

UPDATE

## Aggressive and Unlawful Revisited: DHL's Anti-Unionism in Turkey

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# Executive Summary

Based on extensive interviews with dozens of DHL workers, the 2012 report, *Aggressive and Unlawful: a Report into Deutsche Post DHL Operations in Turkey*, described a variety of anti-union tactics: the termination of pro-union workers, management pressure on union members to resign from Tumtis, retaliation against Tumtis members in the workplace, and coercion of non-union members to ensure they do not join Tumtis. Follow-up interviews conducted in Istanbul in March 2013 reveal that, despite worldwide exposure, DHL management is both continuing with, and even intensifying, these existing anti-union tactics, and adopting new (and unlawful) anti-union practices.

## **1. Intensification of Existing Anti-Union Practices: Discriminatory Dismissals, Pressure to Resign from the Union, and Retaliation against union members**

DHL management has continued and even intensified many of the anti-union practices documented in last year's report.

- There are now at least 36 workers who have allegedly been fired for union activities.
- In four of these cases heard so far, decided in January and February 2013, Turkey's Labour Court has ruled that DHL fired the workers because of their union activism. Such clear-cut verdicts finding evidence of anti-union motives are relatively rare in Turkey.
- According to workers interviewed in March 2013, DHL management has continued to pressure workers to resign from Tumtis, and it has continued to retaliate against Tumtis members in the workplace.
- Despite clear evidence of aggressive and unlawful anti-union activities, DP-DHL has denied that management has engaged in these activities in Turkey.

## **2. The Adoption of New Anti-Union Practices: Promoting a Yellow Union, Tasima-Is, and Signing an unlawful "Team Agreement" with this company-sponsored union.**

DHL management has adopted new anti-union tactics. In December 2012, DHL management started promoting a "yellow union," Tasima-Is. It appears that this is simply a cynical effort to avoid dealing with Tumtis, a genuinely independent union. According to DHL workers, management has bribed and coerced employees into joining Tasima-Is. The workers described the following practices:

- Instances of management collusion with Tasima-Is
- Instances of workers being offered non-salary payments of up to 100 Turkish Lira if they agree to join Tasima-Is
- Instances of management driving workers to a notary and paying the notary fee for them to join Tasima-Is
- Instances of workers facing coercion to force them to change their union affiliation from Tumtis to Tasima-Is
- Instances of workers being threatened with the sack if they refused to join Tasima-Is
- Instances of subcontracted Platin workers being offered jobs at DHL — which provides them with greater employment security — if they join Tasima-Is
- Instances of DHL management improperly using the Facebook accounts of warehouse workers to post messages stating that they support Tasima-Is, when in reality the workers were members of Tumtis
- Instances of management stating that members of Tumtis would not receive a pay raise, while members of Tasima-Is would receive a raise.

In addition, in February 2013 DHL management distributed to employees a memo stating that Tasima-Is represented a majority of the workforce and thus the company intended to enter into a relationship with it, even though the union clearly lacks the support in the logistics sector that is required for it to be certified as a legal collective bargaining agent. There seems little doubt that the distribution of this memo was intended to influence workers into supporting Tasima-Is. Finally, in April 2013, management announced that it had

concluded a so-called “Team Agreement” with Tasima-Is, even though companies are not legally permitted to negotiate these agreements with unions.

As with the tactics outlined in last year’s report, most of the anti-union activities described in this report violate Turkish labour law. They are also violations of leading international labour standards, including ILO Conventions 87 and 98, OECD Guidelines for Multinational Enterprises, and the UN Global Compact, which DP-DHL signed in 2006. They also violate DP-DHL’s own code of conduct.

## Introduction

Last year's report, *Aggressive and Unlawful*, detailed several anti-union tactics employed by DHL Turkey against its logistics workers in Istanbul and Ankara. Among the anti-union tactics described in that report were: discriminatory dismissals on the basis of union membership and activism, management pressure on union members to resign from the union Tumtis, retaliation against Tumtis members and activists in the workplace, and warnings to non-members, and to subcontracted workers at Platin, that joining Tumtis would harm their career prospects at DHL. This earlier report was based on extensive interviews with dozens of DHL warehouse and office workers, subcontracted Platin employees, Tumtis officials, labour lawyers, politicians and academics in Istanbul and Ankara.

