

Irregular Migration and Trade Union Responses: The Case Of Turkey

*Düzensiz Göç ve Sendikaların Yaklaşımı:
Türkiye Örneği*

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Özet:

Bu çalışmanın amacı, Türkiye’de sendikaların düzensiz /kaçak göçmen işçilere karşı yaklaşımını ve eğer var ise söz konusu gruba ilişkin faaliyetlerini ortaya çıkarmaktır. Çalışmada, sendikaların düzensiz göçmen işçiliğe yönelik tutumlarını içeren tartışmalar ve Türkiye’ye yönelen düzensiz göç akımları incelendikten sonra, Türkiye’de sendikaların düzensiz göçe ilişkin tutumlarını içeren alan çalışmasının sonuçları sunulacaktır. Alan çalışması, amaca yönelik örneklem tekniğine uygun olarak seçilen konfederasyon, sendika ve şube düzeyinde yöneticiler ile gerçekleştirilen yarı-yapılandırılmış mülakatlara dayanmaktadır. Ayrıca, mülakatları desteklemek üzere, seçilmiş sendikaların yayınları ve Genel Kurul Raporları taranmıştır. Çalışma, düzensiz göçmen işçiliğin, Türkiye’de sendikacılığın yaşadığı yapısal sorunlar ve işgücü piyasasının özellikleri nedeniyle, sendikaların gündemine yabancı bir konu olduğunu göstermektedir. Alan çalışmasının bulguları sonucunda, sendikaların düzensiz göçmen işgücüne karşı spesifik bir strateji geliştirmedikleri ve konuyu enformel istihdam kapsamında değerlendirdikleri ortaya çıkmıştır. Ayrıca, sendikacıların göçmen işçilere karşı negatif bir tutum içerisinde olmadığı da görülmektedir. Enformel istihdam ve düzensiz göçmen işgücü sorununu çözmede ise, sendikalar tarafından tanımlanan öncelikli aktör ise devlettir.

Anahtar Sözcükler: *Düzensiz göç; uluslararası emek göçü; sendikacılık; düzensiz göçmen işgücü; enformel istihdam*

Abstract:

This paper aims to explore the attitudes of Turkish trade unions towards irregular migrant labour and their activities on the issue if any. After a review of the debate on trade union attitude towards irregular migrant work and background information on irregular migration to Turkey, the findings of the field survey on the attitudes of Turkish trade unions towards irregular migration is presented. The survey is based on semi-structured interviews conducted with trade unionists at the confederation, trade union and branch levels, chosen by purposive sampling. Screening of the selected trade union publications and General Congress Reports for an evaluation of how the irregular migration is situated in the trade union agenda is used to support the interviews. This study indicates that as a result of both the characteristics of the labour market in Turkey and structural problems of trade unions, irregular migrant labour remain as an issue alien to the established agenda of trade unions. According to findings from survey, trade unions have no specific strategy with regard to irregular migrant labour and address the issue in the context of informal employment. On the other hand no negative attitude has been developed against migrant workers. The State is regarded as the principal actor in tackling informal employment and irregular migrant labour.

Keywords: *Irregular migration; international labour migration; trade unionism, irregular migrant labour; informal employment*

* The first version of this paper was presented at Irregular Migration, Informal Economy and Pathways to Decent Work in a Globalising Economy, Workshop organized by Institute for Migration, Ethnicity and Society on 4-5 December 2008, Istanbul.

1. Introduction

The irregular migration to Turkey has been on the rise since the 1980's. The economic instabilities and political conflicts in the neighbouring countries, the geographical position of Turkey as a transit region between East and West, the redirection of migration flows towards Turkey as a result of the restrictive immigration policies and strict border controls of the European countries, all contribute to this rise in irregular migration to Turkey which in essence is the product of neo-liberal globalization.

The increase in the informal/undeclared employment as a result of the structural changes in the Turkish economy during its integration to the global markets after the 1980's, facilitated the absorption of the irregular migrants in the informal/undeclared economy. The irregular migrant workers played a significant role in the further segmentation of the Turkish labour market. The segmentation of labour market into formal and informal is now accompanied by the segmentation of the informal labour market between local and foreign workers. The sectors where irregular migrant labour are widespread are care services (child care, care of elderly and sick), textile/garments, agriculture, food, construction, tourism, and entertainment where undeclared work of local workers are already significant.

Even though irregular migrant labour has become a salient feature of labour markets in some sectors, the public policies regarding irregular migration are not particularly shaped by labour market considerations. Furthermore, in both public opinion and the media, the issues of irregular migration are perceived mainly within the context of fighting illegal migration by police measures in order to secure the border controls of Turkey in a period of Turkey's accession to the European Union.

In Turkey there is a strong need to discuss

the social problems created by irregular migration including the problems of irregular migrants themselves with a labour perspective and to develop action based on this perspective. The trade unions should be the immediate actors of the development of a labour-based perspective on irregular migration. But the question is: are the Turkish unions ready to assume this role?

This paper aims to explore the attitudes of Turkish trade unions towards irregular migrant labour and their activities on the issue if any. After a review of the debate on trade union attitude towards irregular migrant work and background information on irregular migration to Turkey, the findings of the research on the attitudes of Turkish trade unions towards irregular migration is presented. The research is based on semi-structured interviews conducted with trade unionists at the confederation, trade union and branch levels, chosen by purposive sampling. Screening of the selected trade union publications and General Congress Reports (1999-2007) for an evaluation of how the irregular migration is situated in the trade union agenda is used to support the interviews.

2. Trade Unions and Irregular Migration

According to the 2008 estimates of the International Organization for Migration (IOM)¹, there are over 200 million international migrants in the world. At present migrants constitute 3 percent of the world population. In all migration flows, what is called irregular or illegal migration makes up 10 to 15 percent of total migrants, which further increases the vulnerability of these people. Taken globally, five major trends are observed in contemporary migration movements. Globalization of migration (more and more countries are affected by migratory movements); acceleration of migration (quantitative increase); differentiation of migration (migration taking different forms);

¹ <http://www.iom.int/jahia/jahia/about-migration/facts-and-figures/global-estimates-and-trends#4> 25.01.2009

feminization of migration; and politicization of migration (national security policies are being shaped more and more by migration) (Castles and Miller, 2003).

It is well known that a large majority of migrants are exposed to exploitation in terms of their living and working conditions. Jobs known as '3 Ds' (dirty, difficult, dangerous) are regarded as "migrant workers' jobs" in many societies. It should be further noted that migrant workers are not received well by domestic workers and their unions too, on the ground that since they are forced to accept longer hours of work at lower wages they cause a 'race to bottom' in competing both among themselves and with domestic workers. It is also known that trade unions in developed countries have historically developed restrictive approaches to migrant workers on the basis of job protectionism and acted along these lines (Erdođdu, 2006: 126, 135).

In more recent debates, on the other hand, it is observed that the labour movement has adopted a more lenient stance to migrants, giving rise to a new model of association based on inclusiveness. Such examples stand before us as approaches that undermine the myth that migrant workers can not be organized. (Ford, 2004; Lüthje and Scherrer, 2001; Milkman, 2000; Penninx and Roosblad, 2000).

In general, the inclusive policies of trade unions towards migrants (regular/irregular) can be considered at two levels. The first is the direct activities of unions to organize migrants. The second is the process by which trade unions join and influence national/international policies regarding migrants (regular /irregular).

Concerning the debate on trade union approaches to migrant workers, there is a need to distinguish between trade union attitudes and actions towards regular migration and trade union attitudes and actions towards irregular migration. In studies addressing the relationship between unions and migrant

workers, there is scant information on trade union attitude towards irregular migration. Yet, being regular or irregular is the leading factor determining the trade union-migrant worker relationship.

This discussion should start, firstly, by clarifying what irregular migration is. For the phenomenon referred differently to as "illegal", "unauthorized" or "undocumented" migration now there seems to be a convergence around the term "irregular migration." The IOM (2008:202-203), for example, prefers the term "irregular migration" and defines it as "referring to the migrants whose status does not conform, for one reason or another, to the norms of the country in which they reside." In other words, irregularity refers to one or more cases of non-conformity with the legal rules of a given country in regard to entry, stay and employment conditions.

Conflict with a given legal framework is the most important factor drawing the boundaries of the attitude and actions of trade unions in relation to migrants. On the other hand, irregularity is an important factor that defines the attitude of migrants towards trade unions. Since the unionization of migrants means their visibility, it becomes synonymous with deportation in cases where there is no regularization in regard to migrants.

Although there are several and broadly framed theoretical discussions on the causes of international migration, studies on trade union perspective on irregular migrant work are rather limited and thus constitute a relatively new area of interest. Majority of these studies are based on empirical work (Ağtaş et al., 2007; Ford, 2004; Wrench, 2004; Lüthje and Scherrer, 2001; Penninx and Roosblad, 2000; Milkman, 2000; Haus, 1995).

