

# COLLECTIVE LABOUR AGREEMENT, STRIKE AND LOCK-OUT ACT

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## PART 1. COLLECTIVE LABOUR AGREEMENT

### DIVISION I. GENERAL PROVISIONS

Purpose:

Article 1. The purpose of this Act is to provide workers and employers with the principles and the procedures for the conclusion of collective labour agreements regulating their economic, social and working conditions, for the settlement of disputes through peaceful means and for strikes and lock-outs.

Definition and content of collective labour agreement:

Article 2. A collective labour agreement is an agreement concluded between a workers' trade union and an employers' trade union or an employer who is not a member of any union, with the object of regulating the matters with regard to the conclusion, content and termination of contracts of employment.

Collective labour agreements may also contain other stipulations as to the mutual rights and obligations of the parties, application and supervision of the agreement and the means to be resorted for the settlement of disputes.

Scope and level of collective labour agreement:

Article 3. A collective labour agreement may cover one or more establishments within the same branch of activity.

At an enterprise belonging to a legal or natural person or to a public organisation or institution that has more than one establishment in the same branch of activity, only one collective labour agreement may be concluded. Such an agreement shall be referred to as an enterprise collective labour agreement within the meaning of this Act. However, even where the institutions or establishments belonging to public organisations or institutions have separate legal personalities, a single enterprise agreement shall be concluded for these organisations and institutions.

Any dispute concerning the conditions required for establishments to conclude an enterprise collective labour agreement shall be decided within 15 days by the court of law having jurisdiction in labour matters at the place where the enterprise's headquarters is located. In the event of an appeal, the court of appeal shall give a final ruling within 15 days.

Not more than one collective labour agreement shall be concluded or applied for the same period in an establishment.

Form:

Article 4. A collective labour agreement shall not be valid unless it is set down in writing.

Stipulations not to be included in an agreement:

Article 5. No stipulation shall be put into collective labour agreements that is contrary to the indivisible integrity of the State with its territory and the nation, to national sovereignty, the Republic, public order, national security, public morals and public health or to any binding provision of law or regulations, or that is encouraging, provoking or protecting acts which are criminal offences under the law.

Effects of a collective labour agreement:

Article 6. Save as may be provided to the contrary in a collective labour agreement, no contract of employment may be at variance with that agreement. The provisions of the contract of employment that are at variance with a collective labour agreement shall be replaced by the provisions of that agreement. The provisions of the collective labour agreement shall apply in all cases not covered by the contract of employment.

The provisions of a contract of employment that operate to the worker's advantage shall apply in cases where the collective labour agreement is at variance with such contract.

The provisions of a collective labour agreement that has expired for any reason which are related to contracts of employment shall continue to be binding in the form of a contract of employment until a fresh collective agreement enters into force.

Duration and expiry of a collective labour agreement:

Article 7. A collective labour agreement shall be concluded for a specified period of not less than one year and not more than three years. After the conclusion of a collective labour agreement, the parties shall not extend or reduce the duration of the agreement or terminate it before the expiry date.

Where a collective labour agreement is to apply to work that is due to last less than one year, the agreement may itself be concluded for less than one year: Provided that the agreement shall apply one year if the work is not completed.

The procedure concerning competence for a fresh collective labour agreement may begin within the 120 days before the expiration of a collective labour agreement: Provided that the fresh collective labour agreement shall not enter into force before the expiry of the previous agreement.

Change in status of the parties:

Article 8. A collective labour agreement shall not cease to have effect because the trade union which is a party to it is dissolved, barred from activity, or has lost its competence, or because there is a change of employer in the establishments to which the agreement applies.

Consequences of the resignation or expulsion of a union member or of failure to join a trade union which is a party to an agreement:

Article 9. The members of a workers' trade union which is a party to a collective labour agreement shall benefit from that agreement.

Members of a trade union at the date of signing the collective labour agreement to which that trade union is a party shall benefit from that agreement as of the commencement date; workers who become members after the date of signature shall benefit from the agreement as of the date the trade union communicates their membership to the employer.

Workers who are not members of the trade union that is a party to the collective labour agreement at the date of signature, or those who are subsequently recruited but do not join the union, or those who are expelled or resign from the union after the said date, may avail themselves of the agreement if they pay a monthly solidarity contribution to the trade union concerned. The consent of the trade union shall not be required in this matter. Workers who benefit from the collective labour agreement by paying solidarity contributions shall do so starting from the date on which such a request is made.

The rate of the solidarity contributions shall be two-thirds of the membership contributions.

Solidarity contributions shall not be paid to trade unions barred from carrying on any activity.

Employer to remain bound by agreement:

Article 10. Any employer who is a member of an employers' trade union party to a collective labour agreement at the date the invitation to collective bargaining was issued shall remain bound by the invitation, even if he subsequently severs his relations with the union in any way.

Any employer who is a member of an employers' trade union party to a collective labour agreement at the date of signature shall remain bound by its provisions, even if he subsequently severs his relations with the union in any way.

Extension:

Article 11. At the request of any of the workers' or employers' trade unions or any of the employers concerned within a branch of activity or at the request of the Minister of Labour and Social Security, the Council of Ministers may, after receiving the opinion of the High Court of Arbitration, make an order extending a collective labour agreement concluded by the trade union having the largest number of members among the other trade unions representing at least 10 per cent of the workers engaged in the branch of activity concerned, either in whole or in part or after making the necessary changes to all or some of the establishments not covered by any collective labour agreement within the same branch of activity. The extension order shall indicate why the decision has been taken.

The High Court of Arbitration shall give its advisory opinion within 30 days.

The extension order shall lapse upon expiry of the collective labour agreement so extended.

The Council of Ministers may cancel an extension order if it sees fit to do so, but shall indicate the reasons for its action.

It shall not be permissible to extend the clauses of a collective labour agreement providing for recourse to private arbitration or stipulating the rights and obligations of the parties.

Extension order shall not apply to the establishments where application for the determination of competence to bargain is made until the issue of competence is solved or, if the certificate of competence is issued, as long as the competence is valid

## DIVISION II. CONCLUSION OF COLLECTIVE LABOUR AGREEMENTS

Competence:

Article 12. 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 covering the establishment or the establishments in question. In the case of enterprise collective labour agreements, the establishments shall be considered as one whole unit in the calculation of more than half majority.

An employers' trade union shall have power to conclude a collective labour agreement covering all the establishments owned by the employers belonging to the union. Any employer who is not a member shall have power to conclude a collective labour agreement covering the establishment or establishments owned by him.