In March 2013, I conducted follow-up interviews with approximately two-dozen DHL workers in Istanbul, along with union officials, academics and labour lawyers. These interviews indicate that DHL Turkey is continuing its aggressive and unlawful anti-union campaign. DHL management has fired more workers who are union activists (36 at the time of writing), pressured more workers to resign from Tumtis, and retaliated against more Tumtis members at DHL and subcontracted workers at Platin. In four of the discriminatory dismissal cases heard so far, decided in January and February 2013, the labour court has ruled that management had fired workers because of their union activism – a judgment that is uncommon in Turkey and one that reflects the aggressive nature of DHL's anti-union campaign.

In addition to continuing with these existing anti-union tactics, starting in December 2012, DHL management launched an additional anti-union ploy – promoting a “yellow union,” Tasima-Is. According to DHL workers, management has threatened or bribed employees into joining this organisation. In February 2013, DHL management announced to employees that Tasima-Is represented a majority of the workforce and it has now concluded an unlawful “Team Agreement” with this sham union. It appears that this is simply a cynical tactic designed to enable management to avoid bargaining with Tumtis, which enjoys genuine support among the workers.

# 1. Unlawful Terminations Were Motivated By DHL's Anti-Union Animus

As outlined in the November 2012 report, *Aggressive and Unlawful*, several DHL Turkey workers have been fired for union activities. As of May 2013, 36 union members have allegedly been dismissed because they were union activists. This is a significant increase from the September 2012 figure of 21, and appears to indicate that management is intensifying its anti-union campaign against members of Tümtis. In each unfair dismissal case, DHL Turkey claimed that the workers were fired because of “poor performance” or because of violations of company policies, such as safety procedures, but in every case that has come before the courts, management has failed to provide credible evidence to back up its claims.

Under Turkey's system of labour-management relations – which is often unfavorable towards workers seeking to form unions – it is relatively rare for the labour courts to rule that dismissals are for reasons of trade union activities. In the vast majority of cases involving allegations of discriminatory dismissals, the courts rule that a termination was unlawful but stop short of stating that it was for union activities, even in the face of compelling evidence that management had singled out union activists. But the Turkish Labour Court has now ruled in four separate cases that DHL management fired workers for union activities.

Given the exceptional nature of these rulings, it is worth quoting the court's decisions. The verdicts clearly state that DHL management acted for anti-union reasons. In the case of discriminatory dismissal of Burhan Ervan, decided on February 13, 2013, the Court ruled:

***“It was accepted [by the Court] that TÛM-TİS was organizing at the defendant's workplace, that the claimant had joined this union and was participating in trade union activities at the workplace, that the union had not by that time recruited a majority of the workforce and had therefore been unable to apply to have this majority recognized, that when the defendant employer learned of these unionization activities, it dismissed those workers it considered to be the leaders of these activities, that the claimant was one of these dismissed workers, that the defendant had accepted the fact that the claimant's employment was terminated for no valid reason, that in view of this declared acceptance they had indirectly accepted that the grounds in the Termination of Employment Notice were also false, that the termination of employment must have been for reasons of the trade union activities.”<sup>1</sup>***

Thus, according to the Labour Court, management dismissed those workers “it considered to be the leaders” of union activities, and the terminations “must have been for reasons of the trade union activities.” In a second case decided on February 13, 2013, involving the dismissal of Vural Erkol, the Court also ruled that the termination “must have been for reasons of the trade union activities.”<sup>2</sup>

In another of the four cases, involving the unlawful termination of Korcan Yilmaz, decided on January 17, 2013, the Court reached a similar conclusion. When management became aware of union activities at DHL:

***“[T]he Defendant Employer had laid off some of the workers who he thought were the leaders of these [union] activities, that the Complainant was one of these workers, that the Defendant had accepted the fact that the Complainant was dismissed unfairly with no viable reason, and that following on from this acceptance they also accepted indirectly that the reasons stated on the Work Termination Notification form were groundless, that the dismissal must have been done because of the Complainant's involvement in trade union activities, and therefore the Complainant's claim must be upheld.”<sup>3</sup>***

In a second case, also decided on January 17, 2013, involving the unlawful dismissal of warehouse worker Dogan Ervan, the Court reached the same verdict: DHL Turkey sacked the worker because of his involvement in union activities.<sup>4</sup>