Penninx and Roosblad (2000) maintain that the attitude of trade unions towards migrant workers including irregular migrants is determined on the basis of three dilemmas. The first is related to migration itself and centres

around the question whether trade unions should cooperate or not with public authorities and employers in issues relating to the employment of migrant workers. The second dilemma is about whether unions should adopt inclusive or exclusive policies on this issue. The third is, as an extension of the second, if inclusive activities are to be carried out, whether these activities should be oriented to special measures and practices for migrant workers or based on the principle of equal treatment. In the context of these questions, Penninx and Roosblad (2000:202-206) identify four major variables determining relations between trade unions and regular/irregular migrant workers: economic and labour market conditions; the position of trade unions in socio-economic decision making; social factors and characteristics of migrants.

Recognizing "trade union type" as another variable and referring to modes of union activity differing on the basis of strategies and policies which derive from trade union ideologies. Aktaş et al. (2007) investigate the impact of a range of variables on the stance of unions with respect to regular and irregular migrant workers, capitalizing on the cases of Germany, Spain and South Korea. "Trade union type" as an outcome of historical and structural circumstances is underlined as the determining factor in relation to the trade union attitude towards migrant workers (Aktaş, et al., 2007: 19-23)². According to this study migration type (temporary or permanent); relative labour shortage; origin of the migrants; trade union experience of migrant workers in their countries of origin; the rates of unionization in sectors where migrant workers are present and the migration history of the country are the other possible factors that may explain attitudes of trade unions (positive or negative) towards migrant workers.

Aktaş et al. cites The Migrant Workers Union (MTU) in South Korea as a unique example of organizing irregular migrant workers in trade unions in the three countries concerned. The MTU was founded in 2005. However its official union status is yet to be recognized by the South Korean Government. The members of the union are mostly irregular migrants from such countries as Vietnam, the Philippines, Sri Lanka and Indonesia. There have been frequent crackdowns and deportations, but MTU has succeeded to maintain its membership which is around 300. MTU's aims are "1) stop the crackdown and deportation of migrant workers, 2) achieve legalization of all undocumented workers, 3) achieve protection of the labour rights for migrant workers, 4) achieve a fundamental revision of the law concerning migrant workers."³

In Aktas et al. (2007), The CC.OO (Confederación Sindical de Comisioneros Obreros) and UGT (Union General de Trabajadores), two important confederations in Spain present examples of a specific approach to the issue of migrant workers including irregular ones as well. The CC.OO has a policy to encompass irregular migrants too. The CC.OO and UGT also support irregular migrants in their efforts for regularization. According to these unions, the problem of irregular migration should be solved through regularization campaigns, supervision and penalties to employers rather than strict border controls. Both confederations are trying to influence decision making mechanisms along these lines.

Wrench (2004) uses interviews with trade union activists in the UK and Denmark to explore trade union policies towards immigrant and ethnic minority members in each country. Trade unions in Denmark emphasize education, communication, and awareness-raising. The British unions form

² According to Aktaş, et al., (2007) business unionism, political unionism, social dialogue unionism and corporatist unionism are less enthusiastic about organizing migrant workers, while social movement unionism and syndicalism have more interest. Separatist / Guild unionism which has an elitist approach is interested in organizing migrants in its own trades.

³ http://www.koreatimes.co.kr/www/news/special/2009/01/177_8684.html 15.01.2009

their policies on the issues of racism and exclusion, and the need for anti-discrimination and positive action policies. Wrench suggests that the national differences are explained by the consensus and conflict frames of reference and by the differences in the national political discourse.

The role of NGOs in the organization of migrants, regular ones in the first place, is another issue which emerged but not accorded much interest in academic circles. Building on examples from the Philippines and Indonesia, Ford (2004) identifies the function of migrant workers' NGOs in this issue as data collection, assistance to migrant workers, training, policy advocacy and raising public awareness. Despite the fact that these cases are discussed with focus on regular migrants in the first place, the cooperation between unions and NGOs stands out as an important channel for solving the problems of irregular migrants as well.

There are examples of trade unions organizing migrant workers, some of which also include the organization of irregular migrant workers. One important example in this regard is the 1990 campaign "Justice for Janitors (Jf J)" in the US led by the Service Employees International Union (SEIU) which was influential in organizing migrant workers and having their voices heard (Milkman, 2000; Haus, 1995). This experience is significant in that it shows migrants, including the irregular, can be organized and beyond that, this organization can be sustained. The union launched strikes to raise the wages of migrant workers and gained success in these strikes (Lüthje and Scherrer, 2001:157-158). It is worth noting that such examples emerged in a historically trade union alien environment like Los Angeles and derived from a community-based strategy. Though not all ended up in success, these initiatives brought along some others as well. As a result, the historically negative outlook of the AFL-CIO to migrants has

changed and furthermore, organization of migrant workers and their inclusion in trade union movement was considered as a policy priority (Lüthje and Scherrer, 2001; Milkman, 2000). Within the same framework, supportive actions and services such as campaigns for according legal status to irregular migrants, projects for assisting and informing migrant workers and language courses are being carried out and contrary to the past, more receptive and open policies are defended in the issue of migration (Haus, 1995).

The issue of trade union stance towards irregular migrant workers has established itself in the agenda of the international trade union movement as well. The European Union level approach of the ETUC (European Trade Union Confederation), which is also shared by ITUC (International Trade Union Confederation) to the solution of the problems of migrant workers is stated as follows: *"... the fight against irregular migration cannot be effective without having opened channels for regular migration, clear policies against labour exploitation of irregular migrants, and providing them with bridges out of irregularity. For this, the EU would need a more proactive and comprehensive policy on migration, integration and development, on which member states unfortunately have great difficulty agreeing."*⁴ According to ETUC, EU member states can not solve the problem of illegal migration by closing their borders and implementing repressive measures. Therefore the ETUC demands active social policies and their effective implementation at national and the EU level. The ETUC also states that *"There must be a recognition that every person - with proper documents or not - is to be valued and respected as a human being and should be entitled to the basic human rights and minimum labour standards (including decent working conditions, freedom of association and protection against forced labour) that all citizens should enjoy."*⁵ As labour law regulates the relationship bet-

⁴ http://www.etuc.org/a/5117?var_recherche=irregular%20migrants 18.06.2008

⁵ http://www.etuc.org/a/2699?var_recherche=irregular%20migrants 20.07.2006

ween the worker and the employer, the international trade union policy towards migrant workers suggest that workers' status under migration law should not affect their status under labour law.

3. Irregular Migration to Turkey

Turkey, a country long known as a "sending" country started witnessing an ever increasing migration flow into the country. Factors that lead to irregular migration to Turkey include the following: Economic uncertainties, wars and political unrest in neighbouring and other countries in the region; Turkey's attractive geographical position as a transit region; rigid visa and migration policies adopted by European countries which redirected migration to countries like Turkey; relatively better economic position of Turkey compared to many others in the region and poor implementation of legislation related to irregular migration and labour markets (Gençler, 2008; Erder, 2007; Lordoğlu, 2007; Toksöz, 2007; İçduygu, 2004).

The irregular nature of migration movements to Turkey prevents any definitive ac-

count on the magnitude of this migration. While official authorities give the estimate of 1 million, İçduygu (2005) states that the actual number of irregular migrant workers might be lower. If the number of irregular workers is defined as the difference between entries and exists within a year, it is clear that this figure will be short of actual situation since it does not cover illegal entries and exists. These estimations will remain short in all cases given illegal movements (Gençler, 2008:41). The numbers of foreigners not allowed in at the border gate, spotted and caught and deported in the period 2000-2008 according to the records of the Security General Directorate (Ministry of Interior) are given below in Table 1.

There are three patterns of irregular migration to Turkey: Refugees and asylum seekers; transit migrants and irregular migrants coming in to work. Although these three groups differ in their numbers and countries of origin, their common denominator is that they join informal labour market while in Turkey.

