized in Turkey. I mean it is in terms of not only quantity but also in terms of quality.”(DİSK - 6)

“There is a very limited collective labour agreement level in Turkey. Approximately 5% of workers benefit from collective agreement and trade union rights in Turkey. Most of these workers, who benefit from these rights, are working at the public sector . Workers, benefiting from these rights are very less in the private sector. We see that unionization level decreases to 2% in the private sector. There is a big informal and unregistered sector... There is a wide deunionization in workplaces in Turkey. Moreover there is a resistance so as not to recognize these limited rights in

workplaces, rights provided by the laws on trade unions and collective agreement are very limited in workplaces. Actually there is a too limited right to strike.”(DİSK - 4)

“As soon as the trade union movement started to institutionalize in Turkey, trade union systems in Turkey pursued the American system rather than the European one. They started to conduct a trade unionism of collective agreement at workplace level.”
(DİSK - 2)

“Turkey’s main difference from the EU is that laws protecting the workers are inadequate, is that inefficient work of bipartite, tripartite social dialogue systems that are far away autonomous structures. In Turkey the situation is poorer in terms of having right to associate and collective agreement which are the basic indicators of bipartite social dialogue in the EU.” (TÜRK-İŞ - 7)

Majority of the interviewees argue that in Turkey, trade unions have subjected to the applications that aim at weakening them for a long time. As a result it is claimed that a powerful working class to be defeated has not been formed in Turkey in contrast to the EU.

“They cooperated with capitalist class in order to protect some rights by compromising through social dialogue. They did it. Unlike the situation in our country, they accepted to give some of their rights that were already gained and they reached a compromise about this issue. However we always lost the things that we did not have. In other words, while we always lost much more things, they gave up some of their rights.”(DİSK – 7)

“Due to the legal systems and unorganized labour power; Turkey and similar countries are the ones in which capitalist class does not need to sacrifice anything for social dialogue.”(DİSK - 6)

“It is a mechanism to prevent from class struggle by the means of opportunities provided by imperialist exploitation. There is not such an opportunity in Turkey because Turkey is being exploited by the EU and the USA. Therefore this social dialogue is forced by the dynamics of the working class struggle.” (TÜRK-İŞ - 3)

“It is true that especially working class movement of Europe kept on culture of fight and made it traditional, they gained some rights thanks to the power strengthened particularly after the industrial revolution. The necessity of social dialogue was developed as a new ground, which can be replaced with the culture of fight. In Europe after a feudal society where there was no social state, social justice and democracy, after a state where capital-state alliance was main determinant, democratic processes became dominant, society started to be included into the decision making mechanisms. And therefore the necessity of social dialogue emerged.” (HAK-İŞ - 2)

As the interviewees from HAK-İŞ see the lack of culture of compromise as an obstacle for development of social dialogue in Turkey, they also identify adaptation of social dialogue as a culture with one of the main differences in contrast to the EU.

“Social dialogue has become a life style in the EU, thanks to their traditions, past, and cultures. Because they have had this mentality for a long time. So there is a big difference between our country and the EU.”(HAK-İŞ - 4)

“Social dialogue has become a culture in Europe. They internalized it much more. It is not possible for us to be at the same level because there is a time factor, a cultural gap and it is an issue related with absorbing.”(HAK-İŞ - 5)

“There are social dialogue institutions in Europe because they are believed, they are part of the culture and they have roles in the system.”(HAK-İŞ - 3)

Closely related with each other, while an interviewee from HAK-İŞ considered social dialogue as a requirement of European Social Model, an interviewee from TÜRK-İŞ interpreted it as an output of the society model of Europe and interactions among the social partners. Despite having not stated explicitly, an interviewee from DİSK supports the impact of the society model of Europe by stating that the working class and capitalist class has determinant roles in the evolution of political, social, and cultural structure of European society.

“European social dialogue is the base of European social model. Indeed there is a dialogue in the base of the European social model that we think hard on and even demand. There are economic and social councils in almost all European countries having a good economy and social model.” (HAK-İŞ - 2)

“European social model can be evaluated within the society model of Europe...Labour and capital are the main determinants of the political structure in European social model and also political, social association are being shaped mostly among these social parties and with the impact of their relationship. Turkey has a different development line from European social model in terms of history, politics and society...This development line was not occurred by a mutual struggle of classes against state. Therefore this weakness of tradition of social struggle limited the development of compromising methods such as social dialogue.”(TÜRK-İŞ - 5)

“In Europe, emergence of social parties reached the maturity level in this historical process or at least it was institutionalized...In other words there was an attempt to keep the conflict between labour and capital in a certain level or there was a search for a structure based on compromise after the second World War. As a result, the structure of state, politics, economic, social policy was generated mostly as being intertwined patterns. I think it is a deficiency of social structure in Turkey because social parties did not occur in Turkey.” (DİSK - 7)

According to an interviewee from DİSK, as the emergence processes of social dialogue is different in Turkey and in the EU, the meaning and function attributed to social dialogue and approaches of social partners are also different.

“Actually there are differences in every field. First it is related with our point of view; social dialogue is considered as a platform for ideas in Turkey. These mechanisms have established on serious legal mechanisms even some of them have become base for these mechanisms in the West.” (DİSK - 3)

According to another interviewee having sceptical approach towards social dialogue, there are differences in social dialogue applications as the nature of capitalist relations are differentiated in every country. Therefore regarding the differences in functions of the social dialogue mechanisms; the main reason of this difference is that Turkish capital entered into the cycle of international capitalism in a quite shorter period than European capital.

“However I do not think that their functions will be same in short and mid terms. I think it might be because the engagement of Turkish capital to the international capitalism and accelerating its accumulation are shorter than European capital experienced.”(DİSK - 6)

According to the interviewees from HAK-İŞ, all features of social dialogue are described and they are working in conformity with these descriptions in the EU effectively in contrast to Turkey.

“In Europe it is materialized in institutions as actors are defined and it is shaped according to it. If you examine the functioning of institutions, you will see that everything is at the proper consistency, there is no any lack. When you examine the functions

within them, you will see that all aspects, system and rules work correctly. But we do not have such a thing.”(HAK-İŞ -3)

“It should not only be a dialogue mechanism at the top albeit it differs from country to country. There should be relevant units such as workplace councils, industrial councils in the ground. These dialogue mechanisms should be established, from bottom to up in various ranks.” (HAK-İŞ - 2)

Related with the definition of social dialogue in the context of struggle methods; the interviews from DİSK and TÜRK-İŞ underline that in the EU, social dialogue is not replaced with the basic trade union struggle methods such as strike and collective agreement.

“It cannot prevent from the right of strike as it does not in Europe. It cannot, indeed it should not prevent from these actions and organizing initiatives. Actually it does not prevent also in Europe. Sometimes we see that trade unions are organizing actions and strikes. It is not a thing to be replaced.”(DİSK - 5)

“They try to keep it on via both trade union struggle in the ground such as affiliated trade unions’ struggle against multinational companies and social dialogue struggle of the at confederations the EU level since they are the members of ETUC and involving in different dialogue mechanisms with European Commission. In other words trade union movement in local level should not be given up, too.” (TÜRK-İŞ - 4)

5.7. Relations with ETUC

Although TÜRK-İŞ, DİSK and HAK-İŞ are the members of ETUC, since Turkey is not the member of the EU, regulations, decisions, agreements do not have binding effect for the confederations in Turkey. Moreover the representatives of the confederations do not have so many chances to participate in ETUC’s activities, actions, seminars in Europe. However confederations participates to the Executive Committee meetings of ETUC, conducts bilateral meetings with other affiliated trade unions about the issues of working class. Sometimes it is expected from ETUC to show its solidarity with trade unions in Turkey, to warn the Turkish government and take these issues into its agenda. Generally, activities with ETUC in Turkey are limited to the mutual exchange of experiences,

participations to the seminars and projects. Until now there has been no any projects executed with ETUC as a partner, however the confederations or their affiliate trade unions and ETUC member national confederations and trade unions and are conducting joints projects that are politically supported by ETUC.

