

LAW ON TRADE UNIONS AND COLLECTIVE LABOUR AGREEMENTS

Law No. 6356Date of Enactment: 18/10/2012

PART I

*Purpose and Definitions***Purpose**

ARTICLE 1 - The purpose of this Law is to establish the principles and the procedures on the establishment, management, operation, audit, activities and organization of workers' and employers' trade unions and confederations, on the conclusion of collective labour agreements in order for workers and employers to mutually determine their economic, social and working conditions, on the settlement of disputes through peaceful means and on strikes and lock-outs.

Definitions

ARTICLE 2 - (1) For the purpose of this Law, the following terms shall have the meaning as follows:

- a) *Ministry* refers to the Ministry of Labour and Social Security,
- b) *Framework agreement* refers to the agreement at the level of the branch of activity concluded between workers' trade unions and employers' trade unions which are members of workers' and employers' confederations represented in the Economic and Social Council
- c) *Competent authority* refers to the Provincial Directorate of the Labour and Employment Agency of the Ministry to which the workplace is affiliated for a collective labour agreement of the workplace, and to the Provincial Directorate where the headquarter of the enterprise is located for an enterprise collective labour agreement; to the Provincial Directorate of the Labour and Employment Agency to which the workplaces are affiliated for a group collective labour agreement which covers these workplaces under the authority of the same Provincial Directorate of the Labour and Employment Agency, and refers to the Ministry for a group collective labour agreement which covers the workplaces under the authority of more than one Provincial Directorate of the Labour and Employment Agency.
- ç) *Group collective labour agreement* refers to collective labour agreement concluded between a worker's trade union and an employer's trade union which covers the workplaces and the enterprises in the same branch of activity belonging to more than one employer.
- d) *Enterprise collective labour agreement* refers to the agreement which covers more than one workplace in the same branch of activity belonging to a legal or natural person or a public institution.
- e) *Employer's representative* refers to the persons authorized to manage an entire enterprise in the name of the employer.
- f) *Confederation* refers to the organizations having legal personality established by the association of at least five trade unions operating in different branches of activity
- g) *Organization* refers to trade unions and confederations.
- ğ) *Trade union* refers to the organizations having legal personality to carry out activities in a branch of activity established by the association of at least seven workers or employers in order to protect and promote their common economic and social rights and interests in labour relations.
- h) *Collective labour agreement* refers to the agreement concluded between a workers' trade union and an employers' trade union, or an employer who is not a member of any union, in order to regulate the matters with regard to the conclusion, content and termination of the employment contracts.
- ı) *Higher organisation* refers to the confederations.
- i) *Union official* refers to the executive board members of the organization and its branch.

(2) The employer's representatives shall be considered as employers for the purposes of the implementation of this Law.

(3) The concepts of worker, employer and workplace for the purposes of the implementation of this Law are as defined in the Labour Law, No 4857 and dated 22/5/2003.

(4) A natural person who carries out his professional activities independently for a fee, apart from a labour contract and in accordance with a transport contract, work contract, attorney agreement, brokerage contract, publishing contract and a commission contract shall also be considered as workers within the meaning of from the second to the sixth part of this Law.

PART TWO

Principles of Establishment and Organs

Freedom of establishment

ARTICLE 3 - (1) Organizations shall be established without prior authorisation in compliance with the procedures and principles of establishment in this Law. Unions shall carry out their activities in the branch of activity of their establishment.

(2) Unions of the public employers shall not be required to be established and carry out activities by public employers in the same branch of activity.

Branches of activity

ARTICLE 4 - (1) The branches of activity are included in the Table No. 1 annexed to this Law.

(2) Auxiliary activities along with the main activity carried out in a workplace shall be considered to belong to the main branch of activity.

(3) The classification of all the works under a branch of activity shall be laid down by the Ministry in a by-law, taking account of international standards and the opinions of workers' and employers' confederations.

Determination of the branch of activity

ARTICLE 5 - (1) The branch of activity in which a workplace will be included shall be determined by the Ministry. The decision of the Ministry shall be published in the Official Gazette. The parties concerned may apply against this decision to the local court having jurisdiction in labour matters within 15 days of the publication of the decision. The court shall give its decision within two months. Where this ruling is appealed, a final ruling shall be given by the Supreme Court within two months.

(2) If the competency process for a new collective labour agreement has begun, the determination of the branch of activity shall prevail for the next period. Requests for the determination of the branch of activity and cases brought to court on the basis of these requests shall not be regarded as reasons to delay competency procedures and competency determination cases.

(3) The change of the branch of activity shall not have an effect on the valid collective labour agreement.

Requirements for founding members

ARTICLE 6 - (1) Natural or legal persons who have the capacity to act and who work de facto shall be entitled to establish a trade union. However, even if the periods specified in Article 53 of the Turkish Criminal Code No. 5237 and dated 26/9/2004 have expired, those who have been found guilty of a felony such as embezzlement, corruption, bribery, theft, fraud, forgery, obtaining by false pretences, fraudulent bankruptcy, bid rigging, fraud in fulfilment of obligations, laundering assets derived from criminal offences or smuggling shall not be entitled to establish a trade union.

(2) Where the founding member of an employers' trade union is a legal person, the natural person who is a representative of the legal person should have the qualifications specified in the first paragraph above.

Procedure for establishment

ARTICLE 7 - (1) The organisations shall acquire legal personality as soon as the statute of the organisation attached to a petition has been submitted to the Governorate of the province of their headquarters. For trade unions, written declarations of founding members indicating that they meet the requirements to be founders and for higher organisations, the decisions taken by the general assembly of the respective organisations shall be annexed to the petition.

(2) The Governor shall forward the statute and the list of founding members to the Ministry within fifteen days. The Ministry shall announce the name, headquarters and the statute of the organisation on its official website within fifteen days.

(3) If the statutes or the information contained in the documents referred to in this Article are determined to be in conflict with the law or the requirements of establishment set forth in this Law, the relevant Governor shall request the remedy of the deficiencies within one month. In case deficiencies are not remedied within that period and the situation contrary to law continues, the Ministry or the Governor shall apply to the local court having jurisdiction in labour matters which may decide within three working days to stop the activities of the organisation after taking opinions of the founding members. The court shall grant an extension for the remedy of deficiencies and illegality for not more than sixty days.

(4) After the statute and documents are made to be in compliance with the law, the court shall revoke the decision of suspension. In case the statute and documents are not made to be in compliance with the law within the extension period, the court shall decide to dissolve the organisation.

(5) The amendments to the statutes shall be published in accordance with the second paragraph. These abovementioned provisions shall also apply in cases where the statute is amended, and the deficiencies in procedures and other situations in conflict with the law occur.

Statute of the organisations

ARTICLE 8 - (1) The following shall be included in the statutes of the organisations:

- a) The name, headquarters and address of the organisation,
- b) The aim of the organization,
- c) The branch of activity in which the trade union will function,
- ç) Full names, identity information, profession and craft and place of residence of the founders of the trade union; branches of activity, names and addresses of the trade unions forming the higher organizations,
- d) The conditions for the acquisition of membership, the withdrawal and expulsion from the membership,
- e) The composition and meeting dates as well as the functions and powers, the voting and decision-making procedure and quorum of the general assembly.
- f) The organs apart from the general assembly, their compositions, their functions, powers and responsibilities, their procedures and principles of work as well as quorum for meeting and decision taking.
- g) Procedures and principles for the establishment, merger and closure of branches or regional branches, their functions and powers, procedures and principles of general board meetings and decisions, representation way of union and regional branches at the general board of the trade union,
- ğ) The procedures and principles for membership dues and salaries of the union officials,
- h) Procedures and principles to be applied during the sale and cancellation of fixtures,
- ı) The internal audit procedures of the organisation,
- ı) The provisions for the amendment of the statute,
- j) Liquidation of the assets in case the organisation is dissolved,
- k) Full names and places of residence of the members of the provisional executive board members authorised to represent and administer the organisation until its organs are duly formed.

General provisions concerning the organs

ARTICLE 9 - (1) The organs of the organization and its branches are the general assembly, the executive board, the board of auditors and the disciplinary board. The number of the executive board members apart from those in the general assembly shall not be less than three or more than nine; the number of the executive board members of the confederations shall not be less than five or more than twenty-two; and the number of the board members of the branches apart from those in the general assembly shall not be less than three or more than five. An equal number of substitute members with that of the members shall be elected to the organs, with the exception of the general assembly.

(2) The organisations may set up other organs as they need. However, the functions and powers of the general assembly, the executive board, the board of auditors and the disciplinary board shall not be transferred to these organs.

(3) The conditions required in Article 6 should be fulfilled in order to be eligible for the organs other than general assembly of the organisations. The court shall remove a person from such office upon the application of Governorship or the Ministry which finds out that a person not fulfilling these conditions was assigned to an office. The decision of the Court shall be final.

(4) The full names of the members elected to the organs other than the general assembly and the opening or closing of branches shall be communicated to the relevant governors of provinces and be announced in accordance with the second paragraph of Article 7.

(5) The functions of the members elected to the organs other than the general assembly shall automatically terminate if they are sentenced under any of the offences specified in Article 6.

(6) In the event that the executives of the organization or its branch are elected as a member of parliament or a mayor, their service shall automatically terminate.

(7) Unless a higher quorum is specified in the statute, the quorum for meeting of the organs apart from the general assembly shall be the absolute majority of the board members and the quorum for decision making shall be the absolute majority of the participants to the meeting.

