



The right to strike in the public services

Turkey



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This factsheet reflects the situation in June 2021. It was elaborated by Natalia Delgado (independent expert), updated by Diana Balanescu (independent expert) and reviewed by EPSU/ETUI. It was also sent for comment to EPSU affiliates.

1. Legal basis

International level

Turkey has ratified:

UN instruments¹

International Covenant on Economic Social and Cultural Rights

(ICESCR, Article 8)

International Covenant on Civil and Political Rights

(ICCPR, Article 22)

ILO instruments²

Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise

(ratification on 12 July 1993)

Convention No. 98 concerning the Right to Organise and to Bargain Collectively

(ratification on 23 January 1952)

Convention No. 151 concerning Labour Relations (Public Service)

(ratification on 12 July 1993)

Turkey did not ratify

Convention No. 154 concerning the Promotion of Collective Bargaining

European level

Turkey has ratified

Article 11 (the right to freedom of assembly and association) of the European Convention on Human Rights

(ratification and entry into force on 18 May 1954)³

The (Revised) European Social Charter

(ratification on 27 July 2007)

However Turkey did not accept Articles 5 and 6 in full⁴

Turkey did not ratify

The Additional Protocol providing for a system of collective complaints⁵

National level

The Constitution of Turkey

The Constitution of 1982 states in Article 54 that ‘workers have the right to strike in the event of a labour dispute arising during negotiations for the conclusion of a collective agreement. The exercise, scope and exceptions of this right shall be governed by special legislation’.⁶

Since the right to strike has been guaranteed in the Constitution and the law, it is no longer necessary for the case law to update the right to strike. Moreover, because the right to strike is in the Constitution of Turkey, collective agreements relating to the right to strike do not exist.⁷

The Turkish Constitution of 27 December 1947 is the only one to have a detailed provisions governing the position of public servants. Article 51 of the Constitution, as amended on 17 October 2001, establishes the right of workers and employers to organise in trade unions and associations in order to protect and develop their economic and social rights and interests. With regard to public servants, Article 128, paragraph 2 stipulates that ‘the law regulates the qualifications, appointment, functions and attributions, rights and obligations and pay and allowances of civil servants and other public sector workers, and other matters relating to their status’.

Applicable laws

In general

- The Labour Act No. 4857
- Act on Labour Unions and Collective Labour Agreement Number No.6356 (2012); in particular Part XI ‘Strike and lock-out’, Articles 58-75⁸.

Specific law(s) for public sector

- Public Servants Act No. 657
- Public Servants Trade Unions Act No. 4688.⁹

2. Who has the right to call a strike?

In Turkey **only trade unions** have the right to call a strike and only with the aim of concluding a collective agreement. Non-union bodies, federations or confederations of workers and workers themselves are in general not allowed to call and launch a strike under Turkish law.

3. Definition of strike

Article 58 of the Act 6356 define strike as follows: ‘Strike means any **concerted cessation by employees of their work** with the purpose of halting the activities of an establishment or of paralyzing activities to a considerable extent, or any abandonment by employees of their work in accordance with a decision taken to that effect by an organization.’ Given that strikes must thus have an occupational objective related to an interest dispute, strikes aiming at bringing about a collective agreement or aiming at enforcing a collective agreement are not allowed.¹⁰

Also as a consequence of the definition in Article 58 of the Act 6356, **sympathy strikes** are not permitted.

Following the referendum of 2010, whereby Article 54§7 of the Constitution was abolished, **political strikes** are no longer prohibited. However as a consequence of Article 58, and the fact that it has to relate to a labour dispute, it seems that it is still accepted that the ban on political strikes still applies.¹¹

Previous prohibitions of strike in public notary services, vaccine and serum producers, clinics, sanatoriums, dispensaries and pharmacies, education and schooling institutions, child-care institutions, aviation services and nursing homes have been removed with the new text of Act No. 6356.