The statistics published by the Ministry of Labour and Social Security in January and July of each year shall be the instrument used in calculating 10 per cent of the workers engaged in a given branch of activity. The total number of workers engaged in a branch of activity and the membership figures of each of the trade unions in that branch as indicated in the statistics shall be valid for the purposes of collective agreements and other formalities until the next statistics are published. The competence of a workers' trade union that applied for or obtained a certificate of competence shall not be affected by statistics subsequently published.

The statistics against which no appeal is made within 15 days of the publication date shall be final. However, an appeal may be lodged with the Ankara Court of Labour during this period challenging the accuracy of the statistics. The court shall take a decision within 15 days. The interested parties or the Ministry of Labour and Social Security may appeal against the decision of the court. The court of appeal shall give a final ruling within 15 days.

Application of a workers' trade union for determining competence:

Article 13. A workers' union that considers itself competent to conclude a collective labour agreement shall make application in writing to the Ministry of Labour and Social Security, requesting the ministry to determine that its membership within the branch of activity (excluding the branch of activity covering agriculture, forestry, hunting and fishing) in which the union is constituted represents at least 10 per cent of the workers engaged in that branch, and to determine the number of workers employed and the number of members in the establishment or establishments to be covered by the agreement as of the date of such application. Workers' trade union shall give the membership forms in its keeping to the employer within three working days as of the date of its application to the Ministry of Labour and Social Security for determining competence.

Where the trade union has the required majority according to the records of the Ministry of Labour and Social Security, the ministry shall communicate the application, together with the number of workers employed and the number of union members in each establishment concerned, to other workers' unions constituted in the same branch of activity and to employers' unions and employers not belonging to such unions who shall be a party to the agreement, within six working days of receiving the application, as indicated in the records of the ministry at the date of the application. Where the ministry determines that the trade union does not have the required majority, this information shall be communicated only to the applicant union within the same time limit.

Application of an employers' trade union or an employer:

Article 14. An employers' union or an employer not belonging to any such union that considers itself competent to conclude a collective labour agreement shall make application in writing to the Ministry of Labour and Social Security, requesting the ministry to determine the competent workers' union.

The Ministry of Labour and Social Security shall communicate the name and address of the competent workers' union, together with the number of workers engaged in that branch of activity and the number of workers employed in each of the establishments concerned and the membership figures of the competent workers' union in the branch of activity and in each of the establishments, to other workers' unions constituted in the same branch of activity and to the applicant employers' union or the employer, within six working days of receiving the application. Where there is no competent workers' union, this information shall be communicated within six working days only to the applicant employers' union or the employer.

The provisions of sections 12 and 13 shall apply in determining the number of workers and the number of union members.

Disputes as to competence:

Article 15. Any workers' or employers' trade union or an employer not belonging to such a union who receives the communication as provided in sections 13 and 14 may lodge an appeal with the court having jurisdiction in labour matters at the locality of the regional directorate where the establishment is registered, within six working days after the receipt of such communication, disputing the competence of either one or both of the parties or claiming that they themselves have the required majority. Such appeal shall also indicate the reasons therefor. Where the collective labour agreement to be concluded concerns establishments under the jurisdiction of more than one regional directorate, the appeal shall be lodged with the labour court in Ankara. An appeal shall first be registered with the Ministry of Labour and Social Security or the relevant regional directorate and then lodged with the court.

The court shall take a final decision within six working days without a hearing on appeals concerning time limits or material error in the number of workers or union members. On any other appeal the court shall hold a hearing and take a decision. Where the decision after the hearing is appealed, the court of appeal shall give a final ruling within 15 days.

Appeal to court shall suspend the procedure to determine competence until the final ruling.

Certificate of competence:

Article 16. The Ministry of Labour and Social Security shall issue a certificate of competence to the union concerned within six working days after the expiry of the time limit allowed for an appeal if no appeal has been lodged, or within six working days of receiving notice of the decision if the court rejects the appeal.

Where a collective labour agreement is concluded without a certificate of competence, any interested party or the Ministry of Labour and Social Security may lodge an appeal within 45 days of the finding of the fact by the ministry to the effect that either one or both of the parties is incompetent and that the agreement should therefore be null and void.

Appeals to declare the agreement null and void shall be lodged with the court having jurisdiction in labour matters at the locality of the regional directorate where the establishment is registered. Where the collective labour agreement covers establishments under the jurisdiction of more than one regional directorate of the Ministry of Labour and Social Security, the appeal shall be lodged with the labour court in Ankara.

The judge, upon request and if he deems it necessary, may suspend the commencement of the collective labour agreement until a decision is taken.

Invitation to collective bargaining:

Article 17. An employers' union or an employer not belonging to a union who receives a communication, or a workers' union which receives a certificate of competence, shall issue an invitation to meet for collective bargaining to the other party, within 15 days of receipt of the communication or the certificate of competence. The competent authority shall immediately be informed of the date of the invitation.

The certificate of competence shall be void if the invitation is not issued within the time limit.

The party that issues the invitation shall be under an obligation to enclose all of the proposals it will put forward in the collective negotiations. However, the parties' right to make amendments in those proposals that they will put forward in the collective negotiations is reserved.

The competent authority:

Article 18. For the purposes of this Act, for an establishment agreement, the competent authority shall be the regional directorate of the Ministry of Labour and Social Security where the establishment is registered; for an enterprise agreement, it shall be the regional directorate of the Ministry of Labour and Social Security where the headquarters of the enterprise is registered, and for an agreement covering several establishments under the jurisdiction of more than one regional directorate, it shall be the Ministry of Labour and Social Security.

Commencement of collective bargaining:

Article 19. The date, place and time for negotiations shall be fixed by agreement between the parties within six working days of the date the notice of invitation is delivered to the other party and the competent authority shall be so informed.

In the absence of such agreement, the competent authority shall, at the request of any party within three working days, fix the date, place and time of the meeting within six working days of the request and shall notify the parties accordingly.

Where the party that has issued the invitation under the provisions of the above paragraphs does not attend the meeting within 30 days of the invitation date and collective bargaining does not commence, the competence of the issuing party shall be void.

Conclusion of a collective labour agreement, signature and submission:

Article 20. If bargaining is successful, a collective labour agreement shall be drawn up in five copies and shall be signed by the representatives of the parties. Each of the parties shall retain one copy. The other three copies shall be transmitted within six working days of the date of signature to the competent authority by the party that issued the invitation.