Composition of the general assembly

ARTICLE 10 - (1) The general assembly of the organisations shall be composed of its members or delegates, in accordance with their statutes. The members of the executive board, the board of auditors and the disciplinary board of the organisations and branches shall be ex officio delegates to the general assembly of their respective organizations.

(2) The credentials of the delegates shall be valid until the date of election for the delegates to the next ordinary general assembly.

(3) The procedures and the principles for the election of the delegates shall be defined by the statute of the

organization. However, the statutes shall not have any restrictive provisions concerning the election of the delegates.

Functions and powers of the general assembly

ARTICLE 11 - (1) The functions and the powers of the general assembly are as follows:

- a) Elections of the organs,
- b) Amendments to the statute,
- c) Competence of the executive board to deal with the issues which are considered illegal and demanded to be adjusted by the relevant authorities or the court provided that the issue is addressed in the first general assembly and is not applied retrospectively.
- ç) Examination of the reports submitted by the executive board and the board of auditors as well as the reports submitted by the certified public accountants,
- d) Absolution of the executive board and the board of auditors,
- e) Approval of the budget,
- f) Determination of the salaries, compensation, allowances and travel pay to be paid to the members of the executive board, the board of auditors and disciplinary board and their social rights,
- g) Competence of the executive board to acquire or dispose of any immovable property,
- ğ) To be the founding member of a higher organization, acquisition of its membership and withdrawal from the membership,
- h) To open, merge or close down the branches or to authorize the executive board in this regard,
- ı) To merge or join,
- i) To be the founding member of an international organization, acquisition of its membership and withdrawal from the membership,
- j) To dissolve the organization,
- k) To execute other activities entrusted to the general assembly by the statute or in legislation; to decide on matters which are not entrusted to other organs,

(2) The general assembly of branches shall have jurisdiction only on items (a), (ç), (d) and (k). The general assembly of branches shall not have power on financial absolution.

Meeting dates of the general assembly

ARTICLE 12 - (1) The first general assembly of the organisations shall meet within six months of the date on which it acquires legal personality and the first general assembly of the branches shall meet within six months following the date of establishment.

(2) The ordinary general assembly shall meet once in every four years at the latest.

(3) The activity and financial reports, reports of the board of auditors and the reports of the certified public accountant covering the period between two general assembly meeting and draft budget proposals for the next period, shall be forwarded to the participants of the assembly fifteen days prior to the meeting date of the general assembly.

(4) The extraordinary general assembly shall meet within sixty days when deemed necessary by the executive board or the board of auditors or upon the written requests by one fifth of the members of the general assembly or the delegates in order to address primarily the issues specified in their written requests. Where there is less than six months at the time of the submission until the convening date of the ordinary general assembly, an extraordinary general assembly shall not be held; however the issues in the submission shall be included in the agenda of the ordinary general assembly.

(5) Call for the convening of the meetings of the general assembly shall be made by the executive board.

(6) Upon the request of any member of the organisation or the Ministry ascertaining the matter, the executive board of a branch or organisation which has contravened the above provisions shall be removed by a court decision. Moreover, the Court shall appoint one or three trustees in the manner pursuant to the provisions of the Civil Code No. 4721 and dated 22/11/2001 in order to convene the general assembly in the shortest time and manage the organization until a new executive board has been formed in accordance with the provisions of the law and the statutes.

Quorum of the general assembly for meetings and decisions

ARTICLE 13 - (1) The absolute majority of the total number of the members or the delegates shall be required to constitute a quorum at the general assembly meetings. A higher quorum may be provided for by a statute. Where the quorum is not met in the first meeting, the second meeting may be held fifteen days later at the latest. The number of participants to this meeting shall not be less than one-third of the total number of the members or delegates.

(2) The participation and voting of members or delegates in the general assembly meetings shall not be obstructed.

(3) The absolute majority vote of the members or delegates present at a general assembly shall be required to take a decision. However, the required quorum shall not be less than one-fourth of the total number of members or delegates. In case a higher quorum is not provided for in the statute, the absolute majority vote of the total number of the members or delegates shall be required to take a decision in statute amendments, dissolution, joining, merge, and in establishment of higher organizations or international organizations and joining and withdrawing from them.

Electoral procedures of the general assembly

ARTICLE 14 - (1) The delegates of the general assembly and the members of the executive board, board of auditors and disciplinary board shall be elected under the supervision of the judiciary in accordance with the principles of a free, equal and secret vote, public counting and open returns of the votes and with the provisions of the statute.

(2) The list containing the names of the members or delegates and a document indicating the agenda, place, date, and time of the general assembly meeting and the details of the second meeting in case the necessary quorum is not reached shall be forwarded to the competent electoral board at least 15 days prior to the date of the meeting of the general assembly.

(3) The judge shall examine and approve the lists of members or delegates to participate and to vote in the elections and forward a copy to the relevant organisations or branches to be announced. The relevant organisation shall announce the approved list on the notice board of the organisation or its branch seven days before the date of the general assembly meeting. The announcement period shall be three days.

(4) Any objection within the period of announcement shall be examined by the electoral board within two days and a final decision shall be reached. Final list and the other matters related to the general assembly meeting thus finalised shall be communicated by the Judge to the organisation or branch concerned.

(5) The Electoral Board shall appoint an election committee, consisting of a chairman to be selected from persons who are not members of the organization and two members from among members who are not candidates. The substitute chairman of the election committee and its members shall also be selected in the same manner. The election committee shall be responsible for carrying out the elections and counting votes.

(6) The chairmanship shall prepare the voting papers containing the names of the candidates and submit these to the electoral board to be stamped.

(7) Any person included in the list shall have the right to vote after providing an official ID card and signing of the list. The chairman of the election committee shall provide with the voting paper containing the official seal of the electoral board and the names of the candidates and the vote shall be cast by putting a mark next to the names. Any vote having more candidates marked than the required number of seats of the organs and votes written on some other paper shall be void.

(8) The result of the election shall be recorded in a report by the election committee and one copy of the report shall be posted at the place of the election.

(9) A copy of the report shall be transmitted to the electoral board together with the votes and other documents, to be retained for three months. The results of the elections shall immediately be announced by the board and be communicated to the relevant organization or its branches.

(10) The same penal provisions for offences against civil servants shall apply to any offence against the chairman and the members of an election committee during the elections.

(11) The relevant organization shall pay the salaries of the members of the electoral board and the election committee assigned in the elections, as provided in the Law No. 298 and dated 26/4/1961 on the Fundamental Principles of Elections and Records.

Objection to elections

ARTICLE 15 - (1) A judge shall evaluate the objections to the results of the elections within two days following the preparation of the reports on the proceedings during the elections of the organs held in the general assembly and give a final decision about the issue on the same day. Immediately after the period for an objection has expired and a final decision has been given, the judge shall announce the final results and communicate them to the relevant organization or the branch in accordance with Article 14.

(2) Within 30 days of the meeting of the general assembly, the Ministry and the members and delegates of the organisation or its branch may bring a case to the court with the allegation that the meeting of the general assembly or the elections have been held contrary to the provisions of the law or the statute; or that there has been an irregularity or unlawful practice having an effect on the outcome of the elections. The court shall apply fast-hearing procedures and decide within two months. In case the decision is appealed, the Supreme Court shall give a final decision within fifteen days.

(3) Where the Court decides to annul the election of the general assembly or the elections of the organs held in the general assembly, it shall appoint one or three trustees in accordance with the provisions of the Civil Code in order to convene the general assembly in the shortest time, carry out the elections and manage the relevant organization until a new executive board has been formed pursuant to the provisions of the law and the statutes.

Election of delegates in the organs other than general assembly

ARTICLE 16 - (1) The delegates of the organs other than the general board shall be elected by the members in accordance with the principles of free, equal, secret vote, public counting and open returns of the votes and with the provisions of the union's statute.

(2) A final decision shall be given within two days after the announcement of the results by the court to any objection against the election of the delegates in organs other than the general assembly. The elections shall be repeated in 15 days in cases where the election for the delegates is annulled by the court.

PART THREE

Membership

Trade union membership and acquisition of membership

ARTICLE 17 - (1) Any person who completes 15 years of age and who is considered as a worker in accordance with the provisions of this Law may join a workers' trade union.

(2) Any person who is considered as an employer within the meaning of this Act may join an employer's trade union.

(3) Acquisition of membership in a trade union shall be optional. No one shall be forced to be a member or not to be a member of a trade union. No worker or employer shall be a member of more than one trade union in the same branch of activity and at the same time. However, workers who are employed in the same branch of activity but in the workplaces of different employers may be a member of more than one trade union. Where a worker or an employer is a member of more than one trade union as a violation to this provision, their subsequent membership shall be void.

(4) The workers employed in auxiliary works may join the trade union established in the branch of activity covering that workplace.

(5) Trade union membership shall be acquired via e-State, provided that an application for a membership has been filed on the electronic application system of the Ministry via e- State and the authorized organ specified in the statute of the union has approved. The application for membership shall be considered approved if it is not refused by the trade union within 30 days. Any worker whose application is refused without a valid reason shall have the right to apply to the local court having jurisdiction in labour matters within 30 days of receipt of the notification. The decision of the court shall be final. Where the court decides in favour of the petitioner, membership shall be considered acquired on the date the decision of the court has become final.

Membership dues

ARTICLE 18 - (1) The amount of the membership dues shall be fixed by the general board in accordance with the procedures and principles identified in their statutes.