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1 Republic Of Turkey, Bakirköy, Labour Court No 13, Case File Number: 2012/371 File, Verdict Number: 2013/94

2 Republic Of Turkey Bakirköy, Labour Court No 13, Case File Number: 2012/369 File, Verdict Number: 2013/93

3 The Republic Of Turkey Bakirköy, 13th Court Of Labour, File Number: 2012/372 File, Decision Number: 2013/17

4 The Republic Of Turkey, Bakirköy, 13th Court Of Labour, File Number: 2012/370 File Decision Number: 2013/16

## Dismissals on the Basis of Union Activities Are Uncommon Verdicts

In Turkey, management frequently fire workers who are union activists, but court verdicts finding that the dismissals were due to union activities are rare. According to Turkish case law, indisputable evidence is required before the court can decide that a dismissal was based on the worker's trade union activities. If a worker argues that he or she was dismissed on the grounds of trade union activities, the worker must be able to prove that claim. Overwhelmingly, the courts compensate workers for discriminatory dismissals, ruling them unlawful, but not due to union activities. In cases of unlawful dismissals, employers must pay the dismissed worker 4-8 months salary, whereas in cases of unlawful dismissals based on union activity, employers must pay at least 12 months salary. While no official data exists on the number of discriminatory dismissal cases that result in a verdict that workers were fired for trade union activities, academics estimate that the figure is below 10 percent. In the other 90%+ cases, the courts either find that the dismissal was unlawful, but not due to union activities, or that the dismissal was lawful.

## DHL's Reaction to the Court Decisions

How has DHL reacted to this apparently clear-cut evidence of illegal anti-union behavior? Rather than accept the judgment of the Labour Court, DHL Turkey has appealed the decisions to the High Court, apparently hoping to delay the legal proceedings for even longer than it has already. This lengthy delay is a major reason why most of the unlawfully terminated workers at DHL Turkey have chosen to settle for financial compensation, instead of fighting their cases for reinstatement and trying to win judgements that their firings were motivated by an anti-union animus. According to one of the country's leading labour scholars, Turkish law provides no effective protection for workers involved in union activities and no real deterrent against unlawful management practices:

***“Turkish labor legislation does not provide effective protection, or job security against layoffs related to union membership. Lawsuits tend to last very long, and the law does not oblige the employer to reemploy dismissed workers. Besides, the monetary compensation against layoffs related to union membership is far from dissuasive. In other words, an employer keen on stemming unionization can get his way by simply paying the price.”<sup>5</sup>***

Discriminatory dismissal cases, such as those at DHL, routinely drag on for months and even years. If the fired DHL workers are unemployed during this period, they are ineligible for unemployment benefits, and thus the workers have an enormous incentive to settle dismissal cases as quickly as possible.

Moreover, it appears that Deutsche Post-DHL is still in denial concerning the real cause of the unfair dismissal cases. Having first claimed erroneously that none of the dismissals were motivated by an anti-union animus, DP-DHL now claims that even if these four dismissals were caused by anti-union behaviour, they are the result of isolated incidents committed by rogue managers. But the basic facts in these four dismissal cases are the same as the facts in the other 32 discriminatory dismissal case at DHL Turkey.

In the 36 discriminatory dismissal cases, management's justification for the terminations has been “poor performance,” violations of company rules, or other infractions, but in none of the cases has DHL management provided credible evidence to back up these accusations. In the dismissal cases described in last year's Aggressive and Unlawful report, the sacked employees had good work records and a good relationship with their managers prior to joining the union. DHL management targeted the workers soon after they became active in the union. In several cases, workers were warned explicitly by supervisors or managers that joining Tümtis would hurt their careers at DHL and may even result in their dismissal.

It appears that nothing has changed in this respect. During the interviews in Istanbul in March 2013, several workers sacked since September 2012 described a similar sequence of events. The only difference in the four cases discussed above is that in the previous cases, the sacked workers had settled for compensation, whereas in these four cases, the workers were determined to achieve reinstatement and a judgment stating that DHL management had fired them for anti-union reasons.