The regional directorates of the Ministry of Labour and Social Security shall send two copies of the agreement they have received to the Ministry of Labour and Social Security. The ministry shall forward one copy to the State Statistics Institute.

### DIVISION III. DISPUTES AND MEDIATION

Notification of a dispute:

Article 21. If either of the parties fails to appear at the place, date and time fixed for bargaining or, even if present at the meeting, fails to start bargaining or fails to attend the meetings after the commencement of bargaining, the other party shall so inform the competent authority in writing within six working days.

If the parties, within 60 days of the commencement of collective bargaining, record in a report that they have failed to come to an agreement or if the parties fail to come to an agreement at the end of the 60-day period, one of the parties shall so inform the competent authority in writing.

Mediation:

Article 22. Upon receipt of the communication written in pursuance of the provision of the first paragraph of section 21, the competent authority shall initiate the mediation procedures in accordance with the following provisions, without waiting 30 or 60 days period to pass and taking into account the request of the party who made such communication.

Where the parties fail to reach an agreement 30 days after the commencement of collective bargaining, either of the parties may request from the competent authority a mediator selected from the official list as provided under section 59 to join the bargaining. The competent authority shall call the parties to a meeting within six working days of receiving the request, for the purpose of appointing a mediator. Where one of the parties fail to attend this meeting or the parties fail to come to an agreement concerning the appointment of a mediator, the competent authority shall, by drawing a name from the official list, appoint the mediator in the presence of at least one of the parties. Where recourse is made to the appointment of a mediator and yet no agreement is reached, the exhaustion of 60-day period shall not be waited for the purpose of the notification of the dispute and also no official mediator shall be appointed. In this case, the report that is made and transmitted to the competent authority by the mediator shall be treated the same as the report of the official mediator referred to in section 23.

If no recourse has been made to the appointment of a mediator in accordance with the first paragraph and no agreement has been reached 60 days after the commencement of collective bargaining, the competent authority shall, upon request or at its own initiative and within six working days, apply to the court prescribed in section 15, asking the court to appoint a mediator from the official list.

The term of duty of the official mediator shall start on the date on which the notice of the court is delivered to him.

Functions of the mediator:

Article 23. The term of duty of the mediator referred to in the second paragraph of section 22 shall be 15 days. This term may be extended for a maximum of six working days with the consent of the parties; the competent authority shall be informed accordingly.

The mediator shall make every effort to bring about a settlement between the parties and make proposals to the interested parties.

Where the mediator succeeds in reconciling the parties, the provisions of section 20 apply.

If the parties fail to come to an agreement at the end of the time limit fixed for mediation, the mediator shall record the dispute in a report within three working days and transmit this report to the competent authority together with his recommendations and proposals to bring about a settlement of the dispute. The competent authority shall transmit a copy of this report to each of the parties within six working days at the latest.

Article 24. [Reports and records.]

## PART 2. STRIKE AND LOCK-OUT

### DIVISION I. DEFINITIONS AND PROCEDURE

Definition of strike:

Article 25. The expression "strike" means any concerted cessation by workers of their work with the object of halting the activities of a given establishment or of paralysing such activities to a considerable extent, or any abandonment by workers of their work in accordance with a decision taken to that effect by an organisation.

The expression "lawful strike" means any strike called by workers in accordance with this Act with the object of safeguarding or improving their economic and social position and working conditions in the event of a dispute during negotiations to conclude a collective labour agreement.

The expression "unlawful strike" means any strike called without fulfilling the conditions for a lawful strike. A strike called for political purposes, or a general strike or any solidarity strike shall be unlawful. The penal provisions concerning unlawful strike shall apply to occupation of the establishment, slowdown, deliberate reduction of output and any other resistance action.

No strike shall be called for any purpose contrary to the indivisible integrity of the State with its territory and the nation, national sovereignty, the Republic and national security.

Definition of lock-out:

Article 26. The expression "lock-out" means any action taken by an employer or his representative either on his own initiative or in accordance with a decision taken by an employers' organisation, to refuse employment to the workers and so completely halt the activities of a given establishment.

The expression "lawful lock-out" means any lock-out ordered in accordance with this Act where there is a dispute in the course of negotiations for a collective labour agreement and a decision to call a strike has been taken by the workers' union.

The expression "unlawful lock-out" means any lock-out ordered without fulfilling the conditions for a lawful lock-out. A lock-out ordered for political purposes, or a general lock-out or a solidarity lock-out shall be unlawful.

No lock-out shall be ordered for any purpose contrary to the indivisible integrity of the State with its territory and the nation, national sovereignty, the Republic and national security.

Decision to call a lawful strike or order a lawful lock-out: .

Article 27. A decision to call a strike in one or more establishments or in an enterprise shall not be taken until six working days have elapsed since the date of notification of the report referred to in section 23, to the effect that mediation proceedings have failed to resolve the dispute referred to in section 21 concerning these establishments.

The decision to call a lawful strike may be taken by the workers' trade union that is a party to the dispute within six working days after the lapse of the time limit mentioned in the preceding paragraph. The certificate of competence shall be void if a decision to call a strike is not taken within the allotted time limit or, where strikes are prohibited, application is not made to the High Court of Arbitration.

The employers' trade union, or the employer not belonging to any union, that is party to the dispute may take a decision to order a lock-out within six working days of the date on which the decision of the workers' union to call a strike is communicated to him. Even if the decision to call a strike covers some of the establishments, the decision to order a lock-out may be taken also to cover the other establishments within the scope of the dispute.

Notification of a decision to call a strike or order a lock-out:

Article 28. A decision to call a strike or order a lock-out taken in accordance with section 27 shall be submitted to a notary public to be communicated to the other party within six working days of the date of the decision and one copy of the decision shall be submitted to the competent authority. The decision to call a strike or order a lock-out shall be immediately announced in the establishment or establishments concerned by the receiving party.

## DIVISION II. PROHIBITION AND SUSPENSION OF STRIKES AND LOCK-OUTS

Activities where strikes and lock-outs are prohibited:

Article 29. It shall not be lawful to call a strike or order a lock-out in the following activities:

1. Life or property saving;
2. Funeral and mortuary;
3. Production of coal for water, electricity, gas and coal power plants; exploration, production, refining and distribution of natural gas and petroleum; petrochemical works, production of which starts from naphtha or natural gas;
4. Banking and public notaries;
5. Firefighting, land, sea, railway urban public transportation and other public transportation on rail.

