

LAW ON PUBLIC SERVANTS' TRADE UNIONS AND COLLECTIVE AGREEMENT

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PART ONE **Objective, Scope and Definitions**

Objective

ARTICLE 1. – Objective of this law is to determine the establishment, organs, powers and activities of the trade unions and confederations formed for the protection and improvement of the common economic, social and occupational rights and benefits of the public servants and is to lay down the principles and procedures related to concluding collective agreements.

Scope

ARTICLE 2. – This law shall be applied for public servants working outside the status of worker in administrations with general, annexed and special budgets, provincial special administrations and municipalities and their affiliated institutions where the public services, which the Government and other public corporate bodies are charged with, are performed, and in state economic enterprises, and in the banks and organizations and their affiliated institutions established with special laws or with the authority vested by the special laws, and in other public establishments and institutions.

Definitions

ARTICLE 3. – In the implementation of this Law:

- a)" Public servant refers to any public employee other than those employed as workers in the public institutions and organizations within the scope of this Law
- b) "Public employer" signifies public establishments and institutions with or without artificial personality where public servants are working;
- c)"Public employer representative" signifies those authorized to represent public establishments and institutions and manage them all and their deputies;
- d) "Workplace" signifies a place where public services are performed;
- e) "Establishment" signifies any establishment whose duties, powers and responsibilities are determined in their laws of establishment or legislation regarding their establishment, and which have an administrative entirety regarding the quality and performance of services;
- f) "Trade union" signifies any institution with artificial personality formed by public servants for the protection and improvement of their common economic, social and occupational rights and benefits;
- g) "Confederation" signifies any superior institution with artificial personality in different service branches composed of at least five trade unions established subject to this Law;
- h) "Collective agreement" refers to the agreement concluded between the parties where they reach an agreement on all matters for negotiation as a result of general collective agreement negotiations conducted with a view to determining financial and social rights of the public servants within the framework of the principles laid down in this Law;
- i) "Minutes of meeting" refers to the minutes in which the issues agreed and not agreed by the parties are listed where a collective agreement is not concluded as a result of collective agreement negotiations;
- j) "Workplace trade union representative " refers to the public servant selected in a workplace by the trade union with the highest number of members registered in that workplace;
- k) "Trade union's workplace representative" refers to the public servant selected in a workplace by each trade union apart from the trade union with the highest number of members registered in that workplace.

Public employer representatives, with respect to this Law, are considered public employer and all affiliated units, with respect to quality and performance of services are, considered main workplace. Where the public employer has more than one workplace, all of these workplaces, with respect to this Law, are considered the workplace.

PART TWO

Principles of Establishment and Organs

CHAPTER ONE

Principles of Establishment

Establishment

ARTICLE 4. – Trade Unions are established to carry out Turkey-wide activities, by public servants working in the public workplaces in a service branch, based on the principle of service branch.

More than one trade union can be established in a service branch. Trade unions based on profession or workplace can not be established.

Service branches

ARTICLE 5. – The service branches where trade unions can be established are mentioned below:

1. Office, banking and insurance services.
2. Training, education and science services.
3. Health and social services.
4. Local administration services.
5. Press, publication and communication services.
6. Cultural and art services.
7. Public works, construction and rural services.
8. Transportation services.
9. Agriculture and forestry services.
10. Energy, industry and mining services.
11. Religion and foundation services.

Establishment procedures

ARTICLE 6. – Trade unions and confederations are established freely, without prior permission.

Working as a public servant is sufficient to become a founder of trade union.

The founding members of the trade union are obliged to submit, attached to their application for establishment, the trade union's statute and a document asserting that they are public servants, as well as names of those who will manage the trade union until the first general assembly, to the Office of Governor of the province where the headquarter of the trade union will be located.

Founding members of confederations are obliged to submit the statute of the confederation and the resolution of the Board of Founding Members of the trade unions regarding establishment of confederation, as well as names of those who will manage the confederation until the first general assembly, to the Office of Governor of the province where the headquarter of the confederation will be located, in exchange for receipt document. Those who will manage the confederation until the first general assembly are obliged to attach a document asserting that they are public servants, if they are not selected to the compulsory organs of the trade unions which they are members of.

Upon the submission of the above-mentioned documents and the statutes to the relevant office of governor, the trade union or the confederation is incorporated.

The office of governor sends one copy of these statutes and documents to the Ministry of Labour and Social Security within fifteen working days.

Should the statutes or the information included in the documents listed in this article are found to be incompatible with the law, or the provisions of establishment stipulated by this Law are found to be not realized, the relevant office of governor requests deficiencies to be fulfilled within one month time. And should these are not fulfilled, relevant office applies to the Labour Court within one month for the activity of the trade union or confederation to be stopped.

The court gives a period no longer than sixty days for the incompatibility with the law or the deficiency to be fulfilled. Should the statutes or documents are not compatible with the law by the end of this period, the Court rules the trade union or confederation to be closed.

The Ministry of Labour and Social Security keeps an information record of the trade unions and confederations.

Statute

ARTICLE 7. – It is obligatory that the points below should be indicated in the statutes of the trade unions and confederations:

a) Title, head office and address of the trade union or confederation.

- b) Objective of the trade union or confederation and the subjects of activity and procedures of activity to realize this objective.
- c) The service branch that the trade union will carry out activities.
- d) Names and surnames, occupations or duties and addresses of the founders of the trade union; service branches and titles and addresses of the trade unions forming the confederation.
- e) Terms of membership to the trade union or confederation, procedures and principles for resignation and exclusion from membership.
- f) Procedures for determination of the delegates from the confederation, trade union and branch of trade union for the general assembly.
- g) Duties and powers, voting and resolution procedures and quorum of the general assembly and the composition of the executive boards, board of auditors and disciplinary boards, the duties of these boards and the meeting procedure.
- h) Procedures for election to the compulsory organs, other than the general assembly, of the trade unions and confederations, number of principal and alternate members, their duties and powers.
- i) Qualifications to be looked for in the administrators of trade unions and confederations.
- j) Procedures and principles regarding establishment of the branches of the trade union, their duties and powers, meetings and resolutions of general assemblies and representation of the branches in the general assembly of the trade union.
- k) The ratio of the membership dues.
- l) Procedure for internal auditing of the trade union or confederation.
- m) Points regarding the way of expenditures, delegation of powers and their limits.
- n) Procedure for amending the statute and the authorizing the executive board for the amendment of the provisions of the statute which are considered as inconsistent with the laws by the relevant authorities.
- o) Procedure for liquidation of assets in case of dissolution or voluntary dissolution of the trade union or confederation, amalgamation with another trade union or confederation or closure by court decision.
- p) Names, surnames and addresses of the members of the temporary board of directors authorized to manage the works and represent the institution till the compulsory organs of the trade union or confederation are formed.
- r) Procedures for determination of the authorized board in the election of the representatives of the trade union and confederation, qualifications of the representatives and removal from office.

s) Provisions regarding protection of incomes and the minimum stock of cash to be reserved for compulsory expenses.

t) Procedures and principles to be applied in sale and cancellation of entry of furnitures and fixtures.

