CHAPTER 29

# The Right to Strike: Turkey

*Tankut Centel*

## 29.1 LEGAL DEFINITIONS

The collective labour relations in Turkey faced a number of criticism since the Turkish Act on Collective Labour Agreement, Strike and Lock out Number 2822 (1983) was not in compliance with the standards of the International Labour Organisation (ILO). It included quite a number of restrictive provisions regarding the right to strike. For this reason, the Act on Labour Unions and Collective Labour Agreement Number 6356 has been prepared and published on the Official Gazette on 7 November 2012.[1] The new law brought far-reaching changes regarding the right to strike.[2]

Article 58 paragraph 1 of the Act Number 6356 provides the following definition for strike: 'Strike means any concerted cessation by employees of their work with the purpose of halting the activities of an establishment or of paralysing 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.' Accordingly, the judicial doctrine used before is therefore not used any more.

1. See English text: Republic of Turkey Ministry of Labour and Social Security (ed.), *A New Era in Turkish Labour Relations: Law on Trade Unions and Collective Labour Agreements* No 6356 (Ankara 2013) pp. 69-135.
2. I.E. Karadag, *Authorisation to execute a collective labour agreement*, Legal News Bulletin Turkey, No 6 (2012/II) p. 108.

## 29.2 THE LEGAL BASIS OF THE RIGHT TO STRIKE

The Turkish Constitution of 1982 provides in Article 54 that 'employees 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.'

Regarding the international regulations concerning the right to strike, the European Social Charter (1961) and revised European Social Charter (1996) have been ratified by Turkey; however, Turkey has excluded the Article 6 on the right to strike from the ratification. Moreover, Turkey has become a party to the International Covenant on Economic, Social and Cultural Rights (1966) and the Article 8 of this agreement on the right to strike. In addition, Turkey has ratified the ILO Convention on Freedom of Association and Protection of the Right to Organise (1948), which covers the right to strike and initiated to apply it from 1993 onwards.

The right to strike has been guaranteed in Act Number 6356 and regulations regarding the exercise of this right have been introduced in Articles 58-75 of this Act.

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. However, when it is a matter of the application of the regulations of the Act Number 6356 or when a loophole exists in this Act, judgments, which recognise and guarantee the right to strike have been given.

Since the right to strike has been guaranteed in the Constitution and the law, collective agreements relating to the right to strike do not exist. Self-regulation by trade union by-laws is observed only with regard to the duties and delegated powers of strike pickets and the usage of strike funds.

## 29.3 THE RIGHT TO CALL A STRIKE

The strike decision must have been taken by a labour union which is the party to collective negotiations. This is a labour union that represents a majority of the workers involved in the dispute. This means that it meets the legally imposed requirement, i.e., being active on an industrial basis and it is competent as long as it meets the additional conditions for authorisation. Act Number 6356 offers two stipulations concerning authorisation for bargaining. The first precondition is the requirement that the union must represent a minimum of 3% of the employees working in the branch where the union is active.[3] Once this criterion has been met, the second condition is the requirement that the union must

3. Art. 41 para. 1 of the Act No 6356.

represent more than half of the employees in the workplace and 40% of the workers in the enterprise where it intends to conclude a collective agreement.[4]

Non-union bodies, federations or confederations of workers and the workers in general are not allowed to call and launch a strike under Turkish law.

## 29.4 THE RIGHT TO PARTICIPATE IN A STRIKE

The law is silent as to whether only members of the union, which has initiated the dispute, may take part in the strike. In practice, non-members and members (of even other unions) are entitled to participate in the strike action. In addition, employees in the same establishment who do not belong to any trade union are entitled to participate in a strike.

If a collective agreement is concluded at the end of the strike action, the agreement shall not apply to non-striking employees, unless provision to the contrary has been made in the collective agreement.[5] Thus, the entitlement of employees to participate in a strike is dependent on their potential benefits from the outcome of the strike.

## 29.5 LAWFUL STRIKES ACCORDING TO THEIR PURPOSE

The Turkish legal system provides for a positive right to strike. However, exceptions such as the existence of bans on strikes in some locations or some businesses and the competence of Council of Ministers to postpone the strike in some situations make consideration of the right to strike as a positive right difficult.