Establishments where strikes and lock-outs are prohibited:

Article 30. It shall be unlawful to call a strike or order a lock-out in the following establishments and undertakings:

1. Any health institution, such as a hospital, clinic, sanatorium, health centre, dispensary, chemist's shop or pharmacy, or establishment for the preparation of vaccine or serum: Provided that the foregoing shall not be deemed to include any establishment manufacturing medicines;

2. Educational and training institutions or day nursery and old-age retirement homes;
3. Cemeteries;
4. Any establishment run directly by the Ministry of National Defence, General Command of Gendarmeries or Coast Guard Command.

Temporary prohibitions:

Article 31. It shall not be permissible to call a strike or order a lock-out in time of war or during a general or partial mobilisation. Where the life of the community is paralysed by a disaster caused by fire, flood, landslide, avalanche or earthquake, the Council of Ministers may make an order prohibiting strikes and lock-outs in respect of such areas and branches of employment as it may deem necessary, in view of the situation and for such time as the situation obtains. The lifting of the prohibition shall be subject to the same provisions.

It shall not be permissible to call a strike or order a lock-out in any means of land, sea or air transport while the vehicle is engaged in a journey within Turkish territory before reaching its final destination.

Recourse to the High Court of Arbitration in the event of prohibitions:

Article 32. In disputes concerning the establishments or the activities and services where strikes and lock-outs are prohibited, any party may apply to the High Court of Arbitration within six working days of receipt of the report referred to in section 23 or after six months have elapsed in the case of temporary prohibition of strikes and lock-outs.

Suspension of strikes and lock-outs:

Article 33. Any lawful strike or lock-out that has been called, ordered or commenced may be suspended by order of the Council of Ministers for 60 days if it is likely to be prejudicial to public health or national security. The suspension shall come into effect on the date of publication of the order.

It shall be permissible to lodge an appeal with the Council of State for the cancellation of the order of the Council of Ministers and to request the suspension of the proceedings. In areas where a state of emergency has been proclaimed, no decision to suspend the proceedings in any appeal for the cancellation of the order shall be taken.

Settlement of dispute during suspension period:

Article 34. After a suspension order has come into effect, the Minister of Labour and Social Security himself or a mediator designated by him from the official list shall make every effort for the settlement of the dispute during the suspension period.

During the suspension period the parties may also agree to refer the dispute to private arbitration.

If, on the expiry of the time limit fixed for the suspension, the parties have not been able to reach an agreed settlement or have not agreed to resort to private arbitration, the Minister of Labour and Social Security shall refer the dispute to the High Court of Arbitration for settlement.

Strike ballot:

Article 35. A strike ballot shall be taken in an establishment if one fourth of the workers employed in that establishment on the date the decision to call a lawful strike is announced request in writing, within six working days after such announcement, that a strike ballot should be taken. The request for a strike ballot shall be made to the highest civil authority in the locality.

A strike ballot shall be taken within six working days after the request has been made on such date and time outside working hours specified by the highest civil authority under his supervision or that of an official designated by him, on the basis of secret ballot and open returns and classification.

If an absolute majority of the workers employed on the date the announcement is made decides against a strike in the establishment, the strike shall not be called.

Consequences of a strike ballot:

Article 36. The result of the strike ballot shall be recorded in a report, to be prepared in four copies. One copy shall be transmitted to the employer, another to the workers' union that decided to call the strike and a third copy to the regional directorate of the Ministry of Labour and Social Security. A fourth copy shall be retained by the highest civil authority in the locality.

[Appeal, cancellation of certificate of competence etc.]

Commencement of a strike or lock-out:

Article 37. Within 60 days following its communication to the other party, a decision to call a strike or order a lock-out shall come into effect on the date notified to the other party six working days beforehand through a notary public.

A decision to call a strike or order a lock-out which is not submitted to the notary public within the allotted time for notification to the other party or to the competent authority shall not come into effect. The right to a strike or lock-out which does not commence on the announced date shall lose its effect. Where a decision to call a strike is not put into effect within the allotted time limit or if there is no order for a lock-out, or the decision to order a lock-out is not put into effect within the allotted time limit, the certificate of competence shall lose its validity.

Where a strike ballot is taken, the 60-day period shall start on the date the results of the ballot are final.

[Application of the provisions of the first paragraph in the case of expiry of a prohibition or the suspension of a temporary prohibition of strikes or lock-outs.]

Obligation to leave the establishment in the event of a strike or lock-out:

Article 38. All workers shall be required to leave the establishment as soon as a strike or lock-out becomes effective.

The freedom to work in the establishment of the workers who are not participating or have refused to participate in the strike shall not be restricted in any way. Workers who are participating in the strike or who are locked out shall be prohibited from obstructing the entrance or exit of the establishment and forming groups in front of or around the establishment.

The employer shall be at liberty to employ or not to employ any workers who are not participating or have refused to participate in the strike. Where a collective labour agreement is concluded at the end of the strike, it shall not apply to

such workers who have worked in the establishment, excluding those who have worked in accordance with section 39, unless provision to the contrary is made in the agreement.

The movement of the goods produced by the workers employed or any kind of stock out of the establishment, or the sale of such goods, or the movement of the necessary materials, equipment and supplies into the establishment shall not be obstructed. The provisions of section 43 shall also apply to the performance of such work.

Workers excluded from taking part in a lawful strike or lock-out:

Article 39. On condition that their activities are unrelated to the production or sale of goods, a sufficient number of workers shall be required to work and the employer shall be required to employ them, with the object of ensuring the continuity of work in processes which have to be maintained for technical reasons; ensuring the safety of the establishment and preventing damage to machinery, installations, equipment, raw materials and finished and semi-finished products; and ensuring the protection of animals and plants.

The type and number of workers, including substitutes, to be excluded from a strike or lock-out shall be announced in writing within the establishment by the employer or his representative during the six working days following the commencement of collective bargaining, a copy of the announcement being sent to the workers' union that is party to the bargaining. If no appeal against this notice is lodged by the workers' union with the local court of law having jurisdiction in labour matters within six working days, the notice shall become final. Where an appeal is lodged, the local court shall take a decision within six working days. This decision shall be final.

If the workers to be excluded from a strike or lock-out have not been determined for any reason during the time limit fixed by this Act, the workers' or employers' union may request the regional directorate of the Ministry of Labour and Social Security to determine such workers even after the expiry of the time limit. The regional directorate shall take a decision as soon as possible and notify the parties. Where necessary, the regional directorate may take a decision at its own initiative. Any of the parties may lodge an appeal with the local competent court against such decision.