“ETUC supports our activities with the contribution of its experts through the meetings organized but these are just at the project level. As Turkey is not a member, there is no chance for anything that requires sanctions.” (DİSK - 7)

The interviewees from DİSK think that these projects provide with benefits to the all partners. According to the interviewees from DİSK, most of the projects focus on the perception of social dialogue in the recent period as social dialogue is on the agenda of ETUC. The interviewees state that projects become beneficial only if they are conducted in line with their foreseen objective and they are appropriate to their objectives.

“You can take part in such projects and criticize the process in general. If these projects are suitable to interests of class it will be okay but if you corrupt these projects and conduct them for tourism, it will be something else. Giving it a class focus is up to you.”(DİSK - 3)

“Some projects are being conducted. ETUC is in these projects, too. I think it is beneficial. There is a transfer of knowledge and experience and I think it is a positive thing. I do not think these projects are being imposed on us because of social dialogue. These are the projects based on Europe's own reality.”(DİSK - 4)

The interviewees from DİSK state that they differentiate the ETUC’s projects and other projects that are conducted in the EU accession process. According to the interviewees from DİSK, there are mainly two reasons of this situation. Firstly they consider the projects, in which some state institutions take part in, as imposed by the external dynamics since the government do not make any positive amendments in the legal regulations about trade union rights and freedoms.

Secondly, they believe in the importance of take parting in the preparation period of these projects in order to shape the projects in line with the interests of the working class.

“There are other projects that are being conducted in EU process but we, as DİSK did not take part in these projects. When there is ETUC, we take part in these projects because there is no imposition on us at any stage of these projects. We take part in them using our freedoms, particularly our freedoms in trade union field.” (DİSK - 3)

“DİSK regards insincere the projects being conducted through ministries due to the government’s avoidance from making regulations which provide freedom of association. DİSK left these mechanisms because it thinks that participating in these structures is like playing in the game.” (DİSK - 6)

“We have certain criteria to take part in projects. The first is to take part in the preparation process of the project. The second is that DİSK should be steering the project from the beginning. When there is an imposition on us, it does not work. It was our first reason why we did not take part in the projects run by the ministries. Second reason is that there must be sincerity in any aim and deed. You say that there are obstacles to association, so you must enact laws to solve these problems.” (DİSK - 5)

There is an interviewee from DİSK who has critical approaches towards also the projects by ETUC since the financial dimension of the projects may cause problems.

“But I do not consider ETUC as positive within such activities, I criticize it. I do not approve its tendency of benefiting from these funds since this will cause dependency. We have reservations about DİSK’s participation in such projects. I am not positive about it. DİSK follows a hesitant policy about this issue.”(DİSK - 1)

The interviewees from TÜRK-İŞ believe that the projects conducted with ETUC have benefits for the development of trade union rights and freedoms by revealing missing aspects and pointing out bottlenecks in this process.

“In the projects conducted with ETUC, the development of social dialogue, reinforcing cooperation in this field is discussed in a detailed manner. Good practices from the EU countries and guiding suggestions for our country have been evaluated. Our

lacking and weak sides are found out and things to be done are listed by the means of projects activities to reinforce social dialogue. Laws No. 2821 and No. 2822 can be evaluated within this scope. The most important part of social dialogue is organizing.”(TÜRK-İŞ -7)

According to an interviewee from TÜRK-İŞ, apart from projects conducted with ETUC, there are also other activities such as showing solidarity against violations of trade union rights. These kinds of actions are important especially to reveal double standard activities of international companies.

“The most effective action conducted together with EMCEF and our trade union, took place in terms of international solidarity. Fresenius, a transnational company operating in Antalya Free Trade zone with its headquarters located in Germany. In Turkey, Novamed is affiliated to Fresenius. Fresenius conducts social dialogue principle in Germany. It does not cause any difficulties for trade union organizational activities, conducts meetings of collective labour bargaining and makes collective agreements. But it is impossible to say same thing about its Turkish branch, Novamed. Petrol-İş faced with difficulties and problems in its organizational activities, in its authorization phase and in the meetings of collective labour bargaining which is contradictory to social dialogue principle.”(TÜRK-İŞ -6)

Lastly, the interviewees from HAK-İŞ give An importance and attention to the projects of the ETUC since they believe that the projects conducted with ETUC are not merely limited to the objectives of projects. The projects have more important and wide-ranging benefits. According to them, the projects are the means of learning systems in Europe and exchange of opinions.

“I think projects conducted within the framework of cooperation with ETUC are beneficial. They are beneficial in terms of getting knowledge about the organizations in Europe, understanding the social model and learning the activities conducted in Europe”. (HAK –İŞ - 2)

“It should be accepted that these projects are not simple activities. All officers and the Secretary General of ETUC came to Turkey many times for these projects. It is also a contribution process. They do not come just for training, creating an interest in Turkey is important. About the project, you may say “what will happen” as if it is a very simple issue. Indeed many things happen I mean you create an attention. Projects help developing the bilateral relations.”(HAK-İŞ - 3)

An interviewee from HAK-İŞ believe that the activities and declarations of ETUC regarding Turkey's EU membership have great significance since they have an opportunity to accelerate the membership process by making lobby and increasing the credits of Turkey in the EU and among its members.

“Since 1995, starting with our membership to ETUC, it has tried to create attention on Turkey. ETUC's visits to Turkey are an example of this. ETUC paid great attention to Turkey's position. With Turkey's membership to ETUC, ETUC expressed, in a way that Turkey should have been a member of the EU as well. ETUC tried to show that its vision was better than the EU's. As a result of its activities, ETUC took some decisions in its congresses and implemented them.” (HAK-İŞ - 3)

5.8. Conclusion

The approaches to the concept of social dialogue and practical implications of social dialogue are the main references that determine the whole picture about the positions of trade union confederations to social dialogue. Approaches towards the concept of social dialogue and its outcomes in the EU integration context were analyzed in the previous section. Therefore in this chapter, the experiences of the trade union confederations were attempted to be analyzed. In reference with the interviews conducted with trade union official and experts, these experiences consisted of outcomes, structural and functional features of tripartite and bipartite social dialogue mechanisms, roles of social parties, situations defined as obstacles, differences between the EU and Turkey, assessment of the ETUC on social dialogue and relations of the confederations with the ETUC.

One of the main results of this chapter is that the interviewees from TÜRK-İŞ, DİSK and HAK-İŞ assess the outcomes social dialogue mechanisms in particular at trilateral level under three different impressions. According to the majority of the interviewees from TÜRK-İŞ and some interviewees from DİSK, the outcomes of these mechanisms are dysfunctional and inefficient mainly because they just stay on the paper and outcomes are not transformed to the practical life.

