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Seventh sitting, 5 June 2024, 6.35 p.m.

Septième séance, 5 juin 2024, 18 h 35

Séptima sesión, 5 de junio de 2024, 18.35 horas

Chairperson: Mr Różycki

Président: M. Różycki

Presidente: Sr. Różycki

Discussion of individual cases

Discussion des cas individuels

Discusión de los casos individuales

Türkiye (ratification: 1952)

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

Convention (nº 98) sur le droit d'organisation et de négociation collective, 1949

Convenio sobre el derecho de sindicación y de negociación colectiva, 1949 (núm. 98)

Chairperson – Before we start our work this sitting, I would like to inform the Committee that new D documents with the written information submitted by the Governments of Ecuador on Convention No. 87, Guinea on Convention No. 105 and Turkmenistan on Convention

No. 105 are now available on our Committee's web page. Also for your information, the verbatim PV – General Survey, and PV – Serious Failure and PV – General Discussion Closure are now available on the Committee's web page. The Committee members may submit amendments to their own statements appearing in this verbatim PVs to the Committee secretariat by tomorrow at 6.30 p.m.

And now, let us move to the next case on our agenda, which is Türkiye on the application of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). I invite the Government representative of Türkiye, Ms Isil Kurnaz, Adviser to the Minister of Labour and Social Security, to take the floor.

Government representative, Türkiye (Ms KURNAZ) – Before I begin my remarks, I would like to congratulate you and your Vice-Chairpersons on your election to this Committee. I wish you every success in your endeavours to make this Committee's work more fruitful, objective and meaningful, in a spirit of constructive dialogue.

First of all, I would like to bring to the attention of your Committee that Türkiye is the second country to ratify Convention No. 98 after Finland, among member countries party to all fundamental ILO Conventions. She highlights its commitment to international labour standards and actively integrates these standards into national legislation through tripartite dialogue, reflecting its dedication to democracy, the rule of law, and universal legal norms. As a founding member of the Council of Europe, G20 and OECD and the 19th largest economy in the world, Türkiye is a significant donor of Official Development Assistance as well.

We regret for its inclusion in the final list of individual cases for Convention No. 98 with a double footnote, emphasizing our longstanding partnership with the ILO. Despite geopolitical hardship along with challenges including a coup attempt, earthquakes, and the COVID-19

pandemic, Türkiye urges the Committee to recognize our considerable progress, emphasizing the importance of maintaining supervisory mechanism credibility.

Since the last discussion in 2013, significant advancements have been made in Türkiye's labour legislation, the essence of the revised articles about determination of the branch of activity; protection of shop stewards; scope and level of the collective labour agreement and benefiting from collective labour agreement; regulating competence; settlement of collective labour disputes; regulating prohibition and postponement of strikes and lockouts; E-membership service for trade union memberships in a few countries all over the world and; Initiation of the mediation procedures, encompasses regulations concerning the branch of activity and the extent and depth of collective bargaining agreements. At the same time, the entitlements derived from such agreements, objections regarding competence determinations, competence itself, and prohibitions on strikes and lockouts are covered.

These matters hold undeniable significance in the realm of labour, both domestically and internationally, and are enacted with a clear favour towards employees. Türkiye's labour laws and legislation make the protection of employees prominent, recognizing their position as the weaker party in the employment relationship.

Let me start with the Committee's concerns regarding the personal scope of the Convention, particularly regarding prison staff. Collective agreements provide benefits to all public servants, including prison staff, who are ineligible to join unions under article 15 and retired public servants.

A 2023 Constitutional Court decision permits heads of departments, faculty deans, institute and college directors and their deputies to establish and join trade unions, suggesting that their roles in public power do not automatically disqualify them from trade union

membership. The justification of this decision may serve as a stimulating jurisprudence for narrowing the scope of public servants who cannot become members of the trade union.

Regarding locum workers and certain public servants working without a written contract like teachers, nurses, and midwives, their employment relationship is governed by status employment laws, not contracts. Therefore, their exclusion from trade unions aligns with legal stipulations, as outlined in the Public Servants Law.

Correspondingly, the Tripartite Consultation Board, chaired by Minister of Labour and Social Security Prof. Dr Vedat IŞIKHAN, convened on 20 October 2023, with the agenda of “Social Dialogue in the Turkish Century.” Representatives from the Ministry, affiliated institutions, workers, and employer confederations attended the meeting to discuss challenges facing the country in these areas. Subsequently, it was decided to establish sub-working committees and commence immediate collaboration with confederations, trade unions, lawyers, lecturers, and relevant public officials.

The sub-working committee convened its first meeting on 23 May 2024, focusing on challenges within the current Trade Unions Law, particularly concerning the determination of authorization and freedom of association. It has begun to discuss on possible amendments to the law on these issues. It was agreed to hold a second meeting on 26 June 2024.

Allegations of massive dismissals in the public sector: following the 2016 coup attempt, public servants, including some trade union representatives, were dismissed from their positions based on their alleged ties to terrorist organizations. The Commission of Inquiry on State of Emergency Measures, operational from 2017 to 2023, aimed to assess and address such dismissals.

Over the past five years, significant judicial efforts have been dedicated to addressing the issues outlined by the Committee.

Accordingly, it's crucial to note that the President of the Republic introduced a Judicial Reform Strategy in May 2019. As part of this strategy, the 8th Judicial Package, published in March 2024, expanded the mandates and authorities of the Human Rights Compensation Commission, established in 2013, to further shorten litigation process.

The Compensation Commission is mandated to examine applications related to delayed proceedings within one month from the date of investigation, trial, or final decision. It also shall assess individual applications at the Constitutional Court within three months and applications made to the European Court of Human Rights within three months of the Constitutional Court's rejection decision or as of 10 October 2023, from the notification of the decision of inadmissibility.

As regards allegations of insufficient protection against anti-union dismissals and discrimination in both private and public sectors, out of nearly one and half million decisions by the Chief Public Prosecutor's Office, only 791 were related to impeding trade union rights, with 357 deemed unnecessary for prosecution. This suggests a fair and equitable judicial process.

Special laws governing decisions by Chief Public Prosecutors' Offices show that only 1,465 out of over 433,000 files fall under the Meetings and Demonstrations Law, with non-prosecution decisions rendered for 877 files.

The last National Employment Strategy workshops, led by the Ministry of Labour and Social Security in 2024, aim to prevent workplace discrimination and promote civil liberties through collaboration with social partners. The Human Rights and Equality Institution of Türkiye (TİHEK) will conduct meetings, research studies, workshops and training programs in the coming years to further these goals.

Why collective bargaining bonuses are paid directly to trade union members is to ensure unity, simplicity, and practicality. Payments are deducted from employees' salaries and deposited into the trade union's account as membership dues.

Regarding SAHİM-SEN's observations on collective bargaining bonus, the Constitutional Court decision in 2024, nullified the two percent threshold provision. After the cancellation, all public servants who are trade union members began receiving collective bargaining support.

I believe all these statistical realities and legal developments reflects a positive trend toward the improvement and development of trade union rights in Türkiye.

Collective labour agreements can be established at various levels, including workplaces, companies, multi-employer groups, and through framework arrangements. This system has evolved within Türkiye's robust industrial relations framework over time.

In order to further advance collective bargaining and trade union rights in our country, the Tripartite Consultation Board focuses on strategies to enhance union organization in Türkiye. It anticipated changes in trade union thresholds, and challenges faced in determining collective bargaining authorization processes.

At the end of the meeting, two sub-working committees, including social partners, were established to revise the Labour Law and the current Trade Unions Law.

The Labour Law sub-working committee started meetings in January 2024 and held three subsequent meetings.

The current Trade Unions Law sub-working committee began its first meeting in May 2024, with participation from social partners.

On the other side, regarding the scope of collective bargaining rights of public servants' law, the Public Personnel Advisory Board convened in November 2023, chaired by the Minister,

to enhance social dialogue in the public sector and address challenges faced by public servants, including its scope expansion and the election mechanism for the Chairman and members of the Public Servants' Arbitration Board.

At the end of the meeting, it was decided to establish a sub-working committees to discuss these issues, especially the review and revision of the legislation. The sub-working committees were not only public servants' law reviews, but also the issues of developing the framework of financial and social rights such as reimbursement and food allowance of public officials discussed.

Last but not least, the 13th Labour Assembly, which could not convene after its last meeting in 2019 due to the pandemic and the devastating earthquakes, convened in Ankara in April 2024, with the presence of Minister Mr Vedat Işıkhan, Ms Beate Andrees, Assistant Director General and Regional Director for Europe and Central Asia, Mr Youcef Ghellab, Head of the ILO Social Dialogue Unit, and the team from the ILO Office for Türkiye. ILO Director-General Mr Gilbert Houngbo addressed the assembly via video message, congratulating Türkiye's all parties for their commitment to social dialogue and their contributions to decent work and social justice.

The Assembly, themed "The Labour Life in the Turkish Century: The Future of Labour, Unionisation, and Employment," received active participation from experts, academicians, government officials, workers' and employers' organizations, public servants unions, and chambers. Discussions with a broad participation of more than 1,000 participants focused on advancing unionization, collective bargaining procedures, expediting judicial processes related to labour rights, and ensuring the effective continuation of social dialogue.

During the Assembly, representatives of the social parties discussed such issues, within the scope of the current Trade Unions Law such as: trade union thresholds, collective

bargaining authority determination processes, reinstatement and court processes on the objection of the employer, strike postponement decisions. In terms of public servants' law, the coverage of Article 15, which regulates that public employees cannot become members of trade unions, the scope of collective agreements in the public sector, locum workers and the structure of the High Arbitration Board.

Following this meeting, a declaration will be published after it is finalized by the Scientific Board, which carries out academic studies in the fields of Labour Legislation and Industrial Relations. This Declaration will accelerate the works of two sub-committees with the participation of relevant social partners to carry out the reviewing and rearranging of the legislation on the issues discussed in the Labour Assembly, taking into account the opinions and evaluations of the Committee of Experts.