Other modalities of industrial action such as **solidarity secondary strikes, warning strikes, go slow, sit-ins, work-to-the-rule, rotating strikes, occupation** of the enterprise’s premises, **blockades, picketing** and other **acts of resistance** are not permitted under Turkish law.¹²

Strikes and **lockouts** are not allowed according to the Article 62 of the Act No.6356 for particular activities and services:

- operations for saving life and property;
- funeral and mortuary services;
- exploration, production, refining or purification and distribution of water, electricity, gas, coal, natural gas and petroleum;
- banking services
- fire-fighting and land, sea, railway and other urban public transportation by rail;
- hospitals,
- cemeteries;
- establishments run by the Ministry of Defence, Chief Constabulary or Coast Guard Command.¹³

The government is allowed to **temporarily prohibit a strike action** in case of war and natural disasters.

Also, the law allows the Council of Ministers to suspend for a period of 60 days a strike in the case of being prejudicial to **public health or national security**. The **suspension** comes into effect on the date of the publication of the government’s order.

A law suit for the annulment of that order may however be brought before the Council of State.¹⁴ Following the attempted coup on 15 July 2016 and the declaration of the state of emergency, more than thirty emergency decrees have been adopted including Emergency Decree No. 678 which amended article 63§1 of Act N° 6356 which extended the criteria for allowing suspension. Next to public health and national security, the strike may also not be prejudicial to local **public transportation** services of the metropolitan municipality and economic and financial stability in **banking services**.

Furthermore, any strike might not be exercised in contravention with the principle of **good faith** or in such a manner as to **cause a harm to society** or to **destroy national wealth**. The concept of good faith is embedded in the Turkish Civil Code.¹⁵

4. Who may participate in a strike?

In general, **non-union members** and **union members** (even if they belong to another union than the one that called the strike) can participate in a strike.

In Turkey, a **law** completely **barring public servants from striking** was passed in 2001.¹⁶ Nevertheless, according to the Article 53 of the Constitution public servants have the right to bargain collectively.¹⁷

Article 27 prohibits the right to strike for these workers: 'It is prohibited for state civil servants [...] to organise, declare or publicise a strike [...] state civil servants may not take part in a strike [...] may not support or provoke the continuation of a strike'.¹⁸

This thus applies amongst other to the following categories:

- armed forces, including civilian officials and public servants in the Ministry of National Defence and the Turkish Armed Forces;
- Police;
- judges and public prosecutors, financial auditors, employees of penal institutions, special security personnel, public employees "in positions of trust", presidents of universities and directors of higher schools.

Law No. 4688 on Public Servants' Trade Union and Collective Agreement enabled the public servants to take part in any trade union activity organized outside working hours. They shall take permission from their employer to participate to the activities within working hours. Likewise, Circular No. 2005/14 provides that all necessary facilities shall be granted for meetings and demonstrations held by the district and provincial representatives of trade unions and confederations as well as trade union branches in accordance with the provisions of Law no. 2911 (the Law on Assemblies and Demonstrations).¹⁹

Article 18 of the Civil Servants' Trade Union Act (Law no. 4688) provides that the civil servants cannot be subjected to a different procedure and cannot be removed from their offices for having participated in trade union activities. Article 8 of Circular No. 2005/14 issued by the Prime Ministry on "Measures to be taken in line with union developments" (2005). This provision regulates that all necessary facilities shall be granted to trade unions for holding meetings and demonstrations in accordance with the provisions of the Law no. 2911 (the Law on Assemblies and Demonstrations).²⁰

Essential services are not defined by Turkish law.

Under international law, the 'essential services' in the strict sense of the term have been defined by the ILO as those services 'the interruption of which would endanger the life, personal safety or health of the whole or part of the population'.²¹