According to the all interviewees from HAK-İŞ, although the outcomes of these mechanisms are functional but insufficient, any kind of relation that will be established among social parties will contribute to the development of social dialogue at formal and informal level. Lastly according to the majority of interviewees from DİSK and some interviewees from TÜRK-İŞ, since social dialogue mechanisms are formed with the aim of preserving and increasing the interests of capital, their outcomes lead to diminishing of the interests of the working class and weakening the trade union movement.

With respect to the tripartite social dialogue mechanism, although in Turkey there are many tripartite social dialogue mechanisms that are usually imposed by the external dynamics in particular by the impact of membership expectations for the EU. The assessments of all the interviewees emphasize on the experiences of the Economic and Social Council and Minimum Wage Assessment Commission. The main reason of this concentration, the ESC was established as a very important mechanism with the aim of developing social dialogue. The Minimum Wage Assessment Commission is the only mechanism where an example of collective agreement at national level is materialized. The highlighted assessments on the ESC are the anti-democratic representation of structure for labour, the state majority in this representation and non-implementation of the decisions. According to the majority of the interviewees from TÜRK-İŞ and HAK-İŞ, the main reason of the dysfunctionality of the mechanism is that the state does not materialize the outcomes of the Council. According to the majority of the interviewees from DİSK, the main problem of the Council is that the Council is directed by the interests of capital and ignorance of the demands of the working class. In terms of the Minimum Wage Assessment Commission, the most important critics highlighted by all confederations is the majority of the representatives of employers in the presentation structure since in this commission also state is the biggest employer. Therefore since the decisions are taken by majority principle and cooperation between the state and capital, the outcomes have not satisfied the confederations. While the interviewees from HAK-İŞ and

DİSK criticize the representation of TÜRK-İŞ as the only labour representative and ineffective attitudes of TÜRK-İŞ, the interviewees from TÜRK-İŞ defend this situation as a biggest confederation. Moreover some interviewees from DİSK and TÜRK-İŞ believe that the decisions are taken by imposing of the policies of international economic institutions. In general, with respect to the assessments of the interviewees from the confederations about the experiences of other social dialogue mechanisms, the most visible critic is the non-implementation of the decisions of these mechanisms.

One of the main results of the assessments of the interviewees about the experiences of social dialogue mechanisms is that while the interviewees do not differ from each other as much as they differ for the bipartite mechanisms. They stress on the legal regulations, the process of the collective bargaining, and various ways in order to improve social dialogue. One of the common approaches is that bipartite social dialogue mechanisms are more essential and functional than tripartite social dialogue mechanisms since the power of the social partners are more visible and the issues are more specific. Although all interviewees criticize the deficiencies of legal regulations, this dimension is mostly highlighted by the interviewees from DİSK. The most important reasons of the dysfunctionality are the restriction on making collective agreement at national and sectoral level and the low coverage of the agreements made only at the workplace level. According to the interviewees from DİSK, the restrictions and prohibitions are not limited with them but also there are serious restrictions on the freedom of association. According to the interviewees from TÜRK-İŞ, the most highlighted issue is that the working conditions impede the development of social dialogue. According to the interviewees from HAK-İŞ, one of the main reasons of relatively more functionality of these mechanisms is the capability of the social partners in behaving flexible in these mechanisms. Another reason was that the interviewees from HAK-İŞ define almost all types of relations established with the employers as social dialogue practices. Moreover the interviewees from HAK-İŞ, new social dialogue mechanisms to which some of the issues of collective agreements could

be transferred, should be voluntarily established in order to eliminate the conflicts during the collective agreement processes.

Since the social dialogue mechanisms are conducted among the representatives of the state, labour, and capital, their role in these mechanisms directs the mechanisms. While the majority of the interviewees from TÜRK-İŞ prefer to concentrate criticisms mostly on capital by stating the negative and obstructive attitudes of capital, they also criticize the administration and authoritarian mentality of the state. The interviewees from DİSK criticize the state because the state acts in cooperation with capital and conducts neo-liberal policies against the interests of labour. In contrast to the interviewees from TÜRK-İŞ and DİSK, HAK-İŞ has a very positive approach towards the role of capital owners. According to them, the ideological stances towards capital should be eliminated since the interests of labour and capital are common and the development of the enterprise is much more important. Therefore the interviewees from HAK-İŞ believe that the employers are approaching social dialogue positively. On the contrary, they criticize the role of state for developing social dialogue since the state is very authoritative and does not believe in the benefits of social dialogue. With respect to the role of labour, the main result is that although all confederations stressed on the requirement and importance of cooperation among labour organizations, they held each other responsible for the reasons of the failure of cooperation. While the majority of the interviewees from TÜRK-İŞ defend the “above party politics”, the interviewees from DİSK advocate to take a position from class based struggle by establishing cooperation against capital. On the contrary, the interviewees from HAK-İŞ that is criticized with closing political views with current government support to abandon all ideological stances in order to provide cooperation among the confederations.

With respect to the obstacles to the development of social dialogue, on the one hand the interviewees from TÜRK-İŞ, DİSK and HAK-İŞ identify some situations with common obstacles, on the other hand they differ among

themselves or they prioritize different obstacles. These obstacles are not only including the issue of social dialogue but also they target mainly to the trade union rights and freedoms. According to the interviewees from DİSK and some interviewees from TÜRK-İŞ, the source of current situation of the trade union movement rely on the period of 1980 when the economic, political, legal and social structure of Turkey was totally redesigned for the disadvantage of the working class through the 24th January Decisions in economic field, 12th September Military Intervention, 1982 Constitution and current Laws No. 2821 and No.2822. Although many articles of the Constitution and the Laws have been amended since then, the same mentality is still protected. Therefore while almost all interviewees from DİSK criticize all restrictive and prohibitive regulations by stating specifically, the others stress on restrictive regulations related with social dialogue in particular the prohibition on making collective agreement at national level and sectoral level and low coverage of these agreements and double threshold for making collective agreement. Mostly the interviewees from DİSK and some interviewees from TÜRK-İŞ emphasize the negative affect of the location of Turkey in global division of labour and its impact of leading a fragmented employment structure. Another obstacle is the power imbalance among social partners and dominant position of the state and capital. Related with the fragmented employment structure, there is no consensus on the dual structure and diversity of confederations. The interviewees from TÜRK-İŞ support only one confederation in which all workers and civil servants are organized and common law for both of them. While the majority of the interviewees from DİSK defend merging of workers and civil servants' organizations that have same political perspectives under common law, they do not consider the need for only one confederation. While the interviewees from HAK-İŞ dissatisfy because of the situation, they focus on the different working conditions rather common organizing and law. Most of the interviewees consider the lack of well established social dialogue mentality and culture of compromise as important obstacles. Lastly the interviewees are common in the incapability of cooperation among trade unions as a very important impediment. Moreover the attitudes of the state is

especially considered as an obstacle by HAK-İŞ and DİSK, the attitudes of capital are mainly regarded as an obstacle by DİSK and TÜRK-İŞ.

With respect to the differences between EU and Turkey, almost all situations that are identified with obstacles are defined as differences. Moreover the historical roots of the powerful trade union movement and lack of adoption of social dialogue culture are also regarded as obstacles. Moreover according to the most of the interviewees since Turkey is not a member of the EU, the activities with ETUC remain limited.

Therefore the confederations' experiences that are expected to be specific to social dialogue mechanisms are related with all aspects of trade union movement. The main reason of this situation is that in a country where trade union rights and freedoms are not recognized and respected, any social dialogue mechanism can not be developed.