CHAPTER TWO

Organs and Elections

Compulsory organs

ARTICLE 8. – Compulsory organs of trade union branches, trade unions and confederations are general assembly, board of directors, supervisory board and disciplinary board.

Trade unions and confederations may set up organs apart from those indicated in the first paragraph. On condition that it is indicated in their statutes, the organs, except the general assembly, may transfer their duties, powers and liabilities to the organs that will be set up.

Names and surnames, occupations and duties, and addresses of the members selected for compulsory organs, and amendments made to the statutes and opened, closed and amalgamated branches are notified to the Office of Governor of the district where the branch of trade union, trade union or confederation is located, to Ministry of Labour and Social Security within thirty days.

Formation of general assemblies

ARTICLE 9. – General assemblies of the trade unions and branches of trade unions are composed of the members.

The general assembly of the trade union branch and general assembly of the trade unions whose number of members exceeds one thousand may be convened with the participation of the delegates.

Delegates are elected by the members based on the principles of secret ballot, open counting and detailed presentation and the provisions of the statutes of the trade union.

General assemblies of confederations are composed of a maximum of five hundred delegates selected by the member trade unions. Number of delegates to represent member trade unions in the general assembly shall be determined by the statutes of confederation.

Members of the board of directors and supervisory boards of the branches of trade unions, trade unions and confederations, in these capacities, participate in their general assemblies as delegates.

Title of delegate, continues till the election for delegates to be made for subsequent ordinary general assembly.

No provisions preventing election as delegates can be inserted in the statutes.

Meeting time and quorum for decision of general assemblies

ARTICLE 10. – First general assembly of trade unions or confederations is held within six months following their acquisition of artificial personality.

Ordinary general assembly meetings are held within the periods indicated in the statutes provided that it does not exceed four years.

Activity and account report pertaining to the interval within the two general assembly, board of auditors and auditors 'report and the proposal of budget for the next period shall be sent by e-mail to those who will participate in the general assembly, at least fifteen days prior to the date of meeting or be announced on the web page.

Extraordinary general assembly is held in any situation the board of directors or supervisory board deems necessary or upon the written application of at least one fifth of the members or delegates of the general assembly not later than sixty days.

Summons to the general assembly is made by the board of directors.

Quorum for meetings is the absolute majority of the total number of members or delegates. Should quorum is not present in the first meeting, the second meeting can be postponed for a maximum of fifteen days. Absolute majority is not a must in this meeting.

Quorum for decisions is the absolute majority of members or delegates present in the meeting.

The board of directors of the branch of trade union, trade union or confederation, who act contrary to the above provisions, are removed from office upon the application made by one of the members or by the Ministry of Labour and Social Security who determines the situation, with the decision of the court responsible for labour suits. In this case the responsible court, in accordance with the provisions of the Civil Code, appoints one or three curators, to convene the general assembly within the earliest period possible provided that it does not exceed sixty days in accordance with the provisions of the law and statutes and to carry on current affairs till the new board of directors is elected.

Principles to be applied in elections

ARTICLE 11. – Elections in the general assemblies are carried out under the judicial supervision in accordance with the principles of free, equal, secret ballot and open counting and presentation.

In points regarding general assembly meetings, elections to be made in general assemblies, objections to elections, annulment and new elections, provisions in the articles with Nos. 14 and 52 of the Law of Labour Unions are applied.

Procedures and principles regarding the elections are stated in the statutes of trade unions and confederations.

Duties of general assemblies

ARTICLE 12. – Duties and powers of the general assemblies are as follows:

- a) Elections for organs;
- b) Amendment of statutes;
- c) Negotiation and acquittal of the reports of the board of directors and the supervisory board;
- d) Negotiations on the working program and the budget prepared by the board of directors and making a decision about them;
- e) Delegation of power to the board of directors on subjects mentioned in the statutes of the trade unions and confederations;
- f) Delegation of power to the board of directors on purchase of immovable properties and on sale of present immovable properties;
- g) Determination of any remunerations to be given to the members of the board of directors of the trade unions and confederations and attendance fees and travel allowances for other functionaries;
- h) Authorization of the executive board for opening trade union branches, merging of these branches and closure of the branches which fail to meet the requirements of establishment;
- i) Amalgamation with or affiliation to another trade union, provided that it is in the same service branch;
- j) Amalgamation with or affiliation to another confederation;
- k) Becoming a member to or resignation from the confederations;

l) Becoming a member to or resignation from the international institutions convenient with its objectives;

m) Making a decision on dissolution;

n) Execution of other operations assigned to the general assembly by the legislation or the trade union statutes, and making decisions on subjects not included in the duties of other organs.

General assemblies of the branches execute only the duties mentioned above in paragraphs (a), (c) and (n).

Formation, duties and meetings of board of directors, supervisory board and disciplinary board

ARTICLE 13. – Board of directors of branches of trade unions or trade unions are composed of at least three and at most seven members; board of directors of confederations are composed of at least five and at most seven members.

Disciplinary boards are composed of at least three and at most five members; supervisory boards are composed of at least three and at most five auditors. In the branches, one member may be sufficient.

Formation, duties and powers of the board of directors, supervisory boards and disciplinary boards and other organs which are approved to be established, and their meeting and decision procedures are regulated in the statutes of trade unions and confederations in accordance with the principles mentioned in the articles with Nos. 16, 17, 18 and 19 of the Law of Labour Unions.

PART THREE

Membership and Guarantees

CHAPTER ONE

Membership

Acquisition of membership to trade union

ARTICLE 14. – It is free to become members to trade unions.

Public servants can become members to the trade unions which are established in the service branch of the workplace they work.

Membership is acquired by acceptance of the authorized organ of the trade union.

Unless the application for membership is refused by the trade union within a maximum of 30 days, the request for application is considered as accepted. A public servant, whose application has been refused without a justified reason has the right to appeal to a regional court of law responsible for labour suits within thirty days following the notification of this decision.