(2) Membership and solidarity dues shall be deducted from the wage of the worker and shall be paid to the relevant trade union upon the written request of the competent workers' trade union to the employer.

(3) The employer who does not deduct the dues that have to be paid in accordance with the above provisions or who does not pay them to the related workers' trade union within one month although he has made the deduction, shall be obliged to pay the amount of dues together with highest interest rate applied to working capital loan by banks, without a requirement for notification.

(4) The procedures and principles regarding membership dues shall be laid down in by-law to be issued by the Ministry.

Termination and suspension of membership

ARTICLE 19 - (1) No worker or employer shall be forced to maintain as a member or resign his membership in a trade union.

(2) Any member may resign from membership in a trade union by an application via e-State. The notification for resignation carried out by e-State shall reach the Ministry and the trade union at the same time.

(3) The resignation shall be effective one month after the date of notification to the trade union. In the case of acquisition of membership in another trade union during the period of one month, the new membership shall be considered valid as of the date of the end of this period.

(4) The decision of expulsion of any member from a trade union shall be taken by the general assembly. The decision shall be communicated in the electronic environment to the Ministry by e-State and in written to the expelled member. Within 30 days following the notification of the decision, the member concerned may appeal against the said decision to the court. The court shall take a final decision within two months. Membership shall continue until the decision of expulsion is final.

(5) Any person who loses his status as an employer or an employer's representative shall automatically lose membership and any function in an employers' trade union or a higher organisation effective on the date of losing such status. However, the membership of a legal personality in an employers' trade union shall continue even if the representative of this entity loses his status. In that case, any function of such representatives in the organs of the trade union or confederation shall terminate.

(6) Any worker who leaves employment to receive retirement or disability benefits or lump-sum payments from the Social Security Institution shall lose his membership. However, membership of persons who continue to work and membership of trade union officials who receive retirement or disability benefits or lump-sum payments during their terms of office in the executive board, board of auditors and disciplinary boards of the institution or its branch shall continue as long as their terms of office last and are renewed.

(7) Union membership of the person who changes his branch of activity shall automatically terminate.

(8) Taking office in the organs of the organizations and its branches shall not terminate membership.

(9) The unemployment of the member of the workers' trade union shall not affect his membership, provided that this does not exceed one year.

(10) The membership of the worker who is conscripted due to military service shall remain suspended during such service.

(11) The procedure and principles regarding the acquisition and termination of membership shall be laid down by a by-law to be issued by the Ministry.

Affiliation to higher organizations

ARTICLE 20 - (1) Affiliation to a higher organization shall be conditional upon the decision of the general assembly. Affiliation to a higher organisation shall be acquired by the approval of the competent organ identified in the statute. Trade unions shall not be affiliated to more than one higher organisation. Otherwise, the subsequent memberships shall be void.

(2) Withdrawal from the membership of a higher organisation shall be conditional upon the decision of the general assembly of the trade union. Withdrawal shall be valid one month after the date of notification to the higher organisation.

(3) Expulsion from membership shall be conditional upon the decision of the general assembly of the higher organisation.

(4) The decisions of affiliation, withdrawal and expulsion shall be communicated to the Ministry by the higher organisation within one month.

Affiliation to international workers' and employers' organisations

ARTICLE 21 - (1) In order to realise the objectives identified in their statutes, organizations may establish, freely affiliate to, withdraw from, cooperate with, send or receive members or representatives to international workers' and employers' organisations and may open foreign representative offices.

(2) International workers' and employers' organisations may, with the approval of the Ministry of Interior after taking into account the opinion of the Ministry of Foreign Affairs, open a representative office in Turkey and may become members of higher organisations.

(3) In the event of the violation of the above-mentioned paragraphs, the Ministry of Interior may apply to the competent labour court of the place where headquarter of the organization or its representative office is located, to have the membership cancelled or the activities of the representative office stopped or to have it closed.

(4) The workers' and employers' organisations in the Turkish Republic of Northern Cyprus may become members of the higher organisations established in Turkey.

Joining or merging of the organizations

ARTICLE 22 - (1) In the event of joining an organization, all the rights, obligations, competences and interests of the joining organisations shall be transferred automatically to the organization which they join.

(2) In the event of merging of organizations, all the rights, obligations, competences and interests of the organisations shall automatically be transferred to the new legal personality constituted as a result of the merger.

(3) Members of the organizations which join or merge shall become members of the organizations which they have joined, or which they established by the merger, without any other procedures.

(4) The organisation acceded to or the new organisation established shall communicate this situation to the Ministry within one month.

PART FOUR

Protection

Protection of workers' trade union management

ARTICLE 23 - (1) Where a union official leaves his workplace on account of being assigned as an union official in the workers' organization, his contract of employment shall remain suspended. If the union official wishes, he may terminate the contract of employment on the date he leaves his workplace without complying with the notification period or without waiting for the expiry of the contract and shall be entitled to receive severance payment. If the union official terminates the contract of employment during his term of office, the severance payment shall be calculated according to equivalent wage of his peers at time of the termination of the contract.

(2) The union official whose contract of employment is suspended may apply to the employer to be reinstated within one month after the termination date of his office if his office ends for the reasons of the termination of the legal personality of the trade union, or the officials' voluntary resignation, not being re-elected or not participating in elections. The employer shall be bound to reinstate him in his employment within one month as from the date on which he requests such reinstatement under the existing working conditions, in his previous post or in a post appropriate to his previous one. In the event that the person is not reinstated within the defined periods, his contract of employment shall be considered as terminated by the employer.

(3) Union officials whose term of office ends for reasons other than those stipulated above shall be paid severance payment by the employer upon their application. While calculating the compensations, the employment periods in the workplace shall be taken into consideration and the wage and other rights that are valid for the peers at the time of termination shall be taken into account. The worker shall retain all the rights conferred on him by the labour legislation.

Protection of shop stewards

ARTICLE 24 - (1) An employer shall not terminate the employment contract of shop stewards unless there is a just cause for termination and he indicates this clearly and precisely. The shop steward or the trade union of which he is a member shall have the right to apply to the competent court within one month of the date when the notice of termination is communicated to him.

(2) The court shall apply fast-hearing procedures. In the event of an appeal of the decision given by the court, the decision of the Supreme Court shall be final.

(3) If the court decides that the trade union representative is to be reinstated in his employment, the termination shall be annulled and the employer shall pay his full wages and all other benefits between the termination and final decision date. On the condition that the trade union representative applies within six working days following the final decision of reinstatement, and in the event that he is not reinstated within six working days, his wage and other benefits shall continue to be paid by taking into account that his employment relation is still continuing. This provision shall likewise apply in the case of a new appointment as shop steward.

(4) Unless there is a written consent of the shop steward, the employer shall not change the workplace of the shop steward or shall not make a drastic change in his work. Otherwise, the change shall be considered as void.

(5) Union officials who continue to work in the workplace shall also benefit from the provisions of this Article.

Guarantee of freedom of trade union

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

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

(3) No worker shall be dismissed or discriminated against on account of his membership or non-membership in a trade union, his participation in the activities of trade unions or workers' organisations outside his hours of work or during hours of work with the employer's permission.

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

(5) In case of termination of contract of employment for reasons of trade union activities, a worker shall have the right to apply to the court as provided in the Articles 18, 20 and 21 of Labour Law No. 4857. Where it has been determined that the contract of employment has been terminated for reasons of trade union activities, union compensation shall be ordered independent of the requirement of application of the worker and the employer's granting or refusing him permission to restart work in accordance with Article 21 of the Law No. 4857. However, in case the worker is not allowed to start work,

the compensation specified in the first paragraph of Article 21 of this Law No. 4857 shall not apply. Non-application to a court pursuant to the aforementioned provisions of the Law No. 4857 shall not be an obstacle for the worker to claim union compensation separately.

(6) In a case brought to the court with the claim that contract of employment has been terminated because of trade union affiliation, the burden of proof to prove the reason for termination shall lie with the employer. A worker who claims that termination is not based on the reason the employer has claimed shall bear the burden of proof to prove that the reason for termination has been union affiliation.

(7) Except for termination, in the event of a claim that the employer discriminates because of union affiliation, the burden of proof shall be on the worker. However, if a worker shows the existence of a situation indicating strongly that discrimination has been made because of union affiliation, the employer shall be obliged to prove the reasons for his conduct.

(8) Any provision contained in the collective labour agreement and in the contract of employment which is contrary to the provisions set out above shall be void.

(9) The worker shall retain all the rights conferred on him by the labour legislation and other enactments.

PART FIVE

Activities

Activities of the organizations

ARTICLE 26 - (1) Organizations shall engage freely in activities which are contained in their statutes.

(2) Organisations shall have the capacity to act as plaintiff or defendant in matters arising out of working life, legislation, custom and usage, acting as representative of the workers and employers; and trade unions shall, at the written request of the person concerned, have the capacity to act as plaintiff or defendant in legal actions concerning rights under contract of employment and employment relationship and respecting social security rights, acting as representative of their own members and the latter's heirs. The termination of membership during the judicial proceeding shall not affect this capacity, provided that the member gives written approval.

(3) Organisations shall be obliged to observe the principle of equality and prohibitions of discrimination among its members in their enjoyment of its activities. Organizations shall consider the gender equality in their activities

(4) The extension of the rights and benefits that organization provides for its members through its activities to those who are not members shall be dependent upon its written approval, without prejudice to the provisions of the from part seven to part twelve of this law.

(5) Organisations shall not engage in any activity outside their objectives laid down in their statutes.