CHAPTER 6

CONCLUSION

This concluding chapter summarizes the findings of the research by identifying the similarities and differences in the approaches and experiences of Turkish trade union confederations to social dialogue. The chapter consists of two parts. In the first part, the similar assessments of the confederations made on the approaches towards social dialogue and experiences of social dialogue practices in Turkey will be analyzed. In the second part, the different assessments of the confederations and reasons of these differences will be analyzed.

The development process of industrial relations system in Turkey and its basic features present an important source and ground in order to comprehend and interpret the assessments of the interviewees about social dialogue. Therefore in the third chapter, historical evolution of industrial relations system in Turkey, its basic feature and development of the idea of social dialogue were analyzed in reference with the development of trade union rights and freedoms.

In Turkey, trade union rights and freedoms were not adequately developed until 1960s because of political economic and social causes. Between 1960 and 1980, it was observed that the social, political, legal, and economic structure of the industrial relations was amended for the improvement of trade union rights and freedoms. Nevertheless, the period starting with military intervention in 1980 initiated with neo-liberal economic policies became the milestone in the history of the Turkish industrial relations system. During this period, the trade union movement was severely quashed and trade union rights and freedoms were drastically eliminated and restrained. The concept and structures of social dialogue emerged under these circumstances. Therefore the development of social dialogue is influenced by the main features of current Turkish industrial relations dominated by the period of 1980 in particular. Beyond this, Turkish industrial

relations witnessed the emergence and formation of social dialogue mechanisms in 1990s under the influence of the process of Turkey's membership to the EU.

While determining the similarities and differences on the positions of the trade union confederations towards social dialogue, the approaches of the confederations towards the EU integration process, their conceptualizations of social dialogue, their assessments on social dialogue practices at the EU level, their experiences of social dialogue mechanisms in Turkey at trilateral and bilateral levels, their assessments of the role of the social partners (ie state, capital and labour) in these mechanisms and the situations that they define as obstacles will be taken into consideration.

With respect to the similarities on the approaches of the confederations towards social dialogue, firstly it is observed that none of the confederations object to Turkey's membership to the EU. Moreover all confederations see the adoption of *acqui communautaire* in the sphere of social dialogue as an indispensable part of the membership. In relation to the membership process, they all consider the Regular Reports of the European Commission as important roadmaps for the representatives of the state, capital and labour in order to achieve the accomplishment of the deficits in terms of social dialogue. Secondly, despite the controversies on the functioning, effectiveness and future prospects of social dialogue in the EU, all confederations in Turkey believe that social dialogue is fairly operational at the EU level. Closely related with the social dialogue practices in the EU, none of the confederations raise an objection to the role of ETUC in the operation of social dialogue at the EU level.

In relation to Turkey, all trade union confederations see the emergence of social dialogue in Turkish agenda during the beginning of 1990s, as well as the subsequent formation of mostly trilateral social dialogue mechanisms mainly as derivatives of the EU integration, rather than being caused by the dynamics unique to Turkey. In line with their relatively optimistic assessment about the

effectiveness of the social dialogue mechanisms in the EU, all of them think that social dialogue mechanisms in Turkey do not work as efficiently as they do in the EU. However while finding the social dialogue mechanisms in Turkey generally as inefficient; confederations also distinguish between trilateral and bilateral social dialogue mechanisms. Generally, all confederations find the bilateral social dialogue mechanisms more efficient than the trilateral mechanisms.

With respect to the trilateral social dialogue mechanisms, all confederations emphasize the relatively unsatisfactory outcomes of the mechanisms and inequalities in the representation structure. All confederations concentrate mostly on the Economic and Social Council and Minimum Wage Assessment Commission while evaluating the conceptual, structural and functional aspects of trilateral social dialogue mechanisms. Beyond the general evaluation about the trilateral mechanisms, all confederations see the Minimum Wage Assessment Commission as a very significant mechanism because of its task is to determine the minimum wage for a wide scope of workers. All confederations consider that the capital is overrepresented in the Commission due to the position of the state as a public employer. Moreover all confederations see the EU-Turkey Joint Consultative Committee as an important tool for the development of social dialogue in the framework of EU accession process although the outcomes of the mechanism are not implemented in the practical life. Moreover, all of them focus on the relatively more democratic representative structure of the Committee since the representation of labour is more visible in the Committee.

Table 6-1: Tripartite Social Dialogue Mechanisms in Turkey

	TÜRK İŞ	DİSK	HAK İŞ
ECONOMIC AND SOCIAL COUNCIL			
	Conceptual	<p>Needed</p> <p>Copied by the EU</p> <p>Beneficial for the country</p>	<p>Needed</p> <p>Copied by the EU</p> <p>Beneficial for the working class</p> <p>Beneficial for the society and system</p>
	Structural	<p>Anti-democratic</p> <p>Overrepresentation of the State</p> <p>There should be representation based on equality</p> <p>Authoritarian</p> <p>The Law is required</p>	<p>Anti-democratic</p> <p>Overrepresentation of the State</p> <p>There should be representation based on equality</p> <p>Authoritarian</p> <p>The Law is required</p>
	Functional	<p>So-called/only for show</p> <p>Dysfunctional</p> <p>Non implementation of decisions</p> <p>Irresponsibility of the state</p> <p>Not regular and stabile</p> <p>It should be consultative</p> <p>Participation needed</p>	<p>So-called/only for show</p> <p>Dysfunctional</p> <p>Non implementation of decisions</p> <p>No results in favour of labour</p> <p>Not regular and stabile</p> <p>Predominance of cooperation between the state and capital</p> <p>Temporarily withdrawal from participation is needed.</p>
			<p>Functional but inefficient</p> <p>It should be consultative</p> <p>Non implementation of decisions</p> <p>Not regular and stabile</p> <p>Irresponsibility of the state</p> <p>Not only industrial but all political and economic issues need to be included</p> <p>Participation needed.</p>

Table 6-1: (continued -1)

MINIMUM WAGE ASSESSMENT COMMISSION				
	Conceptual	Needed	Needed	Needed
	Structural	Anti-democratic State is the biggest employer Cooperation between the state and capital There should be representation based on majority for labour organizations Participation needed.	Anti-democratic State is the biggest employer Cooperation between the state and capital There should be representation based on pluralism Temporarily withdrawal from participation is needed.	Anti-democratic State is the biggest employer There should be representation based on pluralism Participation needed
	Functional	Very important Dysfunctional Objective Criteria is needed	Very important Dysfunctional Cooperation between the state and capital Results unfavour of labour The predominance of national and international capital owners.	Very important Functional but inefficient Objective Criteria is needed
EU-TURKEY JOINT CONSULTATIVE COMMITTEE				
	Conceptual	Needed	Needed	Needed
	Structural	The autonomous structure is needed to be improved Similar with ECOSOC in the EU	Relatively labour representation The lobby for employer	Influence of the State The lobby for labour

Table 6 -1: (continued -2)

	Functional	Dysfunctional Non implementation of decisions Ignorance of the State Participation needed	Dysfunctional Non implementation of decisions Ignorance of the State Temporarily withdrawal from participation is needed.	Functional but inefficient Non implementation of decisions Ignorance of the State Participation needed
TRIPARTITE CONSULTATIVE BOARD				
	Conceptual	The most appropriate for social dialogue	---	---
	Structural	Relatively based on equal representation	Relatively based on equal representation Conform to ILO	Needed to conform to the Law
	Functional	Mixed functions	Dysfunctional Non-implementation of decisions Temporarily withdrawal from participation is needed.	---

In relation to the bilateral social dialogue mechanisms, all confederations see these mechanisms as relatively more important, more functional, and more satisfactory than trilateral mechanisms. According to all confederations, the main reasons of this relatively positive assessment are that the problems at workplace level are more specific and the balance of power is more visible at bipartite level without intervention of the state. Moreover all of the confederations see the restrictions and limitations of trade union rights as important impediments for the better functioning of bilateral social dialogue mechanisms.