The origin of the first group, asylum seekers

Table 1

Statistics of Security General Directorate 2000-2008

Years	No. of foreigners not granted permission to enter	No. of migrants caught	No. of foreigners deported
2000	24504	94514	31399
2001	15208	92362	42043
2002	11084	82825	42232
2003	9362	56219	23947
2004	11093	61228	38040
2005	8008	57428	30789
2006	8 185	51 983	37 554
2007	14 265	64 290	54 692
2008 (11 months)	10 045	62 459	47518

Source: Arranged by using data from <http://www.egm.gov.tr/hizmet.yabancilar.goc.asp>.

and refugees, is the Middle East (mainly Iraq and Iran) and various countries in Africa and Asia. Turkey filed in about 5,000 applications for asylum in the period 2000-2005 and the distribution of origin countries changed in the period 2001-2002 (i.e. decrease in the number of people from Iran and Iraq and increase in the number of people from some African countries) (İçduygu, 2005:8). Still, the geographical limitation placed by Turkey to the 1951 Geneva Convention (allowing only for movements from the west) affects the situation of asylum seekers and refugees.⁶

An important part of irregular migration to Turkey consists of the second group, transit migrants who are actually heading for European countries. Origins of these transit migrants include Middle Eastern countries (Iraq and Iran); Asian countries (Pakistan, Bangladesh and Sri Lanka), and African countries (Nigeria, Somalia and the Republic of Congo). It is stated that the share of these transit migrants in overall irregular migration was 60 per cent in the period 1995-2003, but that in 2003 the share of migrant workers with intention of working in Turkey exceeded the share of transit migrants (56 per cent and 44 per cent, respectively) (İçduygu, 2005:9).

These estimates support our observations that there is an increase in the number of the third group, i.e. migrant workers picking Turkey as their destination country for employment. It is an important shortcoming that, analysis on irregular migration to Turkey does not focus much on this group. Yet, information about the living and working conditions of this group would be highly functional in finding a solution to the problem of irregular migrant labour.

Though their size is not fully known, it is possible to divide irregular migrants coming to Turkey for employment into three groups. The first group comprises those involved in illegal activities such as trafficking in human beings. The second group consists of mig-

rants engaged in commercial activities, such as people from China, as can be observed particularly in Tahtakale, İstanbul (Terzi, 2007). The last group includes irregular migrant workers working illegally. This last group is the focus of our study.

Irregular migrant workers coming to Turkey for employment are mainly from the former eastern bloc countries including Bulgaria, Romania (particularly prior to EU membership), Moldova, Ukraine, the Russian Federation, Georgia, Azerbaijan and Armenia (Erder, 2007; Lordoğlu, 2007; Toksöz, 2007). This group includes both those who legally entered the country but working illegally and others whose entry and stay in the country are totally illegal (Friedrich Ebert Foundation, 1995). The literature seems to have consensus in the role of "luggage trade" as a factor giving start to irregular labour migration to Turkey. The "luggage trade" started after the collapse of the former Soviet Union and is tolerated by the Turkish authorities for its significant contribution to the balance of payments. (Erder, 2007; Lordoğlu, 2007; İçduygu, 2006). This trading network and relations that they feed, create an environment conducive to migration to Turkey from above mentioned origin countries.

The sector-based distribution of undeclared foreign workers differs with respect to countries of origin. In this sense, it can be said that there is a kind of 'division of labour' for sectors as far as the origin of irregular migrant workers are concerned. In Turkey, sectors in where irregular migrant workers are located can be listed as textiles/garments, agriculture, food processing, construction, tourism, entertainment and care (child, elderly and sick) services. While those coming from Moldova concentrate in domestic care services, again people from Moldova as well as Russia, Romania and Ukraine are involved in entertainment sectors. There are workers from Moldova and Romania employed in the textiles sector whereas males from Iran, Iraq, Azerbaijan, Romania and Moldova work in

⁶ Turkey applies a geographical limitation the 1951 Refugee Convention; non-Europeans are not allowed to apply for refugee status in Turkey.

constructions and from Ukraine, Pakistan, Romania and the Philippines in restaurants and food sector. Irregular migrant workers concentrate mostly in Marmara and Eastern Black Sea regions. In the former, the major channels of employment include manufacturing industry and small and medium size enterprises in construction and services sectors and domestic services. In the latter they can be found as seasonal agricultural workers harvesting tea and hazel nut. They mostly work in tourism facilities and enterprises in the south (Erder, 2007; Lordoğlu, 2007; Toksöz, 2007).

While looking at the causes of the employment of irregular migrant workers in Turkey, one should first of all recognize the importance of the fact that unregistered employment constitutes nearly half of the total employment. The widespread nature of unregistered employment in Turkey makes it possible for irregular migrant workers to get absorbed by informal labour markets (Toksöz, 2007). In Turkey where small scale production is traditionally common, components of structural adjustment policies adopted after 1980 for integration with global markets and flexible nature of production chains contributed significantly to the expansion of informal sector/unregistered economy and informality/unregistered status became a structural feature in employment.

For migrant workers, Turkey is a point of attraction mainly for economic reasons. Many of these countries are "transition" economies which face serious economic and social problems. No matter how lower may be the general level of wages in Turkey compared to developed the western European countries, it is still higher than that of the countries of origin of migrant workers. Furthermore, compared to western European countries with stricter migration policies, it is easier to enter Turkey and transportation is much cheaper and easier. One can also add the role of social networks provided by relatives and friends of new migrants who have been working in Turkey for some time. The geographical proximity of the above mentioned

countries also gives a cyclical character to migration to Turkey. Entries and exist taking place temporarily and for specific periods of time suggest a special category called "settled in mobility" (Kaşka, 2007:233).

Among reasons why employers prefer irregular migrant workers we can mention their employability at lower wages without social rights, better quality of work and their docility in work (Lordoğlu, 2007; Toksöz, 2007; İçduygu, 2004; Fredrick Ebert Foundation, 1995). Their invisibility brings along invisible profits as well. These include wages lower than legal minimum; irregular and even non-payment of wages; long working hours; absence of social security coverage; impossibility of unionization; no protection in terms of occupational health and safety and other basic practices relating to working life. Their illegal status keeps these people away from existing mechanisms of complaint and thus reproduces these adversities. Possible impacts of the existence of irregular migrant workers on labour markets include the further deepening of segmentation in employment especially in labour intensive sectors; weakening position of trade unions; falling wage levels and legitimization of flexibility measures in labour markets (Tanyılmaz and Kurtulmuş-Kiroğlu, 2008). The already existing segmentation in the labour market as formal/informal is accompanied by the further segmentation of the informal labour market as local/migrant.

As far as the situation of irregular migrant workers is considered, an important group that needs to be focused on is female migrant workers. It is observed that female migrant workers concentrate in such jobs as domestic work, child, elderly and sick care. In this regard, the worldwide phenomenon of the feminization of migration also holds true for Turkey. In Turkey, insufficiency of welfare state services, increasing labour force participation of educated urban women and the fact that having a domestic worker at home is regarded as a symbol of status for upper and upper-middle classes are factors behind the demand for paid female labour. On the

supply side, local female workers choose to enter the labour market only when their husband's pay is too low; they demand higher wages and are reluctant to provide live-in services. (Kaşka, 2007; Toksöz, 2007). Foreign domestic workers enter the labour market to meet the demand for live-in low paid domestic services.

The presence of female migrant workers in commercial sex in Turkey and the public opinion focusing on this issue lead to prejudice against women migrant workers. For female migrant workers, coined commonly as "Natascha", this prejudice brings along some extra problems in their daily life and working practices. Yet, studies conducted so far point out that trafficking in women for prostitution is not the real character of irregular migration of women from the former eastern block countries and these women are actually driven to prostitution through various intermediary agencies upon deception by the promise of employment; exploitation, withholding of their passports and debt bondage (Kaşka, 2007)⁷. In the entertainment sector, there is rather high demand for migrant women who are brought in by dancing schools in their respective countries upon official permission. But these women too may be denied any payment or paid much lower than what is specified in their contract (Toksöz, 2007).

In general, Turkey has insufficient arrangements on migrant workers. This shortage can be explained by the fact that Turkey has been a sending country for a long time and all legislative arrangements regarding migration were shaped in the light of Turkey being a sending country. It is worth noting that in a meeting held in 1995, different parties could not agree on the causes and consequences of

the illegal employment of foreigners and the issue was deemed as "temporary." (Friedrich Ebert, 1995). The rapid increase in irregular migrant work taking place afterwards, however, built a strong case that governments should combat this issue of irregular migrant workers. The dispersed nature of legislation and institutionalization especially in regard to the working permissions of foreigners was at the centre of complaints. An effort was made to overcome these problems with the enactment of Law on The Work Permit For Foreigners - No: 4817. This act partly ameliorated the earlier situation by designating the Ministry of Labour and Social Security as the principal authority in granting working permissions. However, there are still ongoing criticisms regarding the present situation (Erder, 2007; Güzel and Bayram, 2007). Even though the new Act liberalised the employment of foreigners in Turkey, limitations still persist in professions requiring special expertise and for qualified professionals as in the case of medical staff (Erdoğan, 2008:136-137). It can be said that by defining domestic services as a category where female migrant workers can be employed, Law on The Work Permit For Foreigners - No: 4817 has to some extent regularized the situation of such workers. Generally, this act adopts a deterrence approach to overcome the problem of irregular labour migration. The main instrument adopted by the act is heavy and increasing fines to employers. The act imposes fines not only on employer but also on irregular migrant worker (Kıral, 2006; Çiçekli, 2004). In this context, administrative monetary fines on the illegal employment of foreigners were made heavier under amended Article 21 of the A no. 5728, dated 23.01.2008.⁸

⁷ For an in-depth study on irregular migration to Turkey and trafficking in women see Erder and Kaşka, 2003.