We are committed to providing your Committee with regular updates on the developments in this regard, ensuring transparency and accountability in our progress towards enhancing labour rights and social dialogue.

The momentum, gained through three large and seven sub-working committees' meetings in the last seven months, will bring about significant progress, especially legislative changes mainly, the issues demanded by the social partners regarding the Labour Law, and, article 15 of the Public Servants' Law, and, articles 25, 34 and 41 of current Trade Unions Law.

We have initiated works on reviewing and revising aforementioned issues in the work schedules of the sub-working committees, through active collaborations with our social partners and we are confident that we will finalize them as the government together with the social partners.

Worker members – Our Committee examines the application of Convention No. 98 by the Government of Türkiye. This case appeared already 11 times before our Committee and

was double-footnoted by the Committee of Experts, pointing out the seriousness of the violations of trade union rights occurring in the country.

Since 2016, the Government of Türkiye has been relentlessly pursuing an anti-union agenda, using State of Emergency Laws to justify the massive dismissal and demotion of thousands of civil servants. Since then, many trade union members have sought redress through an Inquiry Commission in charge of examining appeals.

The Committee of Experts noted that this Inquiry Commission considered only whether a link, even tangential, could be established between the dismissed civil servants and terrorist groups, as determined by the National Security Council. Applicants had no possibility to be informed of, let alone challenge, the information gathered against them. As stated by the Government, the purpose of the dismissals was to “terminate the existence of terrorist organizations within the public institutions” and the Inquiry Commission focused solely on determining whether the dismissals were justified in view of this purpose.

This Inquiry Commission rendered more than 127,000 decisions, only 14 per cent of which led to an acceptance decision.

No specific information was submitted by the Government as to the appeals submitted by dismissed trade union members and officers. We note with deep concern that 4 confederations, 19 federations and 19 trade unions were shut down after the courts found that they were affiliated with terrorist organizations. We also note with concern that according to KESK, a total of 4,267 of their members were arbitrarily dismissed from all public sectors under the emergency laws.

We deplore the failure of the Government to put in place an independent, effective and fair process to review the appeals of public servants against their anti-union dismissals. We note that the Inquiry Commission concluded its five-year mandate. Now today workers have

to go through a lengthy process before the courts for the review of their cases. We urge the Government to establish an independent, expeditious and in-depth process for investigation and remedy of cases brought against anti-union dismissals in the framework of the emergency laws.

Furthermore, we note with concern that despite the expiration of the state of emergency, governors and ministries continue to use exceptional legal provisions to dismiss public servants.

A second long-standing issue is the total lack of protection of workers against anti-union discrimination in the private and in the public sectors. As pointed out by the Committee of Experts, Act No. 6356, which specifically regulates anti-union dismissals in the private sector, merely provides that in case of “termination of contract of employment for reasons of trade union activities”, “union compensation” shall be ordered, while reinstatements can legally be refused by the employers. There are no administrative or penal sanction applicable in case of anti-union dismissal. Similarly in the public sector, there are no legal provisions sanctioning those responsible for anti-union discrimination or awarding compensation to victims.

This lack of effective protection and dissuasive sanctions in the legislation created a permissive environment for employers to engage in systematic union busting. Over the years, trade unions in the country have denounced countless examples of targeted dismissals of trade unionists and workers attempting to form or join a trade union.

These are issues that have been raised by the ILO supervisory bodies for years. However, so far, their recommendations have remained unheeded. Our Committee in 2013 requested the Government to establish a system for collecting data on anti-union discrimination in both private and public sectors. Eleven years later, the Government can show no progress in this regard.

This overall anti-union climate has harmful consequences on the ability of workers to collectively bargain which are further compounded by a restrictive legal framework. The Committee of Experts has made numerous comments on the need to review Act No. 6356 which imposes stringent conditions on collective bargaining in the private sector.

Firstly, the threshold for becoming a collective bargaining agent at the enterprise level is exceptionally high: the union should represent at least 1 per cent of the workers engaged in a given branch of activities and more than 50 per cent of workers employed in the workplace and 40 per cent of workers of the enterprise to engage in collective bargaining.

These requirements have a direct impact on trade unions' capacity to represent and defend their members in collective bargaining. According to 2023 data provided by the Government, close to three quarters of the unions in the country would not qualify for becoming a bargaining agent due to the application of the 1 per cent sectoral thresholds. These rules create considerable obstacles to collective bargaining in the country, especially for minority unions, as there are no legal provisions regarding their rights to collective bargaining. As a result, according to data from ILOSTAT, only 7.4 per cent of employees in Türkiye were covered by a collective agreement in 2019.

In addition, Turkish trade unions attempting to challenge the recognition of a trade union as exclusive bargaining agent face a protracted judicial process which can take up to six or seven years. Meanwhile, the bargaining process remains on hold and workers are deprived of the coverage of collective agreements.

Secondly, Act No. 6356 does not allow cross-sector regional and national bargaining, thus unduly restricting the autonomy of the social partners to decide on the levels of collective bargaining.

In the public sector, collective bargaining is also restricted in its scope, which is limited to “social and financial rights”, excluding any other aspects of the professional life of public workers. In addition, representation of trade unions in collective bargaining processes in the public sector are limited to an observation role. Majority unions, while allowed to participate in the Public Servants’ Union Delegation, cannot make proposals for collective agreements, in particular where their demands are qualified as general or related to more than one service branch.

The Government has also persistently ignored the Committee of Experts’ call to review the composition of the Public Employee Arbitration Boards. Currently, 7 out of 11 of its members are nominated by the President of the Republic, leaving some doubt as to its independence and impartiality.

And finally, we note with concern the persistent inaction of the Government to allow prison staff and locum workers as well as public servants without a written contract, to exercise their rights to organize and collectively bargain.

In view of the heavy legal restrictions applying to the rights to organize and to collectively bargain and in this persistent anti-union climate, workers and trade unions in Türkiye are effectively prevented from defending their rights and interests. We call on the Government to urgently take measures, in consultation with the social partners, to lift all the legal barriers to the full enjoyment of the rights guaranteed by the Convention and to take meaningful and effective action to address anti-union discrimination both in the private and public sectors. I thank you.

Membres employeurs – La convention n° 98 est l’une des 10 conventions fondamentales de l’OIT. La Türkiye a adhéré à l’OIT en 1932 et a ratifié au total 59 conventions, y compris les 10 conventions fondamentales. La Türkiye a ratifié en 1952 la convention n° 98. Aujourd’hui,

c'est la douzième fois que la commission examine l'application en droit et en pratique de cette convention par la Türkiye. Plus précisément, la commission d'experts a déjà formulé une trentaine d'observations depuis 1989 concernant la protection contre les actes de discrimination antisyndicale ainsi que concernant la liberté de négociation collective.

Après la tentative de coup d'État le 15 juillet 2016, l'état d'urgence avait nécessité de prendre certaines mesures exceptionnelles afin de garantir la sécurité nationale. Cet état d'urgence a pris fin le 18 juillet 2018. Très récemment, avec le soutien de l'OIT, le dialogue social tripartite a été renforcé au sein de l'assemblée tripartite du travail qui s'est réunie en avril 2024. Une responsable de haut niveau de l'OIT y participait. En outre, un important projet de l'OIT financé par l'Union européenne a été lancé avec la participation des partenaires sociaux turcs, qui couvrira la liberté d'association et le droit à la négociation collective en tant que piliers de l'agenda des droits fondamentaux.

Dans ses dernières observations, la commission d'experts demande au gouvernement de prendre les mesures nécessaires, sur la base des articles 1, 2, 3, 4 et 6 de la convention, pour que les actes de discrimination antisyndicale soient interdits et sanctionnés efficacement, qu'une procédure efficace et impartiale soit utilisée lorsque de tels actes se produisent, et enfin que la négociation collective soit davantage promue par les autorités.

Dans sa réponse à nos interventions de l'année dernière, le gouvernement a notamment précisé les éléments suivants:

- 1) les personnes occupées dans des organisations d'importance stratégique telles que le personnel pénitentiaire et celles qui impliquent des postes de pouvoir de police et de renseignement au nom de l'État ne peuvent pas s'affilier à un syndicat ni en former un. Ces limitations seraient principalement dues à l'importance d'assurer de manière impartiale la fourniture de services publics essentiels par ces fonctionnaires. Néanmoins,

- ces travailleurs étaient couverts par les conventions collectives conclues pour le secteur public. Le gouvernement confirme également que certains travailleurs suppléants ne sont pas non plus autorisés par la loi à s'affilier à un syndicat ou à en former un et qu'ils ne sont pas non plus couverts par des conventions collectives;
- 2) le gouvernement soutient que, entre le 22 décembre 2017 et le 22 janvier 2023, l'ensemble des plaintes contre les licenciements massifs dans le secteur public pour des raisons soi-disant antisyndicales auraient fait l'objet d'une procédure impartiale devant la commission d'enquête. Celle-ci a rendu un total de 127 292 décisions (dont 17 960 décisions d'acceptation). Les personnes ont eu ensuite la possibilité d'intenter un recours judiciaire;
 - 3) le gouvernement soutient que la législation nationale est conforme à la convention (n° 158) sur le licenciement, 1982, de l'OIT que la Türkiye a ratifiée en 1994. Selon la loi turque, un travailleur licencié pour des raisons syndicales a le droit d'intenter une action en justice en vue de sa réintégration et, si le tribunal décide que le licenciement est dû à des raisons syndicales, ou antisyndicales, il fixe également le montant de l'indemnité à verser si le travailleur n'est pas réintégré. En revanche, empêcher l'exercice des droits syndicaux constitue un délit et entraîne des sanctions pénales. Par ailleurs, il reste très compliqué de développer une méthodologie sur la collecte des données concernant les licenciements antisyndicaux. Un rapport développé en 2018 avec le BIT et un workshop tripartite organisé à l'époque n'ont pas permis de développer une solution;
 - 4) selon le gouvernement, le concept légal de convention collective de groupe permettrait déjà aux partenaires sociaux du secteur privé de conclure des conventions collectives au niveau de la branche. Cependant, le gouvernement n'apporte aucune clarification pour permettre de conclure des conventions collectives intersectorielles;

- 5) le double seuil pour être reconnu comme un syndicat représentatif dans le secteur privé a été validé par la Cour constitutionnelle. En outre, le taux de syndicalisation dans le secteur privé était de 10,6 pour cent dans les premières statistiques en janvier 2015 publiées après l'abaissement du seuil à 1 pour cent. Le taux de syndicalisation n'a cessé d'augmenter depuis lors: il atteint 74,5 pour cent dans le secteur public et 14,8 pour cent dans le secteur privé. Ces chiffres indiquent une évolution positive sur le terrain;
- 6) en ce qui concerne le Conseil d'arbitrage des fonctionnaires, le gouvernement précise que ces magistrats ne sont pas subordonnés au pouvoir exécutif et que l'indépendance du pouvoir judiciaire est garantie.