In disputes concerning an enterprise agreement, the competent court shall be determined according to where the headquarters of the enterprise are located and the regional directorate of the Ministry of Labour and Social Security according to the region where each of the establishments is located.

Determining the names of workers to be excluded from taking part in a lawful strike or lock-out:

Article 40. The regional directorate of the Ministry of Labour and Social Security shall, within three working days after the receipt of the decision to call a strike or order a lock-out, decide which workers are to continue working in the establishment during a strike or lock-out and shall so notify the employer and the workers concerned in writing. This provision shall not apply to the chairman and members of the management committee of the workers' union or its branch that is a party in the collective bargaining, if they are employed in the establishment.

In order for the works to be performed in accordance with section 39, the employer may, after obtaining written permission from the regional directorate of the Ministry of Labour and Social Security, recruit new workers in place of the workers excluded from taking part in a strike or lock-out who do not work.

Guarantee of right to strike or lock out:

Article 41. Any clause waiving or restricting the right to strike or lock out included in a contract of employment shall be null and void.

### DIVISION III. CONSEQUENCES OF STRIKE OR LOCK-OUT

Effect of a lawful strike or lock-out on contracts of employment:

Article 42. The contract of employment of any worker who supports a decision to call a lawful strike or urges others to support it, or takes part in such a strike or urges others to take part in it, shall not be terminated for that reason.

The rights and obligations under the contract of employment of any worker who takes part in a lawful strike or wishes to work in the establishment in accordance with the second paragraph of section 38 but is not called upon to do so by the employer, shall be suspended until the end of the strike.

Where a worker is affected by a lawful lock-out, his rights and obligations under his contract of employment shall be suspended until the end of the lockout.

Where contracts of employment are suspended during a strike or a lock-out the employer shall be required to pay, on the normal pay day, the wages and supplements due to such workers and earned prior to the commencement of the strike or lock-out. The personnel responsible for making the payment shall also be required to work. In the event of a breach of this requirement, the provisions of the second paragraph of section 40 shall apply.

The employer shall not pay any wages or social benefits to workers whose contracts of employment are suspended for the period of a strike or lock-out, nor shall this period be taken into account in the calculation of seniority allowance. Collective labour agreements or contracts of employment may not include any clause contrary to these provisions.

Workers shall continue to benefit from the relevant provisions of the Act respecting social security during the period of a strike or lock-out.

Prohibition of recruitment or other employment:

Article 43. During a lawful strike or lock-out the employer shall not be permitted to take on any worker in a permanent or temporary capacity or to employ any other person in substitution for a worker whose rights and obligations under his contract of employment are suspended in accordance with the provisions of section 42. The right to recruit new workers in substitution for the workers whose contracts of employment are terminated with just cause among the workers excluded from taking part in a strike or lock-out under section 39 shall be reserved. Acts of the employer in contravention of this prohibition shall be inspected, upon the written request of the strike pickets or the trade union which is party, by the relevant regional directorate.

Where the workers who are not participating or have refused to participate in a strike are employed under the provisions of the second paragraph of section 38, the employer shall employ them only in their own functions and not in substitution for the workers who take part in the strike.

A worker whose rights and obligations under his contract of employment are suspended in consequence of a lawful strike or lock-out shall not be permitted to accept any other employment. If he does, the employer may terminate his contract of employment without notice or compensation.

Effect of a lawful strike or lock-out on entitlement to housing:

Article 44. An employer shall not require a worker who takes part in a lawful strike or is affected by a lawful lock-out to vacate the housing he has placed at the worker's disposal. This prohibition shall apply for a period of 90 days from the date the strike was called or the lock-out ordered in the establishment.

During the period indicated a worker occupying such housing shall be required to pay the employer the appropriate sums in respect of repairs, water, gas, lighting and heating charges, and rent.

During a lawful strike or lock-out an employer shall not be permitted to curtail the water, gas, lighting or heating services provided in connection with the housing: Provided that a worker shall not be entitled to demand the continuation of such services if they have been cut as a direct consequence of the lawful strike or lock-out.

Consequences of an unlawful strike or lock-out:

Article 45. In the event of an unlawful strike the employer shall be entitled, without any liability as to notice or compensation, to terminate the contract of employment of any worker who has supported the decision to call the strike or urged others to support it, or has taken part in the strike or has urged others to take part in it or sustain it.

In the event of an unlawful strike any damages sustained by the employer as a result of its existence, organisation or conduct shall be compensated by the workers' union that decided to call it or, if it takes place otherwise than by decision of a workers' organisation, by the workers who took part in the strike.

In the event of an unlawful lock-out a worker shall be entitled to terminate his contract of employment with the employer ordering the lock-out, with just cause and without any liability as to notice, and may demand all his rights. The employer shall be required to pay all the sums that a worker is entitled to receive under his contract of employment and to compensate any damages he has sustained during the period of the lock-out, without any obligation on the worker's part to do the corresponding work.

Determination suit:

Article 46. Either party to a dispute may at any time request the competent labour court under the provisions of section 15 to determine whether or not a strike or lock-out that has been called, ordered or commenced is unlawful. The court shall take a decision within one month. The decision shall be binding on the parties and the members of the workers' and employers' union and shall be an absolute evidence in criminal court proceedings.

The judge may order the suspension of the strike or lock-out in question as an precautionary injunction until a final ruling is given on the case, or may lift any precautionary injunction.

Abuse of the right to strike and lock-out:

Article 47. The right to strike or lock out shall not be exercised contrary to the rules of good faith or in such a manner as to damage society or destroy national wealth. Any strike called or lock-out ordered contrary to this rule shall be suspended by the competent court under section 15, upon the request of either party or the Minister of Labour and Social Security.

If it is established by the final judgement of a court that a lawful lock-out has been ordered with the object of permanently closing the establishment, the lock-out shall cease as soon as the judgement is communicated to the employer or employers' union concerned. The competent court shall be determined under the provisions of section 15.

The workers shall be entitled to benefit from the provisions of the third paragraph of section 45 in the event of such a lock-out.

The trade union shall be responsible for any material damage sustained in the establishment during a strike caused by the deliberate action or negligence of the workers or the union taking part in the strike.

Strike pickets:

Article 48. A workers' union that has called a lawful strike in an establishment shall be entitled, with the object of ensuring that its decision is respected, to place strike pickets consisting of not more than four of its members at each entrance and exit, who may not resort to force, violence or threats, and who shall ensure that the members of the organisation respect the decision to go on strike. The freedom to work shall be guaranteed in every case.

The strike pickets shall not obstruct the entrance or exit of the establishment or stop those going in or out even for purposes of control or checking.