⁸ According to this new arrangement, any employer or his legal representative found to be employing foreigners without working permit can be fined for 5000 TL (2,374 Euro) for each worker (rate of Exchange on 15.05.2009). In such cases, the employer or his legal representative is also obliged to cover the accommodation expenses of such workers and, if any, of their family members, as well as the cost of their return trip and healthcare expenses. Administrative fine imposed on any foreigner working for an employer without permit is 500 YTL (236 Euros). As for foreigners working independently without work permit, they can be fined for 2000 YTL (947 Euros) and, if any, enterprises of such foreigners are closed down through governorates upon the decision of the local branches of the Ministry of Labour and Social Security.

On the policy level, the government attempted to combat the irregular migrant work through public programmes involving local authorities and social partners. The aim of the Project for Combating Informal Employment (KADİM) implemented during 2006-2008 by the ÇSGB (Ministry of Labour and Social Security) with other stakeholders (related governmental organizations, social partners and NGOs) was to eliminate factors that lead to informal employment and employment of unregistered workers in Turkey and contribute to the process of transition to formal employment. In this context, project activities covered four major areas including effective and dissuasive enforcement of legislation; information and awareness building; giving effect to necessary legislative changes and elimination of bureaucratic obstacles. The short-term and priority target of the project was defined as the prevention of the employment of unregistered foreign workers⁹. One of the outputs of this project for the ÇSGB was the launching of "hotline 170", Informal Employment and Social Security Information Line. Also, the 2007 Progress Report prepared by the Ministry (2008:87-88) gives information about awareness building activities and various practices in the field of coordination and supervision by several actors including trade unions¹⁰.

In spite of these activities on the part of the government, the current economic conditions in Turkey don't allow for any considerable decrease in both informal employment and irregular migrant labour. The export oriented policy based on cheap labour adopted by Turkey starting from the 80s; the introduction of flexible work relations and successive economic crises encourage both workers and employers to move out of the formal sector through some closed bargains. Any effective supervision in this regard is crippled at the beginning for the shortage of

the number of inspectors and insufficiency of mechanisms for effective supervision.

There is special focus on female migrants exposed to trafficking in human beings in Turkey. The Hotline 157 (Urgent Assistance and Reporting for Victims of Trafficking) launched under the leadership of the IOM (International Migration Organization) is one initiative in this regard. It was envisaged that the IOM should operate this line until November 2005 and then transfer it to a qualified NGO through a procedure of open contracting. Yet, as of the end of 2008, there is still no NGO applying to undertake this line. This hesitance can be explained by the fact that operation of the line is beyond the institutional capacities of existing NGOs. The promotion of the line is made by spots in the TV channels in Turkey, Ukraine and Moldova and passports attachments introducing the line 157.

4. Trade Union Attitudes in Relation to Irregular Migration in Turkey

During the last decade the irregular migrant work in Turkey has indeed become a priority issue both from a human and labour rights perspective and also from the perspective of its impact on labour market conditions in Turkey. However in spite of ever increasing number of migrant workers and their deplorable working conditions, the focus of attention of the media and the general public has been on the transit migrant workers trying to find a way to go to the European Union countries via Turkey. The Government policies are also centred on fighting illegal transit migration by police measures.

Non-governmental organisations are not active in this field and due to the illegal nature of their employment; the irregular migrant workers constitute the most vulnerable section of the unregistered workers without any support from institutional and social net-

⁹ <http://kadim.istanbul.gov.tr/Portals/Kadim/images/proje.pdf>

¹⁰ Under KADİM Project 189 567 workplaces covering a total of 731 835 employees were inspected between October 2006 and December 2007. 43.806 informal workers were spotted. 352 were foreign workers.

works. The social problems created by irregular migrant labour and their abusive conditions of work should concern the trade unions. The objective of our research is therefore to explore the attitudes and actions (if any) of the Turkish trade unions on irregular migrant labour.

4.1 Methodology

To the best of our knowledge, there is no other study in Turkey on this issue. As a pioneering one, the research has an exploratory character. The survey strategy was selected as the research strategy well suited to qualitative small scale social projects. The sample frame consists of three large Confederations in Turkey as well as unions affiliated to these confederations.

Under the survey strategy, a group of unions affiliated to three Confederations, namely TÜRK-İŞ, DİSK and HAK-İŞ, was taken as sample through non-probability, purposive sampling. What is meant by "purposive sampling"¹¹ is that on the basis of their present state of information regarding irregular migrant workers and trade union movement in Turkey, the survey team selects those trade unions which it believes capable of providing the best information possible.

Selected unions are those active in the branches of food processing, leather works, textiles, construction, hotels and entertainment facilities, general services and shipbuilding which are known as employing significant numbers of irregular migrant workers informally with the exception of ship building¹². In the branches of food processing, textiles and general services, each Confederation has one

affiliate. In the branches of hotels and entertainment facilities and shipbuilding TÜRK-İŞ and DİSK, each has one affiliate; HAK-İŞ is absent in these branches. Only TÜRK-İŞ is organized in the branches of leather processing and construction. The internal consistency of the sample was ensured by interviewing all unions in the same branch under each Confederation

Analysis of qualitative data was conducted in the survey by using the one-to-one semi structured interview method. Interviews covered 23 trade union presidents in total including 3 at the confederation level, 15 at the trade union level and 5 presidents from local branches of trade unions. Of local trade union presidents 2 are from the European and Asian parts of Istanbul while others are from Van, Trabzon and Konya provinces. Istanbul is the largest metropolis attracting high numbers of migrant workers. The provinces of Trabzon and Van were selected for their status as entry points for migration from the former Soviet Block countries as well as other countries in Asia and Middle East (Van is also a point for asylum seekers). Finally, Konya was included for being a Central Anatolian province where the presence of irregular migrant workers cannot normally be expected¹³.

4.2 . Findings of the Field Survey

Before continuing with the findings of the field survey, it will be useful to provide an overall framework concerning the present structure of trade union movement in Turkey. In Turkey, trade unions are organized on the basis of industrial branches. At national level, trade unions are affiliated to three confederations¹⁴. A small number of unions

¹¹ For a detailed analysis see Denscombe, 2000.

¹² Ship building is an export oriented sector, with high levels of sub-contracting, widespread use of unqualified labour and witnessing fatal work accidents especially in recent years. Although our information on irregular migration to Turkey does not specifically point out to this sector, it was still included in the survey given its character conducive to informal employment in line with the "exploratory" nature of our research.

¹³ We wish to thank Engin Sezgin, a trade union expert from Genel-İş Union, who conducted the interviews with DİSK and its affiliated unions.

¹⁴ The main union organization, the Confederation of Turkish Trade Unions (TÜRK-İŞ) was founded in 1952 and is the oldest. The Confederation of Progressive Workers Trade Unions of Turkey (DİSK) originated from a faction of TÜRK-İŞ and was founded in 1967. Confederation of Turkish Just Workers' Unions (HAK-İŞ) was founded in 1976.

remain independent. TÜRK-İŞ is the largest trade union confederation with 35 affiliated unions organized in different branches. DİSK has 12 and the HAK-İŞ has 8 affiliated unions¹⁵. In Turkey public employee have their separate unions and confederations.

According to statistics provided by the ÇSGB, there are 3.2 million unionized workers in Turkey as of January 2009. The rate of unionization is 59 per cent¹⁶. This is a very much inflated official figure and the actual rate of unionization for workers is around 8,1 per cent for the year 2005.¹⁷

The Turkish trade unions are on decline with respect to their membership figures. Among the reasons of membership loses, there are both external factors and internal ones emanating from the structure of unions themselves. Adverse effects of neo-liberal economic policies implemented since 1980's; anti-democratic regulatory framework after the 1980 Military Regime; privatization in public sector; deregulation and flexible work practices in public and private sector, de-unionization policies of the employers can be cited among the external factors. The narrow base of membership mostly relying on public sector workers, weaknesses of trade union leaderships to cope with the changing conditions, the lack of capacity-building, the lack of organizational drive and the lack of a coherent long term political programme are the internal reasons.

The worker unions were partly successful in preventing the worsening of the wage levels and working conditions of their members as compared to the non union and informal workers; but due to the loss of their members in the public sector and in the face of the difficulties of getting organized in the private sector, they have become smaller organizations with lesser influence with respect to their economic, democratic and social functions. (Erdoğan, 2007).