5. Procedural requirements ²²

- Strikes can only be initiated after **exhausting** all means of **negotiations** between the parties to the conflict.
- Act No. 6365 (in particular articles 60-61) provides for the taking of a **strike ballot** if one-fourth of the employees working in the enterprise request such a vote to be conducted. For determining the one-fourth ratio, all employees, members or not of a union, must be taken into account. An appeal against the strike ballot may be lodged within three working days with the local labour court, which needs to render a final ruling on the appeal within the next three working days.
- The decision to call a strike may be taken within 60 days after the date of notification of the mediator's report to the parties by the competent authority to the effect that **mediation** have failed. Within that 60-day period, the decision to call a strike shall come be communicated 6 days in advance to the strike date and this date must be immediately also announced in the establishment.
- If no collective agreement is reached within the 60-days period, a **mediation process** will start, and the mediator has 15 days (extendable with a maximum of six working days with the consent of the parties) to try to resolve the dispute. No strike action can be initiated before the exhaustion of the mediation stage.
- Art. 65 of the new Law on Trade Unions and Collective Labour Agreements (No. 6356), grants the employer to select a sufficient number of workers excluded from taking part in a lawful strike, with the objective of ensuring the **continuity of work** in processes which have to be maintained for technical reasons; ensuring the safety of the workplace and preventing damage to machinery, installations, equipment, raw materials and finished and semi-finished products; and ensuring the protection of animals and plants.
- The employer may **hire new workers** in lieu of worker who went on a strike in sectors where strikes are prohibited (Art.65 (5) Law on Trade Unions and Collective Labour Agreements (No. 6356)).
- The employer is also allowed via article 71§1 of Act No 6356 to make an injunction before the court ordering the union to stop the industrial action. The court can also a interlocutory injunction ordering the suspension of the action until a final ruling is given in the case.
- The violation of any procedural requirement when calling a strike may lead to a **fine** of 5,000 TL (Art.78 Law on Trade Unions and Collective Labour Agreements (No. 6356)).

6. Legal consequences of participating in a strike

Participation in lawful strike:

The **employment contracts** of employees participating in the strike will be suspended and wages or other benefits will thus not be paid. The period of the employee is striking will also not be taken into account in the calculation of the employee's severance pay. Deductions from wages such as taxes, social insurance premiums, union dues cannot be made for the duration of the strike. Dismissing the employee with notice during the strike shall be considered unlawful and abusive.²³

Participation in unlawful strike

If a strike was declared unlawful by government or the competent court, the employer may, without any liability as to notice or compensation, terminate the employment contract (Article 70§1 of Act No. 6356). Instead of dismissal, other sanctions can also be taken such as withholding pay or fines, however if the latter is opted for the employer loses his/her right to terminate the contract.

Damages sustained by the employer must be compensated by either the trade union and/or the employees who have taken part in the strike (Article 70§2 of Act No. 6356).

In the event of an **unlawful lock-out**, workers shall be entitled to terminate their contract of employment with just cause. The employer shall be required to pay all the sums that a worker is entitled to receive under his contract of employment and to compensate any damages he has sustained during the period of the lock-out, without any obligation on the worker's part to do the corresponding work (Article 70§3 of Act No. 6356).

7. Case law of international/European bodies on standing violations

International Labour Organisation

Committee of Freedom of Association (CFA)

There are no recent decisions of CFA relevant to the right to strike.

In previous cases, CFA made the following recommendations:

Case No 3084 (Turkey) - Complaint date: 15 July 2014, Kristal-Is (Trade Union of Glass, Cement and Soil Workers of Turkey) supported by the IndustriALL Global Union²⁴:

The complainant organization alleges that section 63 of Act No. 6356, which allows the Government to suspend a strike by way of a decree and to impose a compulsory arbitration, in general, and the Government's Decree No. 2014/6524 of 27 June 2014, which suspended a strike in the glass industry for a period of 60 days on grounds of public health and national security, in particular, are not in conformity with Conventions Nos 87 and 98.

The CFA invited the Governing Body to approve the following recommendations:

- (a) The Committee notes with regret that a strike has been once again suspended and compulsory arbitration imposed in the glass industry, and requests the Government to ensure in the future that such restrictions may only be imposed in cases of essential services in the strict sense of the term, public servants exercising authority in the name of the State or an acute national crisis.
- (b) Noting that the legislation does not provide for the possibility of appeal to an independent body of a Council of Ministers' decision to suspend a strike, the Committee requests the Government to take the necessary measures for the amendment of section 63 of Act No. 6356 so as to ensure that the final decision whether to suspend a strike rests with an independent and impartial body. It requests the Government to keep it informed of the progress made in this respect.