It shall be prohibited to place any means of publicity such as posters and signs or to write phrases in or around the establishments where the strike is called except the expression "the workers are on strike in this establishment".

The workers' union or the workers shall not provide any means of shelter such as sheds, huts or tents in or around the establishment for the strike pickets or workers who take part in the strike. However, the means to meet the basic requirements of the strike pickets shall be determined by a regulation to be issued by the Ministry of Labour and Social Security.

Lock-out pickets:

Article 49. An employers' union that has ordered a lawful lockout in an establishment shall be entitled, with the object of ensuring that its decision is respected, to send pickets to the establishments affected by the lockout, who may not resort to force, violence or threats, and who shall ensure that the members of the organisation respect the decision to order a lock-out.

It shall be prohibited to place any means of publicity such as posters and signs or to write phrases in or around the establishments where the lock-out is ordered except the expression "the workers are locked-out in this establishment".

Powers of the civil authority in the event of a strike or lock-out:

Article 50. In the event of a strike or lock-out the highest civil official of the locality shall take the necessary measures related to safety, health, order and protection in the establishments affected by the strike or lock-out. He shall also take the necessary measures to ensure the services and needs likely to be interrupted that are essential to the daily requirements of the public.

The nature, scope and implementation of these measures shall be provided in a regulation: Provided that the nature of the measures shall not prejudice the execution of a lawful strike or lock-out.

Decision to end a strike or lock-out:

Article 51. A decision to end a lawful strike or lock-out shall, on being taken by the party by which the strike or lock-out was initiated, be notified in writing to the opposite party and to the regional directorate of the Ministry of Labour and

Social Security by the end of the next working day and announced in at least one local newspaper or, if there is no such paper, through the usual channels. A lawful strike or lock-out shall cease on the date of the announcement.

A decision to end a strike shall not affect or cease a lock-out; likewise, a decision to end a lock-out shall not affect or cease a strike.

The strike or lock-out shall end ipso facto where the workers' union that initiated the strike is barred from activity or dissolved or liquidated for any reason. The lock-out shall end ipso facto where the employers' union that initiated the lock-out is barred from activity or dissolved or liquidated for any reason. The competent authority shall announce the end of a strike or lock-out.

Where it is determined that three-fourths of the members at the establishments affected by the strike have left the membership of the union that initiated such strike, any of the interested parties may request the competent court under the provisions of section 15 to end the strike. The decision of the court to end the strike shall be announced as provided in the first paragraph.

### PART III. PEACEFUL SETTLEMENT OF COLLECTIVE LABOUR DISPUTES

#### DIVISION I. APPLICATION TO THE HIGH COURT OF ARBITRATION

Application:

Article 52. In disputes concerning the establishments or the activities and services where it is prohibited to call a strike or order a lock-out, any party may apply to the High Court of Arbitration as provided in section 32. Where the right to call a strike or order a lock-out is suspended, the Minister of Labour and Social Security shall apply to the High Court of Arbitration after the expiry of the suspension period.

Constitution of the High Court of Arbitration:

Article 53. The High Court of Arbitration shall consist of the following, under the chairmanship of the President of the Labour Division of the Court of Appeal:

1. A member to be selected by the Council of Ministers among persons having knowledge and experience in economics, management, social policy or labour law, who shall not have any ties in any way with workers' and employers' organisations or any function in the organs of the political parties and shall be outside the ministries;
2. A lecturer in economics or labour law to be selected by the Council of Higher Education among the teaching staff of the universities;
3. The Director-General of Labour of the Ministry of Labour and Social Security;
4. Two members to be elected by the workers' confederation having the largest number of members;
5. Two members to be elected by the employers' confederation having the largest number of members, one of them to be selected among public employers.

[Term of office of elected members, quorum, etc.]

Examination of disputes:

Article 54. The High Court of Arbitration shall have a meeting attended by all the members within six working days after its receipt of the application. The absence of any two of its members, other than the president, shall not prevent a session from being held. If the President or any member is on leave or excused from attending, he shall be replaced by a substitute from the same group.

Each case shall be examined by the High Court of Arbitration on the basis of the documents in the file. The Court shall obtain any information that is lacking from the parties concerned. It shall also convene and hear any persons whose opinion it wishes to obtain or shall request them to present their opinion in writing. The provisions of the Code of Civil Procedure as to witnesses and experts shall apply to such persons.

The High Court of Arbitration shall reach its awards by an absolute majority of the members present in that meeting. Where the voting is equal, the President shall have a casting vote.

Legal nature of arbitration awards:

Article 55. The awards of the High Court of Arbitration shall be final and have the same force and effect as a collective labour agreement.

Conditions to be fulfilled by the workers' and employers' members:

Article 56. The conditions to be fulfilled by the members elected on behalf of the workers and employers shall be as follows:

1. They must be Turkish citizens;
2. They must be able to read and write;
3. They must be in full possession of their civic and political rights;
4. They must not have been sentenced for an offence, other than one of negligence, punishable with heavy penal servitude or more than six months' imprisonment, or an offence against the State or an offence punishable with a loss of civic rights, such as embezzlement, fraud, swindling, theft., forgery, breach of trust or fraudulent bankruptcy, even though an amnesty has been declared, and they must not have any function in the organs of the political parties.

Article 57. [Secretariat].

## DIVISION II. RECOURSE TO PRIVATE ARBITRATION OR OFFICIAL MEDIATION

Recourse to private arbitration:

Article 58. The parties may agree to resort to private arbitration at any stage in the collective dispute involving rights or interests. Any clause in a collective labour agreement providing for recourse to private arbitration at the request of either

of the parties shall be valid. In such cases, upon the request of either party, the dispute shall be resolved by the arbitrator.

If the parties agree in writing to resort to private arbitration in a dispute involving interests, the provisions governing mediation, strike or lock-out, or statutory arbitration shall not thereafter apply.

Where the parties resort to private arbitration in a dispute involving interests, the award shall have the same force and effect as a collective labour agreement. The award in a dispute involving rights shall be subject to general legislation.

The parties may agree to select the High Court of Arbitration as a private arbitrator at any stage in the dispute.

Official mediation organisation:

Article 59. An official mediation organisation attached to the Ministry of Labour and Social Security shall be set up to take the necessary steps and measures for providing the official mediation services prescribed in this Act.

The principles and procedures governing the establishment and operation of the official mediation organisation and the preparation of the list of persons who may be called upon as official arbitrators and the minimum and maximum fees payable to official arbitrators shall be provided in the regulation to be issued under section 65.