Trade union, submits one copy of the application certificate of the public servant whose membership has become definite to himself; one copy is kept in the trade union; one copy is submitted to the employer as a basis for his membership dues and to be kept in his file; and one copy is submitted to the Ministry of Labour and Social Security as attached to a list in February, May, August and November of each year.

No one can become members to more than one trade union. In case of membership to more than one trade union, the following memberships are invalid.

Those who can not become members to trade unions

ARTICLE 15. – Those mentioned below can not be members to the trade unions established in accordance with this Law and can not establish trade unions:

- a) Public servants employed in General Secretariat for Turkish Grand National Assembly, General Secretariat for Office of President, and General Secretariat for National Security Council;
- b) Chairmen and members of higher judicial organs, judges, prosecutors and those considered to be members of this profession;
- c) With respect to the establishments and institutions included in the scope this Law those people who are undersecretaries, chairmen, general directors, presidents and assistants to presidents of departments, members of board of directors, directors of supervisory units of central organizations and chairmen of boards, legal consultants, top directors of regions, districts and sub-district organizations and other public servants with equal or higher ranking, mayors and vice-mayors;
- d) Chairman and members of the Higher Education Council and chairman and members of the Higher Education Supervisory Council, rectors of universities and higher technology institutes, deans of faculties, principals of institutes and junior colleges and their assistants;
- e) Directors of civil administration;
- f) Members of the Armed Forces;
- g) Civilian officials and public servants employed in the permanent staffs of Ministry of National Defence and Turkish Armed Forces (Command of Gendarmerie and Command of Coastal Security included);

- h) Employees of National Intelligence Organization;
- i) Central supervision staff of the establishments and institutions included in the scope this Law;
- j) Security services personnel and other personnel employed in other services in the security organization
- k) Public servants employed in establishments for execution of sentences.

Termination of membership

ARTICLE 16. – Any member may resign from membership freely.

Resignation from membership is realized with the submission of statement of resignation which is signed and prepared as three copies to the institution. Respective functionary in the institution whom the statement for resignation is made is obliged with the registration of the statement of resignation and providing one copy of it to the member immediately. Public employers submit a copy of these resignation statements to trade union within fifteen days.

Resignation is effective thirty days later following the date of application to the trade union. In case the resigned becomes member to another trade union within this period, his membership to this new trade union is acquired at the end of this period.

Decision for exclusion of the member is given by the general assembly. The decision of exclusion is notified to the person excluded and the employer in writing. The member has the right to appeal to a competent court of law for suits within fifteen days following the notification of this decision. The court makes its final judgment within two months. Membership is effective till the decision for exclusion becomes final.

The memberships of the public servants, who quit the public service due to resignation, termination of the service and other reasons, their duties in trade union branches or in the organs of trade unions and confederations, and the membership of those who have been appointed to an institution in a different branch of service and, if any, their duties in trade union branches and in the organs of trade unions shall terminate. However, if any, their duties in the organs of confederations shall continue. In case of continuation and suspension of membership, provisions in the Article 24 of the Law No 2821 shall be applied.

Membership to confederations and international institutions

ARTICLE 17. – A trade union can become member to only one confederation. In case of membership to more than one confederation, the following memberships are void.

Trade unions or confederations may set up international organizations in order to reach their goals and may become a member to or resign from international organizations convenient with their objectives.

The trade unions and confederations notify their activities within the scope of this paragraph to the Ministry of Labour and Social Security within fifteen days following the realization of these activities. A copy of the statute for establishment of the related organization should be attached to the notification.

Trade unions and confederations are free, without prior permission, to invite to Turkey the members and representatives of the international institutions in foreign countries convenient with their objectives, and to send their members and representatives to the meetings abroad.

CHAPTER TWO

Guarantees

Guarantees for members and administrators of trade unions

ARTICLE 18. – Public servants cannot be subject to a different treatment or cannot be removed from office due to participation to the activities of trade unions or confederations, which are mentioned in this Law, outside the working hours or within the working hours with the permission of the employer.

Public employer cannot relocate workplace trade union representative, ,trade union’s workplace representative, provincial and district representative of the trade union and trade union and branch managers unless the fact is clearly and precisely indicated.

Public employer cannot treat unequally public servants based on their being or not members to trade unions.

Members of executive board, who will manage trade union or confederation until general assembly meeting, members who are elected in general assembly meeting and members of trade union and trade union branch executive boards shall inform their institution in writing within thirty days following the date of their selection. In case of their written request, aforementioned managers are considered on unpaid leave in their institutions during the period of their duties. The ones who do not submit such a request continue their duties in the public institutions and are considered in leave for one day in a week. In order for the executive board members to benefit from the rights laid down in this paragraph, executive board members’ trade union must have the required number of members envisaged to set up branches, and in order for the executive board members of the confederation to benefit from the rights laid down in this paragraph, the total number of the trade unions’ members affiliated to the confederation should reach the number of trade union members required to convene their general assembly with the participation of the delegates.

Branches of trade unions are established by at least 400 members. In the provinces and districts where a trade union branch does not exist, provincial and district representative office may be set up. Provincial representative of trade union which has 100 or more members in province and district representative of the trade union which has 50 or more members in district are considered in leave for 4 hours in a week.

These terms of the public servants are evaluated in their retirement degrees provided that they accept their retirement deductions and amounts are sent by the trade unions, which they are the administrators in, to the Pension Fund of the Republic of Turkey.

Health expenses of executive board members of trade unions, confederations and trade union branches who are in leave without salary and their dependants shall continue to be covered by their institutions.

In case that one of the members, who is considered in leave without salary, leaves his duty in the organs of the trade union or confederation and applies in writing to his establishment or institution within a period of one month following the termination of his duty, the public employer is obliged to appoint this person to his previous position or to another appropriate position. Those who do not make an application to begin their duties within a period of one month are considered to have resigned from their offices.

In case of temporary removal from office, retirement by decision of administration, removal from office, appointment, etc., if the functionary appeals to a court of law, his duty in the trade union continues till the decision of the court becomes final.

PART FOUR

Activities, Prohibitions and Participation in the Management

CHAPTER ONE

Activities and Prohibitions

Powers and activities of trade unions and confederations

ARTICLE 19. – Public servants' unions and confederations shall be authorized to become parties to collective agreement negotiations, within the framework of the provisions in this Law.