Case No 3011 (Turkey) - Complaint date: 04 March 2013, Turkish Civil Aviation Union (Hava-İş) and International Transport Workers' Federation (ITF)²⁵

The complainant organizations allege the dismissal by Turkish Airlines of 316 workers for taking part in a protest strike on 29 May 2012, measures impeding on the right to strike taken during the industrial action called on 15 May 2013, as well as shortcomings in national legislation in the field of industrial action.

The CFA invited the Governing Body to approve amongst others the following recommendations:

(...)

(b) The Committee requests the Government to review together with the social partners concerned section 58(2) of Act No. 6356 and article 54(1) of the Turkish Constitution so that lawful industrial action is no longer limited to strikes linked to a dispute during the collective bargaining process, with a view to ensuring that the relevant provisions are brought into harmony with the principles of freedom of association.

(c) In view of the claimed continued excessiveness of the fines provided for in section 78(1) of Act No. 6356 for workers participating in or unions organizing an unlawful strike, and recalling that such sanctions should only be imposed as regards strikes which violate prohibitions which are themselves in conformity with the principles of freedom of association, the Committee requests the Government to consider reviewing the system of fines with the social partners concerned along the lines enounced in its conclusions. (...)

Committee of Experts on the Application of Conventions and Recommendations (CEACR)

*Direct Request (CEACR) - adopted 2020, published 109th ILC session (2021)
Convention No. 87.²⁶*

The Committee once again requests the Government to provide its comments on the observations of the Confederation of Turkish Trade Unions (TÜRK-İŞ), which the Government sent with its 2015 report, alleging that the preconditions for lawful industrial action, meetings and demonstrations and announcements to the press were constantly being made more stringent and efforts were made to change standard meeting places and itineraries.

The Committee had previously noted that whereas on the one hand, the seventh paragraph of article **54 of the Constitution** (prohibiting politically motivated strikes and lockouts, solidarity strikes and lockouts, occupation of work premises, go-slows and other forms of obstruction) had been repealed, on the other hand, **section 58** of the Act on Trade Unions and Collective Labour Agreements (**Act No. 6356**) restricted lawful strikes to disputes during collective bargaining negotiations. The Committee had requested the Government to indicate the manner in which protest action, sympathy strikes and other means of legitimate industrial action were protected. *Regretting that the Government provides no particulars on this matter, the Committee reiterates its request, and urges the Government to provide information in this regard.*

Determination of minimum service. In its previous comments, the Committee had noted that section **65 of Act No. 6356** granted the authority of determining a minimum service in the event of industrial action unilaterally to the employer and had requested the Government to review this provision with a view to ensure that workers' organizations were able to participate in the determination of a required minimum service at the workplace, and that failing agreement the matter may be referred to an independent body that has the confidence of the parties.

The Committee notes the Government's indication that there is no legislative provision forbidding or impeding the consultations and prior agreement between the employer and workers' representatives on the required minimum service before the announcement is

made by the employer. The competent trade union has the right to challenge the employer's decision before the courts. The Government refers to the need to ensure the continuity of work in processes, which have to be maintained for technical reasons, as well as for the reasons of safety, damage prevention and protection of flora and fauna. The Government considers that involving labour unions in this process is tantamount to interfering with the management rights of the employer, which also causes financial and economic responsibility.

The Committee once again recalls that workers' organizations should be able to participate in defining minimum services in the same way as employers and that in order to promote the participation of the union in the determination of such a service in the event of industrial action, it would be important for the Government to clearly provide for such participation in the law, rather than granting this authority unilaterally to the employer. *The Committee once again requests the Government to review this provision with a view to ensuring that workers' organizations are able to participate in the determination of a required minimum service at the workplace, and that failing agreement the matter may be referred to an independent body that has the confidence of the parties. It requests the Government to provide information on the measures taken or envisaged in this regard.*