Le groupe des employeurs réaffirme l'importance capitale du respect de la convention n° 98, par tous les pays Membres de l'OIT, en tant que convention fondamentale. Le droit d'organisation et de négociation collectives, tant pour les employeurs que pour les travailleurs, est une condition essentielle pour garantir l'application de toutes les normes de l'OIT. Nous insistons pour que les législations et les pratiques nationales garantissent ce droit fondamental. Les actes antisyndicaux doivent donc être sanctionnés de manière juste et efficace. Les gouvernements doivent promouvoir activement la liberté de négociation collective par les partenaires sociaux.

Le groupe des employeurs souhaite faire les remarques suivantes sur ce point: nous considérons que la législation actuelle, qui prévoit un seuil de représentativité de 1 pour cent des travailleurs du secteur pour la capacité des syndicats à négocier collectivement, est compatible avec l'article 4. Il s'agit de déterminer la meilleure façon d'atteindre l'objectif de promotion de la négociation collective. L'article 4 laisse une marge d'appréciation aux gouvernements pour régler cette question. Avec la loi n° 6356, la réduction du seuil légal de 3 pour cent à 1 pour cent des travailleurs de la branche d'activité a eu un impact positif sur le

mécanisme de négociation collective. Les partenaires sociaux étaient parvenus à un consensus préalable pour réduire ce seuil, car ils craignaient que sa suppression pure et simple n'entraîne des pratiques malveillantes et un retour à une organisation chaotique des relations industrielles. Vu qu'il existe 228 syndicats en Türkiye, le groupe des employeurs estime légitime de fixer des seuils objectifs au-delà desquels un syndicat peut être autorisé à conclure des conventions collectives. Actuellement, 60 syndicats sur 228 répondraient à ces critères. Le groupe des employeurs précise que si une organisation d'employeurs ou un syndicat librement créé refusent de respecter les conditions de représentativité ou ne respectent pas les règles du dialogue social, alors il faudrait plutôt les considérer comme de simples groupes de pression. La qualification de partenaires sociaux implique une rigueur liée à la représentativité des membres, un fonctionnement démocratique et une prise de responsabilité pour négocier des accords sociaux équilibrés, contrairement à la qualification d'ONG. Seuls les partenaires sociaux peuvent demander l'intervention de l'OIT lorsque leurs droits sont menacés ou violés.

Le groupe des employeurs souligne l'importance des discussions nationales tripartites qui ont eu lieu en avril dernier au sein de l'assemblée du travail. Cette réunion donnera prochainement lieu à une déclaration commune qui contiendra des engagements de toutes les parties afin de renforcer la démocratie sociale. Conformément aux décisions de cette assemblée du travail, des sous-commissions ont été créées pour examiner la législation sur les syndicats et la loi sur la négociation collective dans la fonction publique. Ces sous-commissions ont déjà commencé leurs travaux.

Je termine mon intervention par deux points d'attention. D'une part, il est important que la législation sur la négociation collective dans le secteur public soit applicable à tous les travailleurs des services publics, conformément à la convention n° 98, même si certaines exceptions sont justifiables dans le secteur public. D'autre part, le niveau de négociation

collective dans le secteur privé devrait être librement choisi et fixé par les partenaires sociaux eux-mêmes plutôt que par la loi. Nous espérons que les partenaires sociaux discuteront notamment du niveau intersectoriel dans le prolongement de l'assemblée du travail initiée en avril.

Chairperson – There are 24 speakers wishing to take the floor. I would like to inform all delegates that the Officers of the Committee have decided to reduce the speaking time for individual Government delegates of the Committee from five to three minutes. Now, I invite Mr Güven Savul, Workers' delegate from Türkiye, to take the floor. Sir, the floor is yours.

Worker member, Türkiye (Mr SAVUL) – Dear President, distinguished delegates, we have been discussing Türkiye at the Committee in regard to Conventions Nos 87 and 98 for years. We are pleased to note that there have been improvements such as the introduction of e-state system instead of the notary ratification in trade union affiliation and resignation procedures.

Despite these efforts, the problems regarding legislation and implementation in Türkiye is continuing. The anti-union dismissals is still a significant problem in Türkiye. The legal framework regulating the protection of employment is not adequate. Reinstatement of workers in case of injustice and anti-union termination of the labour contract is very limited in practice. Following the court rulings, employers generally prefer to pay severance and notice rather than opt for reinstatement. In case of unilateral termination of the employment contract, the employer notifies the authorities not to pay compensation. If the worker claims that this practice constitutes unfair dismissal, she or he must go to court. But this is an expensive and lengthy process for the plaintiff. Moreover, half of the workers who resign in Türkiye seem to resign of their own free will. In fact, they are the workers, who were made to sign the resignation document in advance. It is an employer strategy providing a legal ground

not to pay compensation. In addition, they cannot claim unemployment benefits because they resigned so-called voluntarily. The prolonged judicial processes focusing on competency to conclude collective agreement is another important issue in Türkiye. The long period of judicial process is one of the common and major causes of de-unionization. Another aspect of this issue is the competency objections. The competency objections pave the way for commencing of an unclear judicial process which also causes resignations from unions. The sectoral level threshold was very high as 10 per cent in the past. It decreased to 1 per cent in 2015 as a result of the consensus among the social partners. A technical mission from the ILO has also visited Türkiye and took part in the dialogue process.

In the context of article 41(1) of Law No. 6356, the threshold at the sectoral level has a regulatory role enabling existence of the most representative and strong trade unions.

It must be clearly stated that a union organization environment at the workplace level, where the employers, political parties can intervene, is not a system that would be preferred for the collective benefit of workers in Türkiye. Non-existence of the sectoral threshold can cause the proliferation of atomized unions. In addition to this risk, the micro-level organizations can be guided by the employers in order to disrupt the strength of the organized labour movement. Furthermore; there can only be one authorized union at one workplace to conclude the collective agreement according to the existing legislation. These arrangements were made in dialogue with the social partners, taking into account past experiences. All in all, the right to organize should be interpreted in a broader sense by the legislative authority. It means as many as people in the labour market can enjoy right to organize. I do not want to take the time of my colleague who will speak on the right to organize and the collective bargaining of civil servants which is intensively mentioned by the Committee of Experts in the report.

Another Worker member, Türkiye (Mr DEMIRCI) – On behalf of Kamu Sen, one of the representative confederations of the public employees in Türkiye, I would like to add some information related to public workers' problems.

The statement in the report that prohibits the membership of Article 15 of the Public Workers Trade Union (PWTU) Law (N0. 4688) not only includes prison staff, locum workers and public servants working without a written contract, the Law regulates a large prohibition which covers approximately 20 per cent of the public employees. Many public employees, except police, military workers and public servants engaged in the administration of the State, are still deprived of the use of their rights to organize and collective bargaining with the current prohibited regulation expressed in the mentioned article of the law.

Another issue included in the Committee of Experts' report is the issue of public officials dismissed within the scope of the State of Emergency. The implementation was a result of the extraordinary circumstances that occurred after a military coup attempt supported by the FETO terrorist organization in 2016. All legal forces, non-governmental organizations and almost all of our people took the position against them by closing roads and public areas and showing their protest, we managed to get rid of them in six hours. As a result of this coup attempt our country lost 252 people and they destroyed our economy by the meaning of billions of dollars. After the coup attempt was suppressed, a state of emergency was immediately declared, and a large investigation was initiated by the State institutions and organizations to detect all activities of FETO and other terrorist organizations, as well as their connections with public employees. As a result of the evaluations, public employees whose connections with FETO and other terrorist groups were determined, for judicial reunions, they should be removed from their civil servant duties, which are the protection armour in front of judicial investigations, within the framework of public workers' law and the provisions of the Turkish Penal Code. However, considering some internal and external judicial decisions and

the Commission decisions mentioned in the Report, it was understood that some dismissals were made without sufficient administrative and judicial review and research. The Turkish authorities said, at the end of the process, refunds and compensation for economical and moral losses has been taken into account. But the process is still continuing, and the problem is going on. It is considered important for the Government to establish a new regulation as soon as possible to clarify the process regarding public officials who are in this situation. Regarding the union discrimination in the public sector, it has been continuing since many years, and the Committee of Experts notes this very well despite hundreds of complaints made against them, none of the public administrators who take part to discrimination in public employee unionism were punished.

On the other hand, the 2 per cent threshold issue included in the Committee of Experts' Report and introduced for public employee unionism is aimed at paving the way for positive unionism. Similar thresholds are still going on labour unionism in Türkiye, assuming to encourage more powerful representative unions as positive unionism. The threshold implemented in our country creates strong representative trade unions by the number of memberships, instead of distributing the power among many small and marginal unions which are weak in that manner. So, we support that threshold application to create more powerful and authorised trade unions.