Trade unions and confederations, by paying regard to gender equality in the direction of their establishment objectives, can be occupied with the below activities:

a) To send representatives for the works to be carried out in order to monitor the implementation of the collective agreement and to express opinion on the improvement in general of the rights

and duties, working conditions, responsibilities, occupational health and safety of public servants.

b) To send representatives to various boards where representation of the public personnel is stipulated by the legislation of state personnel;

c) To carry out productivity studies, to prepare reports on their results, to make proposals and carry out joint studies with the employer on this subject;

d) To make organizations for courses, seminars and social meetings, carry out scientific studies and make publications for the progress of occupational proficiencies of the members and solution of their problems and development of the unionist activities;

e) To carry out studies and make suggestions to be submitted to the relevant establishments and competent authorities in subjects related with the common economic and social rights and benefits of the members and in subjects related with the personnel law;

f) To represent the members and their heirs or to have them represented before all levels of the administrative and judicial organs, to file suits, or to become a party in such suits in the disputes to emerge between the members and the administration, in the following of the common rights and benefits of the members, or in case legal assistance is required;

g) To establish and administer training and health facilities, recreation facilities, guest house, sport fields and similar facilities, libraries, nursery schools, kindergartens and rest homes, credit unions for the benefit of the members and their families and to help establishment of cooperatives for the members, provided that not to make any donations, and to give credits to these cooperatives, provided that not exceeding more than ten percent of its cash assets;

h) In case of natural disasters such as fire, flood and earthquake, to establish dwellings, health and facilities in the disaster regions and without seeking for membership, provided that not exceeding more than ten percent of its cash assets, and to make cash and in kind aids to public interest organizations, foundations which are entitled to be exempt from tax by Council of the Ministers, public establishments and institutions for this purpose.

Prohibitions

ARTICLE 20. – Administration and management of the trade unions and confederations established in accordance with this Law can not be contrary to the characteristics of the Republic and democratic principles as stated in the Constitution.

Trade unions and confederations can not accept pecuniary aids from public authorities, can not receive pecuniary aids from political parties and can not give pecuniary aids to the same.

Trade unions and confederations can not take place in the establishments of political parties, and can not use title, emblem, sign and symbol of political parties.

Trade unions and confederations can not be occupied in trading.

CHAPTER TWO

Participation in the Management

“Public Employees’ Advisory Board

ARTICLE 21- Public Employees’ Advisory Board is composed, under the chairmanship of the Minister to which the State Personnel Presidency is affiliated, of the chairmen of the three confederations who have the highest number of members, of the chairman of the public employees trade union which has the most members in each service branch and the head of the State Personnel Presidency with the aim of developing social dialogue between trade unions and confederations of the public servants and public administrations, evaluating legislation concerning the public servants and the practices of public management, carrying out joint studies to develop a well-functioning management structure, ensuring the public employees to participate in the management and finding solutions to the problems regarding public administration. According to the agenda, the authorized persons of the other state institutions and organizations and the representatives of the authorized trade unions may be invited to participate in the Board.

Issues of general nature related to the public personnel system that are beyond the scope of institutional matters and collective agreement matters referred to in Article 28 shall be addressed in the Public Employees’ Advisory Board.

Public Employees’ Advisory Board shall convene in March and November every year. The secretariat services of the Board shall be carried out by the State Personnel Presidency.

Administrative boards of establishments

ARTICLE 22. – Administrative boards of establishments are formed to express opinion on the working conditions of public servants and for equal implementation of laws on the public servants; these boards are composed in equal numbers of public employer representatives and those representatives to be determined by the trade union that include the most members in its composition. Administrative boards of establishments convene two times in a year.

“Workplace trade union representatives and trade union workplace representatives

ARTICLE 23- The trade union with the highest number of members registered in the workplaces in accordance with the assessment pursuant to Article 30 shall be authorized to elect the workplace trade union representative. The number of the workplace trade union representatives that may be elected is one if the number of the public servants in a workplace is less than 200, is maximum two where the number of public servants is 201 to 600, is maximum three where the number of public servants is 601 to 1000, is maximum four where the number of public servants is 1001 to 2000 and is maximum five where the number of public servants is more than 2000. One of these representatives shall be delegated by the relevant trade union as the chief representative.

Workplace trade union representatives are determined from the workplace in order to ensure the communication between public employee and employer and to listen to the problems of public employees related to employer and workplace and hand these problems up to relevant authorities. Trade union representatives shall perform their duties in the workplace for a period of four hours a week. These representatives shall be considered on leave during these periods.

The trade unions undertaking activities in a workplace other than the one with the highest number of members registered may determine trade union workplace representatives from the workplace to coordinate trade union activities which are within the scope of this Law.

The public employer shall provide, in a manner that does not hinder management and services, the means that facilitate the trade union representatives' carrying out their activities during and out of working hours."

PART FIVE

Incomes, Expenses and Supervision of Trade Unions and Confederations

CHAPTER ONE

Incomes and Expenses

Incomes

ARTICLE 24. – Incomes of the trade unions and confederations are composed of the following:

- a) Dues to be paid by the members;
- b) Incomes to be achieved from the activities performed in accordance with this Law;
- c) Grants and assistances;
- d) Incomes to be achieved from estates.

Trade unions and confederations can not receive grants and donations from foreign sources, other than the international establishments which themselves or the Republic of Turkey is a member to, without the permission of Council of Ministers.

Trade unions and confederations are obliged to deposit their all cash incomes in bank accounts. The minimum stock of cash to be reserved for compulsory expenses is stated in their statutes.

Membership dues

ARTICLE 25. – Membership dues for the trade unions are deducted by the public employer, in accordance with the request of the members in their membership declarations, in the scope of the article with No. 14, from their salaries and deposited within a period of five days to the bank accounts of the trade unions and a copy of the payment list is forwarded to the related trade unions. Public employer shall announce the list of the people who became members and paid membership dues, in a public place that is accessible to all and through other means at the institutional level.

The amount of monthly payment is determined through application of the ratio stated in the statutes of the trade unions to gross total of the taxable income of civil servants depending on their position. The amount of the monthly payment can not be less than four in a thousand and more than one in a thirty of the gross total of the taxable income of a civil servant at the first rank of the 15th degree.

No provisions can be inserted in the statutes of trade unions stipulating other deductions, whatsoever their names are, to be made from the members.

It is obligatory for the trade union to notify to the employer those persons, whose memberships are terminated for whatsoever reason, within fifteen working days.

The amount of dues to be paid by the members to the confederations is determined by the general assemblies of the confederations, provided that it shall not be lower than five percent of the amount of dues paid to the trade unions.

Expenses

ARTICLE 26. – Trade Unions and confederations can not spend their incomes for purposes other than those mentioned in their statutes and activities mentioned in this Law and can not donate them.