Public sector. In its previous comments, the Committee had noted that **public servants** in the broad sense of the term were prohibited from taking industrial action, and that the Public Employees Act No. 657 and Act No. 6111 provide disciplinary sanctions for such action. The Committee had noted that according to the Confederation of Public Employees Trade Unions (KESK), the ban on industrial action in the public sector covered a very broad class of workers, whose number amounted to three million. The Committee had requested the Government to review the legislation concerning public service workers with the relevant social partners with a view to its amendment, so as to ensure that the ban on industrial action is limited to public servants exercising authority in the name of the State and those working in essential services. *Noting with regret that no information has been provided by the Government, the Committee reiterates its previous request and requests that the Government provide information on all measures taken or envisaged in this respect.*

*Observation (CEACR) - adopted 2020, published 109th ILC session (2021)
Convention No. 87.²⁷*

The Committee recalls that in its previous comments it had noted that section 63(1) of Act No. 6356 provides that a lawful strike or lockout that had been called or commenced may be suspended by the Council of Ministers for 60 days by a decree if it is prejudicial to public health or national security and that if an agreement is not reached during the suspension period, the dispute would be submitted to compulsory arbitration. For a number of years, the Committee had been requesting the Government to ensure that section 63 of Act No. 6356 was not applied in a manner so as to infringe on the right of workers' organizations to organize their activities free from government interference. While observing that in a decision dated 22 October 2014, the Constitutional Court ruled that the prohibition of strikes and lockouts in banking services and municipal transport services under section 62(1) was unconstitutional, the Committee noted that pursuant to a Decree with power of law (KHK) No. 678, the Council of Ministers can postpone strikes in local transportation companies and

banking institutions for 60 days. The Committee further noted with concern that in 2017, five strikes were suspended including in the glass sector on the grounds of threat to national security, while in 2015 the Turkish Constitutional Court had found a strike suspension in the same sector unconstitutional.

The Committee recalled that the right to strike may be restricted or banned only with regard to public servants exercising authority in the name of the State, in essential services in the strict sense of the term, and in situations of acute national or local crisis, for a limited period of time and to the extent necessary to meet the requirements of the situation. Recalling the Constitutional Court ruling that strike suspensions in these sectors were unconstitutional, the Committee had requested the Government to take into consideration the above principles in the application of **section 63 of Act No. 6356 and KHK No. 678**.

It further requested the Government to provide a copy of KHK No. 678. The Committee notes a copy of the Decree and will examine it once the translation thereof is available. The Committee further notes the Government's indication that the power to suspend a strike for 60 days rests with the President when a strike action is harmful to the general health and national security or to urban public transportation of metropolitan municipalities or to economic and financial stability in banking services. The Government indicates that where the strike has been suspended, the High Board of Arbitration makes maximum effort to bring the parties to an agreement. Judicial procedure is open for the stay of execution against the decision of the Board. The Government points out that pursuant to article 138 of the Constitution on "Independence of Courts," no organ, authority, office or individual may give orders or instructions to courts or judges relating to the exercise of their judicial power, send them circulars, or make recommendations or suggestions. The Committee notes that, according to the ITUC, while the legislation indicates that the measure of suspension should be limited to strikes that may be prejudicial to public health or national security, it has been interpreted in such a broad manner that strikes in non-essential services have also been effectively prohibited. It informs in this respect that in January 2019 a strike called by the ITF-affiliated railway union in Izmir has been postponed under these laws.

The Committee requests the Government to provide its comments thereon. Considering that strikes can be suspended only in essential services in the strict sense of the term, for public servants exercising authority in the name of the State or in an event of an acute national crisis, the Committee requests the Government to ensure that the above is taken into consideration in the application of section 63 of Act No. 6356 and KHK No. 678.

European Court of Human Rights

Dilek and Others v. Turkey²⁸

(Application No. 74611/01, Judgment of 17 July 2007)

The applicants, public-sector workers on fixed-term contracts, who had taken part in union actions allowing motorists to drive past toll barriers without paying, had been ordered to pay damages in civil proceedings.

The Court held that there had been a violation of Article 11 of the Convention.

The Court noted that the legal basis for the measure complained of had been Law no. 657, which provided that it was forbidden for State officials to fail to report for work or

deliberately work slowly. In so far as the measure had been intended to prevent the proper running of the public service being disrupted, it pursued legitimate aims including the prevention of disorder.