While explaining the reasons of ineffectiveness underlying the Turkish social dialogue mechanisms, firstly all confederations refer to the underdevelopment of trade union rights and freedoms as an obstacle for the powerful representation confederations to be a powerful representative in the mechanisms. Moreover, all of them think that the trade union rights and freedoms in the Turkish Laws violate the ILO Conventions that Turkey has signed in particular Conventions No. 87 and No.98. Secondly they see the divisions of working class (ie differences in the status of civil servants versus workers, ideological differences, and particularistic rivalries) as an important obstacle for the development of social dialogue. All confederations see the existence of competition among the confederations to some extent as one of the main reasons of this division. Furthermore, all confederations criticize the role of the state. All of them consider the state majority in the representation structure as an impediment distorting the balance of representation in these mechanisms, since the state can direct the mechanisms by using its dominant position. Beyond this, all confederations consider that the state is under the obligation of creating a proper environment for the efficient functionality of social dialogue mechanisms including making regulations in favour of labour and improving the trade union rights and freedoms. Moreover as it is stated before, all confederations criticize the monopolistic attitudes of the state by ignoring the opinions of the confederations while producing the outcomes in the mechanisms. Finally, all confederations believe that the social partners in Turkey lack the culture of compromise necessary for operation social dialogue mechanisms.

In general, TÜRK-İŞ, DİSK and HAK-İŞ consider that the obstacles in Turkey for the development of social dialogue are also the main differences between Turkey and the EU. All confederations see the biggest difference between Turkey and the EU as the distinctive historical development line of them in the context of emergence of social dialogue. Therefore in line with general framework of this difference, all confederations see social dialogue as somewhat part of the established structure of the EU differently from Turkey. Moreover, all confederations see the role of powerful trade union movement in shaping the

political, economic and social structure of the EU while Turkey lack powerful working class.

Lastly, although all confederations see the relations with the ETUC as limited, they consider that the projects, in particular, those that are made in cooperation with ETUC provide benefits. Therefore all of them believe in the need for improving the relations with the ETUC.

Beyond the common points mentioned above, approaches and experiences of Turkish trade union confederations on social dialogue are characterized by substantial differences. Even on the similar points mentioned above, confederations differ in the extend of their agreements and supports. For example, although none of the confederations object to the membership of Turkey to the EU and all of them see the accomplishing of the requirements of *acquis communautaire* in terms of social dialogue as a compulsory element of the membership. However, they are differentiated in terms of the level of the significance that they attribute to this process. First of all, since HAK-İŞ supports the EU integration process with great enthusiasm without making any differentiation among all policies of the EU, it supports Turkey's membership without specifying any condition. TÜRK-İŞ, on the other hand, sees the membership of Turkey to the EU as a positive attempt but it also focuses on the deficiencies about the trade union rights and freedoms in sphere of social dialogue during the accession process. Therefore TÜRK-İŞ and HAK-İŞ also illustrate their advocacy for the membership process by focusing on the role of social dialogue and their wish to participate to the negotiation process actively. On the other side, DİSK has a more critical approach on the issue of Turkey's membership and fulfilling the requirements of social dialogue. Since DİSK supports the EU integration process in terms of the promotion of social policies, similarly DİSK prioritizes the development of trade union rights and freedoms in the negotiation process of Turkey's membership. Moreover DİSK and HAK-İŞ criticize the attitude of the European Commission with emphasizing the deficits of

the Turkish government on the development of trade union rights and freedoms in the Regular Reports especially during the last few years.

The most important difference in the positions of the confederations is appeared in their conceptualization of social dialogue in terms of its meaning, structural and functional features. The differences in the conceptualization of social dialogue are very significant references since all other divergent assessments of the confederations are mostly formed on this basis. Therefore although all confederations in Turkey consider that social dialogue is fairly operational at the EU level, they are differentiated in their evaluations of this operation. Moreover similarly although none of them object to the position of ETUC, they assess its position by laying down different references in parallel with their approaches towards social dialogue. As explained in detail in Chapter 4, in order to better grasp the differences in the approaches of the confederations towards social dialogue, I developed a categorization that corresponds to the main elements of the approaches that emerged from my interviews. The different approaches that emerged from this categorization can be placed on a broad spectrum ranging from sceptical approach on the one end to moderate approach in the middle and to pragmatic approach in the opposite end. According to this categorization while the majority of the interviewees from DİSK and a few interviewees from TÜRK-İŞ are categorized under sceptical approach, the majority of the interviewees from TÜRK-İŞ and a few interviewees from DİSK are categorized under moderate approach. All interviewees from HAK-İŞ are categorized under pragmatic approach.

Interviewees grouped under sceptical approach define social dialogue as a perception and sum of mechanisms with the aim of suppressing the working class and trade union movement. According to this approach, social dialogue is a bargaining process in which the working class makes more concessions than the capitalist class does in the name of compromising. According to the sceptical approach, the concept of social dialogue is produced by the capitalist class as a

method in order to manipulate trade union struggle from the class based perspective to the mentality of compromising. Therefore as a result of replacement of traditional trade union struggle methods with social dialogue, working class loses its rights drastically in the long run. Another dimension of sceptical approach is that the perception of social dialogue is not limited with trade union movement. On the contrary, in many fields of industrial relations, this perception is tried to be reinforced and compromising as a way of solution is expanded. Therefore while sceptical approach criticizes the mentality of social dialogue and its mechanisms severely, it considers that social dialogue can never be an alternative to the traditional tools of trade union struggle. As a matter of fact, majority of the interviewees from DİSK and a few interviewees from TÜRK-İŞ that are categorized under sceptical approach evaluate social dialogue practices in the EU as functional but unfavourable to labour. According to the sceptical approach, the most crucial result of these practices is to create a working class concerning the individual and short term interests by eliminating class consciousness and concentration on collective and long term interests. In parallel, most of the interviewees from DİSK who are categorized under sceptical approach criticize the position adopted by the ETUC two years ago in the sphere of social dialogue. Majority of the interviewees from DİSK and few interviewees from TÜRK-İŞ consider that the policies of ETUC are shifted from class based perspective to the perception of social dialogue to a large extent. However the interviewees also appreciate the last critical evaluation of social dialogue by ETUC and their attempt for the re-concentration on the traditional tools of trade union struggle. Moreover sceptical approach emphasizes the importance of class consciousness as a most fundamental condition in order to resist against the manipulation of social dialogue.

Meanwhile, moderate approach defines social dialogue as sum of different mechanisms of industrial relations at various levels in order to strengthen trade union movement. Like sceptical approach, moderate approach also accepts social dialogue as a bargaining method but it does not reject it as a tool of compromising.