As stated by Özügürlü (2008), most trade

unions who recruit their members mainly from the public sector bear the characteristics of paternalistic-dependent unionism parallel to the concept of compromise with the state as the employer. Females constitute a minority in trade union membership and, what is more, even in branches where women could be relatively more active they are almost fully excluded from executive positions. It is observed that trade unions give weight to the improvement of wage levels and working conditions at enterprise level without having much influence on economic and social policies at societal level. Trade unions are organized along centralistic and bureaucratic lines. Already framed by legislation in effect, this structure is further consolidated by the inner regulations of unions (Urhan and Selamoğlu, 2008).

In sum, in the face of economic, social and political factors, trade unions in Turkey lack institutional capacity and structure to develop solutions for changing conditions. Trade union approaches to the issue of irregular migrant labour are largely affected by this overall situation.

4.2.1. Trade Union Account of the Issue of Irregular Migrant Labour in Turkey

The survey reveals that all the representatives of Confederations and their affiliated unions are aware of the phenomenon of irregular migration in general and irregular migrant workers in particular. The first point the trade union presidents make in this respect is that even though there are irregular migrants in their branches, there are no irregular migrant workers at enterprises where they are organized. This situation suggests that such workers can exist only at non-unionized enterprises and unionization may play an important role in the solution of this problem.

They perceive the issue as a problem resulting from the unemployment and poverty is-

¹⁵ <http://www.turkis.org.tr> ; <http://www.disk.org.tr>; <http://www.hakis.org.tr>

¹⁶ <http://www.cs.gb.gov.tr>

¹⁷ For the method of calculation, see Çelik and Lordoglu, 2006.

sues in the global context. It seems that they derive their information about this issue and its dimensions mainly from the media. Trade union research in this area is non-existent.

One important finding in our survey is that in situations where local services are contracted out, undertaking firms employ irregular migrant workers. Municipalities are legally responsible for the working conditions of the employees of these undertaking firms and their subcontractors. It can therefore be said that irregular migrant work is also observable in the public sector though indirectly. (Gökbayrak, 2003).

“In İstanbul, employment of foreigners is a widespread practice by sub-contracting firms. Just take a walk in streets and approach to those workers, watering flowers in public places; you will see that they are foreigners.” (Union President, hotels and entertainment sector)

“80 per cent of those employed in environmental arrangement and upkeep under municipalities are undeclared foreign workers.” (Branch President, İstanbul).

“The issue of undeclared foreign workers has rather different characteristics in Konya. This phenomenon is directly related to local governments. There are some 2,000 people from the poverty-stricken, hungry Muslim countries of Africa. They are fed in so called ‘Affection Houses’ by the Municipality. They are employed in sub-contracting firms doing business for municipalities. It is not the municipality itself that employs these people. But the municipality tells its sub-contractors to employ these poor people. These migrant workers give half of what they are paid to these Affection Houses. These houses are established within municipalities with the mission of sheltering and including needy Muslim migrants. They work in such municipal works as road construction, junction arrangement, etc. They also work in the housing sector for 20-25 TL a day. They are favoured since an average Turkish worker gets 50 YTL. Nothing is done to stop it.” (Branch President, Konya.)

Trade unionists are informed also about the

countries of origin of irregular migrant workers and their working conditions. They state that most of these workers are from neighbouring countries and subsist on very low wages accompanied by unfavourable working and living conditions. It seems that particularly in provinces where the employment of irregular migrant workers is common, local people and trade unions have become accustomed to their existence.

“There are lots of workers here from Azerbaijan, Georgia and Turkic Republics. They are working for wages below legal minimum. In case of any work accident, there is negotiation and agreement except for fatal cases. They are taken to private clinics and hospitals if they fall ill. Our union is located at the town centre and they even apply to us for jobs. Naturally we cannot help them since Trabzon cannot provide jobs even to its local citizens. Unemployment is high. It is a handicap that foreign workers press wages below the legal minimum. Males work in constructions, automotive and repair works while females work in cleaning, garment sales, catering, etc. Some of them are quite well educated. Since luggage trade through the Sarp border gate is lively, the tradesmen in Trabzon prefer to employ these people to facilitate marketing.” (Branch President, Trabzon,)

In the region of Eastern Black Sea where the seasonal employment of irregular migrants is common in agriculture, local people encourage this employment. It is also observed that work performed by domestic migrants during seasonal harvests has recently been undertaken by irregular migrants.

“Folks in the region encourage this. They used to harvest tea leaves themselves, but now they hire these people to work at very low pay... But recently we hear that people especially from Georgia take their place in tea harvest. Business chambers in both Rize and Trabzon-Artvin keep silent on this issue. They provide no information. It is because all parties are content with the situation avoiding insurance contributions and associated taxes. I hear that they pay the half of what our workers are paid...In Sakarya, Adapazarı and Bolu regions too farmers employ foreign

workers during hazel nut harvesting times."
(Union President, food processing sector)

In the tourism sector, Russian tourists' preference for Turkey as their vacation places, filled the sector with Russian workers since it is almost impossible to find Russian speaking Turkish workers.

"Since gates in our sector are open to Russia, there comes in workers for animation and services sectors. You can see them even in unionized enterprises. And we have to tolerate it, because you cannot find Turkish workers speaking Russian language. Foreigners also make up the majority in the guiding services." (Union President, hotels and entertainment sector)

All the trade unionists explain irregular migrant labour by referring to the informal employment in Turkey. The priority issue in the agenda of unions is the present prevalence of informal employment and the associated problems for the unions. The presence of irregular migrant workers is conceived as a special case of informal employment which plays the same role as local informal employment in pushing the wages and working conditions down.

"This issue makes its way to the agenda when security catches some people who illegally entered the country for working or heading for other countries in Europe via Turkey. But this is not drying out the swamp; it is just running after mosquitoes. And the former is not possible within the given system. After all, the capitalist system is bound to pull down labour costs... There is informal employment in Turkey anyway. People work for wages much below the legal minimum. Given this, employment of foreigners is nothing but an integral part of informal employment."
(Union President, food processing sector)

According to the latest Household Labour Force Survey by the Turkish Statistics Institute (TUIK), the rate of unregistered employment, defined as employment without being covered by any social security scheme, is 43.5 per cent (TUIK, 2009). However, this figure should be considered together with the existence of others who, although regis-

tered to a social security scheme, are employed within the 'grey zones' of informality without fully fulfilling the requisites of the system (i.e. irregular payment of contributions, envelope wages etc.). The high rate of unregistered employment among local workers in a sense prevents the visibility of the problem of irregular migrant workers. In this context, such workers are considered as elements of labour at the lowest echelons of informality. Thus, from the perspective of union people, the core of the matter is unregistered employment and any initiative for solution must take this fact into account.

A similar stance towards the issue can also be found in selected General Congress and Activity Reports of trade unions that we screened for the period of 1999-2007. In all these documents, unregistered employment is identified as a priority problem for trade unions and, the problem of irregular migrant workers is addressed in the context of unregistered employment.

During the survey, information and attitude towards female migrants which are most affected by the existing mechanisms of exploitation were also evaluated. It was found out, however, that trade unions had developed no specific attention in relation to female workers. Although trade union people state that they follow this issue in the media in its relation with commercial sex and this kind of exploitation is just unacceptable, they have no specific sensitivity when it comes to suggesting solutions. Prejudices in Turkey against female migrant workers and the shallow approach of the media to the issue are the factors that lead unions to address the problem from a very narrow point of view. Male dominant nature of trade unions in Turkey and extreme underrepresentation of females in membership and management (Erdoğan and Toksöz, 1998) is an important factor preventing unions to build sensitivity to the issue of female migrant workers.

4.2.2. Irregular Migrant Labour in the Agenda of Trade Unions

As exemplified above, it is clear that representatives of trade unions have some considerable information on irregular migrant workers in Turkey. Despite this, it is also clear that the issue has not established itself in the trade union agenda. Interviews suggest that the issue of irregular migrant workers has not come up in general congresses of unions and trade union publications. This view is supported by our screening of the selected trade unions publications and general congress reports.

Since the issue of irregular migrant workers is not among the priority topics of trade unions, it is no wonder that no union strategy has yet been developed for organizing; ensuring the active representation of such workers and helping them get organized.

Most of the union presidents state that it is impossible to organize these workers in unions firstly as a result of the legislation into effect.

"It is simply not possible. It is even difficult to get in touch with them. In any case, existing legislation does not allow us to do so. There is no legal entitlement. We can at most try to keep the issue of migrant workers and informal employment in the political agenda. We can try to have them prioritized. We can try to build some public awareness about the issue and, but given the legislative framework, we can go no further. If somebody says 'yes I can' then he is engaged in fantasy. As I have said, this issue is beyond the legally delineated tasks of trade unions." (Confederation Executive)

"I don't know how one can go about getting migrant workers organized. They are working illegally and organization means legalizing them

and legalizing them means their deportation." (Union President, general services sector)

Some of the trade unionists, who address the issue beyond legislative boundaries, believe in the necessity for trade unions to develop a strategy comprising migrant workers. Despite this belief, they also recognize the limitation of their power and say that it would be extremely difficult to implement any such strategy due to the present state of trade unions in Turkey.