The strike must have an occupational objective related to an interest dispute to be qualified as 'lawful.'[6] Thus, strikes are permissible only in the event of interest disputes. Strikes arising out of rights disputes are banned by the Turkish Constitution. These must be settled by the labour courts.

Strikes aiming at bringing about a collective agreement are not permissible. Strikes aiming at enforcing a collective agreement are not allowed. The trade union must resort to labour courts for the enforcement of a collective agreement. Strikes which arise out of disputes relating to issues which are not convenient for regulation of collective bargaining and strikes which arise out of inter-union disputes are not permissible.

Political strikes were prohibited by Article 54 paragraph 7 of the Constitution. However, the above-mentioned provision has been abolished after the referendum, which took place in 2010. Nevertheless, since it is stated in the first paragraph of the Article 54 in the Constitution that the employees have the right

4. See I. E. Karadag, *Authorisation to execute a collective labour agreement*, Legal News Bulletin Turkey, No 6 (2012/II) p. 109.
5. Art. 39 para. 8 of Act No 6356.
6. Art. 54 para. 1 of the Constitution; Art. 58 para. 2 of Act No 6356.

to strike 'in the event of a labour dispute arising during negotiations for the conclusion of a collective agreement,' it is accepted that the ban on the political strike continues presently. As a matter of fact, Act Number 6356 doesn't clearly prohibit the political strikes and impose any penal sanction. Additionally, strikes to announce certain concerns to the public are not allowed.

## 29.6 PROCEDURAL REQUIREMENTS

The right to strike in Turkey is subject to following requirements:

*First*, The strike action can be initiated only after exhausting all means of negotiation between the parties to the conflict.

*Second*, The strike must be approved by the workers' rank and file. However, this approval is not given within the trade union which has decided to strike or among its members. Such approval is given among the employees employed in the establishment, whether they are union members or not. On this issue, Act Number 6356 provides the taking of a strike ballot if one-fourth of the employees working in the establishment request such a vote to be conducted. This request must be made to the competent administrative authority. The total number of employees, whether union members or not, must be taken into account in determining the specified one-fourth ratio. The strike ballot will be conducted within six working days following the written request, and on the date and time out of working hours determined by the competent authority,[7] on the basis of secret ballot open returns and classification.

The majority of the votes will be calculated by the number of employees who participated in the ballot regardless of the total number of employees working at the establishment. This is different from the former system in which the majority of the votes were calculated through the total number of employees.[8] If the absolute majority of the employees votes against the strike, the strike shall not be called.[9]

In this case, the trade union concerned must either come to a collective labour agreement with the employer or refer the dispute to the Supreme Arbitration Board for final settlement, within 15 days of the date on which the result of the vote is finalised; if neither is done, the trade union's authorisation certificate becomes invalid.[10]

An appeal against the strike ballot may be lodged within three working days with the local labour court. A final ruling on the appeal must be given within the next three working days.[11]

7. Art. 61 para. 1 of Act No 6356.
8. M. Batur, *The new law on collective relations*, Legal News Bulletin Turkey, No 6 (2011/II) p. 107.
9. Art. 61 para. 3 of Act No 6356.
10. Art. 61-para. 3 of Act No 6356.
11. Art. 61 para. 2 of Act No 6356.

*Third*, Article 60 paragraph 1 of Act Number 6356 provides that 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 proceedings have failed to resolve the dispute. Within that 60-day period, the decision to call a strike shall come into effect on the date notified to the other party six working days beforehand through a notary public,[12] and one copy of the decision must be submitted to the competent authority. The strike decision must be immediately announced by the receiving party in the establishment.[13]

*Fourth*, If either of the parties fails to appear at the place, date and time fixed for negotiations or fails to attend the meetings after the commencement of negotiations, the competent authority shall initiate the mediation process without any obligation to await the lapse of the 60-day negotiation period.[14] In other cases, if no agreement has been reached 60 days after the commencement of collective negotiations, the competent authority must initiate the mediation process. The term of duty of the mediator is 15 days, but it can be extended for a maximum of six working days with the consent of the parties that inform the competent authority accordingly.[15] If, despite the mediation process, the parties fail to come to an agreement, the mediator must record the dispute in a report within three working days and transmit it to the competent authority. The competent authority must transmit a copy of mediator's report to each of the parties within three working days.[16] The strike action can be initiated only after exhausting the mediation stage.

