



Mr. Aziz Kocaoğlu: Mayor of Izmir
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Higher Board of Arbitration
Ministry of Labour and Social Security of
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Brussels, 26 August 2013

Dear Mr Aziz Kocaoğlu, and the General Secretariat of Higher Board of Arbitration,

We have been informed by our colleagues of Genel-Is of the state of affairs in Izmir regarding the dispute between Genel-Is and two of Izmir Metropolitan Municipality's companies Izelman and Izenerji. Following, a deadlock in collective negotiations, and failure to reach an agreement during the subsequent mediation process Genel-Is took the decision to call a strike for the 26 July, 2013.

In compliance with the Law on Trade Unions and Collective Labour Agreements that prohibit the strikes by some workers, including urban public transportation, and city water workers, Genel-Is limited the scope of its strike plan to those workplaces that do not fall into this category. Nonetheless, the employers of Izelman and Izenerji proceeded to apply to the Higher Board of Arbitration on the grounds that it was illegal for their employees to strike. Despite the fact that the workers affected by the prohibition to strike were not called upon to do so by Genel-Is, the Higher Board of Arbitration processed the application by the two companies and settled the dispute on 24 July unilaterally concluding collective agreements two days before the planned strike took place. This action deprived the workers of a key instrument in negotiating their working conditions, even though the right to strike is foreseen in ILO conventions and the European Social Charter that Turkey has signed. So the companies violate these international standards.

Since the strike was not intended to include workers specifically excluded from the right to strike we question the legitimacy of the employer's move to apply to the Higher Board of Arbitration. Therefore, we recommend a review of the Board's decision to assure that the constitutional rights to freedom of association and the right to strike are respected. We further state our solidarity with Genel-Is and the Turkish workers' constitutional right to strike. Further, we trust that this right will not be infringed and that this dispute will not be foreclosed by arbitrary means.

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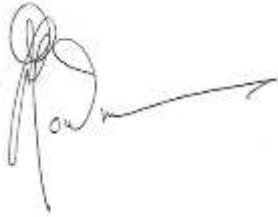
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The actions of Izelman and Izenerji as well as those of the Higher Board of Arbitration violate European and International standards of labour relations and dispute settlement, thereby setting a negative example to international partners and the international community.

We look forward to the measures you are taking so workers are not deprived of their rights. We will continue to monitor the situation and inform European and International authorities accordingly.

Yours sincerely,

A handwritten signature in black ink, consisting of a large, stylized initial 'J' followed by 'W. Goudriaan' and a long horizontal line extending to the right.

Jan Willem Goudriaan
EPSU Deputy General Secretary