Despite the Court decisions DP-DHL is still telling customers that its Turkish management has done nothing wrong. In correspondence with customers, DP-DHL has denied that there is any merit to the allegations of

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<sup>5</sup> Aziz Çelik, “Trade unions and deunionization during ten years of AKP rule.” (Heinrich Böll Foundation, 2013).

discriminatory dismissals, anti-union coercion and retaliation and other unlawful tactics. But while it claims to have investigated the issue, DP-DHL has failed to provide evidence to substantiate its claims. The company writes:

***“We have investigated all of these and other allegations in detail.... None of the detailed internal and external audit reports showed any evidence that these allegations were founded. We kindly ask you for your understanding that we cannot share these reports with you as this would endanger our legal position.”***

However, it appears that in its official “investigation” of the allegations of anti-union activities, DP-DHL did not interview any of the thirty-six workers who allegedly have been fired for union activities, including the four that the courts have found were fired for union activities. It has also failed to interview workers at DHL and Platin who allege that they have experienced unlawful anti-union coercion and retaliation. Thus, it is unclear what evidence DHL has used to discount the allegations of these workers concerning unlawful activities.

## **Other Forms of Management Coercion Have Continued**

According to the workers interviewed in Istanbul in March 2013, discriminatory dismissals are not the only aggressive and unlawful anti-union tactic that DHL Turkey management has continued to use in the past few months. Several workers reported that DHL management has also continued to pressure workers to resign from Tumtis. As explained in the Aggressive and Unlawful report, both joining a union and resigning one’s union membership is a complex and expensive process in Turkey. Thus, it is unlikely that workers would join and subsequently resign from the union in the absence of some other exceptional circumstance.<sup>6</sup> Workers interviewed in March described how both they and their co-workers had experienced intense management pressure, or had been offered non-salary payments, to induce them to resign their membership in Tumtis. Several workers report that management has driven Tumtis members to the notary and paid the notary fee in order to “persuade” them to resign from the union. According to the union, “There are even workers who joined the union several times and were forced to resign on each occasion.”<sup>7</sup> After experiencing management pressure, some workers resigned and subsequently rejoined Tumtis, but there is no doubt that this alleged anti-union pressure has adversely affected Tumtis’s organising campaign among DHL workers. In addition, several workers described ongoing retaliation against union members, including warnings and threats that workers would be denied promotions or social payments or would be transferred to less desirable positions if they remained members of Tumtis. These anti-union tactics are both unlawful under Turkish labour law – and some of them may also violate Turkey’s criminal code – they are also violations of ILO Conventions and other international standards on freedom of association.

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<sup>6</sup> The new labour law does away with the requirement for notarisation for membership and resigning from unions.

<sup>7</sup> To the Buyukcekmece Chief Prosecutor’s Office, For Forwarding to the Bakirkoy Chief Public Prosecutor’s Office.



## 2. DHL Management has promoted a “Yellow Union,” Tasima-Is

### Promoting “Yellow Unions” is a Common Anti-Union Tactic in Turkey

For many years, Turkish employers and public authorities have promoted and attempted to bargain with “yellow unions” (unions that negotiate agreements with management that are not supported by, and not in the interests of, the majority of the workforce) in order to avoid dealing with bona fide independent unions, which have genuine support among the workforce. This remains a widespread and highly effective anti-union tactic in both the private and public sectors. One of the most commonly used anti-union tactics in Turkey, writes one academic, is for employers to pressure workers “to resign from their current union and to become members of employer-dominated trade unions.”<sup>8</sup>

DHL management is now using this tactic as part of its anti-union campaign in Turkey. According to workers, management has pressured workers to resign from Tumtis and join a management-controlled union. Workers and union officials state that management at DHL Turkey started promoting the “yellow union” Tasima-Is on December 5, 2012. On February 26, 2013, DHL management announced that Tasima-Is enjoyed majority support among the company’s workers and stated that it intended to negotiate an agreement with this union. Coercing workers to join a “yellow union” is illegal under Turkish law. It would also be unlawful for DHL to negotiate an agreement with Tasima-Is because the union does not meet legal requirements to be certified as an official collective bargaining agent. In an apparent effort to get round this requirement, however, DHL management subsequently announced in April 2013 that it had negotiated a so-called “Team Agreement” with Tasima-Is. But it appears that this “Team Agreement,” which employers cannot negotiate with unions, is also unlawful, according to the labour statute.