*Finally*, Both Article 54 paragraph 1 of the Constitution and Article 58 paragraph 2 of Act Number 6356 state that strike is lawful only if a dispute arises during the process of formation of the collective agreement. Accordingly, a congruency is required between the 'area of conflict' and the area of application of the collective agreement if the strike aims at bringing about such agreement.

## 29.7 PEACE OBLIGATIONS

There are several restrictions relating to the type of conflicts that would eventually lead to a legal strike. For example, strikes relating to issues that have been settled by a collective agreement, which is still in force, are not allowed (relative peace obligation). Thus, Act Number 6356 envisaged resort to labour courts or private arbitration as the sole avenue for the settlement of collective rights disputes.

Act Number 6356 stated that no more than one agreement could be made for an establishment at a given time span, meaning that the establishment

12. Art. 60 para. 5 of Act No 6356.
13. Art. 60 para. 3 of Act No 6356.
14. Art. 50 para. 1 of Act No 6356.
15. Art. 50 para. 3 of Act No 6356.
16. Art. 50 para. 5 of Act No 6356.

should not be subject concurrently more than one agreement for the same period.[17] Thus, strikes on any cause during the life of a collective agreement, regardless of the existence of a no-strike clause, are banned by the Act Number 6356 (absolute peace obligation).

The Turkish legal system provides for a peace duty, under the following conditions:

(1) It is a mandatory duty and cannot be set aside by the parties concerned.
(2) The right to claim rights which arise from that duty is recognised only to the signatory labour union or union of employers which is party to the collective agreement in force.
(3) The signatory parties of the collective agreement in force are bound to the peace duty.
(4) The 'peace duty' implies prohibition of any strike action.
(5) The 'peace duty' begins with the conclusion of the collective agreement and ends with the expiration of the collective agreement. A collective agreement may be concluded for a specified period of not less than one year and not more than three years.[18]
(6) The fulfilment of the 'peace duty' requires avoidance of any strike action and resort to labour courts in cases concerning payment of interest or interpretation of the collective agreement.

## 29.8 OTHER LIMITATIONS TO STRIKES

Even if the principles such as proportionality and '*ultima ratio*' do not exist in the Act Number 6356, in practice, they have been taken into consideration by court decisions and the doctrine. In the subject of abuse of rights, Article 14 of the Constitution which prohibits the abuse of the fundamental rights and freedoms is considered as a general rule.

The right to strike must not be exercised in contravention of the principle of good faith or in such a manner as to cause a harm society or to destroy national wealth.[19] Any strike called in noncompliance with this rule shall be suspended by the competent court upon the request of either party or the Minister of Labour and Social Security. In this way, the aims and/or the underlying demands of a strike are to be taken into account while determining the legitimacy of a strike.

The concept of 'good faith and fair dealing' emphasised here is the principle embedded in the Turkish Civil Code (2001) which means that any act must have been carried out in a manner consistent with its underlying motives and

17. Art. 35 para. 4 of Act No 6356.
18. Art. 35 para. 2 of Act No 6356.
19. Art. 54 para. 2 of the Constitution; Art. 72 para. 1 of Act. No 6356.

purposes. Determining the presence of 'good faith' is a difficult matter particularly in an area where industrial conflict is involved.[20]

Besides, Act Number 6356 prescribes the suspension of a strike by the government for reasons of *general health* or *national security*. Any lawful strike called, ordered or commenced may be suspended by order of the Council of Ministers for 60 days if it is likely to be prejudicial to general health or national healthy. The suspension shall come into effect on the date of the publication of the government's order.[21] A suit for the annulment of the decree may be brought in the Council of State and an injunction order may be demanded.

Following the issuance of the postponement decree, the Minister of Labour and Social Security shall make every effort for the settlement of the dispute during the postponement period. According to Act Number 6356, the dispute in compulsory arbitration is resolved upon the expiry of the 60-day postponement. Thus, the suspended strike cannot resume upon the expiration of the postponement period.