(6) Workers and workers' organisations shall not be members of employers' organisations; employers' organisations shall likewise not be members of workers' organisations. These organisations shall not intervene, either directly or by means of representatives or members or through any other intermediate person, in the establishment, administration or activity of one another.

(7) Organisations shall not use the names, emblems, symbols or signs of political parties.

(8) Organisations shall not engage in any commercial activity. However, organisation may invest in industrial and commercial organisations with the decision of the general assembly, provided that this investment does not exceed forty percent of the available cash.

(9) Organizations shall not distribute any of their revenues among their members. This provision shall not apply to any strike and lock-out benefits and educational benefits paid to their members as provided in their statutes.

Appointment of shop stewards and their functions

ARTICLE 27 - (1) A trade union, whose competence to conclude the collective labour agreement is certified, shall appoint shop stewards among its members at the workplace in the following manner, and shall provide the names of such union representatives to the employer within 15 days: one shop steward, if the number of workers in the workplace does not exceed 50; not more than two, if the number of workers is between 51 and 100; not more than three, if the number of workers is between 101 and 500; not more than four, if the number of workers is between 501 and 1,000; not more than six, if the number of workers is between 1,001 and 2,000; and, not more than eight, if the number of workers exceeds 2,000. One of the above may be designated as chief representative. The functions of shop stewards appointed by the competent trade union shall continue as long as the competence of the trade union is valid.

(2) If there is a provision in the trade union statute which provides for selection of shop stewards through election, the selected member shall be appointed as the shop steward.

(3) The duties of shop steward and chief representative, on condition that they are limited only to the workplace, shall

be: to hear workers' requests and handle their grievances; to maintain cooperation, harmony at work and peaceful relations between workers and employers; to protect the rights and interests of the workers; to assist in the application of working conditions provided for in labour legislation and collective labour agreements.

(4) Shop stewards shall carry out their duties on condition that their own work and the work discipline at the workplace are not hindered. Shop stewards shall be provided with appropriate means to carry out their duties in the workplace quickly and efficiently.

PART SIX

The Revenues, Audit and Dissolution of the Organizations

Revenues and expenses of the organizations

ARTICLE 28 - (1) The revenues of the organizations shall be composed of;

- a) Members' dues and solidarity dues in accordance with their statutes,
- b) Revenues from their activities in accordance with their statutes,
- c) Donations,
- ç) Revenues from their assets, yields from transfer, assignment and sale of the asset values.

(2) Organizations shall not accept any aid or donations from political parties, from public institutions and organizations, from organisations of small businessmen and artisans, professional associations having the nature of public institutions.

(3) Workers' organisations shall not accept any aid or donations from employers and employers' organisations established by virtue of this Law and other enactments; employers' organisations shall likewise not accept any aid or donations from workers and workers' organisations established by virtue of this Law and other enactments. Organisations may receive aid in cash or in kind from people, agencies and institutions abroad on condition that they give the Ministry prior notice. However, workers' organizations shall not accept any aid or donations from employers and employers' organizations abroad, employers' organisations shall likewise not accept any aid or donations from workers and workers' organisations abroad. Aid and donations in cash shall be received through the banks.

(4) Where aid and donations have been received in violation of the provisions set out above, upon the request of one of the members or the Ministry and pursuant to the decision of the local court having jurisdiction in labour matters, the aid received shall be transferred to the State Treasury.

(5) Organizations shall deposit all their cash revenues in banks. The general assembly shall fix the amount of petty cash which they may retain to meet the compulsory expenses.

(6) Organisations shall not spend or donate their revenues beyond the activities set out in this Law and their statutes.

(7) Organizations may aid in kind or in cash to public institutions or organizations with the aim of establishing houses, training and health facilities in the natural disaster areas at home and abroad, through authorities or directly by themselves, on the condition that this is determined with the decision of the executive board and that the amount is not higher than the 10% of the current cash on hand

Audit of the organizations and transparency

ARTICLE 29 - (1) The audit of organisations shall be carried out by board of auditors in accordance with law and the provisions of the statutes of the organisations. During the audit, the compliance of administration and operations, incomes, expenses and balance sheets along with the relevant operations, with law, the statute and the decision of the general assembly shall be examined.

(2) Annual financial audit for the general assembly period on the incomes and expenses of organisations shall be carried out by certified public accountant in accordance with Law No 3658 and dated 1/6/1989 on Independent Accountants, Financial Advisors and Certified Public Accountants. The completion of this audit does not end the obligation of the board of auditors.

(3) Organisations shall immediately publish the reports of their activities, external audit and board of auditors, and decisions of the general board by appropriate means.

(4) Founders and executive officers of the organizations and their branches must submit declaration of personal assets of themselves, their spouses and children in their care in accordance with Law No. 3628 and dated 19/4/1990 on the Declaration of Property, and the Fight against Bribery and Corruption and related by-laws.

(5) Principles on internal and external audit shall be regulated in a by-law to be prepared by the Ministry, after having obtained the opinions of workers' and employers' confederations

Books and records to be kept

ARTICLE 30 - (1) Organizations must keep the following books and records.

- a) Membership and termination of membership lists,
- b) Decision books of the general assembly, executive board, board of auditors and the disciplinary board,
- c) Incoming and out-going document books and custody books,
- ç) Union due registers, daily wage and inventory books and general ledgers,
- d) Income receipts and registers.

(2) All kinds of furniture and materials shall be registered in the fixtures registry in accordance with Law No. 213 and dated 4/1/1961 on Tax Procedure.

(3) The lists of memberships and termination of memberships and books, files and registers that organisations must keep and the principles and procedures on how these are to be kept shall be regulated through a by-law to be issued by the Ministry.

Dissolution

ARTICLE 31 - (1) The organisations carrying out activities contrary to the characteristics of the Republic enshrined in the Constitution and the democratic principles shall be dissolved by a Court decision, upon the request of the Chief Public Prosecutor of the Republic of the place where their headquarters are located. Where the acts of violation are committed individually by union officials, the court shall decide to remove only those union officials from office.

(2) Pursuant to the provision above, competent courts may, upon request or ex-officio, order the cessation of the activities of the organisations and the temporary removal of union officials from office at any time of the judicial proceedings.

(3) In cases of cessation of the activities under the provisions above or others stipulated in this Law, the administration of the property of organisations and the protection of interests and the convening of a general assembly to resume activities at the end of the period of suspension shall be ensured by one or three trustees to be appointed pursuant to the provisions of the law No. 4721.

Transfer of assets in the event of liquidation

ARTICLE 32 - (1) If there is such a provision in their statutes, the assets of a trade union going into dissolution may be transferred to another organisation of the same nature established under this Law or to the higher organisation of which it is a member, or if it is not a member of any higher organisation, to another higher organisation of the same nature. In the event of dissolution of the higher organisation, its assets may be transferred to organisations which are its members. If there is no such provision in the statute, the general assembly which has decided the dissolution may transfer the assets in line with the provisions set out above.

(2) In the event of lack of any provision in the statute or in the event of dissolution, if there is no decision taken by the general assembly or the transfer is not accepted by the related organisation, cash assets left after the dissolution shall be transferred to the Unemployment Insurance Fund and fixed assets shall be transferred to the Turkish Employment Agency.

PART SEVEN

General Principles of Collective Labour Agreements

Content of Collective Labour and Framework Agreement

ARTICLE 33 - (1) A collective labour agreement shall contain provisions on the conclusion, content and expiration of a contract of employment.

(2) 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.

(3) A Framework agreement shall apply to members of workers' and employers' confederations which are parties to this agreement and may cover the arrangements concerning vocational training, health and safety at work, social responsibility and employment policies.

(4) A Framework agreement shall be concluded, upon the invitation of one of the parties and the acceptance of other, for no less than one year and no more than three years.

(5) Collective labour agreements and framework agreements shall not include arrangements contrary to the Constitution and the binding provisions of the laws.

Scope and level of the collective labour agreement

ARTICLE 34 - (1) A collective labour agreement may cover one or more workplaces within the same branch of activity.

(2) A collective labour agreement may only be concluded at the enterprise level, in workplaces where there is more than one workplace in the same branch of activity belonging to the same legal or natural person or to the same public institution or organization.

(3) A group collective labour agreement is concluded between a workers' and an employers' trade union to cover the workplaces and enterprises in the same branch of activity belonging to more than one employer.

(4) Any dispute concerning the conditions required for workplaces for which enterprise level collective agreement is to be concluded shall be decided within 15 days by the competent courts where the headquarters of enterprise is located. In the event of an appeal, the Supreme Court shall give a final decision within 15 days.

Form and duration of a collective labour agreement

ARTICLE 35 - (1) A collective labour agreement shall be done in written.

(2) A collective labour agreement shall be concluded for a 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 expiration date.

(3) Collective labour agreements concluded to apply to work lasting less than one year may cover a period less than one year. The agreement shall apply for the entire year in case the work is not completed.

(4) The authorization procedure for a new collective labour agreement may begin within the 120 days before the expiration of a collective labour agreement. The new collective labour agreement shall not enter into force before the expiry of the previous agreement.

Effects of a collective labour agreement

ARTICLE 36 - (1) Save as otherwise provided in a collective labour agreement, a contract of employment shall not be contrary to that agreement. The provisions of the contract of employment that are contrary to a collective labour agreement shall be replaced by the provisions of that collective labour agreement. The provisions of a contract of employment that operates to the worker's advantage shall apply in cases where the collective labour agreement is contrary to such contract.