The Court went on to note that the go-slow protest had been agreed by the trade union to which the applicants belonged and the authorities concerned had received advance warning. By taking part, the applicants had exercised their freedom of peaceful assembly. In addition, the decisions of the Turkish courts to hold the applicants civilly liable had been given on account of their participation in the collective action organised by their trade union in order to defend their working conditions. Lastly, the Court noted that the Turkish Government had not explained whether the trade union would have been able to defend civil servants' rights by other peaceful means, given that the domestic provisions contained a general prohibition of collective action by State officials. However, only "convincing and compelling reasons" could justify restrictions on trade union rights in the public sector.²⁹

Enerji Yapi-Yol Sen v. Turkey³⁰

(Application No. 68959/01, Judgment of 21 April 2009)

This case concerned disciplinary measures taken against public-sector workers who had participated in a one-day national strike for the recognition of their right to a collective agreement.

The Court held that there had been a violation of Article 11 of the Convention, finding that the adoption and application of the impugned circular – which, inter alia, prohibited public-sector employees from taking part in a national one-day strike organised in connection with events planned by the Federation of Public-Sector Trade Unions to secure the right to a collective-bargaining agreement – did not answer a "pressing social need" and that there had therefore been disproportionate interference with the applicant union's rights.

The Court acknowledged that the right to strike was not absolute and could be subject to certain conditions and restrictions. It noted, however, that, while certain categories of civil servants could be prohibited from taking strike action, the ban did not extend to all public servants or to employees of State-run commercial or industrial concerns. In this particular case, however, the circular had been drafted in general terms, completely depriving all public servants of the right to take strike action.

Kaya and Seyhan v. Turkey³¹

(Application No. 30946/04, Judgment of 15 September 2009)

This case concerned teachers disciplined for taking part in national strike action organised by their trade union.

The Court held that there had been a violation of Article 11 of the Convention, finding that the penalties complained of, although very light in the case of the applicants, had been such as to dissuade trade union members from legitimate participation in strikes or other trade union action and had not been "necessary in a democratic society".³²

Şişman and Others v. Turkey³³

(Application No. 1305/05, Judgment of 27 September 2011)

This case concerned disciplinary measures taken against employees of tax offices attached to the Ministry of Finance for displaying a trade union's posters in support of the annual 1 May demonstration in areas other than the designated notice boards.

The Court held that there had been a violation of Article 11 of the Convention.

It observed in particular that disciplinary sanctions had been taken against the applicants for putting up their trade union's posters on their own office walls rather than on the designated notice board. Furthermore, the posters in question had not contained anything illegal or shocking that could have disturbed order within the institution. The Court also noted that the sanction complained of, however minimal, was capable of deterring trade union members from engaging freely in their activities. That prompted it to conclude that the warnings issued by the tax offices had not been "necessary in a democratic society".

European Social Charter

Collective complaints under article 6§4 of the ESC

Turkey did not ratify the Collective Complaints Procedure Protocol.³⁴

ECSR Conclusions

No relevant conclusions since Turkey did not ratify article 6§4 (right to collective action) of the European Social Charter.³⁵

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Miscellaneous:

<https://www.ilo.org/dyn/natlex/docs/MONOGRAPH/91814/106961/F2018685492/TUR91814%20Eng.pdf>