### Management has Threatened or Bribed Workers into Joining Tasima-Is

Interviews conducted with DHL workers in Istanbul in March 2013 cast serious doubt on DHL’s claim that Tasima-Is enjoys genuine support among its logistics workforce. Workers stated that they had experienced direct pressure from management or had been offered non-salary financial incentives to join Tasima-Is, or had been told by co-workers of pressure or incentives being offered by management. Some workers reported that either they or their co-workers had been offered a non-salary payment of 100 Turkish Lira in order to entice them to join the company-supported union. Other workers reported that DHL operations managers and human resource specialists had threatened workers in their departments with reprisals or dismissal if they refused to join the rival organisation. In certain cases, workers stated that managers and HR specialists would drive workers to the notary and pay their fee to join the new union. Workers also reported that managers had offered to change subcontracted Platin workers into DHL employees if they agreed to join Tasima-Is. Certain managers, moreover, allegedly used workers’ Facebook accounts, without their consent, to promote the rival union. The workers were members of Tumtis, but they allege that management had posted messages on their Facebook accounts indicating that they supported Tasima-Is.

Workers stated that some of their co-workers, mostly office workers who had a close relationship with DHL management, had voluntarily joined the company-supported union, believing that they would gain salary increases and other benefits if they joined the rival union, but most workers had joined Tasima-Is as a result of management threats or bribes. They claim that coercion and offers of benefit have been widespread and that senior management, including the national human resource director, Riza Balta, and his assistant, Samet Yesildag, have participated in these unlawful actions, as have warehouse managers.

Almost all of these anti-union actions – including coercing or bribing workers into joining a yellow union – are illegal under Turkish labour law. Preventing workers from unionising through the use of force and threats are also a violation of Article 118 of the Turkish Penal Code. These actions clearly violate several leading international labour standards, including ILO Conventions 87 and 98, OECD Guidelines for Multinational Enterprises and the United Nations Global Compact, to which DP-DHL is a signatory.

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<sup>8</sup> Aziz Çelik, “Trade unions and deunionization during ten years of AKP rule.” (Heinrich Böll Foundation, 2013).

Tumtis is now pursuing legal action against DHL Turkey because of its unlawful actions in the promotion of Tasima-Is. Tumtis's complaint to the Ministry of Labour and Social Security, Labour Directorate General describes many of the same tactics brought up by the workers during the March interviews in Istanbul. The complaint states that DHL management "promised [subcontracted] workers they would become part of the permanent company workforce if they joined the union Oz-Tasima-Is." Meanwhile, long-term subcontracted workers at Platin who refused to join the union were not offered positions as part of the permanent workforce. This discrimination against workers on the basis of their union preference is a violation of Turkey labour law.<sup>9</sup> The complaint also states that one DHL manager, Hayri Guner, openly threatened employees if they refused to join Tasima-Is. According to the complaint, Guner told DHL employees in Bayrampasa, Istanbul: "If you don't join Tasima-Is, don't bother coming to work tomorrow."<sup>10</sup>

As one might expect under these circumstances, several DHL workers have resigned from the "yellow union" they were pressured into joining and later joined Tumtis, the only union that has been engaging in genuine organising activity among DHL workers. By April 2013, several dozen workers had resigned their membership of Tasima-Is and joined Tumtis.

### **DHL's Unlawful "Team Agreement" with Tasima-Is**

On February 26, 2013, DHL Logistics distributed an announcement to its workers stating that Tasima-Is now claimed that it enjoyed the support of a majority of the workers and that management had decided to enter into "a productive relationship" between the company and the union "that will be to the benefit" of both DHL Logistics and Tasima-Is. DHL stated that it had "absolute faith" that its relationship with Tasima-Is "will be a harmonious one based on mutual trust and respect." This "productive relationship" has no standing under Turkish labour law, but by announcing its existence to DHL workers, management was clearly, and unlawfully, attempting to influence the choice of workers.

In April 2013, DHL Turkey announced that it had signed a so-called "Team Agreement" with Tasima-Is. Under Turkish law, management has also committed an illegal act by signing this agreement.<sup>11</sup> Turkish law permits companies to enter into a "Team Agreement" with "one of the workers in the latter's capacity of team guide," but they may not enter these kinds of agreements with a union.<sup>12</sup> Even if the Team Agreement were lawful, it would require management to treat all workers equally. But workers and Tumtis officials have alleged that management is threatening that employees who are members of Tumtis will not enjoy any benefits provided by the agreement. By announcing to workers that the company had entered into this agreement with Tasima-Is, moreover, the company is clearly (and unlawfully) trying to influence their choice of union: it is, in effect, telling workers that they can join the union that the company has signed an agreement with (albeit illegally) and expect to gain a wage and improvements in working conditions, or they can join the independent union Tumtis, and not only will they not receive a wage increase, but they will likely face ongoing discrimination, retaliation, and possibly even dismissal.

