METRACO: Union-busting in Turkey

July 3rd, 2007

When garment workers at the Dutch and Turkish-owned Metraco factory in Istanbul began to organize in February 2006, management responded with an anti-union campaign that is still underway.

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Your help is needed to pressure Metraco’s owners to reinstate workers unjustly dismissed for their organizing efforts, stop the anti-union campaign, and to recognize and negotiate with the Disk-Tekstil union about the problems in this workplace, which produces for a range of European brands. For months DISK-Tekstil attempted to meet with Metraco to resolve the problems, however Metraco management was not cooperative. Metraco finally met with union representatives in January 2007 however at that time management indicated they would not consider reinstating the workers dismissed for union organizing.

The union requested negotiations facilitated by an independent third-party, to finally reach a settlement to this dispute. This demand was supported by the Clean Clothes Campaign, the Fair Wear Foundation, MODINT and several of the brands sourcing at Metraco. However Metraco management refused.

BACKGROUND

Metraco produces mainly for European companies. Clients include such well-known brands as Helly Hansen (Norway), Guru, Gas Jeans, Replay
(Italian), Jack & Jones (Denmark) and Pall Mall/Just Brands (Netherlands). The factory is Turkish (33%) and Dutch-owned (67%).

Management's anti-union campaign has resulted in 18 workers being dismissed from their jobs at Metraco and 32 union members being forced to resign from the union, under threat that they would lose their jobs if they did not resign. At the same time new workers were hired.

Despite various attempts by the Turkish trade union DISK-Tekstil and some of the buyers individually and collectively through the Fair Wear Foundation (Dutch-based multi-stakeholder initiative for labor standards compliance in the garment industry) and MODINT (the Dutch garment industry association) to encourage Metraco management to open direct negotiations with DISK-Tekstil on the reinstatement issue, Metraco management continues to put pressure on workers to resign from the union. In late 2006, while this dispute was going on Metraco decided to close the factory and move to another location. Given the context, this appears to be an attempt to crush the union. Metraco opened at another location in January 2007, in Avcilar, 55 kilometers away from their current facility. Few workers (about 70 out of some 200 employees) continued working for the company at the new location, mainly those with close relations to management. There is continuing pressure on union members to leave the factory. For example, two union members who tried to continue working at Metraco's new facility were refused transportation provided to other workers and as a result left their jobs.

Pressure on union: intimidation, firings, calling in the military

Metraco workers started joining DISK-Tekstil in February 2006. As soon as management of the factory realised the unionisation process was underway, they began to pressure workers to halt these activities. Management tried to find out who was involved in the organisation efforts, and who had joined the union.

In Turkey, a worker who wishes to join a union has to sign five copies of the membership application form at a notary public and pay for this service. Similarly, a person who would like to end his/her membership of a union and switch to another union has to do so at the notary public and pay for this service. Metraco pressured some 32 DISK-Tekstil members to resign from the union, paying the fee to the notary and even organising transport to this notary.

DISK-Tekstil registered its members with the Ministry of Labour and Social Protection to give them some legal protection as soon as it became clear that they were being intimidated. However, within two months on April 12 2006, 12 of the 14 DISK-Tekstil members named in the union registration at the ministry were fired. In the weeks that followed another six members were fired. The union is challenging the legality of these dismissals in court (see below).
The firings were clearly linked to workers' interest in organizing a union to defend their rights - for example on April 19th the Metraco human resource manager told two fired workers he would reinstate them if they did not file a complaint with the labor court and if they resigned from the union.

In another example of Metraco's union-busting tactics, a worker was told she had to transfer to another department that involved working with chemicals. She told management she did not want to transfer to that department as she had worked there originally, and was transferred out of there on doctors' orders. Management then told her if she resigned from the union, she would not need to transfer. She refused and was told she was dismissed.

On November 30, 2006 another worker was fired from Metraco after he told auditors investigating conditions at the factory about the reality of problems at this workplace.

Metraco has also been the scene of improper use of the Turkish military, when Metraco's owners called in soldiers to pressure workers who were members of the union to resign. Metraco management has also made use of local fascist party sympathizers to advance its anti-union position in this workplace, using these people to replace fired unionists. The head of the district where Metraco was located was involved in this process; he was subsequently jailed for shooting to death an innocent passerby while engaged in an argument with a security guard at the factory. Using the military or thugs to intimidate workers is absolutely unacceptable. So far, Metraco management has demonstrated that they are not serious about creating a safe, harmonious workplace for their workers.

Legal Cases and Complaints against Metraco

Workers in Turkey are legally entitled to join trade unions. This is guaranteed under article 51 of the Turkish constitution. The Turkish Criminal Code (article 118) also stipulates that threatening workers to not join a union is punishable with up to two years imprisonment. Turkey has ratified ILO conventions (87, 98) on the rights to free association and collective bargaining.

In April 2006 DISK-Tekstil filed cases with the International Labour Organisation in Ankara and with various government authorities including the government's Human Rights Department and the Ministry of Labour and Social Security in relation to the union repression at Metraco. A complaint was also filed with the military police headquarters in Istanbul because a military police officer was present in the room while workers were being dismissed.

Seventeen workers have pursued legal action against Metraco management with regard to their illegal dismissal. Cases in the Beyoglu Civil Court of First Instance for 11 of the dismissed workers are still ongoing. The trial is scheduled to take place on November 1, 2007. The fact that there is a legal case pending should not be an excuse for management to take no action; management can reinstate the workers at any time.

So far, none of these complaints have yielded any concrete action to help the Metraco workers get their jobs back. DISK-Tekstil reports that the ILO Turkey office requested information from the Ministry of Labour and Social Security and that the Ministry of Labour and Social Security concluded its own audit by indicating that the case is pending in court and no action will be taken until the outcome of the court case.