(2) The provisions of a collective labour agreement that has expired and that are related to contracts of employment shall continue to be binding in the form of a contract of employment until a new collective agreement enters into force.

Change in the status of the parties

ARTICLE 37 – (1) A collective labour agreement shall not cease to have effect because the trade union which is a party to the agreement loses its legal personality, is barred from activity, or has lost its competence, or because there is a change of employer or branch of activity in the workplaces to which the agreement applies.

(2) Any employer who is a member of an employers' trade union at the date to which the invitation to collective bargaining was issued shall remain bound by the invitation if his membership in the trade union ends.

(3) Any employer who is a member of an employers' trade union which is a 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.

Transfer of a workplace or a part of the workplace

ARTICLE 38 - (1) When a workplace or a part of the workplace within the scope of an enterprise collective labour agreement is transferred, even if a collective labour agreement is in effect in the workplace or workplaces of the acquiring employer which are in the same branch of activity, the rights and liabilities arising from the collective labour agreement implemented in the acquired workplace continue to prevail as provisions of a contract of employment. If there is no collective labour agreement in effect in the workplace or workplaces of the acquiring employer, the collective labour agreement of the acquired workplace in effect shall continue to apply until it expires or until a new collective labour agreement is concluded.

(2) In case a workplace that does not have a collective labour agreement joins a workplace that has an enterprise collective labour agreement, it shall be in the scope of the enterprise collective labour agreement.

Benefiting from collective labour agreement

ARTICLE 39 – (1) The members of a workers' trade union which is a party to a collective labour agreement shall benefit from that agreement.

(2) 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 when the trade union communicates their membership to the employer.

(3) Members whose contract of employment terminates between the date of signature and the commencement date of the collective labour agreement shall benefit from the collective labour agreement until the date when their contract of employment terminates.

(4) 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 dues 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 request is made. The requests before the date of signature shall be valid starting from the date of signature.

(5) The amount of the solidarity dues shall be determined with the trade union statute, provided that the amount is not above the amount of the membership dues.

(6) Solidarity dues shall not be paid to the trade unions barred from carrying on any activity.

(7) Employer's representatives within the meaning of this Law and those who participate in the collective labour agreement negotiations in the name of the employer shall not benefit from the collective labour agreement.

(8) A collective labour agreement concluded at the end of the strike shall not apply to workers who have worked in the workplace, excluding those who have worked in accordance with Article 65, save as otherwise provided in the agreement.

Extension

ARTICLE 40 - (1) At the request of any of the workers' or employers' trade unions or any of the employers within a branch of activity, or at the request of the Minister of Labour and Social Security, the Council of Ministers, after receiving the opinion of the High Court of Arbitration, may extend a collective labour agreement concluded by the trade union with the largest number of members in the branch of activity in which the workplace for which an extension is to be made is established, either in whole or in part or after making the necessary changes to all or some of the workplaces not covered by any collective labour agreement within the same branch of activity. High Board of Arbitration shall inform its opinion on the related subject within fifteen days.

(2) The extension decree shall indicate why the decision has been taken. The date of entry into force of the extension decree shall be indicated and the extension decree shall be published in the Official Gazette. However, the date of entry into force shall not be determined as a date prior to the publication date in the Official Gazette.

(3) The extension decree shall end upon expiry of the collective labour agreement so extended.

(4) Where it is appropriate, the Council of Ministers may cancel an extension decree, with its reasons explained.

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

(6) Extension decree shall not apply to the workplaces 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.

(7) In the enterprises and workplaces where the collective labour agreement is extended, application may always be made for the determination of competence, and the implementation of the extension shall end automatically following the conclusion of a new collective labour agreement.

PART EIGHT

Conclusion of Collective Labour Agreement

Competence

ARTICLE 41 - (1) The workers' trade union representing at least three percent of the workers engaged in a given branch of activity and more than half of the workers employed in the workplace and forty percent of the workers in the enterprise to be covered by the collective labour agreement shall be authorised to conclude a collective labour agreement covering the workplace or enterprise in question.

(2) In the case of enterprise collective labour agreements, the workplaces shall be considered as a whole in the calculation of the forty percent majority.

(3) If several trade unions have members of forty percent or more in the enterprise, the trade union having the largest number of members shall be authorized to conclude a collective labour agreement.

(4) An employers' trade union shall have the power to conclude a collective labour agreement covering the workplace or workplaces owned by the employers belonging to the union. An employer who is not a member shall have the power to conclude a collective labour agreement covering the workplace or workplaces owned by him.

(5) 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 three percent of the workers engaged in a given branch of activity. These statistics shall cover the total number of workers in each branch of activity and the number of members in the trade unions in that branch. The statistics published shall be valid until the publication of a new statistics for the purposes of collective agreements and other formalities. The competence of a workers' trade union that applied for or obtained a certificate of competence shall not be affected by the statistics subsequently published.

(6) The statistics against which no appeal is made within 15 days of the publication date shall be final. An application may be made to 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 may appeal against the decision of the court. The Supreme Court shall give a final decision within 15 days.

(7) In determining the authorized trade union and arranging the statistics, the Ministry considers the information sent to itself as regards the membership and withdrawal from membership and the notifications made to the Social Security Institution on the workers.

Application for determining competence

ARTICLE 42 - (1) A workers' trade union that considers itself competent to conclude a collective labour agreement shall make an application to the Ministry, requesting the Ministry to determine that it is competent. An employers' trade union or an employer not belonging to any union may make an application to the Ministry, requesting the Ministry to determine the competent workers' trade union.

(2) Upon determining that the workers' trade union is competent according to its records, the Ministry shall communicate the application, within six working days, together with the number of workers employed and the number of union members in the workplace or enterprise concerned, to other workers' trade unions constituted in the same branch of activity and to the employers' trade union or the employers not belonging to such unions who shall be a party to the agreement.

(3) If it is determined that the trade union does not have the required competence or the workplace does not include any trade union having the required competence, this information shall be communicated to the applicant party.

(4) With regard to the commencement and termination of insurance, the notifications which are not made to the Social Security Institution within the statutory period shall not be considered in the determination of a competent trade union

(5) The principles and procedures concerning the determination of a competent trade union shall be regulated by a by-law issued by the Ministry.

Disputes as to competence

ARTICLE 43 - (1) Any workers' or employers' trade union or an employer not belonging to such a union who receives the communication as provided in Article 42 may apply to the competent court 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.

(2) A petition for an objection shall first be registered with the competent authority and then submitted to the court. Any workers' trade union that is not able to represent at least three percent of the workers in the branch of activity in which it is established may not make an objection regarding competence.

(3) The court shall take a final decision within six working days without a hearing on the appeals concerning time limits and factual error in the number of workers and 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.

(4) Upon being determined that it is not competent in accordance with the second paragraph of Article 42, the workers' trade union may file a legal action in the competent court for its determination of competence within six working days. The court shall communicate the legal action to the workers' trade unions which registered at least three percent of the workers in that given branch of activity as members, and to the employers' trade union or the employer which is not a member of any union. The court shall take a decision within two months.

(5) The procedure to determine competence shall be suspended until the final decision given on the objection.

Certification of competence

ARTICLE 44 - (1) The Ministry 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 objection has been made, or within six working days of receiving notice of the decision that determines that the union has competence as a result of the union's objection or if the court rejects the objection.

Collective labour agreement without certificate of competence

ARTICLE 45 - (1) Where a collective labour agreement is concluded without a certificate of competence, any interested party or the Ministry 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.

(2) The court, upon request and if deemed necessary, may suspend the implementation of the collective labour agreement until a decision is taken.

Invitation to collective bargaining

ARTICLE 46 – (1) One of the parties shall issue an invitation to meet for collective bargaining to the other party within 15 days of receiving the certificate of competence. The competent authority shall immediately be informed of the date of the invitation.

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

(3) The party that issues the invitation shall be under an obligation to enclose all of the proposals that 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.

Commencement and period of collective bargaining

ARTICLE 47 - (1) The date, place and time for negotiations shall be determined by agreement between the parties within six working days of the date when 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, fix the date, place and time of the first meeting and shall notify the parties accordingly.

(2) If the workers' trade union does not attend the first meeting within 30 days of the invitation date and the collective bargaining does not commence, the competence of the workers' trade union shall be void.

(3) The period of collective bargaining shall be 60 days as of the date of first meeting.

Conclusion of a collective labour agreement, submission and announce at the business

ARTICLE 48 - (1) If bargaining is successful, a collective labour agreement shall be drawn up in four copies and signed by the representatives of the parties. Two copies shall be submitted by the party that issued the invitation to the competent authority within six working days. The competent authority shall send one copy to the Ministry.

(2) Employer shall be liable to post the decisions of special arbitration or High Board of Arbitration which have the same effect and force as collective labour agreement and of the decisions of court or special arbitration taken in the collective right disputes, on the walls so as to be noticeable by the workers in the workplace(s).

PART NINE

Settlement of Collective Labour Disputes

Notification of a dispute

ARTICLE 49 – (1) If either of the parties fails to appear at the first meeting determined for the collective bargaining or, even if present at the meeting, fails to attend the meetings after the commencement of the bargaining or, if the parties record in a report that they have failed to come to an agreement or if the period for collective bargaining terminates without any agreement, one of the parties shall inform the situation to the competent authority in written within six working days. Otherwise, competence of the workers' trade union shall be void.

