



Sinter Metal, Turkey: **Case Summary**

On December 19th 2008, the Turkish company Sinter Metal dismissed 38 workers for being members of Birlesik Metal-IS (affiliated to EMF and IMF). It was followed by the dismissal of an additional 312 workers, most of whom are trade union members. The Labour Ministry in Turkey concluded these dismissals are the result of workers being trade union members, which is a blatant violation of ILO Conventions 87 and 98. In spite of that, the company announced that it would continue production through subcontracting. Birlesik Metal strongly resists, and has been holding protest actions in front of company gates for over **one year** now. The Turkish workers started a court case for reinstatement, but the court has postponed its decision, affecting greatly the lives of 350 Sinter metalworkers and their families. The next court session will take place in August 2010. Under Turkish labour law, these court cases should be resolved within two months. However, industrial disputes, such as the Sinter Metal case, are drawn out for years. The recent delay in the court ruling highlights the ongoing

failure of the Turkish justice system to protect workers' rights.



Three joint **EMF** and **IMF** letters sent to management of Sinter Metal requesting negotiations (with the representatives of EMF, IMF and Birlesik Metal-IS) did not lead to any response. Both EMF and IMF officers attended court sessions and protest actions in Istanbul. A joint EMF and IMF letter was sent to ILO offices in Ankara informing them of the violations and calling on them to support Sinter Metal workers. Additionally, Peter Scherrer, EMF General Secretary and representatives of Birlesik Metal-IS met with the members of the cabinet of EU Commissioner for Enlargement, Olli Rehn and presented this case, as well as discussing serious trade union problems in Turkey regarding exercising internationally recognised labour rights.



The case, opened in December 2008, might become the longest drawn out reinstatement case in Turkey's history since no end seems to be in sight, even by December 2010.

This week the company's legal team began by saying their witnesses had not shown up and requesting a new court date.

Within 30 minutes of proceedings getting underway, the judge decided more witnesses were required and postponed the next hearing by 6 months (from August 4th), claiming she was too busy to hear the case any earlier. The delay came as a surprise to the union legal team, who believed a decision would be given within a few months.

PHILIPS

Preaching water, drinking wine

Like many companies around the world, Philips has had to deal with the crisis, and its employees were expected to make sacrifices. In the past year Philips cut 5,474 jobs. Many workers lost their jobs or were transferred within, or outside of the company. The ones

who stayed had to face pay freezes and in many cases their pay was cut. Moderation was preached to the employees of Philips.

With members of the board of management promising also to freeze their own salaries, an example was being set. Thus, Philip's CEO, Mr Kleisterlee, like many employees, did not receive a pay increase on his €1,1m salary. However, in the 2009 annual report we can see that Mr Kleisterlee received an "annual incentive" of €962,720 on top of his salary. This is more than four times the previous year's incentive, which was "only" €220,000! The sum of annual incentives of the whole board of directors went up from €830,720 to €3,082,892. Again, this is almost four times more than the previous year!

The European Metalworkers' Federation sees this as yet another sign that CEOs worldwide have learnt nothing from the crisis. While workers pay for the effects of the crisis, managements are filling their pockets with enormous rewards and bonuses. Whereas Mr Kleisterlee brags about the company's handling of the crisis and its resilience, his celebrations are funded at the expense of the sacrifices made by the Philip's



workforce - he is effectively preaching water while drinking wine.

Brussels, 8th March 2010

EMF calls on all its affiliates and their representatives to protest against the outrageous behaviour of Philip's management.



On 22nd February, on more than 30 Bosch sites in Europe, over 11.000 workers participated in a European Action Day organised by the Bosch EWC and the EMF. They were fighting for employment in their company and calling for a coherent and consistent industrial policy and for consequent social responsibility of their employer, alongside with their colleagues in Cardiff, who started a strike that same day. Prior to this, Bosch had announced the closure of this site in Wales.

Their slogan was "Enough is enough! Bosch workers in Europe defend their jobs". They also condemned plant closures in general; over the past two years, 14 different production sites were shut down by Bosch in Europe. The Bosch EWC and the EMF will continue to coordinate the follow-up of this action day.



Transposition of the EWC Directive Recast

State of play at March 2010, taking into account the information available at the ETUC workers' participation group on 1st March:

United Kingdom: the government has issued a consultation document on the transposition of the recast into UK law which does not meet the spirit and the letter of the new Directive. This consultation ended on 12th February. The bill is expected to be introduced soon. The prospect of a new government hostile to trade unions and Europe is an important factor in the UK.

Austria: a working group has been set up which meets every 2



months. The objective is to get a decision by the end of the year.

Belgium: transposition will be carried out via a collective agreement. A first meeting took place in January. The aim is to conclude by the end of June. The impression is that the employers will take a restrictive approach and will resist possibilities to clarify some of the Directive provisions.

Denmark: process started in January. Next meeting in March.

Germany: 1st meeting between DGB and German Labour Ministry in December. Transposition expected to take place late (beginning of next year). The question of the sanctions and article 13 (adaptation clause) are likely to cause problems.

France: no official consultation among social partners yet. No concrete information available about the process.

Norway: transposition to be negotiated between social partners and then made law by government.

Sweden: in a meeting with social partners employers stated that they were not ready to negotiate —> legislator to take action. The document will be available around August/September but there will be no official consultation on it.

The official presentation is expected in November. The government's main concern is simplification, which could translate into attempts to undermine some of the existing provisions.

Portugal: the transposition was actually completed before the final adoption of the directive under the previous government. The provisions present some problems to the trade unions (see information below).

Further information on the Commission's expert group composed of national experts and Commission officials

- The national experts involved in the Commission's expert group claimed that they have consulted with the social partners (this information did not seem to be shared at our last CP SWP)
- Portugal is represented in the experts' group, and the delegate indicated that Portugal is willing to carry out the necessary amendment.
- Sanctions seem to be a taboo in the debate.