For moderate approach, if certain conditions are provided, working class may receive advantage from this bargaining although it has to make some concessions in turn. However in order to get gains from this bargaining, labour organizations should be strengthened and balance of power among the representatives of the state, capital and labour should be provided under equal circumstances. The representatives should have equal opportunities and rights. Although moderate approach does not perceive social dialogue as an alternative to the traditional tools of trade union struggle, it sees social dialogue and other struggle methods as being complementary tools to each other. In parallel, the majority of the interviewees from TÜRK-İŞ and a few interviewees from DİSK that are categorized under moderate approach evaluate social dialogue practices in the EU as efficient and functional. In line with the basic patterns of the moderate approach, according to them, the reason of effective functioning of social dialogue mechanisms and their outcomes in favour of labour is that the trade union movement in the EU was very powerful and working class was respected as an important representative by the capitalist owners in the past. However, they express that although working class has been losing its dynamism and power compared to earlier times, social dialogue practices still produce efficient and functional outcomes in favour of the working class. With respect to the social dialogue practices and position of ETUC, the interviewees from TÜRK-İŞ see the position of ETUC in the context of social dialogue as positive.

Lastly, pragmatic approach that refers to the approaches of all interviewees from HAK-İŞ, attributes a positive meaning to all aspects of social dialogue completely. This approach sees social dialogue as a new conflict solution method in all political, economic, social and industrial issues. Moreover, pragmatic approach endorses the way of thinking of compromising without stipulating any condition. In other words, pragmatic approach embraces the perception of social dialogue. Pragmatic approach believes in the amplification of mutual interests of social partners without taking into account whether the situations or circumstances are advantageous for labour organizations or not. Therefore in order to reach

compromising at maximum level, it believes in the elimination of all ideological stances between working class and capitalist class. Besides the pragmatic approach rejects that working class and capitalist class have different interests rather it believes that these two classes have common aims. According to the pragmatic approach, contemporary trade union struggle needs to be adjusted to the mentality of social dialogue. It describes social dialogue as an indispensable and compulsory requirement of a society model aiming at democracy. In other words this approach perceives social dialogue as a magic stick that solves all problems of the society. As a matter of fact, this approach sees social dialogue as an alternative tool but without ignoring the need to use the traditional tools of trade union struggle. All interviewees from HAK-İŞ categorized under pragmatic approach consider social dialogue practices in the EU as efficient and functional. According to the interviewees from HAK-İŞ, the main reason of the functionality and efficiency is the capability of the social partners in absorption of the mentality of social dialogue in all fields of the life. With respect to the social dialogue practices and position of ETUC, most of the interviewees from HAK-İŞ evaluate the process from the opposite side of the interviewees from DİSK. The interviewees from HAK-İŞ disapprove of the last direction of ETUC since its last congress in which ETUC decide to take a critical position about social dialogue. Therefore the interviewees from HAK-İŞ criticize the relatively current focus on class orientation of ETUC. They consider all attempts towards social dialogue at European level as positive steps without any reservation. Therefore the interviewees from HAK-İŞ give importance to the attempts of ETUC and UNICE for the development of social dialogue. According to them adaptation to the knowledge based society is the key factor of the success of the cooperation of ETUC and UNICE since it increases the mutual interests for the social partners. In other words the social partners have to increase their knowledge about the current situation of industrial relations, technological innovations, political and economic impacts. Therefore the social partner having more qualitative knowledge could achieve a solution in favour of its own interests by using the power of its knowledge as a tool for persuading.

As a result, it could be argued that according to the pragmatic approach social dialogue is a win-win policy, while for sceptical approach it is zero sum game. Meanwhile for moderate approach it is a policy established on logic of balance changing in accordance with the circumstances.

Although all confederations consider that social dialogue mechanisms are established with the endorsement of the EU policies during the process of Turkey's membership to the EU, all confederations have different interpretations on the structural and functional features of trilateral mechanisms. While all confederations agree that social dialogue mechanisms in Turkey are not as efficient as the mechanisms in the EU, all of them refer to different factors as the causes of the inefficiencies. While HAK-İŞ perceives these kinds of developments as somewhat of positive attempts, DİSK sees these attempts as impositions of the external dynamics.

Although all confederations are not satisfied with the outcomes of the trilateral mechanisms, the reasons of this dissatisfaction are different for every confederation. The majority of interviewees from TÜRK-İŞ and few interviewees from DİSK see these mechanisms dysfunctional and inefficient since they think that these mechanisms just stay on paper and their outcomes are not applied in the practical life. On the other hand, the interviewees from HAK-İŞ see these mechanisms as functional but insufficient. The main reason of their assessment is that they consider any kind of relation established among social partners as a contribution for the development of social dialogue. Lastly, the majority of interviewees from DİSK and few interviewees from TÜRK-İŞ see these mechanisms as functional but unfavourable to the interests of the working class. They consider that these processes do not only result in loss of rights for the working class in the name of compromise but also provide a legitimate ground for the capitalist class in order to make their demand accepted by the other parties.

As it is stated before, while all confederations criticize the unequal representation structure of the trilateral mechanisms, they stress on different aspects of this inequality. While all confederations consider that there is an overrepresentation of the state in the Economic and Social Council, according to TÜRK-İŞ and HAK-İŞ this imbalance also leads to strengthen the authoritarian position of the state in the Council. Beyond this, despite the problems in the dominant representation of the state, TÜRK-İŞ believes in the need for the representation of the state in the Council in order to implement the decisions. Meanwhile while all confederations criticize the overrepresentation of capital in the Minimum Wage Assessment Commission, DİSK and HAK-İŞ criticize also the permanent representation of TÜRK-İŞ in the mechanism. On the one hand, they support the principal of pluralism for the representation of labour, TÜRK-İŞ sees its own representation as compatible with the majority principle. Moreover in respect of the representation structure of EU-Turkey Joint Consultative Committee, while all of them see the structure relatively more democratic in favour of labour since the government is not represented, HAK-İŞ and TÜRK-İŞ focus on the impact of the political preferences of the government in forming the rest of the representation. Moreover, with respect to the Tripartite Consultation Board although the confederations did not make so many comments on the structure of the Board, TÜRK-İŞ sees this mechanism as the closest mechanism to the concept of social dialogue.

While all confederations consider that the inadequate outcomes and the imbalance structure of the mechanisms as important reasons for the inefficiency of the mechanisms, the confederations also differ in the functional features of these mechanisms. With respect to the ESC, while DİSK considers the prioritization of the interests of capital as an important reason of the dysfunctionality of the Council, TÜRK-İŞ and HAK-İŞ criticize the role of the government with its failure of implementing the Council's decisions. In relation to the Minimum Wage Assessment Commission, TÜRK-İŞ and DİSK focus on the cooperation of the state and capital in line with the directives and impositions of the international economic institutions against the interests of the working class. On the other hand,

according to HAK-İŞ, the main reason of this inefficiency is not the cooperation between the state and capital owners but the general situation of economy and employment in Turkey. Beyond this, according to HAK-İŞ and DİSK, TÜRK-İŞ fails in advocating the rights of the working class as an only representative of labour organizations and is not able to demonstrate effective opposition against the state and capital owners. Lastly, in regard to the functionality of the EU-Turkey Joint Consultative Committee, beyond the common assessment of the non-implementation of the decisions in the practical life, DİSK and HAK-İŞ consider that the Committee serves as a lobby for the social partners. However while DİSK correspond these lobbying activities with the employers, HAK-İŞ perceives that this committee gives a very important opportunity for labour organizations in order to make lobby for the Turkey's accession process for the EU.