Taking account of the collective bargaining process, its duration, scope, authorisation of representatives, signature competence, mismatch regulations of the branch and general collective bargaining systems, public workers' trade union law has many troubles.

So as a result, I would like to offer the Government and all our trade unions to come together by the leadership of the Government and to re-organize and implement the public workers' trade unions law again on the basis of the Convention.

Employer member, Türkiye (Mr CENTEL) – I would like to present the opinions and suggestions of Turkish employers with respect to the subject matter.

The Committee of Experts' observations about Türkiye, under Articles 1, 2 and 3 of the Convention, is mainly based on massive dismissals in the public sector under the state of emergency decrees.

After the attempted coup of 15 July 2016, an Inquiry Commission has been established that receives applications against the dissolution of trade unions during the state of emergency and whose decisions are appealable before administrative courts of Ankara. The grounds for the dissolution of trade unions and the dismissal of trade unionists can be examined by the administrative courts when applications are made, which is a due and effective recourse by law.

Another point regarding the Committee of Experts' observations on Türkiye about Article 1 of the Convention is adequate protection against anti-union dismissals. The provisions of the Turkish Labour Act No. 4857 on unjustified dismissals are designed along the lines of Termination of Employment Convention, 1982 (No. 158), which similarly does not require that reinstatement be mandatory.

According to article 25 of Act No. 6356, a worker whose employment contract is terminated due to a union related reason shall have the right to file a lawsuit for the reinstatement to job. In case of the lawsuit for reinstatement to job, it is determined that the employment contract is terminated due to a union-related reason, a union-related compensation shall be ordered, and its amount should not be less than one year's wages of the worker. An amount of not being less than one year's wages of the worker must be identified as a dissuasive measure for the protection of the worker against an anti-union dismissal.

On the other side, the penal sanction for anti-union dismissal is regulated in Article 118 of the Turkish Penal Code. According to article 118 of the Turkish Penal Code, a forced pressure to block the use of union rights is a crime and requires an imprisonment of the perpetrator. It provides that whoever uses force or threat against a person to force them to join or not to join a union, to participate in the activities of the union, or to leave their position in the union or union management, will be sentenced to imprisonment from six months to two years. Contrary to the observations of the Committee of Experts, this provision does concern anti-union dismissals.

Moreover, according to article 78, paragraph 1 of Act No. 6356, an individual who enrolls members to union by way of force or pressure in breach of union freedom or who forces a worker to maintain or quit his/her membership shall be charged with an administrative fine for each membership.

As Turkish employers, therefore, we are considering that all these provisions contain an adequate legal protection against anti-union dismissals both in private and public sectors of Türkiye.

Another point regarding the Committee of Experts' observations on Türkiye about Article 2 of the Convention is article 15 of the Civil Servants' Unions Act. It takes into consideration the complaints filed by different workers' organizations about the scope of Article 2 of Convention No. 98. In respect of the complaints, the Committee of Experts' observations focus on rendering article 15 of the Civil Servants' Unions Act compatible with the Convention.

According to a sentence added to the fifth paragraph of article 90 of the Constitution of the Republic of Türkiye in 2004, "in case of discrepancies arising from the fact that international agreements on fundamental rights and freedoms, duly put into effect, and laws contain

different provisions on the same subject, the provisions of international agreements shall prevail”.

In this context, the decision of the Constitutional Court regarding whether civil servants working in the Presidency National Palaces Directorate can be deprived of the right to unionize has been awaited. Upon the appeal of the decision regarding the dispute, the Ninth Civil Chamber of the Court of Cassation, disregarding the prohibitive legislative provision, considered the ILO conventions as per the article 90, paragraph 5 of the Constitution and concluded that the mentioned public officials have the right to unionize. Thus, despite the prohibition provision in article 15 of Law No. 4688, the ILO Conventions to which Türkiye is a party were taken as the basis.

These decisions demonstrate the progress made by Turkish judicial organs towards recognizing the union rights of public officials in Türkiye. As Turkish employers, we believe that all employees, except for a few exceptions, working in the public sector should enjoy the right to organize.

Another issue regarding the Committee of Experts’ observations about Article 4 of the Convention is the promotion of collective bargaining with a view to amending article 34 of Act No. 6356 (Act on Trade Unions and Collective Labor Agreements) to ensure that it did not restrict the possibility of the parties in the private sector to engage in cross-sector regional or national agreements should they so desire.

Another point regarding the Committee of Experts’ observations about Article 4 of the Convention is the determination of the most representative union and rights of minority unions. The existing system is a product of a long and well-established industrial relations system in Türkiye.

The lowering in 2015 of the branch representation thresholds for becoming a bargaining agent at the workplace level from 3 to 1 per cent has had a positive impact on the unionization rate.

However, the Turkish employers do not consider that the removal of the branch threshold would have a similarly positive impact on the rate of unionization as well as on the capacity of unions, especially independent unions who are not affiliated to large confederations, to use the collective bargaining machinery.

Finally, I want to emphasize that the Turkish employers give the utmost priority to the ILO's supervisory system. In our view, the credibility and transparency must be respected within the Committee with a view to enable a high level of compliance to the International Labour standards.

Government member, Belgium (Ms BURNIAUX) – I have the honour to speak on behalf of the European Union and its Member States. The candidate countries North Macedonia and Montenegro, and the EFTA countries Iceland and Norway, members of the European Economic Area, align themselves with this statement.

The EU and its Member States are committed to the promotion, protection, respect and fulfilment of human rights, including labour rights.

We actively promote the universal ratification and implementation of fundamental international labour standards. We support the ILO in its indispensable role to develop, promote and supervise the application of international labour standards and of fundamental Conventions in particular.

The EU and its Member States have a strategic interest in the development of a cooperative and mutually beneficial relationship with Türkiye, a Candidate Country and a key

partner of the EU. This relationship is long-standing, with an Association Agreement concluded in 1963, and a Customs Union agreed in 1995.

We note with deep concern the Committee of Experts' observations that, following the massive dismissals after the 2016 coup attempt, public officials alleging that their dismissals under the state of emergency laws were motivated by anti-union reasons did not have access to an effective, rapid and fair procedure that would protect them against anti-union dismissals. Given the end of the mandate of the Commission of Inquiry on the State of Emergency Measures, we encourage the Government of Türkiye to put in place appropriate measures that will ensure independent, expeditious and in-depth investigations of these allegations through effective and rapid procedures with the necessary guarantees of due process and to report on measures taken. In the context of the absence of an effective and rapid remedy system against state of emergency dismissals, we echo the concern of the Committee of Experts regarding the lack of information on the perpetuation of state of emergency powers. We encourage the Government to comply with the Committee of Experts' request to provide its observations to the ILO on this matter.

Anti-union dismissals remain a concerning issue in the private sector as well. We note the absence of a minimum compensation and of administrative or penal sanctions for anti-union dismissal and that a reinstatement judicial order can be refused by the employer opting for a financial compensation. We join the call of the Committee of Experts on the Government to adopt effective and sufficiently dissuasive sanctions against anti-union dismissal in the private sector and to provide information on the judicial practice in determination of compensation awarded to dismissed workers.

In line with the Committee of Experts, we call on the Government to ensure adequate protection against anti-union discrimination in the public sector. We echo the Committee's call

to take legislative measures ensuring full compensation of the prejudice suffered both in occupational and financial terms and to put in place effective and sufficiently dissuasive sanctions.

Measures taken by the Government to protect public order should not deprive workers' organizations of their right to hold peaceful demonstrations and public meetings to defend their interests. In this regard we reiterate the Committee of Experts' call on the Government to refrain from arresting, detaining and prosecuting workers and trade unionists for participation in peaceful public meetings.

We regret the Government's observation that significant difficulties persist in the collection and recording of data on anti-union discrimination in the public and private sectors. We recall that the Conference Committee extended this request to the Government in 2013 and encourage the Government to improve data collection systems and institutional databases.

We encourage the Government of Türkiye to address the concerns of the Committee of Experts to ensure that more, including minority, workers' organizations can engage in collective bargaining and to report to the ILO on this matter.

We echo the call of the Committee of Experts and encourage Türkiye to bring its national legislation in line with the requirements of the fundamental Convention No.98 to ensure that senior public employees, magistrates, prison staff, locum workers, public servants working without a contract of employment and retirees can enjoy and exercise their right to establish and join organizations.

We regret the information provided by the Committee of Experts that existing legal provisions do not make it possible to negotiate collective agreements at all levels and encourage the Government to follow up on the recommendations of the Committee to ensure

that parties in the private sector wishing to engage in cross-sector regional or national agreements can do so.

We encourage the Government to ensure the full application of the Convention in full consultation with the social partners.

The EU and its Member States remain committed to a joint constructive engagement with Türkiye and welcome the recent engagement of the Government with the ILO. We encourage further exchanges between the Government and the ILO with a view to implementing the recommendations of the Committee of Experts.

Government member, Kazakhstan (Mr AKHMETOV) – My delegation thanks the Government representative of Türkiye for the report. We note the commitment on the part of the Government of Türkiye to observe the ILO Conventions and welcome the progress made by the Government in responding to the Recommendations of the Committee.

In the past years the Government of Türkiye has demonstrated efforts to strengthen and adapt its current legislative framework to bring it into line with ILO standards and in particular, through amending trade union laws and improving working conditions. Recent amendments concerning the settlement of collective labour disputes regulating competent mediation procedures, expanding the powers of the Human Rights Compensation Commission and aligning of trade union rights with ILO standards should be acknowledged.