### **Does Tasima-Is Enjoy Genuine Support Among DHL Workers?**

During the March interviews, workers provided testimony that casts serious doubt on DHL's claims that the rival union enjoys the support of anything close to 50% of the supply chain workforce. None of the workers interviewed had witnessed genuine organising by Tasima-Is officials or supporters within the workplace. They had not met any of its union officials or even seen any evidence that it exists as a genuine organisation. None of their friends or co-workers supported this union or witnessed organising activity. Indeed, none of the workers had even heard of this union before December 5th, 2012, when DHL management first started promoting it and alleging it had support among the workforce. Workers were certain they would have heard of a rival union in the logistics sector, if it were a legitimate union. This provides a stark contrast with the workers' experience of Tumtis. They regularly see Tumtis organisers outside the workplace; they know Tumtis officials personally; and they believe Tumtis enjoys significant support among their fellow workers.

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9 Article 25 of the Trade Unions and Collective Bargaining Act and Article 5 of the Labour Act.

10 To the Buyukcekmece Chief Prosecutor's Office, For Forwarding to the Bakirkoy Chief Public Prosecutor's Office.

11 "Team Agreement Between DHL Lojistik Hizmetleri AS and the Workforce Regarding Working Conditions" (no date)

12 Article 16 of the Labour Act, No. 4857.

Despite this apparent lack of organising activity by Tasima-İs, management was telling workers, by the end of December 2012, that “all of the workers” were joining the new union and they should do so too. The workers believe that if the union genuinely enjoyed the support of a majority of the workforce, they would have had contact with its organisers and officials, or with co-workers who were genuine supporters of the union. But from December 2012 to March 2013, they had witnessed none of these things.

### **Tasima-İs is Not a Legally Certified Bargaining Entity**

Even if it did enjoy majority support among the workers, under Turkish labour law, Tasima-İs would not be legally sanctioned to bargain with DHL. Under Article 42 of the Trade Unions and Collective Bargaining Act, No. 6356, the Ministry of Labour and Social Security has the exclusive authority to determine whether or not a union is authorised to bargain with employers. According to Article 41 of the Trade Unions and Collective Bargaining Act, in order to bargain and conclude a collective agreement, a union must reach a double threshold of support at the same time: a sectoral threshold and a workplace (or company) threshold. A union is ineligible to bargain, or carry out any other official procedures, if it only meets the company requirement. Thus, in addition to enjoying at least 40% support at DHL, Tasima-İs is required to meet a sector threshold of 3%, or 1% if affiliated with Hak-İş.<sup>13</sup>

There is no way for unions to circumvent this sectoral requirement. Turkey has no voluntary recognition and bargaining procedure that would allow DHL and Tasima-İs to bypass this rule. The legal requirement for unions is clear: without meeting the sectoral threshold, the company threshold is meaningless. With only 26 members in the entire country in January 2013, Tasima-İs clearly does not meet the sectoral threshold. Its membership percentage in the logistics sector is 0.00. Because it fails to meet either the 3% or 1% sectoral thresholds, Tasima-İs is not legally eligible to enter into a collective bargaining agreement with DHL.

Thus, even if Tasima-İs had met the 50% workplace threshold or the 40% threshold for all the workplaces of DHL Turkey, it has few members outside of DHL, if any, and thus fails to meet the sectoral threshold required to make it a legal collective bargaining entity.

### **Is Tasima-İs Even a “Real Union”?**

As stated before, both employers and local authorities in Turkey frequently promote “yellow unions” as an anti-union strategy that allows them to avoid dealing with independent unions.<sup>14</sup> There is compelling evidence to suggest that Tasima-İs is not a real union. Tasima-İs was first established just seven months ago, in November 2012, and grew extremely slowly in its first few months of its existence. According to official membership statistics from the Turkish Ministry of Labour released in January 2013 – well after DHL management was claiming that many workers were joining it — Tasima-İs had only 26 members in the entire country.<sup>15</sup> By comparison, as of January 2013, Tımtis has a national membership of 6,775 workers. This suggests that not only is DHL management unlawfully promoting Tasima-İs, but also that the union has significantly less support than the company has suggested.