## 29.9 THE PUBLIC SECTOR AND 'ESSENTIAL SERVICES'

According to Article 62 of the Act Number 6356 the following operations and establishments are subject to strike bans:

- life or property saving;
- funeral and mortuary;
- water, electricity, city gas; production of lignite used for thermal power plants; exploration, production, processing and distribution of natural gas and petroleum; petrochemical works starting from naphtha or natural gas;
- banking services;
- fire fighting, urban 'sea, land and railway and other mass passenger transportation on rail' provided by the public sector;
- hospitals;
- cemeteries;
- any establishment run directly by the Ministry of National Defence, General Command of Gendarmeries, and the Coast Command.

Essential services are not defined by Turkish law. However, it can be said that the activities within the context of the strike bans stated above come within the scope of 'essential services.' In principle, it does not make any difference whether these activities are carried out by public or private sector.

20. T. Dereli, *Labour Law and Industrial Relations in Turkey*, in: R. Blanpain (ed.), *International Encyclopedia of Labour Law and Industrial Relations* (Kluwer Law International, 2006) p. 351.
21. Art. 63 para. 1 of Act No 6356.

The Committee of Experts on the Application of Conventions and Recommendations, the Conference Committee on the Application of Standards and the Governing Body Committee on Freedom of Association of the ILO has admonished some of the above-mentioned bans on the right to strike on the grounds of their alleged infringement of the principles embodied in ILO Convention No 87. As Turkey ratified that Convention in 1993, harsher ILO criticism is likely to be directed against these restrictions in the foreseeable future.[22]

## 29.10 SPECIFIC EMANATIONS OF STRIKES AND OTHER FORMS OF INDUSTRIAL ACTION

Lawful strike means any strike called by employees for the purpose of safeguarding or improving their economic and social position and working conditions in the event of a dispute during negotiations to conclude a collective agreement.[23] This means that the strike must have an occupational objective in order to be qualified as 'lawful.' Additionally, in order for the strike to acquire a lawful character, the procedure determined by the law itself must be fulfilled with strict conformity.

Therefore, modalities of industrial action such as solidarity/sympathy/secondary strikes, warning strikes, go slows, sit-ins, work-to-rule, rotating strikes, occupation of the enterprise's premises, blockades, picketing and other acts of resistance are not permitted under Turkish law.

## 29.11 LEGAL CONSEQUENCES OF LAWFUL STRIKES

Act Number 6356 reiterates the notion that employment contracts of employees shall be suspended. It proclaims that 'the employment contract of any employee who supports a decision to call a lawful strike or prompts others to support it, or has taken part in such a strike or prompts others to take part in it, shall not be terminated for that reason.'[24]

Adjacent to the suspension of the employment contract is the non-payment of wages and other benefits to the employee during a strike. Moreover, this period shall not be taken into account in the calculation of the employee's severance pay.[25] Deductions from wages such as taxes, social insurance premiums, union dues or solidarity dues cannot be made for the duration of the strike. The striking employee is not paid the weekly rest day remuneration.

In the present system of job security, dismissing the employee with notice during a strike shall be considered unjustifiable under any circumstances. For

22. T. Dereli, *Labour Law and Industrial Relations in Turkey*, in: R. Blanpain (ed.), *International Encyclopedia of Labour Law and Industrial Relations* (Kluwer Law International, 2006) p. 357.
23. Art. 58 para. 2 of Act No 6356.
24. Arts 66 paras 2 and 67 para. 1 of Act No 6356.
25. Art. 67 para. 3 of Act No 6356.

employees who are not covered by the job security provisions, termination with notice shall be considered an abusive dismissal. An employee whose rights and obligations are suspended as a consequence of a lawful strike is not permitted to accept any other employment. If he does, the employer may terminate his employment contract without notice or compensation.[26]

The freedom to work of the employees who do not participate in the strike may not be restricted by any means. Employees who do not participate or have refused to participate in a strike may be employed only in their own functions and not in substitution for the employees who take part in the strike.[27] The employer is free to engage or not to engage any employees in work who are not participating in the strike.[28] However, due to the duty of equal treatment, the employer must either engage all of the non-striking employees in work or none of them.

The rights and obligations under the employment contract of any employee who wishes to work in the establishment during the strike but is not called upon to do so by the employer shall be suspended until the end of the strike.[29] However, the regulation which doesn't permit them to accept another employment as they get no money from the strike funds of the strike calling trade union creates some kind of problems.