Mediation

ARTICLE 50 – (1) Upon receiving the dispute in a report, the competent authority shall assign a mediator from an official list within six working days with the participation of at least one party or if both parties fail to attend, directly itself. On the condition that the parties agree on a mediator whose name is among the official mediators list, the determined person shall be assigned by the commissioned authority as the mediator for the mentioned dispute

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

(3) The term of duty of the mediator shall be 15 days starting from the notification. 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.

(4) Where the mediator succeeds in reconciling the parties, the provisions of Article 48 shall be applied.

(5) 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 within three working days and submit 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 three working days at the latest.

(6) The parties and all other interested parties shall be liable to submit all kinds of information and documents that the mediator asks for the dispute.

(7) The competent authority shall determine the fee of the mediator within the maximum and minimum limits envisaged by the by-law and by also taking into the scope and nature of the dispute into account.

Application to the High Board of Arbitration

ARTICLE 51 - (1) Workers' trade union may apply to the High Board of Arbitration within six working days after the finalisation of the decision not to call a strike taken as a result of the voting for a strike, or either of the parties may apply to the High Board of Arbitration within six working days in disputes concerning the workplaces or the activities where it is prohibited to call a strike, following the communication of the report as defined in the fifth paragraph of Article 50 or, if the suspension period ends without agreement, after the end of time-limit. Otherwise, workers' trade union shall become unauthorized.

(2) Decisions of the High Board of Arbitration shall be final and have the same effect and force as the collective labour agreement.

Recourse to special arbitration

ARTICLE 52 - (1) The parties may agree to resort to special arbitration at any stage in the collective dispute involving rights and interests.

(2) Provisions providing for recourse to special arbitration at the request of either of the parties may be included in the collective labour agreement. If there is not any provision contrary in the collective labour agreement, the provisions of the Civil Procedure Law No. 6100 and dated 12/1/2011 concerning special arbitration shall apply. The decisions of the special arbitration in cases of collective rights disputes shall be subject to general provisions.

(3) Where the parties agree in writing to resort to special arbitration in a dispute involving interests, the provisions governing mediation, strike and lock-out, statutory arbitration shall not thereafter apply. In the disputes involving interests, the decisions of special arbitration shall have the same force and effect as a collective labour agreement.

(4) The parties may agree to select the High Board of Arbitration as a special arbitrator at any stage in the dispute.

Interpretation case and interest rate in action for performance

ARTICLE 53 - (1) Legal action may be taken in competent labour court for the disputes arising from interpretation of collective labour agreement. The court shall give a decision within two months at the latest. Where this decision is appealed, the Supreme Court shall give a final decision within two months.

(2) The highest interest rate applied to working capital loans shall be applied in court cases for actions for performance of contract which are based on collective labour agreement.

PART TEN

Establishment and Working Principles of High Board of Arbitration

Establishment

ARTICLE 54 - (1) The High Board of Arbitration shall consist of the following, under the chairmanship of the most senior head of the departments of the Supreme Court, responsible for the disputes stemming from this law,

a) 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' or employers' organisations and any function in the organs of the political parties and shall be outside the ministries,

b) A member to be selected by the Council of Higher Education among the teaching staff of labour law and social security law departments of the universities,

c) The Director General of Labour of the Ministry of Labour and Social Security

c) Two members to be elected by the workers' confederation having the largest number of members.

d) On behalf of the employers, two members to be elected by the employers' confederation having the largest number of members, one of whom is from the public employers. However, in case the trade union confederation which the trade union party to the dispute affiliated to is different than the above, and also the employer confederation which the employer

organisation party to the dispute affiliated to is different than the above, one member to be selected by these confederations shall participate in the meeting as the second member of the Council.

(2) Term of office of the elected members shall be two years and they may be re-elected for another two years. Conditions stipulated for the founding members stated in Article 6 of this Law shall be sought for the members to be elected on behalf of workers and employers.

(3) Two substitute members shall be elected for each of the elected member in the same manner. First and second substitutes for the chairmanship of the Council shall be elected by Civil General Council in the Supreme Court among the heads of civil chambers. The Ministry shall request election of the members to participate in High Board of Arbitration from relevant authorities and organisations three months prior to each electoral period.

Administrative organisation

ARTICLE 55 - (1) A secretariat general affiliated to High Board of Arbitration shall be established in order to execute correspondence and expertise services of the High Board of Arbitration Upon proposal of the chairman of the High Board of Arbitration, a Secretary General shall be appointed according to the general procedures.

(2) Adequate number of rapporteurs and experts shall be appointed or assigned by Prime Ministry upon the request of the High Board of Arbitration. However, those who work in workers' or employers' trade unions and confederations cannot be assigned as rapporteurs and experts.

Working Principles

ARTICLE 56 - (1) The High Board of Arbitration shall have a meeting attended by the chairman and at least five members within six working days after its receipt of the application. If the chairman or any member is on leave or excused from attending, he shall be replaced by a substitute from the same group.

(2) The High Board of Arbitration shall examine the dispute on the basis of the documents. The Board may request any kind of information and document related to the dispute from the parties and all those concerned, when necessary. The parties and all those concerned shall be obliged to submit any document or information that the Board requests. The Board shall also call upon and hear those persons whose opinion it seeks, or shall request them to submit their opinions in written. The provisions of the Code of Civil Procedure as to witnesses and experts shall apply to such persons. Parties may also request to be heard in the Board for informative purposes and may submit information and documents.

(3) The High Board of Arbitration shall reach its decisions by majority of the members present in the meeting. Where the vote in favour and against is equal, the chairman shall cast the decisive vote.

(4) The allocation required to meet the payments to be affected as per this article shall be added to the budget of the Ministry.

By-law on recourse to arbitrator and mediator

ARTICLE 57 - (1) Working principles and procedures of High Board of Arbitration; compensations to be paid to chairman and members of High Board of Arbitration and to the experts and rapporteurs to be assigned in this council; remunerations to be paid to public defenders, experts and witnesses as well as provisions on procedures to be applied in interest conflicts during examination of special arbitrator, qualifications, election and remunerations of mediators shall be laid down in a by-law to be issued by Ministry after taking into account the opinion of the Ministry of Finance.

PART ELEVEN

Strike and Lock-Out

Definition of a strike

ARTICLE 58 - (1) 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.

(2) Lawful strike means any strike called by workers in accordance with this law 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.

(3) Unlawful strike means any strike called without fulfilling the conditions for a lawful strike.

Definition of lock-out

ARTICLE 59 - (1) Lock-out means any action taken by an employer or his representative, either upon his own initiative or in accordance with a decision taken by an organisation, to collectively suspend workers from work in a manner that completely stops the activities in the workplace.

(2) Lawful lock-out means any lock-out ordered in accordance with this law 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' trade union.

(3) Unlawful lock-out means any lock-out ordered without fulfilling the conditions for a lawful lock-out.

Decision to call a lawful strike or order lawful lock-out and their implementation

ARTICLE 60 – (1) A decision to call a strike may be taken in sixty days following notification date of the report on the dispute referred to in the fifth paragraph of Article 50 and put into practice within this period, and the date of the strike shall be communicated to the opposite party six working days before. If a decision to call a strike is not taken or its implementation date is not communicated to the opposite party within the mentioned period, authority to conclude a collective labour agreement shall end.

(2) 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 sixty working days of the date on which the decision to call a strike is communicated to him and shall put into practice within this period and the date of the lock-out shall be communicated to the opposite party six working days before.

(3) A decision to call a strike and lock-out shall immediately announced by the workplace or the workplaces which have taken this decision

(4) The right to strike and lock-out which does not start at its date as notified shall be void. If the decision to call a strike is not put into practice within the stated time and if there is not a decision for lock-out or if the lock-out is not put into practice within the stated time, the certificate of competence shall be void.

(5) The date on which the decision to call a strike and lock-out will be implemented shall be notified to public notary and competent authority by decision-making party to be communicated to the opposite party. Date of enforcement shall be immediately announced in workplace or workplaces as well.

(6) With respect to the decision to call a strike for disputes regarding group collective labour agreements, even if this decision has been taken for some of the workplaces that are within the scope of this dispute, the decision to order a lockout may be taken for other workplaces within the scope of the dispute.

(7) The Minister of Labour and Social Security may act as a mediator or may designate someone as a mediator for the settlement of a dispute about which a decision to call a lawful strike has been taken.

Strike Vote

ARTICLE 61 - (1) If one fourth of the workers employed in that workplace on the date of announcement of a decision to call a strike within six working days following its announcement apply in writing to the competent authority that the relevant work place is affiliated to, vote regarding the strike shall be taken within six working days following this application.

(2) Objections regarding this vote shall be made to the local court within three working days starting from day of the voting. The court shall take a final decision regarding the objection within three working days.

(3) If an absolute majority of the workers employed on the date the announcement is made decides against a strike in the workplace, the decision to call a strike in this dispute shall not be implemented. If no agreement is achieved within time limit stated in the first paragraph of Article 60 or workers' trade union does not apply to the High Board of Arbitration, certificate of competence shall be void.

(4) The requests for voting on a strike regarding a dispute on the conclusion of an enterprise collective labour agreement shall be submitted to the competent authority to which each workplace of the enterprise is affiliated. The information on whether the number of the workers who request for voting on a strike is sufficient or not as well as the results of the vote on a strike shall be collected by the competent authority to which the headquarter of the enterprise is affiliated and a final decision shall be taken there.

(5) The requests for voting on a strike regarding a dispute on the conclusion of a group collective labour agreement shall be submitted to the competent authority to which each workplace of the group is affiliated. The information on whether the number of the workers who request for voting on a strike is sufficient or not as well as the results of the vote on a strike shall be determined for each workplace separately.