So what kind of labour organisation is Tasima-İs? According to Turkish academics and union officials, it appears that it is very much a pro-employer or “yellow” union – one which represents the interests of management to workers, rather than representing the interests of workers to management – that was established to counteract Tımtis’s organising campaign at DHL Turkey. Tasima-İs was created, it appears, with the sole purpose of allowing DHL management to claim that it is negotiating with a union, while avoiding having to deal with a bona fide union that enjoys significant support among the workforce.

It appears that Tasima-İs is affiliated with, or will soon affiliate with, the Hak-İş federation of trade unions. The Hak-İş web site includes links to a press release stating that Tasima-İs will soon affiliate with Hak-İş, and a statement from the President of Tasima-İs criticising Tımtis’s campaign at DHL Turkey.<sup>16</sup> The Hak-İş union

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13 Law 6356 replaces Law Number 2821 on Trade Unions and Law Number 2822 on Collective Agreements. Under the old law, unions were required to demonstrate a threshold support of 10%. However, while the new law favours some existing Hak-İş unions, changes in the ways that sectors are calculated may actually make it more difficult for new unions such as Tasima-İs to gain official certification as a collective bargaining entity.

14 See, for example, Aziz Çelik, “Trade unions and deunionization during ten years of AKP rule.”

15 Communique about the Statistics for January 2013 Regarding the Number of Workers in Different Branches of Labour and the Membership Figures of Trade Unions.”

16 See Hak-İş website at: [http://www.hakis.org.tr/index.php?option=com\\_content&view=article&id=469:taima-sendkasindan-kamuoyuna-duyuru&catid=9:basn-acklamas&Itemid=21](http://www.hakis.org.tr/index.php?option=com_content&view=article&id=469:taima-sendkasindan-kamuoyuna-duyuru&catid=9:basn-acklamas&Itemid=21)

federation is controversial in Turkish labour-management relations; it is widely accepted among scholars and labour officials that many of the unions in both the public and private sectors affiliated with Hak-iş are “yellow unions.” Hak-iş is a pro-Islamic and conservative union confederation that enjoys strong backing from the Turkish government, which is generally hostile to non-government or employee controlled unions. The current government has frequently supported Hak-iş unions – especially in the public sector – and has used aggressive anti-union techniques against rival, and independent unions affiliated with the Turk-İş and DISK confederations.

While Hak-iş does fulfil some role as an representative body, it is clear from global union reports in many sectors that a key part of its strategy has been to establish organisations with the sole purpose of replacing unions of the Turk-İs and DISK confederations, which have truly independent unions. There seems little doubt that Tasima-İs, formed in November 2012 in response to Tumtis’s organising campaign at DHL, is not a bona fide union with real support among DHL workers or among other workers.

## Conclusion

Interviews with workers conducted in September 2012 made clear that DHL Turkey management was aggressively and unlawfully resisting the efforts of its logistics employees to organise with the independent union Tumtis. Interviews conducted with workers, union officials, academics and labour lawyers in Istanbul in March 2013 suggest that not only is DHL Turkey continuing with its anti-union campaign, it is intensifying that campaign. DHL management has continued to sack union activists, with 36 workers now fired for union activities; it has continued to put pressure on, and offer bribes to, workers to get them to resign from Tumtis; it has continued to retaliate against Tumtis members in the workplace; and it has continued to warn non-union workers against joining the union.

But DHL management has also adopted a new anti-union tactic. Starting in December 2012, DHL management has vigorously promoted a “yellow union,” Tasima-Is. In February 2013, it claimed that this rival organisation enjoys the support of a majority of DHL workers. It has now stated that it has entered into an unlawful Team Agreement with the union, which is not a legally certified bargaining agent. The workers interviewed in Istanbul, in contrast, questioned the authenticity of support for Tasima-Is, and claimed that management had coerced and bribed workers into joining the organisation. Unfortunately, it appears that DHL Turkey management is still unwilling to respect the free choice of its employees on the issue of unionisation and collective bargaining.

# Notes