If the shutdown of the workplace is prompted by the employer in an attempt to derive better concessions in collective bargaining rather than by objective factors pertaining to the operations of his undertaking, then such a shutdown should be regarded as an unlawful lockout. In the event of an unlawful lockout, employees are entitled, without any liability as to term of notice or compensation, to terminate their employment contracts with the employer who has ordered it. The employer must pay entire amount which the employee has been entitled to receive under his employment contract and compensate any damage the latter has sustained, without any obligation on the employee's part to perform the corresponding work.[30]

## 29.12 LEGAL CONSEQUENCES OF UNLAWFUL STRIKES

A strike cannot be declared illegal (unlawful) by the government alone. It is indispensable that declaration of illegality/unlawfulness be made by a labour court. In this context, Article 71 paragraph 1 of Act Number 6356 provides that:

> either party to a dispute may at any time request the competent labour court to determine whether or not a strike called, ordered or commenced is unlawful. The court must reach a decision within one month. The court's

26. Art. 68 para. 3 of Act No 6356.
27. Art. 68 para. 2 of Act No 6356.
28. Art. 64 para. 1 of Act No 6356.
29. Art. 67 para. 1 of Act No 6356.
30. Art. 70 para. 3 of Act No 6356.

> decision is binding on the parties and members of the labour and employers' union and serves as absolute evidence in criminal proceedings.

Article 70 paragraph 1 of Act Number 6356 provides the following:

> In the event of an unlawful strike, the employer may, without any liability as to notice or compensation, terminate the employment contract of any employee who has supported the decision to call that strike or prompted others to support it, or has participated in it or prompted others to take part in it or to sustain it.

Thus, the strikers can be summarily dismissed; it is not necessary that they are previously enjoined to return to work. The employer can take disciplinary measures instead of dismissal, such as withholding of pay or fines. At this case, the employer shall lose the right to terminate the individual employment contract. They cannot be held responsible for damages.

Article 71 paragraph 1 of Act Number 6356 provides that 'either part to a dispute may at any time request the competent labour court to determine whether or not a strike called, ordered or commenced is unlawful.' In this framework, the employer can demand that the court releases an injunction to order the union to stop the industrial action. Also, the judge may order the suspension of the strike in progress as an interlocutory injunction until a final ruling is given on the case, or may lift any interlocutory decision.[31]

Any damages sustained by the employer as a result of the initiation or conduct of an unlawful strike must be compensated by the labour union which has decided to call it or, if it has occurred in ways other than by the decision of a labour union, by the employees who have taken part in it.[32]

According to Article 78 of Act Number 2822, the penalties for liability include only an administrative fine instead of a term of imprisonment. The union will not be deprived of other rights; e.g., cancellation of certification as bargaining agent or suspension of the right to collect union dues through check-off.

## 29.13 DISPUTE RESOLUTION

There are two types of arbitration which are named 'compulsory (official) arbitration' and 'private (voluntary) arbitration.'

The arbitration in Turkey has been established by law and its legal source is the Act Number 6356. Arbitration cannot be imposed by the state. The state must be neutral in collective labour disputes as the state is the biggest employer in Turkey. If the parties give notice that they wish to refer the dispute to private arbitration, the possibility to strike or to apply the strike abates.[33] In interest disputes, the award of the Supreme Arbitration Board or the private arbitrator has the same force and effect as a collective agreement. If the parties have

31. Art. 71 para. 2 of Act No 6356.
32. Art. 70 para. 2 of Act No 6356.
33. Art. 52 para. 3 of Act No 2822.

resorted to private arbitration in conjunction with a rights dispute, decisions are to be binding on the parties as a judicial award and registered by the labour court. While the court's decisions may be appealed to the Court of Cassation, which may reverse them for reasons of substance (merit) as well, arbitrator's decisions, if appealed, are reviewed by the High Court only for procedural reasons. Thus, the arbitration decisions are binding, and they cannot be challenged by either party.

In the year 2008, the number of industrial disputes in which private arbitration has been resorted is 90 while the number of industrial disputes in which compulsory arbitration has been resorted is 94. These numbers include 13,629 employees in 360 businesses. Considering that 1,704 collective agreements concerning 9,623 businesses and 13,629 employees have been concluded the same year, it can be derived that arbitration has not been resorted very often.[34]

## 29.14 SUPPORT OF STRIKERS

Some labour unions in Turkey have strike funds. Thus, they can pay allocations to workers on strike. Nevertheless, it can be stated that the amounts to be paid are not close to meet the pay received by the striking employee before the strike. Employees are not entitled to payments provided by the state or social security funds (e.g., unemployment benefits) during the strike.