(6) Principles and procedures of vote for a strike shall be laid down in a by-law to be issued by the Ministry.

Prohibition of strikes and lock-outs

ARTICLE 62 - (1) It shall not be lawful to call a strike or order a lock-out in the following works: Life or property-saving, funeral and mortuary, production, refining and distribution of city water, electricity, natural gas and petroleum as well as petrochemical works, production of which starts from naphtha or natural gas; banking services; in workplaces operated directly by Ministry of National Defence, General Command of Gendarmerie and Coast Guard Command, fire fighting and urban_public_transportation services carried out by public institutions and in hospitals.

(2) Where the life of the community is paralysed by natural disaster, the Council of Ministers may prohibit strikes and lock-outs in the workplaces located in such areas as may be necessary, provided that it will be effective for as long as the situation continues. The strike and lock-out shall be implemented within sixty days after the prohibition is lifted, provided that the opposite party is informed six working days beforehand.

(3) It shall not be lawful to call a strike or order a lock-out in sea, air, rail and road transportation vehicles, which have not finalised their journey in places of domestic destination.

Postponement of strikes and lock-outs

ARTICLE 63 - (1) A lawful strike or lock-out that has been called or commenced may be suspended by the Council of Ministers for 60 days with a decree if it is prejudicial to public health or national security. The suspension shall come into force on the date of publication of the decree.

(2) After a suspension decree has entered into force, a mediator designated according to seventh paragraph of Article 50 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 a private arbitrator.

(3) If an agreement is not reached before the expiry date of the suspension period, the High Board of Arbitration settles the dispute upon the application of the either parties within six working days. Otherwise, the competence of workers' trade union shall be void.

Execution of strike and lock-out

ARTICLE 64 – (1) Workers shall be free to participate or not to participate in the strike. Workers who are participating in the strike or who are locked out must leave the workplace. The workers who do not participate or who decide not to continue to participate in the strike shall not be prevented from working in the workplace in any way. The employer shall be free to employ or not to employ those workers.

(2) Workers who are participating in the strike or who are locked out shall be prohibited from obstructing the entrance or exit of the workplace.

(3) The sale of the goods produced by the workers before the strike and their being taken out of the workplace shall not be hindered.

(4) The sale of the goods produced by the workers who did not participate in the strike and their being taken out of the workplace or the movement of the necessary materials, equipment and supplies into the workplace shall not be hindered. The provisions of Article 68 shall also apply to the performance of such work in accordance with this paragraph.

(5) The trade union shall be responsible for any material damage sustained in the workplace during a strike caused by the wrongful acts of the union taking part in the strike. The worker or the administrator of the trade union shall be responsible for the damages resulting from individual acts of a worker or trade union administrator independent from the decisions of the executive board of the union..

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

ARTICLE 65 - (1) 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 objective of ensuring the continuity of work in processes which have to be maintained for technical reasons; ensuring the safety of the workplace and preventing damage to machinery, installations, equipment, raw materials and finished and semi-finished products; and ensuring the protection of animals and plants.

(2) The type and number of workers, including substitutes, to be excluded from a strike or lock-out shall be announced in writing within the workplace by the employer or his representative during the six working days following the commencement of collective bargaining, and a copy of the announcement shall be notified to the workers' trade union that is a party. If an objection to this notice is not submitted to the competent court within six working days, the notice shall become final. Where an objection is submitted, the local court shall take a decision within six working days. This decision is final.

(3) If the workers to be excluded from a strike or lock-out have not been determined for any reason during the time limit fixed within the legal time, the workers' or employers' trade union may request the competent authority to determine the number of such workers even after the expiry of the time limit. The competent authority shall determine this as soon as possible and notify the parties. Where necessary, the competent authority may *ex officio* determine this. Any of the parties may lodge an appeal with the competent court against this determination within six working days.

(4) The workers that will continue working in the workplace during the strike and lock-out shall be determined *ex officio* by the competent authority and shall be notified in writing to the employer and workers concerned within three working days following the date that the competent authority is informed on the decision to call a strike and lock-out. This provision shall not apply to the chairman and members of executive board of the workers' trade union and its branch who work in the relevant work place and are a party to the collective bargaining.

(5)The employer may recruit new workers, with the written permission of the competent authority, in lieu of the

workers who do not work for any reason from among those that cannot participate in strike and lock-out.

Guarantee of right to strike or lock-out

ARTICLE 66 – (1) Any clause waiving or restricting the right to strike or lock-out included in a contract of employment shall be null and void.

(2) The contract of employment of a worker cannot be terminated for contributing to or supporting a decision to call a legal strike or participating in or supporting participation in a legal strike.

(3) During a strike and lock-out, workers shall benefit from insurance benefits in accordance with the relevant provisions of the Law No 5510 on Social Insurances and Universal Health Insurance.

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

ARTICLE 67 – (1) Contract of employment of workers who take part in a lawful strike, or of those who don't take part in the strike or desist from joining the strike but cannot be employed due to the strike and of the workers who are locked out lawfully shall be suspended during the strike or lock-out.

(2) Where contracts of employment are suspended due to a strike or a lock-out, the employer shall be required to pay, on the normal pay day, the wages and supplements earned prior to the commencement of the strike or lock-out to such workers. The personnel responsible for making the payment shall also be required to work. Otherwise, the provisions of the fifth paragraph of Article 65 shall apply.

(3) 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 severance payment. Collective labour agreements or contracts of employment may not include any clause contrary to these provisions.

Prohibition of recruitment or other employment

ARTICLE 68 - (1) During a lawful strike or lock-out, the employer shall not be permitted to recruit any worker or to employ any other person permanently or temporarily in substitution for a worker whose contract of employment is suspended in accordance with the provisions of Article 67. The employer can recruit new workers in substitution for the workers who die or quit on their own will or whose contracts of employment are terminated by the employer with just cause among the workers excluded from taking part in a strike or lock-out. 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 a party, by the competent authority

(2) The workers who are not participating or have refused to participate in a strike shall only be employed in their own functions. These workers shall not be required to carry out the functions of the workers who participate in the strike.

(3) A worker whose contract of employment is suspended in consequence of a lawful strike or lock-out shall not be permitted to accept any other job of a different employer. Otherwise, the employer may terminate his contract of employment with just cause. However, the workers employed under a part-time employment contract may work in other workplaces for a period to complete their legal weekly working time.

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

ARTICLE 69 - (1) 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.

(2) During a lawful strike or lock-out, the employer may require the workers occupying such housing to pay the appropriate sums in respect of repairs, water, gas, lighting and heating charges, and current rent.

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

Consequences of an unlawful strike or lock-out

ARTICLE 70 - (1) In the event of an unlawful strike, the employer may terminate with just cause 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 continue it.

(2) In the event of an unlawful strike, any damages sustained by the employer as a result of its existence shall be compensated by the workers' trade 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.

(3) In the event of an unlawful lock-out workers shall be entitled to terminate their contract of employment with just cause. 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.

Declaratory Action

ARTICLE 71 - (1) Either party may at any time request the competent labour court 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. In case that decision is appealed the Supreme Court takes its decision in one month. The decision shall be binding on the parties and the members of the workers' and employers' trade union and shall be an absolute evidence in criminal court proceedings.

(2) The judge may order the suspension of the strike or lock-out in question as a precautionary injunction.

Abuse of the right to strike and lock-out

ARTICLE 72 - (1) Where the competent court determines, upon the application of one of the parties or the Minister of Labour and Social Security, that the right to strike or lock-out is exercised contrary to the rules of good faith or in such a manner as to be harmful for society or destructive to national wealth, that strike or lock-out shall be suspended.

(2) 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 workplace, the lock-out shall cease as soon as the judgement is communicated to the employer or employers' trade union concerned. In case the lock-out continues despite the court decision, the workers shall be entitled to benefit from the provisions of Article 70.

Strike and lock-out pickets

ARTICLE 73 - (1) A workers' trade union that has called a lawful strike in a workplace 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 or threats, and who shall ensure that the members of the organisation respect the decision to go on strike.

(2) The strike pickets shall not obstruct the entrance or exit of the workplace or stop those going in or out, even for purposes of control.

(3) An employers' trade union that has ordered a lock-out in a workplace shall be entitled, with the object of ensuring that its decision is respected, to send pickets to the workplaces affected by the lockout, who may not resort to force or threats, and who shall ensure that the members of the organisation respect the decision to order a lock-out.

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

ARTICLE 74 - (1) The highest civil official of the locality shall take the measures to meet the services and necessities which are compulsory for the daily lives of the people and which are likely to fail and to ensure continuity of the activities in the workplace.

(2) In the event of a strike or lock-out, the nature of the measures to be provided by the highest civil official of the locality related to public order shall not prejudice the execution of a lawful strike or lock-out.

Decision to end a strike or lock-out

ARTICLE 75 - (1) A decision to end a lawful strike or lock-out shall, upon being taken by the party which initiated the strike or lock-out, be notified in writing to the opposite party and to the competent authority by the end of the next working day.

(2) The competent authority shall announce at the workplace that the strike or lock-out has ended. A lawful strike or lock-out shall cease on the date of the announcement.

(3) A decision to end a strike shall not end a lock-out; likewise, a decision to end a lock-out shall not end a strike.

(4) The strike or lock-out shall end *ipso facto* and the certificate of competence shall be null and void where the workers' trade union that initiated the strike is barred from activity or dissolved or liquidated for any reason.