We welcome the willingness of the Government to enter into an open discussion on how to further improve the situation with trade unions. We encourage the Government of Türkiye to continue these efforts. We believe that Türkiye which fulfils its obligations in the submission of reports related to the ratified ILO Conventions will continue to work closely with the ILO and social partners. I thank you.

Worker member, Netherlands (Mr POSTMA) – This intervention is also on behalf of the Korean, Nordic and Belgian Workers.

Convention No. 98 is about the right to organize and collective bargaining. The first Article states that “Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.”

Although the Turkish Constitution and the law on the trade unions say every worker has a right to choose his/her trade union, the reality is different. The exercise of freedom of association is related to the Government’s approach to this right, which in practice means there is anti-union discrimination.

The Government has policies and practices, for instance, the Anti-Terrorism Law and Turkish Penal Code, as a tool to silence trade unions, when for instance KESK carries out its usual trade union activities distributing trade union materials, setting up actions, which are not in line with government policies.

The Committee of Experts has noted the observations of KESK, stating that in total, 4,267 KESK members were dismissed from all public sectors under the State Emergency Decree-Laws. According to the KESK, the dismissals were arbitrary and non-transparent, and no effective remedy was provided. Public employees were unable to see the accusations and defend themselves. The KESK alleges that the Commission of Inquiry did not provide an effective remedy against anti-union dismissals and was instead used to punish trade unionists with no due process and proper court decision.

As KESK testified before the Commission, there was no transparent mechanism allowing the public officers to challenge any of the evidence against them. The KESK finally states that now that the work of the Commission of Inquiry is completed, the dismissed KESK members and executives must apply to administrative courts, a process that may take up to ten years to

come to conclusion. In practice, Article 1 of the Convention is violated in many ways. The Government and public institutions' managers facilitate some confederations while they put extra pressure on the members and leaders of the independent and democratic unions. This is why they face forced relocations. The public authorities act in quite an arbitrary way and independent unions face discrimination. There are no dissuasive sanctions when public managers violate their rights.

Interprétation de l'arabe: Membre gouvernementale, Tunisie (M^{me} BEN ISMAIL) – Ma délégation souhaite la bienvenue à la délégation du gouvernement de la Türkiye et exprime ses remerciements pour les informations données sur les efforts du pays pour mettre en œuvre les dispositions de la convention.

Nous nous félicitons des procédures administratives prises par le gouvernement pour respecter les normes internationales en révisant son Code du travail ainsi que le droit syndical, pour assurer l'efficacité du dialogue social et des procédures de négociation collective. Ma délégation se félicite des efforts faits pour renforcer les mécanismes de consultation. Des décisions ont été adoptées pour améliorer les droits des travailleurs et des employeurs. Ces mesures montrent l'engagement du pays pour défendre les normes internationales. En raison des engagements pris, la délégation félicite le gouvernement turque des résultats obtenus et l'encourage à poursuivre ses efforts pour que sa législation soit alignée sur les normes internationales en tenant compte des remarques de la commission et de la commission d'experts.

Interpretation from German: Worker member, Germany (Ms WÖMPNER) – Ladies and Gentlemen, it is with great concern that we have learned that many colleagues are still being held in Turkish prisons following their activities on 1 May and we urge the Government to release these and other prisoners.

The report of the Committee of Experts refers to a protection gap in Turkish law. If an employer dismisses a worker because of trade union activity, the worker can take legal action against this, but the legal consequence is not reinstatement, but only the payment of compensation. The amount of compensation is not specified by law and in practice we have seen that these compensation payments are far too low to serve as any kind of a deterrent. In addition, the legal proceedings take far too long for the affected workers – up to four years.

The fact that colleagues in Türkiye are not adequately protected against dismissal due to their trade union activities was already established by the European Court of Human Rights in 2017 in the EK GIDA case, but we still find ourselves in the same legal situation now. Resorting to dismissal to prevent unionization is the most widespread form of union busting.

Effective protection against dismissal is of the utmost importance, especially in the initial phase of trade union organizing in a company, otherwise it is too easy for employers to dismiss union members in return for just small payments.

This is also impressively demonstrated by a study by the Turkish Metalworkers' Union: in a period of 1.5 years, 875 of its members were dismissed in the first phase of organizing.

The protection against unlawful dismissal on the grounds of trade union organization laid down in Article 1 of the Convention is an essential basis for exercising the right to organize. If this is lacking, the right to collective bargaining cannot be exercised. Employers can simply buy their way out cheaply. The minimum requirement for such protection is a right to reinstatement, as it is stated in the report of the Committee of Experts and as is common practice in Germany.

Against this background, we call on the Government to standardize a statutory right to continued employment in the event of dismissal due to trade union activity.

Government member, Pakistan (Mr AHMED) – We recognize and note the ongoing engagement by the Republic of Türkiye with the ILO supervisory system. We reiterate that dialogue and engagement remain the best vehicles to address any concerns and promote labour rights and standards.

Pakistan acknowledges the positive steps taken by the Republic of Türkiye towards the implementation of the Convention within the ILO's tripartite framework.

We welcome Türkiye's ongoing efforts in labour law and judicial reforms, social dialogue and international cooperation. These initiatives reflect a strong commitment to enhancing workers' rights and aligning them with ILO standards.

Pakistan commends Türkiye's efforts and strongly encourages the ILO to take their achievements and the challenges they faced into due consideration.

Worker member, United Kingdom of Great Britain and Northern Ireland (Mr RUSSELL) – I speak on behalf of the Workers of the United Kingdom, and the AFL-CIO of the United States associates itself with these remarks.

Many of the workers of Türkiye, suffering the after-effects of dismissal during the state of emergency, are years later trapped in an interminable cycle of delayed justice. Those workers, dismissed without any court case, are only able to return to their working lives with the assistance of a slow-moving, under-resourced series of court interventions.

In one example, the Government started this process with an act of gross and arbitrary unfairness, retrospectively applying the provisions of a state of emergency to the issuing of a joint statement – the peaceful exercise of freedom of expression – at a time before the emergency took place, arresting a seemingly random subsection of those involved in making the statement, and then letting an under-resourced legal system slowly crush their hopes of restitution. 17 per cent of those were eventually cleared but, of those, almost half then lost an

appeal launched by the Government, and again lost their jobs, meaning only 10 per cent of those originally unfairly arrested and, essentially, blacklisted, regained any kind of normal life.

Victims of the mass dismissals must first apply to the administrative courts – there are 100,000 such victims still awaiting justice. There are, however, no more than ten administrative courts. Unions in Türkiye have estimated that without additional resources it will take these courts ten years to clear the backlog, ten years in which these workers cannot exercise their skills and experience in their chosen field, often forced into low-paid jobs. And, at the end of that long wait, should the administrative court clear them, they need to progress to the higher court, and finally the constitutional court, taking several more years. Even then, a successful win in the courts might win them the right to have their remedy implemented within two further years, something that very rarely happens far ahead of that deadline.

A public servant at the height of their career at the time of their original dismissal will retire, possibly destitute, having been unable to work at their full potential for half their working life.

As long ago as 2018, the Committee of Experts expressed its deep concern at the situation as it had developed given the high numbers of suspensions and dismissals that still affected trade union officials and members and hope the courts would reinstate any trade unionists dismissed for anti-union or interference motives.

Six years later, the lives of trade unionists caught up in this snail's pace sham of justice are still waiting for remedy. The Government of Türkiye's failure to act shows a callous disregard for their lives and, frankly, for the ILO supervisory system.

The wait has been long enough. At least 60 members of trade unions have killed themselves while waiting for this process to be completed, though in a grim twist many of

them were later cleared. The sluggishness of the Government's approach is not only ruining lives, it is costing them.

Government member, Azerbaijan (Mr SAFAROV) – At the outset, we would like to highlight that Türkiye has a longstanding and close relationship with the ILO and was among the first countries to sign the Convention.

In the past 11 years, Türkiye has enacted significant changes in its labour legislation, particularly in trade union laws. These reforms have largely improved social dialogue, trade union rights and collective bargaining procedures, making them more accessible and efficient.

We see it as an important advancement for Türkiye to expand the duties and powers of the human rights compensation commission, which aims to expedite litigation processes with recent judiciary reforms. This might insure quicker resolutions especially in union issues with shorter trial periods. Also, we welcome and commend that Türkiye has revitalized the tripartite consultation mechanisms.

Türkiye's ongoing efforts in labour law and judiciary reforms social dialogue and international cooperation, demonstrates its commitment to enhancing workers' rights and aligning with ILO standards.

Worker member, Sri Lanka (Mr VADIVELU) – *Speaks in Tamil*

First of all, I would like to note that Türkiye has a long and close relationship with the International Labour Organization (ILO) and the relevant workers' and employers' organizations on the promotion of labour standards and workers' rights and is committed to strengthening these rights.

Over the past ten years, Türkiye has made significant changes such as the determination of the branch of activity; regulating competence; e-membership service for trade union

membership. A few countries all over the world; initiation of the mediation procedures to its labour legislation in consultation with social partners.

The Committee should take into account the significant efforts and advancements that the country has realized in the world of work, despite the challenging times encountered at the same time. I am very proud to be a member of ILC with regard the White Flag Application, which is introduced to encourage unionization and increase registered employment, as a very positive and significant development and we support it.

We commend the Government for being a member of the Global Coalition for Social Justice Coordination Group. As a worker side, we are pleased to be part of this process.

Mr Vadivelu speaks in Tamil.

I am sorry to say that I mention a few things in my Tamil language, nothing wrong in that precedent. Do not misunderstand.

Türkiye has revitalized one of the most crucial social dialogue mechanisms, the Tripartite Consultation Mechanism. We also believe that the sub-working committees established within the framework of tripartite consultation mechanisms will produce concrete results in the revising and reviewing of legislation in terms of working life.

Mr Vadivelu speaks in Tamil.

We are 25 countries and 33 confederations 30 million workers in the ILC, so on behalf of the ILC and on behalf of Sri Lanka workers, the plantation workers, I'm submitting this report.