Notes

- 1 Status of ratification by Turkey of UN instruments: <https://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&clang=en> (accessed on 27 June 2021).
- 2 Status of ratification by Turkey of ILO conventions: https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102893 (accessed on 27 June 2021).
- 3 Status of ECHR ratifications: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/signatures?p_auth=jPYjkVEL (accessed on 27 June 2021).
- 4 See table of non-accepted provisions of the European Social Charter, Country profile: Turkey at: <https://www.coe.int/en/web/european-social-charter/turkey> . See also Second Report on the non-accepted provisions of the European Social Charter, September 2018, available at: <https://rm.coe.int/turkey-2nd-na-report-en/16808e3d3e> .
- 5 Status of ratifications of the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints: http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/158/signatures?p_auth=F3KSQtYr (accessed on 27 June 2021).
- 6 Centel, p.538; Eurofound p.3.
- 7 Centel, p. 538.
- 8 Act No. 6356 on Trade Unions and Collective Labour Agreements, Part XI ‘Strike and lock-out’, available (in English) at: https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=91814&p_country=TUR&p_count=781&p_classification=02&p_classcount=44 .
- 9 Eurofound p.4; see Act No. 4688 of 25 June 2001 on Public Servants' Trade Unions (in English) at: https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=61723 .
- 10 Centel, p. 537 and 539.
- 11 Centel, p. 539-540.
- 12 Centel, p. 544. However, on page 548, Centel also mentions in relation to picketing that with the new Act No. 6536 all restrictions on the activities of pickets by trade unions are removed and that strike pickets are even entitled to enter and exit the workplace without restrictions in order to monitor the procedures regarding the strike.
- 13 Ibid, p. 543. According to Centel, the scope of legal prohibitions on strikes is narrowed down since the new text of the Act 6356. In particular, the prohibition of strikes regarding public notary services, vaccine and serum producers, clinics, sanatoriums, dispensaries and pharmacies (except hospitals), education and schooling institutions, child-care institutions, aviation services and nursing homes are removed. See p.548.
- 14 Ibid p.177.
- 15 Centel, p. 542-543.
- 16 ETUI Report 105, p.66.
- 17 ETUI Report 108, p. 176 ; Eurofound p.6.
- 18 Ibid, p. 175-176.
- 19 See Status of execution of the ECtHR judgment in the case Dilek and Others v. Turkey at: <http://hudoc.exec.coe.int/eng?i=004-37405>
- 20 See Status of execution of the ECtHR judgment in the case Kaya and Seyhan v. Turkey at: <http://hudoc.exec.coe.int/eng?i=004-37234> .
- 21 Compilation of decisions of the Committee on Freedom of Association (ILO CFA), 6th edition, 2018, Chapter 10, paras. 836 - 841 – ILO CFA has defined and listed as “*essential services in the strict sense of the term*” where the right to strike may be subject to restrictions or even prohibitions, the following: the hospital sector, electricity services, water supply services, the telephone service, the police and armed forces, the fire-fighting services, public or private prison services, the provision of food to pupils of school age and the cleaning of schools, air traffic control. The ILO CFA has stressed that compensatory guarantees should be provided to workers in the event of prohibition of strikes in essential services, see paras. 853 - 863; See also Schlachter, M. ‘Regulating Strikes in Essential Services from an International Law Perspective’ in Mironi, M. and Schlachter, M (eds) 2019, Regulating Strikes in Essential Services: A Comparative 'Law in Action' Perspective, Netherlands: Wolters Kluwer International, pp. 29-50.
- 22 ITUC Global Index: Turkey - <https://survey.ituc-csi.org/Turkey.html#tabs-2> ; Centel, p. 540-541.
- 23 Centel, p. 544-545.
- 24 Case documents available at: <https://www.ilo.org/dyn/normlex/en/f?p=1000:50001::NO::>
- 25 Case documents available at: <https://www.ilo.org/dyn/normlex/en/f?p=1000:50001::NO::>
- 26 See https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:4060470,102893,Turkey,2020 .
- 27 See https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:4060473,102893,Turkey,2020 .
- 28 <http://hudoc.echr.coe.int/eng?i=001-81714>
- 29 See the status of execution at: <http://hudoc.exec.coe.int/eng?i=004-37405> (accessed on 27 June 2021)

30 <http://hudoc.echr.coe.int/eng?i=001-92267>

31 <http://hudoc.echr.coe.int/eng?i=001-93994>

32 See the status of execution of this case at: <http://hudoc.exec.coe.int/eng?i=004-37234> (accessed on 27 June 2021)

33 <http://hudoc.echr.coe.int/eng?i=001-106432>

34 European Social Charter, Country profile: Turkey at: <https://www.coe.int/en/web/european-social-charter/turkey>

35 See table of non-accepted provisions of the European Social Charter, Country profile: Turkey at:
<https://www.coe.int/en/web/european-social-charter/turkey>.