## 29.15 PARITY OF PARTIES AND NEUTRALITY OF THE STATE

The present Constitution mentioned employer's resort to lockout, thereby carefully avoided using the concept 'right'. According to Article 59 paragraph 2 and Article 60 paragraph 2 of Act Number 6356, the decision to call a lockout can be taken only after a decision of the labour union to call a strike. Notwithstanding this and the constitutional view, the pertinent provisions of Act Number 6356 seem to have regulated the right to strike and lockout almost in parallel terms. Furthermore, the principle of equality of strike and lockout has been significantly adopted by the doctrine.

The neutrality of the State with regard of non-interference to strikes is not regulated in Turkish legal system. The entitlement of the Council of Ministers to the suspension of a strike for reasons of general health or national security[35] seems to be incompatible with the principle of neutrality, as the assessment of the degree to which a strike is prejudicial to general health or national security is likely to be highly subjective in many disputes.

34. Source: 2008 Labour Statistics, published by Ministry of Labour and Social Security of Turkey, Ankara 2009.
35. Art. 63 of Act No 6356.

## 29.16 STRIKES IN PRACTICE

In the year 2008, the Supreme Arbitration Board has concluded 85 collective agreements, which cover 6,416 employees in 154 businesses in which ban on strike exists. When the total number of collective agreements (2,804) and the number of employees covered by these agreements (262,786) are considered, it is observed that the number, which is to be affected by the limitations on strike, is not excessive.

The actual practice in respect to issues of illegal strikes has been developed in a way that the employees who participate in these actions have been rather dismissed by way of legitimate reason. Only the trade unions are permitted to be party to legal strikes. In most cases, also the employees can be party to unlawful strikes.

In practice the most frequently observed causes of strikes are in collective interest dispute which are rising from the demand for increase of the payments. An industrial conflict starts with a strike because only defensive lockouts are permissible. Any work stoppage called without fulfilling all the conditions for a lawful strike is an unlawful strike. The penal provisions concerning unlawful strikes shall apply also to cases of work stoppages regardless of short duration.

General strikes are not a concept, which is commonly encountered in Turkey's industrial relations practice. However, in Turkey, in the past, it has been observed that general strikes have been invoked in highly significant socio-political situations such as in the events of establishment of extraordinary tribunals, changes in labour laws or attempts to annul severance pay.

Turkey has recently taken considerable steps towards the abolition of restrictions concerning the right to strike. Historically, the regulatory framework regarding the right to strike in Turkey was under strict scrutiny. The constitutional amendment of 2012 revised the right to strike with a liberal outlook.

In this respect, the provisions prohibiting activities similar to strike are removed from text of the new Act number 6356. Specially, the scope of legal prohibitions on strikes is narrowed down. Indeed, 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.

Additionally, the responsibility of the damages given to the workplace arising from individual actions during a strike is not considered as trade union's responsibility according to the provisions of the new act. However, if the action occurs as a result of an instruction given by the trade union, the union will be held responsible for the damage caused in the workplace.

On the other hand, restrictions on the activities of the pickets charged by trade unions for a strike are totally removed, including the prohibitions on posting announcement materials such as placards, posters or writings and setting up sheltering materials such as huts, cottages and tents. It is regulated

that strike pickets shall be entitled to enter and exit from workplaces without restrictions in order to monitor the procedures regarding the strike.

However, 'essential services' are not defined by Turkish law. Therefore, there is no criterion for the scope of essential services which must have strike bans in order to carry on them continuously. Therefore, it is not easy to clarify for what reason the scope of legal prohibitions on strikes were narrowed down.

In conclusion, it is possible to encounter some inadequacies and inconveniences in the application of the legislation provisions. Nevertheless, the exact application of positive legal regulations in industrial relations is directly proportional to social and economic conditions in the country. In this respect, Turkey who applied for full membership to the European Union, with the purpose of harmonising with the EU legislation, must make an important progress with regard to the right to strike.