Interprétation de l'arabe: Membre gouvernemental, Soudan (M. HAMID) – Nous nous alignons sur les déclarations du gouvernement de la Türkiye. Nous appuyons les amendements et les réformes menés par la Türkiye pour mettre sa législation en conformité

avec les normes internationales du travail et les conventions ratifiées, notamment ici la convention n° 98 sur le droit d'organisation et de négociation collective.

Le Soudan considère que le gouvernement a adopté des mesures fondamentales et des législations qui amélioreront les droits des travailleurs ainsi que d'autres mesures qui permettront aux travailleurs de jouir de leurs droits syndicaux, conformément aux articles de la Constitution et des normes internationales du travail, conformément à la justice sociale, au dialogue social et à la négociation collective.

Le Soudan croit à ce qu'a fait la Türkiye, c'est pourquoi il demande que l'on supprime le pays de la liste des cas individuels, en raison des efforts accomplis.

Government member, Algeria (Mr TABAI) – The Algerian delegation has followed very carefully the statement delivered by the distinguished delegate of Türkiye in which she has demonstrated the Government's will and commitment to continue to collaborate with the International Labour Organization and to enhance labour standards and workers' rights.

We emphasize that Türkiye was among the first countries to sign the Convention.

Algeria welcomes the positive and significant steps taken by Türkiye and its notable successes in improving working conditions, despite the challenges faced by the Government.

In this regard, this delegation have taken note of the Government's effort in changing its labour legislation, particularly in trade union laws. These reforms have largely improved social dialogue, trade union rights, and collective bargaining procedures, making them more accessible and efficient, especially for workers.

Furthermore, we note that Türkiye has demonstrated its commitment to aligning trade union rights and collective bargaining procedures with ILO standards, in consultation with social partners. This includes provisions and improvements on: determination of the branch of

activity; protection of shop stewards; regulating competence; settlement of collective labour disputes; regulating prohibition and postponement of strikes and lock-outs; establishing of E-membership service for trade union and, revitalizing the tripartite consultation mechanisms.

The National Employment Strategy for 2024-2028 focuses on building partnerships with social organizations to combat discrimination and improve civil liberties in the workplace.

Finally, this delegation remains convinced that this mutual collaboration promotes a consolidation of current good practices to strengthen the measures already implemented by the Government of Türkiye to guarantee compliance with international labour standards.

Government member, Philippines (Mr BUENAFE) – This representation would like to express our support for Türkiye's continuous collaboration with the ILO and its dedication to advancing labour standards and workers' rights. Türkiye's long-standing partnership with the ILO, beginning as one of the first signatories of the Convention, underscores its commitment to these fundamental principles.

Türkiye's efforts in labour law and judiciary reforms, social dialogue, and international cooperation reflect its dedication to enhancing workers' rights and aligning with the ILO standards. Their efforts are evident in the key reforms in trade union law. With its current role as Pathfinder Country in Alliance 8.7, dedicated to eliminating child labour, and its active participation in the Global Coalition for Social Justice, Türkiye showed its commitment to ensure that social justice is upheld and advanced on both national and international levels.

These efforts to align with the ILO standards and to advance workers' rights should be encouraged and supported with continuous technical assistance from the ILO and its Member States.

Government member, Indonesia (Ms SUGIARTI) – Indonesia commends Türkiye for its long-standing and robust relationship with the International Labour Organization and its full commitment to the Convention. Türkiye's continued collaboration with the International Labour Organization underscores its dedication to enhancing labour standards and protecting workers' rights. The ILO Committee of Experts should recognize both the significant challenges Türkiye has faced and the remarkable progress it has achieved in improving working conditions. Over the past 11 years, Türkiye has made substantial reforms in its labour legislation, particularly in its trade union laws which have significantly enhanced social dialogue, trade union rights and collective bargaining procedures. This reform is aligning with ILO standards which have been developed in close consultation with social partners and include improvement in the determination of activity branches, protection of shop stewards and the scope and level of collective labour agreements. Türkiye's pioneering efforts suggest the implementation of membership services of the trade union and white flag certification for businesses meeting ILO standards demonstrate effective approaches to fostering labour rights. As a pathfinder country in Alliance 8.7, Türkiye's commitment to eliminating child labour and its active participation in the global coalition for social justice further reflect its dedication to promoting social justice on a global scale. The recent reform that expands the role and powers of Human Rights Compensation Commission is noteworthy for ensuring quick resolution of union-related issues. Additionally, Türkiye's national implementation strategy for 2024–28 which focuses on combating workplace discrimination and improving civil liberties, focuses its forward-looking approach. The revitalization of the tripartite consultation mechanism and the productive outcome of more than ten meetings with social partners hailed Türkiye's commitment to social dialogue. The establishment of the subcommittee within this framework will help concretize initial legislative professional reviews. In light of this comprehensive and ongoing effort in labour law, law reform, judiciary improvement and

international cooperation, Indonesia fully supports Türkiye's efforts in aligning with ILO standards. We encourage the Committee of Experts to consider Türkiye's notable successes and sustained commitment to enhancing workers' rights as a testament to its dedication to social justice and labour rights advancement.

Interpretation from Russian: **Government member, Russian Federation (Mr MARKOVSKI)** – We are grateful to the Government of Türkiye for providing clarifications on the measures taken at the national level regarding case 3 relating to compliance of ILO Convention No. 98. We note significant progress in the social and labour sphere, which has been achieved thanks to the efforts of the Government, especially over the last 11 years following comprehensive labour law reform in the country. This has contributed to strengthening social dialogue, enhancing union rights, and improving the effectiveness of collective bargaining. Among other achievements we would highlight the judicial reform that increased the efficiency of the Human Rights Compensation Commission, as well as the resumption of the tripartite consultation mechanisms. Overall, measures taken by the Government indicate that Türkiye has established deep, systematic work to strengthen labour standards aimed at enhancing tripartite dialogue mechanisms and ensuring workers' rights in particular.

Against this background we see no grounds for including this situation in Türkiye in this list of individual cases before the Committee, and even less reason for assigning a double footnote status for this case relating to Türkiye. So, we count on the Committee's constructive approach to this matter.

Observer, International Trade Union Confederation (ITUC) (Mr ÖZER) – I am speaking on behalf of the ITUC, but I am also coming from a metalworkers' union in Türkiye. That is why before starting my words I have to say that right now and since 1 May, around 60 workers are

in prison just for joining the May Day demonstration. This example itself gives an idea of freedom of association in Türkiye actually. So, as many of you already know, collective bargaining coverage in Türkiye is quite low and this is not just a result of coincidence, there are structural problems behind that and these structural problems are quite well defined in this year's Committee of Experts' Report.

First, there is national sectoral threshold; according to Ministry of Labour's own statistics more than 120,000 union members in 171 different unions cannot benefit their right to organize, their right to collective bargaining because of this sectoral threshold. The Government says in the Committee's report that they can change this threshold, but social partners do not agree on that. That is why they do not change it. You cannot just take away 100,000 people's rights just because some other people do not want them to use this right.

Let us say that the union is above this threshold, then a union needs 50 per cent membership in that workplace to start collective bargaining negotiations. This is one of the highest thresholds in the world, and it makes it almost impossible for many workers to benefit their right to collective bargaining.

Also, union members can be dismissed just for joining a union without any real protection at all. Courts cannot even order reinstatement of the dismissed union members. Contrary to what our colleague from the Employers' side just said at the start of this meeting, this is also highlighted by the European Court of Human Rights, and that say in their decision that there is no real protection against anti-union dismissals in Türkiye.

Dismissals are not a problem in the private sector only, as the Committee of Experts' report underlines, more than 100,000 public employees dismissed by the Emergency Decree Laws under the State of Emergency. These members suffer from lack of effective legal remedy.

The Committee's report also mentions judicial challenges by employers against unions' certificates. The Government's response says that that these Court cases end in three months including the appeal. This is factually incorrect. There has not been even one case in the entire history which ended in three months. I am not claiming the Government intentionally gave wrong information to the Committee but probably there has been a misunderstanding. My own union has experience of court cases which lasted seven years, on average, it is 1,100 days in our case.

So, in this direction, we think it is of the utmost importance to organize an ILO High-Level Mission to handle these outstanding problems in a constructive and productive manner.

Observer, Public Service International (PSI) (Mr ISCI) – I speak on behalf of the Confederation of Public Employees Trade Unions (KESK) in Türkiye.

The Committee of Experts' report covers the issues related to the Convention and it is not the first time that the Committee covers this issue. I will focus on the dismissals in the public sector in this intervention. When we look at the dismissals, we see that massive numbers of dismissals violated the right to work and made a negative impact on the trade union rights in Türkiye. And the reasoning for these dismissals was not objective or justified, but quite subjective and arbitrary. The generic justification was vague and broadly applied to 4,267 KESK members who were critical of the Government and the use of generic and vague justification is related to the Government's policies that amount to trade union discrimination. And when we look at the State of Emergency Inquiry Commission which completed its mandate, we see that the presumption of innocence was violated as well because the Commission, as the Committee of Experts' report states, was not providing an effective remedy against anti-union dismissals, on the other hand it was used as a tool to punish trade unionist. And in fact, the 'arbitrary' was the prevalent characteristic of these unjust dismissals. It is still a fact that KESK

members suffer from these dismissals even though 8 years have passed since 2016, since the failed coup attempt. And the judicial process that the dismissed KESK members undertake will take several more years. There is no indication that the Government plans to accelerate this appeal process through other mechanisms. Thus, it can be inferred that there is no effective remedy for the dismissed public employees as the report states.