Trade Unions and confederations are obliged to spend at least ten percent of their incomes for the improvement of occupational knowledge and experience of their members.

All belongings and materials, which are considered furnitures and fixtures in accordance with Taxation Procedure Law, are registered in the book of furnitures and fixtures, and these items can not be treated as expenses by no means.

Branches of trade unions, trade unions and confederations can not give loans to their members, administrators and other persons and institutions other than through the credit unions, and can not distribute the incomes achieved.

The books to be kept by the trade unions and confederations, their way of ratification, the procedures and principles for the records are determined by a regulation. Accounting records are kept according to the balance sheet principles.

CHAPTER TWO

Supervision

Administrative and financial supervision

ARTICLE 27. – Administrative and financial supervision of the administration and operation of the branches of trade unions, trade unions and confederations and their incomes and expenses and any transactions related with them, to check whether these are in conformity with the laws and other relevant legislation and statutes and decisions of the general assemblies are carried out by the supervisory boards or auditors. The provisions of the statutes stipulated in accordance with the article with No. 47 of the Law of Labour Unions are implemented for the principles of supervision.

Annual accounts of the trade unions and confederations are audited by the members of profession who have acquired audition power in accordance with the Law dated 1.6.1989 with No. 3568, and an independent auditing report is prepared. These reports are presented to the general assembly.

Trade unions and confederations send their balance sheets and accounts and auditing reports for each account or budget period to the Ministry of Labour and Social Security within three months following the relevant period; trade unions send the same also to the confederations they are affiliated to.

PART SIX

Collective Agreement

CHAPTER ONE

General Provisions

Scope of the Collective Agreement

ARTICLE 28- The collective agreement shall cover coefficients and indicators, salaries and remunerations, any kind of increments and compensations, additional payments, collective

agreement premiums, overtime payments, travel allowances, premiums, lodgings allowances, maternity, death and family allowances, treatment allowances and funeral expenses, food and clothing benefits, and other financial and social rights pertaining to the public servants by taking account of existing legislative provisions regulating financial and social rights of them.

Excluding the collective agreement bonus, during the implementation of the provisions of the collective agreement, no discrimination shall be made between the public servants who are a member of a trade union and who are not.

The provisions of general and service branch collective agreements shall be in force for two fiscal years following the date of the agreement made.

Salary and base salary coefficients determined pursuant to collective agreement provisions shall be taken as a basis in determination of the salaries paid according to Law No 5435 on Turkish Republic Retirement Fund dated 8/6/1949. The second paragraph of the Article 55 of the Law No 5510 shall not be applied for increase in old age, invalidity and survivor's pensions paid by taking being insured under subparagraph (c) of the first paragraph of the Article 4 in the Law No 5510 on Social Insurances and General Health Insurance dated 31/5/2006 as a basis. Increase in salary and base salary coefficients determined pursuant to collective agreement provisions shall be taken as a basis to increase these pensions.

Parties to the collective agreement and the authority for signing

ARTICLE 29- The Public Employers' Delegation on behalf of public administration and Public Servants' Unions Delegation on behalf of public servants participate in the negotiations for the collective agreement.

Public Employers' Delegation is composed of the representatives of Ministry of Labour and Social Security, Ministry of Development, Ministry of Finance, Ministry of Interior, Undersecretariat of Treasury, State Personnel Presidency and representatives of other Ministries to be determined by the head of Delegation, under the chairmanship of the Minister to whom State Personnel Presidency is affiliated.

Public Servants' Unions Delegation is composed of fifteen members including a representative to be determined as the head of the delegation by the confederation who has the majority of the members in view of the total number of the members of the affiliated trade unions, one member to be selected by each public employees' trade union which has the most members in each service branch, one representative to be selected by the confederations which come first, second and third in terms of total number of members, taking the number of members of the affiliated unions as a basis. In case confederation representative who is also head of delegation withdraw from or could not attend collective agreement meetings, authority of head of delegation is used by the representative of the confederation who comes second in terms of total number of members. In case the representative selected by each public employees' trade union which has the most members in each service branch withdraw from or could not attend collective agreement meetings, the representative of the trade union which comes second in terms of total number of members in the same service branch is included in Public Servants' Unions Delegation.

The chairman of the Public Employers' Delegation is entitled to sign the collective agreement on behalf of public administration. The chairman of the Public Servants' Unions Delegation is

entitled to sign for the part concerning all public employees, and the related trade union representative is responsible for the part regarding the service branches on behalf of public employees.

No application shall be made to the Public Employees' Arbitration Board for the parts of collective agreement that have been already signed by the parties.

CHAPTER TWO

Determination of Number of Members and Collective Agreement Negotiations

Determination of number of members

ARTICLE 30. – The following principles shall apply in the determination of number of the members of trade unions and confederations.

a) Assessment to be made by the institutions

The institution's employer representative and assessor or financial department official as well as a representative from each of the trade unions active in the institution's field of service shall attend the assessment meeting. The meeting shall be held within the five working days following 15 May of each year at the place and on the day to be determined by the institution and communicated to the unions.

The list of public servants employed in the institution subject to the present Act as of 15 May and a list setting out the members of the trade union whose members' dues are deducted shall be assessed by the persons attending the meeting. Once the assessment has been made, a report stating the total number of public servants and the total number of unionised public servants, broken down by union, shall be signed by the participants at the meeting. The signed report shall be sent by the public employer and the unions to the Ministry of Labour and Social Security by the last working day of May.

The provincial organisations of the institutions shall forward the reports to be drawn up at the conclusion of the meetings to be convened in accordance with the above principles and attended by the parties to the headquarters of the institutions within the two working days following 15 May for evaluation in the assessment to be carried out at headquarters. These reports shall be synthesised into one single report at headquarters with the participation of the parties.

b) Assessment to be carried out by the Ministry of Labour and Social Security on the basis of the jointly signed lists submitted by the institutions and unions:

The Ministry of Labour and Social Security shall determine the total number of public servants employed in institutions in the various fields of service and the number of members of the various trade unions in each field of service as at 15 May each year, thereby taking account of the total number of public servants in the institutions and the number of union members whose

dues are deducted. It shall thus determine the total membership of the public servants' unions, , and confederations and publish the results in the Official Gazette every year in the first week of July.

Trade unions and confederations may apply to the Ankara Labour Court with the claim that the publicized number of members of public servants' unions and confederations are inaccurate, within five working days following announcement of the results. The court shall take a decision regarding the application within fifteen days.

Collective agreement negotiations

ARTICLE 31- Collective agreement negotiations shall be held in the years with the odd last digit.