Saying this, they go for addressing the issue in the context of the informal employment.

"If we really wage an effective struggle against unregistered employment, this will also help solve the problem of illegal migrant workers as well." (Union President, general services sector).

"The problem of foreign workers should be considered as a part of unregistered employment. Against this, the most effective thrust is getting unionized. This problem will be resolved automatically in places where workers are unionized." (Confederation Executive)

As a pressure group, trade unions and their confederations have no strategic plans and actions concerning the issue of the irregular migrant labour. Labour Platform¹⁸ founded 1999 could have been a common instrument for all unions and the NGO's for tackling the irregular migrant labour. But, there is no mention of irregular migrants except once in the programme of the Platform. Concerning the irregular migrant workers the Programme said: "Employment of foreigners in our country illegally must be prevented." (Emek Platformu, 2001:10) In the revised version of the Program (2002) the irregular migrant work is considered to be part of the problem of undeclared work and

¹⁸ In 1999, the Confederations of the worker and public employee unions, professional organisations and various associations in Turkey came together to form an informal alliance called Labour Platform. The motivating force behind this alliance was the opposition of these organizations to the neo liberal economic policies. In 2001, the Labour Platform adopted its own economic program (revised in 2002) which contained provisions for national planned development, publicly provided services, public investments in various sectors, control of capital movements, rescheduling of public debt and an immediate stop to privatisations not only of social services but also of utilities and state economic enterprises including state banks.

a coordinated policy of the government, employers and workers organizations and NGO's to tackle local as well as foreign undeclared work is called for (Emek Platformu, 2002: 6)

4.2.3. Attitude towards Cooperation with the Trade Unions in Sending Countries

During the survey, we asked trade unionist to what extent it would be functional to cooperate with trade unions in sending countries. It appeared, in general, that trade unionist had a positive attitude to such cooperation. As a matter of fact, we learned that though not at institutional level, a trade union in Turkey launched some initiatives before public authorities to solve the problems of migrant workers upon the request of a union from one of the sending countries.

"Last year during a convention in Azerbaijan one confederation president from that country asked us a favour. He said that workers from his country moving to Kars-Artvin region in Turkey for employment had their passports withheld and they are employed without pay under the threat of deportation. He asked us to pay attention to the issue. Upon this, we communicated with the Governorates of the provinces concerned and we also wrote to our representatives in the region to be sensitive about the issue." (Union President, food processing sector)

While cooperation with the unions of sending countries is accepted as a channel for solving the problem, it is true that trade unionist have serious doubts whether this channel could actually be made operational. This doubt derives from the present state of unionism in some of the sending transition countries.

"These countries are in the process of re-structuring. We frequently face the problem of finding counterparts. There is no trade union awareness or solidarity." (Union President, food processing sector)

"The union movement in these countries are rather weak, so cooperation does not seem possible." (Branch President, construction sector).

Leaving this aside, the dominant opinion is that, as we shall see later, the issue should be addressed through the official mechanisms and public policies of both receiving and sending countries at macro level.

4.2.4 Attitude Towards Social Dialogue Processes in Tackling Irregular Migrant Labour

In environments where trade unions have strong representative power and influence on institutional arrangements, it is possible to expect more active strategies in relation to irregular migrants. At this point, the level of participation of trade unions to economic and social decision making processes and effectiveness of social dialogue mechanisms constitute a variable which must be taken into account.

In Turkey, although social dialogue mechanisms have developed in quantitative terms, qualitatively, it is impossible to say that these mechanisms are operating efficiently. Effectiveness of social dialogue mechanisms is curbed by various factors including the domination of social dialogue bodies by the Government, negative aspects of the managerial concepts of the employers and ideological and political disarray on the labour side. In this context, emerging social dialogue mechanisms are characterized by weak trade unions, lack of autonomy for established organs in practice, problems of coordination, problems of representation on the part of social partners. It is also observed that cases of bi-lateral social dialogue are very limited in Turkey (Koray and Çelik, 2007:508-525). Given these structural features of social dialogue in Turkey, even when there is commitment to social dialogue in combating the irregular migrant employment, this may not mean much in practice.

Trade union people state that so far they have been involved in no joint work with employers for the solution of the problem and add that even when done, such a joint work would be no more than "business as usual." Trade union people are convinced that this irregular migrant employment

plays into the hands of employers and they wouldn't go for any true solution.

"We have not entered into any process of dialogue with employers on this issue. I personally know that there are irregular migrant workers in the enterprises and homes of many employers" (Confederation Executive).

"When we talk about the issue of migrant workers with the representatives of the chambers of industry and commerce, they say 'what can we do, otherwise our member tradesmen are about to go bankrupt'. Yet, what is earned by these workers does not remain in Trabzon; it is spent elsewhere and generates no demand here. But we cannot convince the chambers." (Branch President, Trabzon)

Some union representatives emphasize that dialogue with the employers' organizations should take into account the role of sub-contracting and informal economy in the spread of irregular migrant work.

"Here we must separate employers' organizations as black and white. Unfortunately no dialogue is possible with 'black' employers engaged in 'under-stairs' production." (Union President, shipbuilding sector).

"There is no problem with the main employers. They do not employ migrant workers. It is sub-contractors who do this. Their motive is to push down costs. So they don't bother about taxes or social security contributions. Migrant workers have their intermediaries. They bring in such workers in groups and make money over them. And employers have their own staff to contact and negotiate with these intermediaries." (Union President, construction sector).

Dialogue with the central and local government bodies seems more plausible. Trade unionists believe that the problem can be solved mainly with the intervention of the government and in the context of combat against informal employment in general. Though limited, there is joint work with the government on this issue, but the "insincerity" of the state is frequently expressed.

"Earlier, few meetings were held with the Mi-

nistry of Labour to find solutions to the problem of undeclared foreign workers. We said we could at least have meetings with the participation of Governors from border provinces and as Confederation we have our branches in all provinces anyway. Our representatives take part in local commissions. Yes, we said all these, but nothing came out." (Union President, hotels and entertainment sector)

The basic reason for such mistrust in Government action is the insufficiency of inspection mechanisms of the Ministry of Labour and other related Ministries' and failure to take measures to strengthen these mechanisms.

"This problem can be eliminated easily if the labour inspection really operates. But they tolerate it and let it go. These migrant workers come in because they have no other choice. The solution will come only when persons exploiting migrants and earning over them are no more protected." (Union President, food sector).

"The government itself is not clear about formalizing undeclared work. Certain local authorities seem to tolerate informality. That holds true for irregular migrant workers as well." (Union President, leather processing sector)

It is also understood that the issue of irregular migrant workers was brought in the agenda of Local Employment Boards as the local organs of social dialogue, but without yielding any outcome.

"The security and all other government units have their information about this illegal employment issue. When I was the workers' representative to the Board I brought this issue on the table. You know well how situation is here in Van. There is widespread unemployment. Still, tradesmen employ illegal workers.. It is interesting indeed; one the one side you have unemployment up to 80 per cent and you have illegally employed workers on the other. Can't we conduct inspections together with the Governorate and other official authorities? The local security authorities know what is going on. Here in Van we also have a refugee camp and the UN pays these people for subsistence. There are also some people from this

camp working out in Van." (Branch President, Van)

The attitude of trade unions concerning the role of social dialogue in tackling irregular migrant work seems to be contradictory. On the one hand, they value the role of social dialogue at local and at the national level to deal with the issue, and on the other hand, they are very much disappointed with the working of the social dialogue mechanisms in Turkey. They all believe that the role of government in tackling the unregistered employment and irregular migrant work through social dialogue is crucial but at the same time they consider the political will to be insufficient in this respect.

4.2.5 Attitude Towards The Role of International Instruments in Protecting the Rights of Irregular Migrant Workers

The participation of the trade unions in the activities of the ILO and their level of adoption of international social policy values constitute another factor affecting the stance of trade unions.

The ILO standards on migrant workers are the Convention 97, Migration for Employment (1947) and Convention 143, Migrant Workers (Supplementary Provision 1975).

It was observed that trade union presidents had no information concerning the ILO Conventions 97 and 143. Given the existence of many situations in working life which run counter to ILO Conventions, trade unionists think that these Conventions would fail to have their reflections in practice.