[Fees of mediators, procedures, etc.]

### DIVISION III. COLLECTIVE DISPUTES INVOLVING RIGHTS

Interpretation: .

Article 60. Where there is a dispute due to the interpretation of a collective agreement in force, either party to the agreement may lodge a suit with the competent labour court under the provisions of section 15 requesting an interpretation. The court shall take a decision within two months at the latest. Where an appeal is lodged against this decision, the relevant division of the Court of Appeal shall, in the event of a reversal, render a final decision within two months.

The provisions of section 80 shall apply to the party that fails to observe the final decision on interpretation. The right of individuals to compensation due to failure to observe such a decision shall be reserved.

Article 61. [Payment.]

### PART IV. MISCELLANEOUS PROVISIONS

Employers:

Article 62. The provisions of this Act as to rights and obligations shall apply to persons performing the duties of an employer or employer's representative even if their wages or remuneration are determined by law.

Any person holding a position as the employer's representative in an establishment and acting as a party to a collective labour agreement or during collective bargaining as a representative shall be deemed to be an employer for the purposes of this Act.

Posting of notices in an establishment:

Article 63. Every employer who is bound by a collective labour agreement, a private arbitration award, or a High Court of Arbitration award having the same force and effect as a collective labour agreement, or final judgement of a court or private arbitration award in disputes involving rights shall be required to post up the original, or a copy certified by the issuing authority or a copy certified by the notary public in a conspicuous place in the establishment.

Supervision:

Article 64. Compliance with a collective labour agreement or an arbitration award or the judgement of a court, as provided in section 63, shall be supervised in accordance with the provisions of the Labour Act.

Arbitration and mediation regulations:

Article 65. The principles and procedures governing the work of the High Court of Arbitration, its operation and services; the allowances to be paid to the President and members and to the experts and reporters assigned to it; the fees to be paid to other experts and witnesses and the principles and procedures governing the work of a private arbitrator in disputes involving interests shall be provided in a regulation.

Application of other enactments:

Article 66. In the absence of any relevant provisions in this Act, the provisions of the Civil Code, the Code of Obligations and the other laws relating to contracts of employment which are not contrary to this Act shall apply. Unless provided otherwise, all the notifications and communications prescribed in this Act shall be subject to the provisions of the Act respecting notifications.

All conflicts and disputes concerning the application of this Act shall be resolved in courts of law having jurisdiction in labour matters.

Article 67. [Credits.]

## PART V. PENALTIES AND CONCLUDING PROVISIONS

### DIVISION I. PENAL PROVISIONS

Placing prohibited stipulations in a collective labour agreement:

Article 68. Any person found guilty of violating the provisions of section 5 by including stipulations in a collective labour agreement contrary to the indivisible integrity of the State with its territory and the nation, national sovereignty and the Republic and national security and encouraging, supporting or protecting acts which are criminal offences shall be liable to a term of imprisonment of not less than six months and not more than one year.

Responsibility of the official mediator:

Article 69. Any of the mediators assigned by the court under the provisions of section 22 who abuse their functions and duties with malicious intent to the parties or with the same intent fail to transmit the report referred to in section 23 to the competent authority within the time limit prescribed therein shall be liable to a major fine of not less than TL 10,000 and not more than TL 25,000.

The official mediators assigned to duty shall be considered civil servants for any offences committed by or against them during their term of duty.

Unlawful strikes and lock-outs:

Article 70. Persons taking a decision to call an unlawful strike or order an unlawful lock-out or urging or obliging others to call such a strike or order such a lock-out or engaging in propaganda to that end shall be liable to a major fine of not less than TL 30,000 and not more than TL 80,000 and to a term of imprisonment of not less than one month and not more than three months.

Where the decision to call a strike or order a lock-out referred to in the previous paragraph is subsequently put into effect, the persons taking the decision, or taking part in such a strike or such a lock-out or sustaining it, or urging or obliging others to call such a strike or order such a lock-out or to take part in it or sustain it or engaging in propaganda to that end shall be liable to a term of imprisonment of not less than three months and not more than six months and to a major fine of not less than TL 50,000 and not more than TL 100,000.

Where the condition not fulfilled in taking a decision to call such a strike or order such a lock-out is only related to time limits and notifications, the penalties provided in the above paragraphs shall be reduced by not less than one third and not more than half.

Any person taking part in an unlawful strike or sustaining such a strike prescribed under this section shall be liable to a major fine of not less than TL 5,000 and not more than TL 80,000.

Violating the law in the application of a strike or lock-out:

Article 71. Where a decision to call a strike or order a lock-out is put into effect contrary to the conditions and procedures set forth in this Act, although the decision has been taken in accordance with the provisions of this Act, any person putting such a strike or lock-out into effect or taking part or inciting and obliging others to take part in it or sustain it or engaging in propaganda to that end shall be liable to a term of imprisonment of not less than one month and not more than three months and to a major fine of not less than TL 10,000 and not more than TL 30,000.

Depending on the nature of the offence, the provisions of the second and fourth paragraphs of section 70 shall apply to any person found guilty of putting into effect or taking part in a strike that has been rejected in a strike ballot held in accordance with the provisions of section 35.

Disregard of prohibitions to call a strike or order a lock-out:

Article 72. Any person taking a decision to call a strike or order a lock-out in an establishment or service or activity where to call a strike or order a lock-out is prohibited under sections 29 and 30 or temporarily prohibited under section 31, or sustaining such a decision, or inciting or obliging others to take such a decision or engaging in propaganda to that end shall be liable to a term of imprisonment of not less than two months and not more than six months and a major fine of not less than TL 50 000 and not more than TL 100,000.

Where the decision to call a strike or order a lock-out referred to in the previous paragraph is put into force, any person taking the decision to call such a strike or order such a lock-out, or inciting and obliging others to take such a decision, or to put it into force, or to take part in it or sustain it or engaging in propaganda to that end and any person taking part in such a strike or lock-out or sustaining it shall be liable to a term of imprisonment of not less than nine months and to a major fine of not less than TL 100,000 and not more than TL 200,000.

Any person taking part in an unlawful strike or unlawful lock-out prescribed in this section or sustaining it shall be liable to a term of imprisonment of not less than six months.

The provisions of the above paragraphs shall also apply to any strike called or lock-out ordered for political purposes, general strike or lock-out, solidarity strike or lock-out, occupation of the establishment, concerted action to reduce output, slowdown and any other action aimed at obstructing production: Provided that in the event of a strike or lock-out for political purposes, a general strike or lock-out or solidarity strike or lock-out the penalties provided under the provisions of the above paragraphs shall be doubled.