It also needs to be noted that the trade union members carry out their daily activities to raise awareness about this issue but most of these daily activities are banned by the public authorities or interfered with by the security officers. The recent example is the May Day demonstrations in Istanbul. Last week the leader of the education union was arrested just because he organized a solidarity action with some other trade unions. All these policies and practices aim to create and maintain a climate of fear and this means that there is need for more active monitoring from the ILO side and in this respect the High Level Mission to Türkiye is necessary to discuss all these issues from various perspectives in the country.

Observer, IndustriALL Global Union (Mr OZKAN) – I am speaking on behalf of IndustriALL Global Union. My organization represents 20 sectoral unions in the main export industries of Türkiye.

As mentioned in the report of the Committee of Experts, there is unfortunately no progress made in Türkiye in the implementation of the Conventions Nos 87 and 98.

Although the article 51 of the Constitution of Türkiye rules that workers have the right to form unions freely, and the right to become a member of a union, in reality, this right cannot be utilized because of a series of obstacles in practice.

I want to share the ground reality with you in the manufacturing, energy and mining industries.

Article 17 of the Law 6356 on Trade Unions and Collective Labor Agreements rules that trade union membership is acquired via the e-State system. Nevertheless, workers are forced to share their e-state passwords with employers, so their union membership is checked by employers, which is illegal. IndustriALL receives reports every single day about cases where workers join trade unions, but they are exposed to anti-union discrimination. Union members face aggressive acts of punishment and retaliation, including intimidation, threats, and dismissals for joining our affiliated trade unions.

Thousands of workers are dismissed just because they use their constitutionally and internationally protected and guaranteed right to freedom of association.

Terminated workers and their unions take the cases to the judiciary system, and an overwhelming majority of the cases end in favour of workers with clear verdicts that they were terminated because of their union membership.

This demonstrates clearly, Mr Chair, that there is systemic and widespread anti-union discrimination against union members and a clear failure to provide the necessary protections to guarantee freedom of association.

Furthermore, I wish to draw your attention to the obstacles the Government mounts to prevent unions from obtaining collective bargaining certification.

Even if a Turkish union manages to recruit more than 50 per cent of workers in one single workplace or 40 per cent in an enterprise with more than one workplace, both thresholds are extremely high, there is widespread misuse of the judiciary process to block collective bargaining certification.

Once the Ministry of Labour and Social Security issues an official document certifying that the union has a sufficient majority membership in a workplace to be eligible for collective bargaining negotiations, then the employer disputes the Ministry's document of competence

claiming that the union concerned does not have the required majority. This is done through a simple petition without having to provide any evidence to support the claim.

As a result of these delaying tactics by employers and lack of enforcement of the labour laws, cases drag on for years, on average for three years. This is unacceptable.

Legislative rules cannot protect malicious behaviour. Labour law must have as its main goal to protect workers. However, in this case, malicious employers are protected and workers, who exercise their fundamental rights, are punished.

Dear Chair, seeing that the Government of Türkiye, despite the support and technical assistance provided by the ILO, does not make any progress in protecting the right of workers to collective bargaining, IndustriALL calls on the ILO to take further measures, including a high-level mission to the country, to address Türkiye's violations of the convention.

Observer, International Transport Workers' Federation (ITF) (Mr SUBASINGHE) –
Adequate protections against anti-union dismissals are not only necessary to protect workers' rights and their livelihoods, they are essential to ensure the very existence of trade unions.

Sadly, the ITF has had to come before this Committee on several occasions over the past decade to lament anti-union discrimination, including dismissals and attacks on the right to organize in several sectors of the Turkish economy, most notably in civil aviation, logistics and rail transport.

Today, we want to highlight a case of anti-union discrimination taking place right now in a port in the Bursa province of North-West Türkiye.

On the 2 March 2024, just three months ago, the Liman-İş union began organising at the port. Eighty-five per cent of the workers at the facility decided to join the union. On the 20 March, six workers were dismissed for no other reason than their union membership. After

their colleagues engaged in a four-day work stoppage to protest these dismissals in the face of police intimidation, Members of Parliament intervened and mediated the dispute, following which the workers were reinstated. The company vowed to no longer block union organising.

This is when things deteriorated. Almost immediately, the employer began to threaten workers and demand that they resign their union membership.

Starting on the 13 May, 37 workers were put on leave, initially with no pay. Then, on the 21 May, all 37 workers were dismissed – via SMS - simply because they refused to resign their union membership. All 37 workers were either lead organizers or union contacts. Two weeks on, the situation persists and the ITF has coordinated global solidarity action in support of these dismissed workers.

Our discussion here in Geneva is not taking place in a vacuum. These 37 workers and their families are only a fraction of the people affected by Türkiye's longstanding failure to protect workers against anti-union dismissals in the private sector. This simply cannot continue.

Despite the right to freedom of association being protected under Türkiye's Constitution and domestic law, Türkiye has repeatedly failed to uphold its domestic and international legal obligations, including those under Convention No. 98.

Türkiye must, as a matter of urgency, adopt effective and sufficiently dissuasive sanctions against anti-union dismissals and ensure that workers who have suffered such prejudice, including these 37 workers, are entitled to reinstatement in employment and full compensation in financial terms, these measures would bring Türkiye closer into line with the Convention.

Finally, I would say that if these safeguards against anti-union dismissals are not put in place, this will lead to the actual disappearance of trade unions at the level of the undertaking and this is not something that this Committee can allow to stand.

Chairperson – I can see no more requests for the floor. So I would like to invite the representative of the Government of Türkiye to take the floor for her concluding remarks. Madam Kurnaz, you have the floor.

Government representative, Türkiye (Ms KURNAZ) – Mr Chairperson, we have listened attentively to the remarks of esteemed Worker and Employer representatives, as well as the distinguished representatives of Member countries. There is a mismatch between the realities of Türkiye and the content of the discussion taking place at the ILO. Türkiye is one of the countries which has been on the agenda of the Committee many times for many years. An approach only concentrating on the deficiencies and not seeing any positive developments should not be a right approach to encourage to comply with international standards. I would like to bring to the attention of your Committee the following most significant developments and progress that has been made in the realm of labour life since 2013, especially within the scope of Convention No. 98, in line with the demands of the ILO in our current Trade Unions Law. Important progress in legislation has been achieved through a decision by the Constitutional Court. Rulings in 2013 and 2014 removed barriers preventing civil servants in the Ministry of National Defence and the Turkish Army Force and the General Directorate of Security from joining trade unions. This narrowed the scope of article 15 of the Public Servants' Law. The introduction of e-membership services for trade union membership and withdrawal in November 2013 of the long-standing requirement for notary requirement, simplifying the process and reducing financial burdens on both workers and their organizations. An amendment of article 50 of the current Trade Unions Law introduced a mediation procedure allowing bargain parties to peacefully resolve disputes before resorting to strikes by selecting a mediator from the official list. In 2014, the Constitutional Court abolished the distinction between workplaces based on employee numbers. Provisional article 6 of the current Trade Unions Law was amended to provide the right to bargain collectively without meeting the

branch activity threshold. In 2019, the Constitutional Court took a decision stating that banking and public transport services were not considered essential services by the ILO, leading to further narrowing the strike ban. The implementation of the current Trade Unions Law and significant amendments of the Public Servants Law have led to a consistent increase in trade union membership rates in Türkiye. Since January 2013, the rate of unionization has steadily risen from 9.2 per cent to 15.2 per cent by January 2024. This trend is also evident among public sector employees with unionization rates increasing from 47.9 per cent in 2002 to 74.5 per cent by January 2024. These statistics highlight the positive progress made in Türkiye over the years against a trend of declining unionization rates around the world. Furthermore, the White Flag Application has been launched to promote registration, employment and trade union membership in Türkiye. It involves granting the white flag certification with the slogan “Decent work, organized workplace” to businesses that adhere to registered working conditions, occupational safety and health standards in line with ILO guidelines. I want to reiterate that alongside the positive change, the momentum gained since last year through the participation of the social partners in a tripartite consultation mechanism will drive further new regulation and amendments.

During this process, Türkiye shifted focus from reforms to tackling internal and external challenges, notably the July 15 Coup attempt, while maintaining commitment to democracy, the rule of law. Unfortunately, we must highlight that the Committee of Experts’ report did not adequately consider the Government’s effort in restoring democracy, upholding the rule of law, and involving social partners and safeguarding the Republic and individual rights amidst significant terrorist threats. Over five years, the State of Emergency Inquiry Commission processed approximately 130,000 procedures resolving nearly 127,000 decisions, including dismissals from public service and other measures based on criteria related to connection to terrorist organizations and financial support. Applicants, including detainees and convicts

could apply from penitentiary institutions electronically, with decisions overseen by the National Judiciary Informatics System-UYAP and subject to appeal in nine specialized administrative courts in Ankara. I would like to boldly emphasize that as a legal remedy for dismissals from public service, after the State of Emergency Inquiry Commission has completed its duties, relevant units have been formed in the relevant ministries in order to effectively follow up and finalize the administrative case files in accordance with provisional article 5 of Law No. 7075. On the other hand, as we have reiterated many times, it would be inappropriate to treat security-related issues as if they were a part of the world of work. Moreover, we also think that the ILO should approach such issues in a manner that prevents abuse. Besides, no trade unionist is immune from prosecution for unlawful acts, within affiliations or involvement in terrorism. Following the COVID-19 pandemic, Türkiye faced two major earthquakes in February 2023, impacting 11 provinces in the south-eastern region and affecting 14 million people, representing 16 per cent of the population and 9 per cent of the economy. We express here our heartfelt thanks to international organizations and Member countries, particularly the ILO, for their support during these challenging times. Over the past seven years, Türkiye has actively participated in ILO initiatives, collaborating with the Ministry of Labour and Social Security and other stakeholders on events and programmes such as the 10th European Regional Meeting and efforts to combat child labour. Recognized as a leading example in this regard, Türkiye has earned the status of an Alliance 8.7 Pathfinder Country and serves as a coordinating country in the ILO Global Coalition for Social Justice, alongside Belgium and Switzerland in the region.