Finally, as a result of all these assessments of the trilateral social dialogue mechanisms, one of the main divergences among the confederations appears mostly in their decision about the participation. DİSK believes in the necessity of withdrawal from all these mechanisms temporarily until they are transformed into democratic and functional institutions in favour of the working class. In contrast TÜRK-İŞ and HAK-İŞ believe that as long as the participation of the social partners is provided along with continuing to criticize, these mechanisms can be made functional and efficient.

With respect to the bilateral social dialogue mechanisms, as it is stated before, all confederations see the bilateral mechanisms as more efficient than the trilateral mechanisms. However while DİSK and TÜRK-İŞ consider the outcomes of these mechanisms dissatisfactory, insufficient and limited especially in the sphere of collective agreements, HAK-İŞ thinks that there are many bipartite social dialogue mechanisms established between employers and workers and these mechanisms operate efficiently. According to the interviewees from HAK-İŞ, the main reason of this efficiency is the social partners to have culture of compromise

and their capacity to act flexibly towards each other. This assessment of HAK-İŞ forms one of its unique positions completely different from TÜRK-İŞ and DİSK. On the other hand, DİSK consider that trade unions are subjected to de facto pressures of the powerful employers and confronted with the severe clashes while operating social dialogue mechanisms. At this point, one of the noteworthy divergences between TÜRK-İŞ and DİSK is that TÜRK-İŞ does not make severe criticisms on the restrictions and limitations of trade union rights and freedoms and on the dissatisfactory outcomes as much as DİSK does. While HAK-İŞ finding the process of bipartite social dialogue efficient considers that the scope of collective agreements are required to be narrowed and limited with certain issues and suggests that new committees should be established to settle the disputes. On the contrary, DİSK sees the scope of collective agreements as very limited and believes in the necessity of broadening their scope by including the social and political issues beyond the financial aspects of the agreements.

Beyond the general observations of the confederations about trilateral and bilateral social dialogue mechanisms, as it is stated before, all confederations emphasize the obstacles in accounting for the inefficiencies of these mechanisms. While all confederations recognize the restrictions and limitations of trade union rights and freedoms as an impediment against the development of social dialogue, for DİSK, it constitutes a major reason. With respect to the Laws that regulate the field of trade union, while TÜRK-İŞ and HAK-İŞ emphasize mostly on the specific regulations about the collective agreements (such as double thresholds, low level of coverage, sectoral and national restrictions in terms of the level of agreements), DİSK prefers to criticize the restrictive features of the 1982 Constitution and all restrictive regulations of the Laws completely (such as interventions to the internal regulations of trade unions, notary clauses, restrictive regulations about the qualifications of the members...ect.).

Among the obstacles, all confederations consider the divisions within the working class as an important impediment for the development of social dialogue.

However they focus on the different aspects of this division. With respect to the division in the status of employees (ie civil servants versus workers), while majority of them consider this division as a problematic issue, TÜRK-İŞ and DİSK consider that this division should be removed and all employees should have the opportunity to be organized under common organizations in order to confront the hegemony of the state and capital as a united front, HAK-İŞ believes that the problem can not be solved by providing common organization since the main problem is the different working conditions between the workers and civil servants, that lead to competition and failure to struggle for same aims. Moreover in respect to the existence of different workers trade union confederations, while TÜRK-İŞ support the unification of all worker trade unions under one confederation, DİSK and HAK-İŞ consider that existence of more than one worker confederation does not impede the development of social dialogue. Regarding the divisions within labour movement, although all confederations see the failure of cooperation among the labour organizations and intense competition among the confederations as significant impediments, they stress on the different dimensions of the division of labour movement. While TÜRK-İŞ underlines the importance of having objective perspectives for all political parties, DİSK emphasizes the necessity of ideological cooperation established on the main principles of class based perspective; HAK-İŞ criticizes the attitudes of confederations that compete with each other through ideological interventions in order to direct the cooperation as a leader. Moreover while DİSK criticizes TÜRK-İŞ for defending the official ideology of the state in line with its unionism based on compromising, TÜRK-İŞ and DİSK criticize HAK-İŞ for having closer relations with the ruling party. Beyond this, HAK-İŞ believes in the elimination of all ideological positions and believes in the importance of flexible attitudes in forming cooperation. Finally another important reason of the division of labour movement is to support different strategies in establishing cooperation with the aim of reinforcing trade union struggle. This difference appears between TÜRK-İŞ and DİSK. TÜRK-İŞ supports establishing cooperation at national level by including all parties from different sections of the society, which prioritize

nationalistic concerns. On the other hand DİSK believes in the necessity of establishing an alliance at international level based on the principle of class consciousness against the hegemony of capitalist class.

With respect to another significant obstacle for the development of social dialogue, as it is stated before, all confederations criticize the role of the state for taking inadequate efforts to develop social dialogue mechanisms and its ignorance of the views of the trade union confederations. Despite this common and general criticism about the tasks and functions of the state, the confederations differ in their criticisms of the state. Both TÜRK-İŞ and HAK-İŞ emphasize the authoritarian characteristics of the state in running these mechanisms. While TÜRK-İŞ sees this feature as a heritage of the past, HAK-İŞ stresses on the lack of capability of the state in operating social dialogue mechanisms. In contrast, to TÜRK-İŞ and HAK-İŞ, DİSK evaluates the role of the state from a ideological perspective and states that the representatives of the state act in cooperation with the capital owners in favour of their interests. Besides the current government pursue neo-liberal policies that impede the development of social dialogue.

Besides the particular obstacles that the interviewees agree on, against the development of social dialogue, the examples are observed that are recognized as obstacles by one confederation but are interpreted as advantages by another confederation.

Therefore one of the important divergent positions of HAK-İŞ compared to TÜRK-İŞ and DİSK is observed in their assessments on the role of capital owners as one of social partners. TÜRK-İŞ and DİSK consider the approach of capital towards social dialogue as negative and deceptive. These two confederations criticize the capital owners with suppressing the workers, subjecting very hard working conditions, impeding the trade union rights and freedoms, and using social dialogue mechanism only when it suits its interest. However HAK-İŞ does not consider that the attitudes of capital owners stated by TÜRK-İŞ and DİSK are

obstacles for the development of social dialogue, in contrast HAK-İŞ has a capital friendly position. Moreover the main difference among the confederations comes out in the perception of the interests of workers and employers. While TÜRK-İŞ and DİSK criticize the capital owners for imposing profit mentality and expanding company culture, HAK-İŞ encourages to the company culture that encourages the perception of “being in the same boat”. The main reason of this support of HAK-İŞ is to prioritize the maintenance of the company since HAK-İŞ considers the interests of workers and capital owners as complementary and dependent to each other. Moreover HAK-İŞ supports the elimination of antagonism between working class and capitalist class. While TÜRK-İŞ and DİSK consider that these attitudes of capital aim to the elimination of working class consciousness, HAK-İŞ opposes the promotion of the working class consciousness and any ideological positions that impede the development of social dialogue.

Moreover, although TÜRK-İŞ and DİSK agree that capital owners in Turkey do not incline to use social dialogue mechanism, they attribute this situation to different reasons. According to TÜRK-İŞ, the main reason is that the capital owners are so powerful and organized that they do not incline to use social dialogue mechanisms in order to get more gains. In contrast, DİSK considers that since the capital owners in Turkey are not powerfully organized as much as the capital owners in the EU, they prefer to use coercive applications towards labour organizations rather than using social dialogue.