Whereas proposals for collective agreements aimed at public employees in general shall be prepared by the confederation representative members of the Public Servants' Unions Delegation; proposals for collective agreements in each service branch shall be prepared by the related trade union representative member of this Delegation and they shall be given to the State Personnel Presidency to be submitted to The Public Employers' Delegation at least one week before the collective bargaining starts. At the beginning of the collective bargaining process, chairman of the Public Employers' Delegation and chairman of the Public Servants' Unions Delegation shall determine the agenda of collective bargaining for the public employees in general and for each service branch, based on the proposals submitted to the State Personnel Presidency. Collective bargaining process shall be maintained by discussing the proposals which are related to the general and service branches collectively. Issues that are related to more than one service branch shall be discussed among the issues related to public employees in general.

The representatives from institutions to be determined by Chairman of Public Employers' Delegation and no more than fifteen representatives to be determined by the Chairman of Public Employees' Unions Delegation can participate in the collective agreement negotiations as technical delegation.

Collective bargaining meetings start at the place which the Chairman of the Public Employers' Delegation decides on the first working day of August and which the confederations represented in the Public Servants' Unions Delegation are informed at least one week before the meetings start. The collective bargaining process is completed on the last working day of August at the latest, including the decision making of the Public Employees' Arbitration Board. Collective bargaining meetings which coincide with the official holidays, except for weekend holidays, are suspended. The meeting calendar and the method that will be used while conducting collective bargaining meetings are regulated with a by-law.

At the end of collective agreement negotiations, meeting or collective agreement minutes which include the parts regarding financial and social rights for public servants in general and for each service branch and composed of a single text shall be signed. Provisions which may damage the institutional hierarchy and lead to institutional imbalance between financial and social rights of the public servants who hold the same or similar position shall not be included in collective agreement.

Collective agreement texts which are signed shall be published in the Official Gazette.

If any representatives of the confederations entitled to participate in collective agreement negotiations do not attend the negotiations or the negotiations do not result in a collective agreement and even so the parties do not apply to Public Employees' Arbitration Board, financial and social rights to be implemented during following two fiscal years shall be determined according to general provisions.

“ Signing agreements in local government organisations

ARTICE 32- In cases where the city council decides upon the request of mayor in municipalities and the general provincial council decides upon the request of governor in special provincial administrations to pay the social equilibrium compensation within the framework of provisions of Article 15, Decree Law No. 375, dated 27.6.1989, the agreement shall be signed within three months after the collective agreement process, to determine the amount of social equilibrium compensation that shall be given in the period of agreement, between the general president of the trade union that has the most members in the related local government or a representative assigned by the trade union's administrative board and the mayor in municipalities, the governor in special provincial administrations. This agreement is not considered as collective agreement in respect to implementation of the Law and within this scope no application shall be made to the Public Employees' Arbitration Board.

Agreement to be signed is implemented during the collective agreement period and duration of the agreement cannot exceed local administrations general election date. Local administrations can sign agreements limited with the duration of collective agreement within the three months following the date of local administrations general election. Payments to be made based on this agreement shall not be claimed as a vested right.

Agreement shall not be signed if the total of local administration's overdue tax, social security premium and debt to Undersecretariat of Treasury exceeds ten percent of budget revenues realized in the previous year, if local administration has outstanding salary and remuneration, if the total annual spending for personnel expenses realized in previous year exceeds thirty percent of budget revenues realized in the previous year in local administration, and fifteen percent in special provincial administrations. In case of these conditions occur later than the date of agreement, existing agreement becomes void.

CHAPTER THREE

Procedures for Settlement of Disputes

In Case of Disputes

ARTICLE 33. – If a general collective agreement fails to be signed at the end of collective agreement negotiations, a meeting record that covers the agreed and disputed matters is signed by Chairman of the Public Servants' Unions Delegation for the part aimed at public employees in general and by the Chairman of the Public Employers' Delegation and related trade union representative for the part regarding the service branches.

If the collective agreement negotiations result in any dispute and accordingly, if a meeting record fails to be signed, a report which determines that the negotiations have ended in a dispute shall be prepared by State Personnel Presidency.

The Public Employees' Arbitration Board may be applied for respective parts by the authorities entitled to sign those parts within three working days following the signing of the meeting report or after determining that negotiations ended in a dispute ,

The Public Employees' Arbitration Board shall not be applied to with regard to the matters outside the scope of the collective agreement.

Public Employees' Arbitration Board

ARTICLE 34- Public Employees' Arbitration Board shall consist of eleven members ;

- a) one member is selected as Chairman by the Council of Ministers among the Presidents, Vice Presidents, Deputy Presidents or Heads of Departments of Court of Appeals, Council of State, Court of Accounts,
- b) four members are selected by the Chairman of the The Public Employers' Delegation , from the Ministry of Development, Ministry of Finance, Undersecretariat of Treasury and State Personnel Presidency,
- c) two members are selected by the confederation that has the most members in terms of the number of affiliated unions' members; and one from the confederation that comes second and one from the confederation that comes third in terms of the number of affiliated unions' members,
- d) one member is selected by the Council of Ministers among those who have the title of Associate Professor in the fields of public administration, labor law, public finance, labor economics, economics and business administration,
- e) one member is selected by the Council of Ministers among seven academic members, having at least the title of Associate Professor, three of them to be selected from the confederation that has the most members in terms of the number of affiliated unions' members, two of them to be selected from the confederation that comes second and two from the confederation that comes third in terms of the number of affiliated unions' members.

Members appointed by Chairman of the Public Employers' Delegation and the representatives and academic members appointed by the confederations shall be notified to the State Personnel Presidency two weeks before the commencement of the general collective agreement negotiations. Chairman and other members of Public Employees' Arbitration Board shall be determined before the commencement of collective bargaining. Reserve members shall be charged for the Chairman and each members of Public Employees' Arbitration Board in the framework of the same procedures and principles.

Upon request of the Chairman, the Public Employees' Arbitration Board shall meet with the participation of at least eight members including the chairman. If members are unable to attend the meeting due to their excuse, reserve members shall be called. Agenda of the meeting as well as the work schedule and the principles and procedures for examining the reports and other

matters related to meeting shall be determined by the Chairman. The Board shall make a decision within five days following the application date of the parties.

The Public Employees' Arbitration Board shall decide by majority vote of the participants. The board members cannot abstain from voting. In case of equality of the votes, the Chairman shall cast the decisive vote.

The members who disagree with the decision shall, either separately or together, indicate the objection and its justification for the opposition vote in the report.