(5) The lock-out shall end *ipso facto* where the employers' trade union that initiated the lock-out is barred from activity or dissolved or liquidated for any reason.

(6) Where it is determined that three-fourths of the workers who, on the date of determination of competence at the workplace were members of the union, have left the membership of the union that initiated such strike, any of the interested parties may apply to the competent court to end the strike. The decision of the court to end the strike shall be announced as provided in the first paragraph.

PART TWELVE

Miscellaneous and Final Provisions

Cessation of activities of the trade union

ARTICLE 76 - (1) In case the activities of the trade union are ceased, the procedures and implementations stated from the seventh to the twelfth part of this Law shall be suspended with the decision on cessation; they shall resume when the trade union begins to function.

Reports and records

ARTICLE 77 – (1) The Provincial Directorate of Labour and Employment Agency shall send the reports and record submitted to the Agency in accordance with the law to the Ministry within three working days upon their submission. It shall keep a copy of these in the file.

(2) The Ministry shall keep records for collective labour agreements. In case a dispute involving the text of the collective labour agreement arises, the text recorded by the Ministry shall be taken as basis. Rules and procedures on recording shall be regulated by a by-law to be issued by the Ministry.

Penal provisions

ARTICLE 78 – (1) According to this Law;

a) Any person who makes false statement regarding the fact that he or she is qualified to be a founder of a trade union as indicated in Article 6 shall be liable to an administrative fine of seven hundred Turkish Liras.

b) Any person using fraud to influence the result of ballots to be made in accordance with Article 14 and of polling and classification of votes shall be liable to an administrative fine of five thousand Turkish Liras if their acts do not constitute a crime which requires a heavier sentence.

c) Any person enrolling members in violation of Article 17; and any person forcing another person to maintain as a member or resign his membership in violation of Article 19 shall be liable to an administrative fine of seven hundred Turkish Liras if their acts do not constitute a crime which requires a heavier sentence.

ç) Any person acting contrary to Paragraph six of Article 26; and any person acting contrary to Paragraph 7 who decides to use or use the names, emblems, symbols and signs of political parties shall be liable to an administrative fine of five thousand Turkish Liras

d) Competent authorities of organisations who act contrary to Paragraphs 2 and 3 of Article 28 shall be liable to an administrative fine of one thousand five hundred Turkish Liras. In case of repetition of the act, a judicial fine equal to the amount of donation shall also be applied.

e) 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, any person deciding to make such a strike or lock-out, inciting and obliging others to decide to do and sustain it or take part in it and any person taking part in or sustaining such a lock-out shall be liable to an administrative fine of five thousand Turkish Liras.

f) Any person taking part in an unlawful strike and sustaining it shall be liable to an administrative fine of seven hundred Turkish Liras.

g) Where a lawful strike or lock-out decision is implemented contrary to the conditions and procedures stated in this Law, any person implementing that decision, inciting or obliging others to implement and sustain it shall be liable to an administrative fine of five thousand Turkish Liras.

ğ) Where a strike or lock-out is prohibited temporarily or permanently, completely or partly by a court ruling, 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 shall be liable to an administrative fine of five thousand Turkish Liras if their acts do not constitute a crime which requires a heavier sentence.

h) Any worker failing to leave the establishment, although taking part in a strike or affected by a lock-out and any person inciting or obliging workers to commit such actions shall be liable to an administrative fine of seven hundred Turkish Liras if their acts do not constitute a crime which requires a heavier sentence.

ı) Any employer recruiting new workers without obtaining the written permission prescribed in Article 65 shall be liable to an administrative fine of seven hundred Turkish Liras in respect of each worker recruited or employed without such permission.

i) Any employer acting in contravention of Article 68 employing workers in substitution of workers who take part in the strike shall be liable to an administrative fine of one thousand five hundred Turkish Liras in respect of each worker employed.

j) Any strike picket who is not a member of the worker's trade union and acting in contravention of Article 73 shall be liable to an administrative fine of one thousand five hundred Turkish Liras.

(2) Any person committing the acts prescribed in the paragraphs (a) and (d) of this Article shall not carry out any duty in the organs of the union for five years after the decision of the court is finalised.

(3) The administrative sanctions envisaged in the first paragraph shall be imposed by the Head of the Provincial Directorate of Labour and Employment Agency of the Ministry, with its reasons explained.

Competent and authorized courts

ARTICLE 79 – (1) Disputes arising from the implementation of this Law shall be resolved by courts having jurisdiction in labour matters. However, with regard to the disputes arising from the implementation of the seventh and eleventh part, the court where the competent authority is located shall be authorized.

Implementation of other legislation

ARTICLE 80 - (1) In cases where there is no provision with respect to workers' and employers' organisations in this Law, provisions of the Law No. 4721 and the Law on Associations No. 5253 and dated 4/11/2004 that do not conflict with this Law shall apply.

(2) In cases where there is no provision with respect to collective labour agreements in this Law, the provisions of the Civil Code and the Law on Obligations as well as other laws regulating contracts of employment that do not conflict with this Law shall apply.

(3) Save as otherwise provided in this Law, the notifications shall be made according to the Law on Notification No. 7201.

Provisions repealed

ARTICLE 81 – (1) Law on Trade Unions No. 2821 of 5/5/1983, the Law on Collective Labour Agreement, Strike and Lock-out No. 2822 of 5/5/1983 and the subparagraph (a) of the second paragraph of Article 1 of the Law Labour Courts No. 5521 of 30/1/1950 have been repealed.

(2) References to Laws No. 2821 and 2822 in other legislation shall be regarded as references to this Law.

Transitional provisions

PROVISIONAL ARTICLE 1 – (1) The amendments to the statute that the organizations must make in accordance with the Law shall be made upon the decision of the executive board within one year as of the publication date of this Law. However, trade unions shall determine the branch of activity in which the trade union will function upon the decision of the executive board within one month as of the publication date of the by-law defined in the third paragraph of Article 4 of this Law. The amendments to the statute shall be submitted to the first general assembly for approval.

PROVISIONAL ARTICLE 2 – (1) Following the publication of the by-law referred to in Article 19, the Ministry shall communicate the lists of current members to the trade unions within six months. Trade unions shall notify the Ministry of their objections, if any, within one month. The Ministry shall make a decision about the objections within one month.

PROVISIONAL ARTICLE 3 - (1) The arrangements related to the implementation of this Law shall enter into force within one year following the publication of the Law. Until these arrangements enter into force, the implementation of the provisions of the arrangements entered into force based on the Laws numbered 2821 and 2822 which are not contrary to this Law shall continue.

PROVISIONAL ARTICLE 4 - (1) Carrying out the procedures on acquiring trade union membership specified in the fifth paragraph of Article 17 and on resignation from membership in a trade union specified in the second and fourth paragraphs of Article 19 via E-state shall be carried out in accordance with the third and fifth paragraphs of Article 22 and the second paragraph of the Article 25 of the repealed Law on Trade Unions numbered 2821, until the end of the first year following the date of entry into force of this Law.

PROVISIONAL ARTICLE 5 - (1) For the union officials who terminate their contract of employment since they are union officials at the publication date of the Law, the provisions of the second and third paragraphs of the Article 23 shall be applied. However, the union officials whose terms of offices end due to the reasons specified in the second paragraph of Article 23 shall be entitled to severance payment calculated according to the equivalent wage of their peers provided that they apply within one month after that date.

PROVISIONAL ARTICLE 6 - (1) The requirement for at least three percent member in the branch of activity in which it is established specified in the first and fifth paragraphs of article 41 and second and fourth paragraphs of Article 43 shall be applied as one percent from the publication date of January 2013 statistics to 1/7/2016 for trade unions affiliated to confederations which are members of Economic and Social Council and as two percent until 1/7/2018.

(2) Following the recently published 2009 statistics, the requests for determination of competence of the trade unions which have been established until 15/9/2012 and became a member of confederations that are members of Economic and Social Council, to be submitted from the date of entry into force of this Law to the date of publication of January 2013 statistics shall be concluded by the Ministry in accordance with the requirement of majority of workplaces and establishments specified in the first paragraph of Article 41.

(3) Until the date of publication of January 2013 statistics, the applications for determination of competence to the Ministry and the application for determination of competence limited to the next collective labour agreement to be submitted by the trade unions whose collective labour agreements that they are a party to will be terminated after the date of publication of January 2013 statistics shall be concluded in accordance with the July 2009 statistics published by the Ministry according to the Article 12 of the repealed Law numbered 2822 and with the provisions specified in the repealed Law numbered 2822.

(4) The collective labour bargaining and collective labour disputes started before the publication date of this Law shall be concluded in accordance with the repealed Law numbered 2822 and the statutes and by-laws based on this Law.

Date of commencement

ARTICLE 82 – (1) This Act shall come into effect on the date of its publication.

Execution

ARTICLE 83 – (1) The Council of Ministers shall be responsible for the execution of this Law.

TABLE (1)

No	Branches of Activity
1	Hunting and fisheries, agriculture and forestry
2	Food industry
3	Mining and stone quarries
4	Petroleum, chemicals, rubber, plastics and medicine
5	Textile, ready-made clothing and leather
6	Wood and paper
7	Communication
8	Printed and published materials and journalism
9	Banking, finance and insurance
10	Commerce, office, education and fine arts
11	Cement, clay and glass
12	Metal
13	Construction
14	Energy
15	Transport
16	Shipbuilding and maritime transportation, warehouse and storage
17	Health and social services
18	Accommodation and entertainment
19	Defence and security
20	General affairs