"It is our salient feature to ratify but not implement conventions. You know that under Article 90 of the Constitution, international conventions are deemed valid in case of any contradiction with domestic legislation. This is a constitutional provision. The ratification of the ILO Conventions on migrants is of course important; but the question is how far can implementation go? What measures are going to be adopted following their ratification? I don't believe anything will be done in that sense.." (Union President, textiles

sector)

The shortcomings in the implementation of the ILO Conventions in Turkey lead the Unions to the conviction that the ratification of these Conventions will have no major impact on ongoing practices no matter how important such ratification may be in theory. At this point, the trade union attitude seems to centre around again on the importance of the political will to combat the problem of irregular migrant workers; ILO Conventions may only be instrumental to the extent that this political will is there.

4.2.6. Positive Attitude Towards Irregular Migrant Labour

The trade unionists interviewed do not have a negative attitude towards irregular migrants, although they perceive the risks created by irregular migration for the local labour markets. They understand their struggle for subsistence from a humanitarian perspective and take a trade union stand mainly against unfavourable working conditions of the irregular migrant workers.

"It is the humanitarian considerations that hurt us. Informality is a problem for workers coming from abroad as much as it is for us. I mean it is a problem not for that we are losing our jobs to foreigners but these migrants are working and living in inhumane conditions. The trade union approach towards migrant workers should be from a humanitarian stance first of all." (Confederation Executive).

It is generally accepted that migrant workers struggle to secure a living for themselves and for their families and they deserve to have decent work conditions like all other workers..

"One should never miss the point that these migrant workers are struggling for survival. If these people have to work, then there may be annual quotas and some temporary arrangements for their employment. I mean there can be temporary and even daily social security solutions for these workers. Their working and living conditi-

ons must be improved and local authorities must be in charge of observing and supervising it... If somebody is not begging or thieving but saying 'I want to work' we should help and protect him from exploitation and enslavement...." (Confederation Executive).

This positive attitude can be explained partly by a historical empathy towards migrant workers originating from the experiences of Turkey as a sending country and partly as a reflection of a "culture of hospitality".

"...Our own people too were in Germany and in other European countries, some as undeclared workers, and they are still going. So what you expect from foreigners in treating your own people should be accorded to foreign workers here in Turkey. ..And in our culture we have the saying of 'God's guest'." (Confederation Executive).

"We, folks in the Black Sea Region are fond of guests. We regard them as tourists. We do our best not to hurt them in any way. We have always been helpful, including to those working in subcontracting firms. If we see them underpaid, we serve them food to support them at least in this way." (Branch President, Trabzon)

In this context, trade union people consider the practice of deporting spotted undeclared foreign workers as an insufficient and inappropriate solution.

"Civil society organizations or trade unions must get mobilized to help these people in trouble. Conditions surrounding these people must be improved. We have to find a solution. The reactionary way of further oppressing and eventually kicking them out is wrong. It is not correct to send them back. There must be a different solution." (Union President, leather processing sector)

There was only one trade union president who opposed the idea of legalizing foreign workers, but his opposition was partly based to the liberalisation of certain professions.

"...I say bringing in and feeding these people is not right while we have our own jobless and hungry people. If the total number of unemployed people is 5 million, it means this figure will

drop to 4 million if there are no foreign workers. Our union members have children, university graduates but unemployed... Then how do others go about it? What does Germany or Great Britain do? They first ensure the employment of their own citizens and recruit foreigners if local labour is not sufficient... Firstly, we must guarantee employment for our citizens and eliminate unemployment, then we will invite others if needed." (Branch President, Trabzon)

Some trade unionists regard the problem of irregular migrant workers as a part of a larger struggle for the rights of the labour and thus emphasize the need to help them get organized.

"As far as class struggle is concerned wherever there is labour, wherever there is exploitation and oppression we have the duty of resisting exploitation and oppression and protecting the labourers. That certainly includes migrant workers." (Union President, leather processing sector)

In sum, positive attitude of trade union people in approaching irregular migrant labour derives from their understanding of the issue as a part of the problem of informal employment which is very prevalent in Turkey. The problem of informal employment is seen as the problem of all working people whether local or foreign and it is expected that the problem of irregular migrant labour will also be mitigated if informal employment in general is curbed. From the point of this view, irregular migrant workers are evaluated in a similar way with domestic informal workers.

The unions do assign themselves a role in solving the problems of irregular migrant workers but they also realize their present limitations for trade union action.

"Actually it should be trade unions to oppose the present situation in the first place, but now they focus on the problems of their own members and of formal workers. So we are not performing well in shaping the public opinion and calling authorities, governments, UN organizations to take an action on the issue of irregular migrant workers.Trade unions do not seem to be much engaged

in this issue. Surrounded by a socio-economic environment shaped by neo-liberalism, trade unions are quite weak in our days. They are at a distance from class-based policies. So, although we see these problems we have yet not made them a part of our daily union activities..." (Confederation Executive).

"The trade union movement in Turkey is not in a position to respond to the needs of the class. In other words trade unions think in terms of their narrow interests instead of acting together in solidarity to defend class interests as a whole and advance class struggle. In fact all workers throughout the world have to wage a collective struggle. We have to raise the spirit of solidarity." (Union President, leather processing sector)

In practical terms, the state is regarded as the principal actor responsible for finding a solution either through preventive measures or through effective inspection or both. All statements by trade union presidents suggest that the existence of a political will to eliminate unregistered employment of local and foreign workers and the accompanying measures for implementation are seen as the first step to any solution.

5. CONCLUSION

Traditionally a sending country, Turkey has since 1980s been the stage for increasing migration inflows. These are largely of irregular nature. The extensive nature of unregistered employment in Turkey ensures the rather easy absorption of migrants by labour markets. Preferred by employers as a cheap source of labour, irregular migrant workers are confronted with a multi-tiered exploitation in their employment and daily life. This situation makes it necessary to protect such workers in line with the principle of decent work. For their mandate to protect labour and as actors affected by the consequences of this phenomenon, trade unions have a key role in tackling the problem of irregular migrant labour.

Our survey focused on how the phenome-

non of irregular migrant labour was conceived by the trade unions and what kind of role trade unions could play in the solution of this problem. Presidents of confederations and their affiliated unions organized in branches where irregular migrant workers were abundant were found to be aware of the problems associated with the existence of such workers. They perceive the issue as a problem resulting from the unemployment and poverty issues in the global context.

All trade union presidents consider the issue of irregular migrant workers not as a separate heading but as a consequence of widespread unregistered employment in Turkey. Consequently, the issue of irregular migrant work does not appear in the agenda of the trade union movement except in association with the issue of unregistered employment. Although representatives of trade unions have considerable information on irregular migration, the issue has not yet been directly placed on the trade union agenda and no union strategy has yet been developed for the irregular migrant workers. For most of the trade unionists, due to the legislation into effect and their illegal status, organizing irregular migrant workers seems impossible.

Having experience in international trade union relations, trade unions in Turkey adopt a receptive approach to relations with the trade unions of sending countries in efforts to solve the problem. It is still thought, however, that cooperation would be difficult given the weak position of trade unions in sending countries.

Even though the trade unions value the role of social dialogue, they have no trust in the existing practices of social dialogue as a mechanism that can be used in the solution of the problem. They conceive the current social dialogue to be a mere discourse. This perception is influenced by the weakened position of the unions both at industrial and political levels. They believe that when trade unions become more powerful, social dialogue processes shall be important and shall contribute to the solution of the irregular

migration and to the protection of irregular migrant workers .

In terms of protecting the rights of migrant workers, trade union people accept the importance of international standards including those set by the ILO. However, problems related to the implementation of ILO Conventions cast shadow on the functionality of this instrument as well.

The Turkish trade unionists do not have a negative attitude towards irregular migrants, although they perceive the risks created by irregular migration for the local labour markets. This perception can be explained partly by a historical empathy towards migrant workers originating from the experiences of Turkey as a sending country . But, the main determinant is the perception of irregular migrant work as a part of a wider problem of informal economy and employment. From the point of this view, irregular migrant workers are evaluated in a similar way with domestic informal workers. Non-competing nature of most irregular migrant work with the union job is another determinant.

Although trade unionists state that they should play a role in finding a solution to the irregular migration and in the protection of the migrant workers, they also recognize the limitation of their power. In practical terms, they consider that the state is the principle actor responsible for the solution.

To sum up, as a result of both the characteristics of the labour market in Turkey and structural problems of trade unions, irregular migrant labour remain as an issue alien to the established agenda of trade unions. As such, trade unions have no specific strategy in this regard and address the issue in the context of the solution of the problem of unregistered employment which provides an environment conducive to the employment of irregular migrant workers. Consequently, the state is regarded as the principal actor in combating unregistered employment and thus irregular migrant workers and political

will and commitment on the part of the state is seen as the only solution. On the other hand no negative attitude has been developed against migrant workers. While getting organized is not suggested as a strategy, this amiable stance for migrant workers emerges as a result of various factors including the non competing character of most irregular migrant work with the union jobs, the experience of Turkish workers themselves as foreigners abroad, the culture of hospitality and pity. Besides the absence of any trade union strategy in relation to the issue of irregular migrant labour, neither is there a policy of becoming a pressure group to influence relevant legislative processes.