The board decisions shall be final and have the same effect and force as the collective labour agreement

The board decisions shall be communicated in writing to the parties within three days and published in the Official Gazette.

For each meeting day, the Chairman of the Public Employees' Arbitration Board (5000) and the members (4500) shall be paid allowances, which are the amount identified with the multiplication of the indicator figures with the civil servant monthly coefficient.

The secretariat services of the Public Employees' Arbitration Board shall be carried out by the State Personnel Presidency. Accommodation charges, travelling allowances, per diems and any other expenditures of the persons who will participate in the collective agreement negotiations and in the activities of the Public Employees' Arbitration Board shall be met from the allocation to be placed in the budget of the State Personnel Presidency.

ARTICLE 35 – (Repealed: 4/4/2012-6289/31)

PART SEVEN Miscellaneous, Transitory and Final Provisions

CHAPTER ONE Miscellaneous Provisions

Affiliation and amalgamation of trade unions and confederations

ARTICLE 36. – In case a trade union affiliates to another trade union or a confederation affiliates to another confederation with the decision of General Assembly, all rights, debts, powers and benefits of the trade union or confederation, which has affiliated to another, are automatically passed to the trade union or confederation which has been affiliated in.

All rights, debts, powers and benefits of the trade unions or confederations amalgamated are automatically passed to the new artificial personality formed as a consequence of the amalgamation.

Members of the trade unions or confederations, which have affiliated to or amalgamated according to the provisions of this article, become the members of the trade union or confederation took over or new established, with no extra transactions necessary.

Other procedures and principles related with amalgamation are stated in the statutes of the trade unions and confederations.

Closure

ARTICLE 37. – Trade unions or confederations who act contrary to the characteristics of the Republic and democratic principles as stated in the Constitution, is closed by the decision of the local court of law responsible for labour suits upon the request of the Chief Public Prosecutor charged at the location of the head office of the said trade union or confederation.

Procedures in accordance with the article with No. 54 of the Law of Associations with No. 2908 are executed against the branch of trade union, trade union or confederation who act contrary to the above paragraph.

Provisions related with fines

ARTICLE 38. – Whoever acts:

- a) contrary to the provisions in the articles with Nos. 20, 24 and 26 of this Law is sentenced with imprisonment for a period of six months to one year; and,
- b) contrary to the provisions in the articles with Nos. 8, 14, 16 and 17 of this Law is sentenced with punitive fine not less than fifty days.

Appointment of curator in cessation of activity

ARTICLE 39. – Management of the properties, protection of the benefits, and convention of a general assembly to ensure activity following the end of the cessation period of a trade union or confederation whose activities have been ceased are ensured by one or three curators to be appointed in accordance with the provisions of the Civil Code.

Transfer of property in case of dissolution, voluntary dissolution and closure

ARTICLE 40. – In case of dissolution, voluntary dissolution and closure, properties are liquidated according to the provisions in the article with No. 46 of the Law of Labour Unions with No. 2821.

However, money and properties to remain following the liquidation is transferred to the Treasury, provided that there are no contrary provisions in the statutes of the related trade union or confederation.

Regulations

ARTICLE 41. – With respect to the implementation of this Law, the following points are determined by the regulations to be prepared jointly by the Ministry of Finance, Ministry of Labour and Social Security and State Personnel Presidency through taking into consideration the views of the confederations of trade unions of public servants, within four months following the publication of this Law:

- a) Service branches of the establishments;
- b) Application documents for membership to trade unions and confederations and the procedures and information to be included in resignation declarations;
- c) Working principles and procedures of the Public Employees' Advisory Board and Public Employees' Arbitration Board, principles and procedures for holding collective agreement negotiations and other matters required for implementation of the Law
- d) Number of trade union members and principles and procedures regarding determination of the confederations to which these trade unions are affiliated.
- e) Books to be kept by the trade unions and confederations, their way of ratification, the procedures and principles for the records;

Following of the implementation

ARTICLE 42. – With respect to the implementation of this Law:

- a) The Ministry of Labour and Social Security is authorized to resolve the problems to be encountered in the establishment of trade unions and confederations of public servants, formation of authorized organs, procedures for working and duties of these organs, rights and responsibilities and activities of trade unions and confederations as artificial persons; and,
- b) State Personnel Presidency, through consulting the Ministry of Finance and the Ministry of Labour and Social Security, is authorized to resolve the problems to be encountered related to personnel issues.

The Ministry of Labour and Social Security, the Ministry of Finance and the Presidency of State Personnel Department can make joint studies upon the request of one of these establishments on issues mentioned above or other issues considered necessary. The representatives of the confederation of trade unions of public servants, which send representatives to the Public Employees' Advisory Board, are invited to these studies.

Implementation of other Laws

ARTICLE 43. – In cases where no provisions are stipulated in this Law, the Law of Labour Unions with No. 2821, the Law of Associations with No. 2908, the Turkish Civil Code with No. 743, and as for those persons to work in trade unions and confederations, the relevant provisions of the personnel laws which apply to the public servants, shall be implemented.

Amended provision of law

ARTICLE 44. –(Related with the article 2 of the Law on Procedures and Methods of Establishment and Working of Economic and Social Council dated 11.4.2001 with No. 4641 and inserted in relevant part)

CHAPTER TWO

Transitory and Final Provisions

Assignment of allocation

PROVISIONAL ARTICLE 1. – An appropriate amount of allocation is transferred from the transfers part of the budget of the Ministry of Finance into the relevant parts of the budget of the Ministry of Labour and Social Security for expenses to be made in accordance with this Law.

Assignment of posts

PROVISIONAL ARTICLE 2. – For the implementation of the services presented with this Law, the posts included in the attached schedule with No. (1) has been created to be used in the central organization of the Ministry of Labour and Social Security and added into the schedules of the Decree having Force of Law with No. 190 related with the section of the mentioned Ministry.

PROVISIONAL ARTICLE 3. – With respect to trade unions to be established following the entry into force of this Law, for the trade unions, as determined by the Ministry of Labour and Social Security and published in the Official Gazette, those in transportation services, public works, construction and rural services and banking and insurance service branches with 1,500 members, for energy, industry and mining services and agriculture and forestry service branches with 3,000 members, for press, publication and communication services and local management service branches with 4,000 members, for office services and health and social service branches with 10,000 members, for education, training, science and culture service branches with 18,000 members or more and the trade unions within the confederations with 35,000 or more public servant members, the ratio of ‘five percent’ mentioned in the first paragraph of the article with No. 25 of this Law shall not be implemented for a period till the trade unions of public servants and the confederations they are affiliated to, which are authorized to perform collective bargaining in 2002 are determined by the Ministry of Labour and Social Security.