In the framework of this importance and trust shown to us by the ILO and our own deep history of dialogue with the social partners, the Turkish Government is willing to negotiate within the framework of the existing Trade Unions Law and the Public Servants Law, if desired

by the involved parties in particular with regard to the level of collective bargaining, trade union thresholds and the authorization process for collective bargaining agreements.

I would like to point out that the Turkish Government is prepared to consider proposed amendments to the current collective bargaining system, specifically regarding articles 34 and 41(1) of the current Trade Unions Law. These amendments would be considered if jointly proposed by social partners and if consensus is reached.

The Government is open to considering proposed amendments jointly made by social partners regarding various paragraphs in articles 46, 47, 49, 51, 60, 61 and 63 of the current Trade Unions Law. However, it is worth noting that the implementation of these articles is collaboratively carried out by employers' and workers' organizations. The collective bargaining process regulated by these articles proceeds smoothly without hesitation.

Türkiye has recently demonstrated its commitment to make changes and regulations on these issues in cooperation with the social partners by convening the Labour Assembly, the Tripartite Consultation Board, the Public Personnel Advisory Board and their sub-working committees.

Regarding the allegations on the restriction of freedom of peaceful assembly and May Day demonstrations, in Türkiye, all forms of peaceful gatherings and demonstrations take place within secure and unrestricted areas. The principle of the rule of law is upheld and limitations are only imposed as specified by legislation. In addition, 227 actions or events were organized with the participation of nearly 245,000 people in 78 provinces across Türkiye in 2024, regarding the 1 May, Labour and Solidarity Day, and legal action was initiated against 269 people who acted illegally in these actions or events.

In Istanbul, an event organized by DISK and KESK was held in Saraçhane Park, one of the most important demonstration and meeting areas, with the participation of ten thousand people. This event was held peacefully without any intervention.

On the other hand, Taksim Square is not included among the areas where meetings and demonstrations can be organized due to the high density of vehicles and pedestrians, the difficulty in taking security measures and protecting personal rights and freedoms, but more importantly, because it will have irreparable consequences in ensuring the security of life and property of the public. I would like to emphasize that there is no such situation as a ban on Taksim Square only for May Day. Therefore, the allegation that there is a government ban on May Day celebrations does not reflect the truth.

In addition, I would like to bring to your attention that, similar to our approach under Convention No. 98, we have initiated the adoption of the Protocol of 2014 to the Forced Labour Convention, 1930. Moreover, the ratification process for The Maritime Labour Convention, 2006, as amended will be concluded soon.

Finally, it is our expectation that your Committee's conclusions will duly take into account my above explanations. As it is requested by the Committee of Experts, we will submit our report in 2024 with detailed information on the latest developments and with the copies of the documents requested for further examination by the Committee.

Chairperson – Thank you very much Ms Kurnaz and your delegation for your participation in the work of this Committee and the information you have provided.

And now I give the floor to Ms Hellebuyck, Employer spokesperson, to make her final remarks.

Membres employeurs – Le groupe des employeurs a bien pris note des informations fournies, mais certaines informations données ce soir concernant la Cour européenne des droits de l'homme ne semblent pas correctes.

L'une des principales missions de l'OIT est de promouvoir la négociation collective dans le monde entier. Cette mission lui a été fixée en 1944 dans la Déclaration de Philadelphie qui fait partie de la Constitution de l'OIT. La négociation collective contribue à ce que soient établies des conditions de travail équilibrées et équitables, et contribuer, par-là, à la paix sociale.

Comme indiqué dans l'étude d'ensemble de 2012, paragraphe 198: «Aux termes de la Déclaration de l'OIT relative aux principes et droits fondamentaux au travail, 1998, la négociation collective constitue un droit fondamental accepté par les États Membres du seul fait de leur appartenance à l'OIT, qu'ils ont l'obligation de respecter, promouvoir et réaliser de bonne foi.»

Autre citation, n° 168: «Le champ d'application de la convention [...] couvre l'ensemble des travailleurs et des employeurs, ainsi que leurs organisations respectives, tant dans le secteur privé que dans le secteur public, qu'il s'agisse ou non de services essentiels. Les seules exceptions autorisées concernent les forces armées et la police ainsi que les fonctionnaires publics commis à l'administration de l'État.»

Les catégories exclues doivent donc être interprétées de manière restrictive. Nous estimons que le personnel pénitentiaire ne devrait pas en être exclu, mais que des modalités particulières de négociation collective pourraient être fixées pour cette catégorie, comme mentionné au paragraphe 213.

Dernière citation, paragraphe 200: «En vertu de l'article 4 de la convention [n° 98], la négociation collective doit être libre et volontaire et doit respecter le principe de l'autonomie des parties. En revanche, les pouvoirs publics sont tenus d'en assurer la promotion.»

Nous estimons que les partenaires sociaux eux-mêmes plutôt que la loi sont les mieux placés pour décider à quel niveau ils souhaitent négocier de manière collective et conclure des conventions collectives. Ils doivent ainsi pouvoir conclure des conventions collectives aux niveaux intersectoriel, sectoriel, régional ou au niveau de l'entreprise.

Nous constatons que des évolutions encourageantes sont intervenues pour l'avenir en Türkiye. Toutes les confédérations syndicales et les organisations d'employeurs se sont réunies depuis avril dernier pour lancer un nouvel agenda social afin de répondre aux défis quotidiens des relations industrielles. En outre, un projet important a été lancé par l'OIT Türkiye avec la participation des partenaires sociaux, qui couvrira la liberté d'association et le droit de négociation collective en tant que piliers de l'agenda des droits fondamentaux. Ce projet renforcera la compréhension et la mise en œuvre des normes internationales du travail en Türkiye.

Le groupe des employeurs encourage les autorités gouvernementales à intensifier ces consultations avec les organisations représentatives des employeurs et des travailleurs, pour promouvoir les négociations collectives à tous les niveaux. La promotion des négociations collectives concerne temps le secteur privé que le secteur public, même si certaines exceptions sont justifiables dans le secteur public en raison de son rôle spécifique pour garantir la sécurité nationale.

Le groupe des employeurs invite également le gouvernement à fournir au BIT toutes les informations demandées par la commission d'experts. Je terminerai en précisant qu'il faut surtout renforcer les incitants pour que les partenaires sociaux s'organisent librement et négocient de manière libre et autonome.

Chairperson – Thank you very much and now I invite Mr Marc Leemans Worker Vice-Chairperson to make is final remarks.

Worker members – Thank you, Chair. And we also thank the Government of Türkiye for its remarks. We also thank all the speakers who took the floor and all the people who are still in the room.

Despite the additional information provided by the Government, our concerns regarding the many violations of the right to organize and the right to collective bargaining in the country have not been eased.

Anti-union discrimination and union busting are rampant both in the private and the public sectors. The national legal framework for the exercise of trade union rights is highly restrictive. Trade unionism is heavily impaired by excessive representativity thresholds. And we disagree with the characterization used by the Employers' Group to describe minority unions as "mere lobbying groups" with no rights or protections under the Convention. We firmly recall that under Convention No. 98, the granting of exclusive rights to the most representative organization should not mean that the existence of other unions to which certain involved workers might wish to belong is prohibited. Minority organizations should be permitted to carry out their activities and at least to have the right to speak on behalf of their members and to represent them.

We are deeply concerned about the hostile stance taken by the Government against trade unions and their members since 2016, as demonstrated by the bouts of police violence occurring on May Day almost each year. On 1 May this year for example, KESK members and leaders were prevented from accessing the Taksim Square. Police forces violently broke down the demonstration, using tear gas and rubber bullets against workers and 215 workers were arrested that day.

We urge the Government to stop interfering in legitimate trade union activities and to refrain from using violence against trade union members and workers. We call on the

Government to urgently take measures to lift all the legal barriers to the full enjoyment of the rights guaranteed by the Convention, including by reviewing, in full consultation with the social partners, legislative provisions regarding: the thresholds for becoming a collective bargaining agent; the rights of minority unions to collectively bargain; the restrictions of collective bargaining at all levels in the private sector; and the restrictions applying to prison staff, locum workers and public servants without a written contract.

Furthermore, we urge the Government to take meaningful and effective action to address anti-union discrimination both in the private and public sectors, including by: establishing an independent, expeditious and in-depth process for investigation and remedy of cases brought against anti-union dismissals in the public sector, in the framework of the emergency laws; but also repealing any remaining provisions which enable authorities to exercise state of emergency powers and to summarily dismiss union members; also adopting, in full consultation with the social partners, of effective and sufficiently dissuasive sanctions against anti-union dismissals, as well as effective and expeditious mechanisms accessible to workers to seek redress; and finally elaborating and implementing, together with the social partners and with the technical assistance of the ILO, awareness-raising campaigns and programmes to educate the police and security forces, the judiciary and the administration on trade union rights.

We also call on the Government to engage in a broader review, in consultation with the social partners and with the ILO technical assistance, of judicial and non-judicial mechanisms for the effective and timely investigation and redress of cases of anti-union discrimination.

Given the seriousness and the persistence of the violations in the country, we call on the Government to accept a high-level mission.

Chairperson – We have now concluded the discussion of this case. The conclusions will be adopted on Wednesday, 12 June, in the afternoon.

We have finished our work for today. I would like to thank all of you for your cooperation for respecting time limits which allowed us to proceed smoothly and a good spirit. We will meet again tomorrow at 10 a.m. sharp for the examination of the following cases: **Cambodia** on C.87, **Nicaragua** on C.87 and **Colombia** on C.159.

Before closing, I would kindly like to ask the two Vice-Chairpersons to stay in the room for brief consultations of the bureau.

The sitting closed at 8.40 p.m.

La séance est levée à 20 h 40.

Se levantó la sesión a las 20.40 horas.