Depending on the nature of the offence, the provisions of the second or third paragraph shall apply to any person disregarding a precautionary injunction ordering the suspension of a strike or lock-out under the provisions of the second paragraph of section 46.

Unlawful strikes and lock-outs intended to influence decisions:

Article 73. Any person taking a decision to call an unlawful strike or order an unlawful lock-out with the object of securing a particular decision, or the alteration or reversal of a particular decision, by the legislative, executive or judiciary organs or by the central or a local authority, or inciting or obliging others to take such a decision or engaging in propaganda to that end shall be liable to a term of imprisonment of not less than three months and not more than nine months and to a major fine of not less than TL 75,000 and not more than TL 150,000.

Where the decision to call a strike or order a lock-out referred to in the previous paragraph is subsequently put into effect, any person taking the decision to call such a strike or order such a lock-out, or inciting and obliging others to take such a decision, or to put it into effect, or to take part in it or sustain it or engaging in propaganda to that end and any person taking part in such a lock-out shall be liable to a term of imprisonment of not less than one year and to a major fine of not less than TL 150,000 and not more than TL 300,000.

Any person taking part in an unlawful strike as provided in this section shall be liable to a term of imprisonment of not less than six months and to a major fine of not less than TL 10,000.

Strikes or lock-outs against the State:

Article 74. Any person taking a decision to call a strike or order a lock-out against the indivisible integrity of the State with its territory and the nation, national sovereignty and the Republic and the security of the State or any person putting such a decision into effect shall be liable also to the penalties prescribed in section 73, without any prejudice to any other penalty provided in other legislation.

Disregard of an order for the suspension of a strike or lock-out:

Article 75. Where the Council of Ministers makes an order to suspend a strike or lock-out under the provisions of the first paragraph of section 33, any person failing to take a decision to end such a strike or lock-out, or taking part in such a strike or lock-out or sustaining it or inciting or obliging others to take part in it or sustain it or engaging in propaganda to

that end shall be liable to a term of imprisonment of not less than six months and to a major fine of not less than TL 30,000.

Fraud, threats or force in connection with a strike ballot:

Article 76. Any person resorting to fraud, threats or force with the object of influencing the result of a strike ballot shall be liable to a term of imprisonment of not less than three months and not more than one year.

Refusal to leave the establishment in the event of a strike or lock-out; obstruction:

Article 77. Any worker failing to leave the establishment, although taking part in a strike or affected by a lock-out, or forming groups in front or around the establishment disregarding any warnings and any person inciting or obliging workers to commit such actions or engaging in propaganda to that end shall be liable to a major fine of not less than TL 10,000 and not more than TL 30,000.

Any worker refusing without a valid reason to work in an establishment although required to do so during a strike or lock-out shall be liable to a term of imprisonment of not less than three months and not more than one year and to a major fine of not less than TL 5,000 and not more than TL 15,000.

Infringement of the rights of workers involved in a strike or lock-out:

Article 78. Any employer refusing to employ a worker who is required to work during a strike or lock-out under the provisions of section 39 shall be liable to a term of imprisonment of not less than three months and not more than one year and to a major fine of not less than TL 15,000.

Any employer recruiting new workers without obtaining the written permission prescribed in the second paragraph of section 40 shall be liable to a major fine of not less than TL 50,000 and not more than TL 100,000 in respect of each worker recruited or employed without such permission.

Any employer acting in contravention of section 43 or any person obliging or inciting an employer so to act or engaging in propaganda to that end shall be liable to a major fine of not less than TL 150,000 in respect of each worker recruited or employed in substitution for the workers who take part in the strike, in contravention of that section.

Any employer evicting a worker from his accommodation or cutting the supply of water, gas, lighting or heating in contravention of section 44, or any person obliging or inciting an employer so to act or engaging in propaganda to that end shall be liable to a term of imprisonment of not more than three months and to a major fine of not less than TL 30,000.

Unlawful strike pickets and other acts:

Article 79. Any person placing a picket consisting of a larger number of persons than is laid down in section 48 or of persons who are not members of the workers' union calling the strike, or any group of persons assembling to form such a picket or assembling to form a picket without being members of the workers' union calling the strike in the establishment shall be liable to a term of imprisonment of not less than two months and not more than six months. Any strike picket acting in contravention of the second paragraph of the same section shall be liable to a term of imprisonment of not less than four months and not more than one year.

Any person placing any means of publicity, such as posters and signs or writing phrases except the expression "the workers are on strike in this establishment" in or around the establishment where there is a strike, or any person placing

any means of publicity, such as posters and signs or writing phrases except the expression "the workers are locked out in this establishment" in or around the establishment where there is a lock-out, or any person who provides or engages in setting up any means of shelter, such as sheds, huts or tents in or around the establishments where there is a strike shall be liable to a term of imprisonment of not less than one month and not more than six months and a major fine of not less than TL 5,000 and not more than TL 15,000.

Failure to notify or give information; disregard of a court decision:

Article 80. Any person failing to comply with an obligation laid down in section 28, or in the first paragraph of section 51, or in the second paragraph of section 54, or in the third paragraph of section 59, or in section 63, respecting communications, notifications, announcements and the providing of information shall be liable to a major fine of not less than TL 20,000 and not more than TL 60,000.

Any party disregarding the final judgement of a court concerning the interpretation of a collective labour agreement in force, upon the request of any interested party, shall be liable to a major fine of not less than TL 30,000.

Repetition of an offence, imposing of a heavier penalty:

Article 81. In the event of a repetition of any offence prescribed in this Act, the penalties set forth in this Act shall be increased by not less than one third and not more than half.

Where any offence prescribed in this Act is liable to a heavier penalty provided for in other legislation, the heavier penalty shall apply.

## DIVISION II. CONCLUDING PROVISIONS

Acts repealed:

Article 82. Act No. 275 of 15 July 1963 r respecting collective labour agreements, strikes and lock-outs, with the exclusion of its provisions referred to in Act No. 2364, is repealed on the date this Act enters into force; the provisions of Act No. 275 referred to in Act No. 2364 and the Act No. 2364 respecting the renewal of collective labour agreements in case of social necessities are repealed on the date the Turkish Grand National Assembly assumes its duties.

[Transitional provision.]

Date of commencement:

Article 83. This Act shall come into operation on the date of its publication.

Execution:

Article 84. The Council of Ministers shall be responsible for the execution of this Act.