In accordance with the above paragraph, following the publication of the determination in the Official Gazette, the salaries and personal rights of the relevant persons regarding their terms with ‘leaves without salaries’ are paid to them.

PROVISIONAL ARTICLE 4. – Till to the publication date of this Law, no administrative, financial and judicial proceedings shall be applied against the public servants due to their conclusion of collective labour agreements with representatives of public officials and those commenced shall be terminated, provided that these do not include criminal aspects and no judicial decision has become final.

PROVISIONAL ARTICLE 5. – The regulations stated in the paragraphs (a), (b) and (e) of the article with No. 41 of this Law shall be put into force within thirty days following the entry into force of this Law.

PROVISIONAL ARTICLE 6. – The Institutions of public servants active as of the date of publication of this Law are obliged to:

- a) Convene their extraordinary general assemblies according to their present statutes, and regulate their statutes and organizations according to the provisions of this Law; and
- b) Convene their first ordinary general assemblies according to the new organization and statutes,

within eight months following the entry into force of this Law.

The institutions which have not regulated their new statutes and not convened their first ordinary general assemblies according to this Law, within the stipulated period, can not use the rights and powers of trade unions as mentioned in this Law.

c) Trade unions which have regulated their statutes according to this Law, following the publication of this Law, shall re-arrange all membership documents according to the provisions of the new regulations which are to be drafted according to this Law, and send one copy of the same to the Ministry of Labour and Social Security within two months following the date of ordinary general assembly.

d) Till the authorized trade unions in respect of service branches are determined, deduction of the membership dues shall be continued at the source without the ratio condition sought.

PROVISIONAL ARTICLE 7. – Payment of personal rights of the administrators of the trade unions and confederations of public servants active following the entry into force of this Law shall be continued till the authorized trade unions are determined.

PROVISIONAL ARTICLE 8. – Trade unions of public servants, which are established as of the date of the entry into force of this Law, can transfer their assets, rights and debts to any trade union, confederation or any establishment considered by the Council of Ministers as working for public interest, within three months with the decision of the general assembly. Procedures for transfer and assignation are free from any tax, duty and fees.

PROVISIONAL ARTICLE 9

For the year 2004;

- a) The assessment foreseen in the subparagraph (a) of the second paragraph of the article 30 shall be realized by 15 July 2004 and sent to Ministry of Labour and Social Security until 20 July 2004.
- b) The assessment which will be specified pursuant to subparagraph (a) of the second paragraph of the article 30 by Ministry of Labour and Social Security shall be published in Official Gazette until 30 August 2004.
- c) The date “fifteenth day of August” which is stated in the first paragraph of the article with 32 shall be implemented as “fifteenth day of September”.

Changes in the Statutes

PROVISIONAL ARTICLE 10- (Addition: 1/7/2006-5538/15 art.)

On condition that statutes shall be changed in the first general assembly meeting, payment amount determined in statutes of the trade unions through different methods before the publication of this law shall be readjusted in compliance with this law by trade union executive board and submitted to Ministry of Finance, within at the latest one month following the publication of this Law. It is implemented in calculating membership payments from the beginning of month which follows the submission.

PROVISIONAL ARTICLE 11

Collective agreement negotiations held with a view to determining financial and social rights for 2012 and 2013 shall commence within one month from the enforcement date of this law. Durations foreseen in the articles 29,31 and 34 of the Law for declaration of members of Public Servants' Unions Delegation, submission of collective agreements proposals, declaration of the date of commencement of collective agreements negotiations and determination of members of the Public Employees' Arbitration Board shall not be considered. The Communiqué concerning the determination of the number of confederation and union members published by the Ministry of Labour and Social Security for 2011 in the Official Gazette No. 27987, dated 7/7/2011, shall be taken as a basis for determining the authorized unions and confederations.

PROVISIONAL ARTICLE 12

The finding foreseen in the subparagraph (a) of the second paragraph of the article 30 shall be realized as taking 15 June 2012 as a basis and sent to Ministry of Labour and Social Security until 29 June 2012 at the latest. The finding to be made according to subparagraph (b) of the same paragraph shall be realized as taking 15 June 2012 as a basis and published in Official Gazette until 10 August 2012.

PROVISIONAL ARTICLE 13

The regulation foreseen in the subparagraph (c) of the first paragraph of the article with No. 41 shall be put into force within one month.

PROVISIONAL ARTICLE 14

Implementation of contracts such as collective labour agreements, collective agreements, social balance agreement and such, signed between the administrations and trade unions within the scope of additional article 15 of Decree Law No 375 before the date when this law takes effect, may continues until the end of periods foreseen in mentioned contracts. No agreements shall be signed additionally within the framework of provisions of article 32 for the period in which implementation of the aforementioned contracts continue. Administrations which are included in the scope and whose aforementioned contracts ends before 31/12/2015 or repealed mutually later than enforcement date of this law, may sign agreement within the framework of provisions of article 32 for the limited period between end or repeal date of contracts and end of collective agreement period within one month following the end or repeal date on the contracts without taking into account third paragraph. However if average monthly payment made to the personnel according to aforementioned contracts exceeds ceiling amount determined in collective agreement according to article 32, average monthly payments made to personel depending on their titles by the enforcement date of this article are taken as a basis for the contracts to be implemented until 31/12/2015 without taking into account third paragraph. This kind of payments shall not be considered as a vested right.

On condition that the subject does not constitute a crime and is not based on civil jurisdiction, no administrative and financial prosecution and legal proceedings can be initiated against public servants until 15/3/2012 on the ground of additional payment they made to civil servants working in administrations within the scope of additional article 15 of decree law No 375 by signing agreement with public servants representatives or any other ways. Initiated ones shall be cancelled.

Effectiveness

ARTICLE 45. – This Law shall come into force at the end of 30th day following its publication.

Execution

ARTICLE 46. – Provisions of this law are executed by the Council of Ministers.

(added to decree law No 375) ADDITIONAL ARTICLE 15- social balance compensation can be paid to public servants employed in the positions of municipalities and their affiliated institutions and provincial special administrations. Payable monthly amount of social balance compensation shall be determined by agreement to be signed between respective municipality and provincial special administration and public employees' trade union which has the most members in respective municipality and provincial special administration within the framework of provisions foreseen in mentioned Law and it shall not exceed the ceiling amount decided in collective agreement signed in compliance with law no 4688 on Public Servants' Trade Unions and Collective Agreement.