Beyond the role of the capital owners, according to TÜRK-İŞ and DİSK, these obstacles are not easily removed since they are structural and long established obstacles that are caused by the political and economic policies of 1980s. TÜRK-İŞ and DİSK consider that the root of these obstacles is closely related with the link between 12th September military intervention and 24 January economic decisions in 1980. DİSK and TÜRK-İŞ argue that with the aim of implementing economic policies determined by 24 January decisions, the political substructure and environment was established by the 12th September, the legal background was

formed by 1982 Turkish Constitution and the Laws No. 2821 and No. 2822. On the contrary, despite acknowledging some negative outcomes of this process, HAK-İŞ interprets this period with its positive aspects. They believe that neo-liberal agenda led to the creation of appropriate circumstances for establishing compromising environment for labour and capital to take common attitudes and action together.

Finally, closely related with the political and economic policies of Turkey, according to DİSK and TÜRK-İŞ, while the working class has been deprived of its trade union rights and freedoms through the legal regulations, these neo-liberal policies also remove the appropriate conditions for organization in the current employment structure. With the impact of neo-liberal agenda, the applications promoting the unregistered economy, informal employment, cheap labour force, flexible working conditions and subcontracting are executed. Under these conditions, these areas are excluded from the organizational sphere of the trade unions by the hands of legal regulations. In contrast, HAK-İŞ does not define these features as impediments for organizing and establishing social dialogue between workers and employees.

To conclude, social dialogue as a new method in the industrial relations has entered the Turkish agenda in the early 1990s with the impact of the Turkey's membership to the EU. The membership expectations accelerated the establishment of social dialogue mechanisms in the Turkish industrial relations system. At this point, the positions of the trade union confederations, namely TÜRK-İŞ, DİSK and HAK-İŞ as being the main actors of social dialogue become very important during this process. With the respect to the positions of the confederations, it is observed that they have both common and divergent positions towards the approaches and experiences of social dialogue.

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APPENDIX A: INTERVIEW QUESTIONS

1. How do you define social dialogue with respect to its conceptual, structural, and functional features?
2. Does Turkey have social dialogue like the EU? What are the basic differences? What are the obstacles for the development of social dialogue? What are the conditions for the emergence and improvement of social dialogue?
3. Could social dialogue be an alternative to the traditional tools of trade union struggle against the pressures of neo-liberal policies and negative results of the globalization?
4. How do you evaluate the outcomes of the trilateral social dialogue mechanisms in Turkey, in particular the Economic and Social Council, Minimum Wage Assessment Commission, Work Assembly, EU-Turkey Joint Consultative Committee, Tripartite Consultation Board?
5. How do you evaluate the position of the state, as being one of the social parties, in trilateral social dialogue mechanisms at national level?
6. Do you prefer to use the term of social party or social partner? Is there any difference between them?
7. How do you evaluate the functionality of bilateral social dialogue mechanisms in Turkey?
8. What do you think about the attitudes of employers towards social dialogue mechanisms?

9. What is your approach towards the cooperation among the trade union confederations in Turkey? What are the impediments for the development of cooperation? For example, Democracy Platform, Labour Platform...ect.
10. How did the military intervention in 1980 and economic policies during this period in Turkey affect the trade union rights and freedoms and social dialogue?
11. How does the dual structure of industrial relations (ie civil servants versus workers) affect the development of social dialogue? Is the existence of more than one confederation an impediment for the development of social dialogue?
12. How do you evaluate the impact of the process of Turkey's membership to the EU on the development of social dialogue? What is the importance of the attempts of Turkey to adopt "*acqui communitarie*", Regular Reports or other official documents with respect to the development of social dialogue?
13. How do you evaluate the position of the ETUC to social dialogue in the EU?
14. What kind of activities do you materialize in cooperation with the ETUC for the development of social dialogue? How do these activities contribute to the development of social dialogue in Turkey?
15. What do you think about the positions of the other trade union confederations to social dialogue?

APPENDIX B: LIST OF THE INTERVIEWEES⁶⁰

TÜRK-İŞ:

- President of TÜRK-İŞ on 14th March 2008 in TÜRK-İŞ Headquarter/Ankara (TÜRK-İŞ -7)
- Executive Member of the Union of Petroleum Chemical and Rubber Workers of Turkey (Petrol-İş) on 12th December 2007 in Petrol-İş Headquarter/İstanbul (TÜRK-İŞ – 6)
- Director of Research Department of TÜRK-İŞ on 11th July 2007 in TÜRK-İŞ Headquarter/Ankara (TÜRK-İŞ – 1)
- Deputy Director of Research Department of TÜRK-İŞ on 13th July 2007 TÜRK-İŞ Headquarter/Ankara (TÜRK-İŞ – 2)
- Head of Education Department of Union of Road Building and Construction Workers of Turkey (Yol-İş) on 20th July 2007 in Yol-İş Headquarter/Ankara (TÜRK-İŞ – 3)
- Director of Project Department of Union of Tobacco, Alcoholic Beverage, Food and Related Industry Workers of Turkey (Tek Gıda-İş) on 23rd July 2007 in Tek Gıda-İş Headquarter/İstanbul (TÜRK-İŞ – 4)
- Head of Education Department of Union of Cement Glass Earthen-Ware and Ceramic Industry Workers (Kristal-İş) on 28th August 2007 in Kristal-İş Headquarter /İstanbul (TÜRK-İŞ – 5)

DİSK:

- President of DİSK on 25th July 2007 in DİSK Headquarter/İstanbul (DİSK – 3)
- General Secretary Consultant of DİSK on 17th September 2007 in Union of General Services Workers of Turkey (Genel-İş) Headquarter/Ankara (DİSK -7)

⁶⁰ Due to the sincerity, the names of the interviewees are not stated in the study. The names can be given out by the author on demand.

- Legal Adviser of DİSK on 25th July 2007 in DİSK Headquarter/İstanbul (DİSK -4)
- Head of Education Department of Union of Textile Workers (DİSK Tekstil) on 26th July 2007 in DİSK Headquarter/İstanbul (DİSK – 5)
- Education Expert of Union of United Metal Workers (Birleşik Metal-İş) on 23rd July 2007 in Birleşik Metal-İş Headquarter/İstanbul (DİSK – 1)
- Head of Education and Collective Agreement Department of Union of Petroleum, Chemical and Rubber Industry Workers of Turkey on 24th July 2007 in DİSK Headquarter/İstanbul (DİSK – 2)
- International Relations Expert of Birleşik Metal-İş on 23rd August 2007 in Birleşik Metal-İş Headquarter/İstanbul (DİSK – 6)

HAK-İŞ:

- President of HAK-İŞ on 1st November 2007 in HAK-İŞ Headquarter/Ankara (HAK-İŞ – 2)
- Consultant to the President of HAK-İŞ on 18th August 2007 in HAK-İŞ Headquarter/Ankara (HAK-İŞ – 3)
- President of the Union of Textile, Thread, Knitwear and Garment Workers of Turkey (Öz İplik-İş) and vice president of HAK-İŞ on 1st November 2007 in Öz İplik-İş Headquarter/Ankara (HAK-İŞ – 4)
- International Relations Expert of (Öz İplik-İş) on 31st July 2007 in Öz İplik-İş Headquarter/Ankara (HAK-İŞ – 1)
- Legal Adviser of HAK-İŞ, 5th January 2008 in HAK-İŞ Headquarter/Ankara (HAK-İŞ – 5)