How Metraco's Clients Have Responded

Clean Clothes Campaigns in the Netherlands, Italy, Norway and Sweden (the
countries where the largest customers of Metraco are situated) have reached out to the brand-name garment companies from their countries that have been sourcing from Metraco. Some of these brands have taken action to follow-up on the problems at their supplier.

Some of the brands (Gaastra, Pall Mall, Bestseller, Gas Jeans, Helly Hansen) have had meetings or written letters to Metraco about the situation. Some brands (Bestseller, Gaastra and O’Neill) have withdrawn or suspended orders from the factory.

Several of these brands (O’Neill, Gaastra, Helly Hansen, Scotch & Soda, and Pall Mall/Just Brands) have attempted to coordinate efforts together through the Fair Wear Foundation and MODINT (business association in the garment sector in the Netherlands and represented in the Fair Wear Foundation). An investigation on behalf of these brands was carried out in November 2006 (commissioned by MODINT on behalf of the five brands and as part of the Fair Wear Foundation complaints procedure). The audit confirmed the violations reported by the union. In recent months other companies (ex. Bestseller, Guru) have also commissioned audits of working conditions at the factory. As mentioned above, one worker who spoke to auditors about conditions at Metraco in November was fired. It is clear that the problems cited by DISK-Tekstil are credible and require a committed response from the buyers and factory management.

The FWF informed its stakeholders and the five companies that cooperated in the attempt to correct the situation via the FWF complaints procedure that:

"FWF has reached the final conclusion that Metraco has not only been acting in clear violation with the International Labour Standards on Freedom of Association and the Right to Collective Bargaining; but has also not shown the will to correct this serious non-compliance with a crucial element of your and our Code of Conduct by refusing to come to an agreement with the trade union on the issue of the workers that have been dismissed because of their trade union membership."

While the CCC welcomes the actions taken by the brands, particularly the attempts to work collaboratively, the situation has not improved for Metraco workers who took the step to try to organize in defence of their rights. Unfortunately, Metraco management has not taken sufficient action to resolve the problems at this workplace and engage in good faith negotiations with the union.

The CCC believes that companies that source or were sourcing production at Metraco have a continuing responsibility to push for a just resolution in this case.

**Union Calls for Freeze on Orders to Metraco**

In 2007 Metraco management has continued to refuse to negotiate with the union about the reinstatement of the workers. As a result, DISK-Tekstil has asked that no new orders be placed at the factory until the dispute is satisfactorily resolved. The CCC will follow up with Metraco buyers regarding their follow-up to this request. Should additional pressure be needed, we will be asking the public to contact these companies to encourage them to do the right thing.

**Outstanding issues at Metraco**

The following are the main outstanding demands raised by the union, which the CCC supports:

1. Immediate reinstatement of all workers dismissed since the launch of the
union organising campaign, to their original positions, level of seniority and benefits, plus appropriate compensation for the period they have been out of work.

2. Immediate recognition of the union; management must meet with the union to discuss workplace issues in good faith in order to facilitate good industrial relations.

3. No harassment of union supporters or members.

4. Investigate and follow up (including possible dismissal) of alleged inappropriate practices by the human resources manager.

5. Training for management/supervisors on the implementation of fundamental labor rights, particularly on freedom of association.

ACTION REQUEST

At the moment we’re asking people NOT to send messages to Metraco. We will update you soon on the proceedings in the case.

1. Please contact Metraco management today to tell them that firing workers for exercising their right to organize is unacceptable as is any other anti-union behavior. Send the sample letter below.

Sample Letter

Dear Mr. Van der Kroft and Mr. Okçu,

I am contacting you with regard to the ongoing labor dispute at Metraco Ithalat Ihracat ve Ticaret Ltd. Sti. Your factory produces clothes for some of the stores where I shop and I am concerned to learn about the rights violations that workers have been faced with.

Since February 2006 when workers at your factory began their organizing attempt - a right guaranteed under Turkish law - they have experienced intimidation, harassment, some have been forced to resign from the DISK-Tekstil union, and others who were union members have been unjustly dismissed. Now, more than one year later these issues are still not resolved.

According to the Clean Clothes Campaign, despite pressure from labor rights advocates and requests from some of the companies you produce clothes for, management at Metraco continues to actively deploy an anti-union position in its workplace.

Firing your employees who attempt to exercise their constitutional right to free association is unacceptable. Therefore I call upon you to immediately reinstate all the Metraco workers to date whom you have unjustly dismissed for their participation in organizing attempts and who still would like their jobs back (11 workers).

It is also important that you meet with the union without delay to discuss workplace issues with them and begin to build good industrial relations at Metraco. Important points for your follow-up:

- Harassment of union members and other aspects of the anti-union campaign that has prevailed at your facility in recent months must come to an end.
- Training for management/supervisors on the implementation of fundamental labor rights, particularly on freedom of association is needed.
- Other outstanding workplace concerns, for example in relation to the arbitrary nature of pay raises and also allegations of sexual harassment on the part of a manager, need to be followed-up on.

I hope that you will contact me to let me know about the steps you take to
reinstate the unjustly dismissed workers and move forward on the other issues highlighted above.

Sincerely,

2. Send a solidarity message to the Metraco workers

Metraco workers are trying to form a branch of the DISK-Tekstil trade union. Please send a message of solidarity to these workers who have been faced with intimidation and unjust dismissals during their struggle to fight for their rights.

To: metracoworkers@gmail.com

About DISK-Tekstil: DISK-Tekstil (registered in 1992) represents some 80,000 textile and garment workers. DISK-Tekstil is affiliated to the European Trade Union Confederation (ETUC) and the International Confederation of Free Trade Unions (ICFTU) and the European and international textile and garments federations (ETUF-TCL and ITGLWF).