When viewed in the light of the debate concerning the determinants of the trade union attitude towards irregular migrant labour, the three main determinants seem to be the economic and labour market conditions, particularly the significant size of the local unregistered employment; the level of union strength both at the industrial and political level; cultural factors and the migration history of Turkey as a sending country. However, further research at membership level, exploring the attitude of the workers themselves is would help to develop the analysis of the determinants of trade union approach to irregular migrant labour in Turkey.

REFERENCES

- Ağtas, Ö.B.; Sauviat, L. and Amler, B. (2007), Why not Organising ? Trade Unions and Precarious Migrant Workers in Germany, South Korea and Spain, Master Thesis submitted to Global Labour University, Berlin.
- Castles, S. and Miller, M.J.(2003), The Age of Migration, Palgrave Mac Millan, 3th. Edition, England.
- Çelik, A. and Lordoğlu, K. (2006); "The Problems of Trade Union Membership Official Statistics in Turkey", Journal of Labour and Society, No:9: 11-30. (in Turkish).
- Çiçekli, B.(2004), Work Permits for Foreigners, Publication No:240, Confederation of Turkish Employer Organizations (TİSK), Ankara (in Turkish).
- ÇSGB (2008), 2007 Report of Ministry of Labour and Social Security Ankara. (in Turkish).
- Denscombe, M. (2000), The Good Research Guide for Small-Scale Social Research Projects, Open University Press, Philadelphia.
- Emek Platformu (2001), The Program of Labour Platform, <http://ekutuphane.bes.org.tr/pdf/685.pdf>(in Turkish).
- Emek Platformu (2002), The Program of Labour Platform, http://www.tmmob.org.tr/genel/bizden_detay.php?kod=3243&tipi=16 (in Turkish)
- Erder, S. and Kaşka, S.(2003), Irregular Migration and Trafficking in Women: The Case of Turkey, IOM, Geneva.
- Erder, S.(2007), " Foreigners in Turkey constructed without foreigners", in Foreign Workers in Turkey: International Migration, Labour and Population Movements (ed: Aylan Arı) Derin Yayınları, İstanbul: 1-82. (in Turkish)
- Erdoğan, S. (2006), International Trade Unionism in the Era of Globalization, Ankara: İmge Kitabevi (in Turkish).
- Erdoğan, S. (2007), "The Labour Platform: An Alliance of Trade Unions in Turkey", V. Schmidt (ed.), Trade Union Responses to Globalization, International Labour Office, Cenevre.
- Erdoğan, S.(2008), The Movement of Natural Persons in Services Trading, İmaj Yayınları, Ankara. (in Turkish).
- Erdoğan, S. and Toksöz, G. (1998), Women in Labour Unions, İmge Publications, Ankara. (in Turkish).
- Ford, M. (2004), "Organizing the Unorganizable: Unions, NGOs and Indonesian Migrant Labour", International Migration, 42(5): 99-119.
- Friedrich Ebert Foundation (1995), Illegal Foreign Workers in Turkey, İstanbul. (in Turkish).
- Gençler, A.(2008), " Labour Globalization with informalization : Illegal Labour Migration in Turkey", in Is the Turkish Labour class and movement globalizing ?Publication of Foundation of Social Research and Center of Class Research in Turkey, İstanbul: 25-50. (in Turkish).
- Gökbayrak, Ş.(2003), Municipalities Privatization and Labour Relations, Tezler Dizisi: 12, Mülkiyeliler Birliği Vakfı Yayınları, Ankara. (in Turkish).

- Güzel, A. and Bayram, F.(2007), "The Rights and Permits of Foreigners in Turkish Laws" in *Foreign Workers in Turkey: International Migration, Labour and Population Movements* (ed: Aylan Arı) , Derin Yayınları, İstanbul: 157-206. (in Turkish).
- Haus, L. (1995), "Openings in the wall: Transnational Migrants, Labor Unions and U.S. Immigration Policy", *International Organization*, 49(2) : 285-313.
- <http://www.iom.int/jahia/Jahia/cache/office/pid/1674?entryId=20275>
- İçduygu, A.(2004), *Irregular Migration to Turkey*, Publication of Istanbul Chamber of Commerce, No:2004-65, Istanbul. (in Turkish).
- İçduygu, A.(2005), *Transit Migration in Turkey: Trends, Patterns, and Issues*, European University Institute, CARIM Research Report, Florence.
- İçduygu, A.(2006), *The Labour Dimensions of Irregular Migration in Turkey*, European University Institute, CARIM Research Report, Florence.
- IOM (2008), *World Migration Report 2008 : Managing Labour Mobility in the evolving global Economy* http://publications.iom.int/bookstore/index.php?main_page=index&cPath=37 4.03.2009
- Kaşka, S.(2007), " Globalization of Domestic Works and Migrant Women in Turkey", in *ForeignWorkers in Turkey: International Migration, Labour and Population Movements* (ed: Aylan Arı) Derin Yayınları, İstanbul: 225-240. (in Turkish).
- Kıral, H. (2006), *The Work Principles of Foreigners in Turkey*, TİSK Publication No: 270, Ankara. (in Turkish).
- Koray, M. and Çelik A. (2007), *Social Dialog in the EU and Turkey*, Belediye-İş Yayınları, Ankara. (in Turkish).
- Lordoğlu, K.(2007), "New Foreigners in Labour Market: Some Consequences and Evaluations from the research", in *Foreign Workers in Turkey: International Migration, Labour and Population Movements* (ed: Aylan Arı) ,Derin Yayınları, İstanbul:83-128. (in Turkish).
- Lüthje, B. and Scherrer, C. (2001), "Race, Multiculturalism and Labour Organizing in the United States: Lessons for Europe", *Capital &Class*, 73: 141-171.
- Milkman, R. (2000), "Immigrant Organizing and The New Labor Movement in Los Angeles", *Critical Sociology*, 26 (1-2): 59- 81.
- Özüğurlu, M. (2008), "Working Class formation and crises of trade union movement in Turkey" paper presented at *Irregular Migration, Informal Economy and Pathways to Decent Work in a Globalising Economy Workshop* 4-5 December 2008, Istanbul.
- Penninx, R. and Roosblad, J. (2000), *Trade Unions, Immigration and Immigrants in Europe, 1960-1993 : A Comparative Study of Attitudes and Actions of Trade Unions in Seven West European Countries*, Berghahn Books.
- Tanyılmaz, K. and Kurtulmuş - Kiroğlu, M.(2007), "Migrant Workers in Turkey and Their effects on Labour Market", in *Foreign Workers in Turkey: International Migration, Labour and Population Movements* (ed: Aylan Arı) ,Derin Yayınları, İstanbul:129-156. (in Turkish).
- Terzi, Ş. (2007), "Tahtakale'nin Çinli Kemal ve Orhan ağabeyleri", *Hürriyet*, 13. 05. 2007.

Toksöz, G. (2007), "Informal Labour Markets and The Need for Migrant Workers: The Case of Turkey from Comparative Perspective", *Irregular Migration, Informal Labour and Community: a Challenge for Europe*, (eds: Erik Berggren, Branka Likic- Brboric, Gülay Toksöz ve Nicos Trimikliniotis), Shaker Publishing: 183-198.

TUİK (2009), *Household Labour Research Bulletin*, No:8, 5 January, 2009. (in Turkish).

Urhan, B. and Selamoğlu, A. (2008), "Labour Behaviors and Attitudes to Trade Unions in Turkey: The Case of Turkey", *Journal of Labour and Society*, 2008/3: 171-198. (in Turkish).

Wrench, J. (2004), "Trade Union Responses to Immigrants and Ethnic Inequality in Denmark and UK: The Context of Consensus and Conflict", *European Journal of Industrial Relations*, 10(1) : 7-30.

General Congress Reports of Trade Unions

Confederation of Turkish Trade Unions (TÜRK-İŞ), 17th- 20th General Congress Reports (in Turkish).

Confederation of Progressive Trade Unions of Turkey (DİSK), 9th- 13th General Congress Reports (in Turkish).

Hak-Is Trade Union Confederation, (HAK-İŞ) 10th- 11th General Congress Reports (in Turkish).

Tek Gıda İş 13th General Congress Report (in Turkish).

Belediye İş 8th General Congress Report (in Turkish).

Öz İplik-İş 9th- 10th General Congress Reports. (in Turkish).

Öz Gıda-İş 10th- 11th General Congress Reports. (in Turkish).

Hizmet İş 9th General Congress Report. (in Turkish)