Changes in Public Servants’ Union Law in Turkey and Strike Ban

With the 2010 constitution referendum in Turkey, there has been an amendment in Article 53 of the constitution which provides public servants “collective bargaining right”. But this collective bargaining right brings obligatory arbitration that means strike ban. Public Servant Union Law No 4688 has been regulated in 4 April 2012, according to constitution referendum.

All these prohibitive regulations are clearly violating ILO, European Social Charter and European Court of Human Rights decisions and also Article 90 of the constitution of Turkey. Article 90, entitled "Ratification of International Treaties", provides that “international agreements duly put into effect carry the force of law. No appeal to the Constitutional Court can be made with regard to these agreements, on the ground that they are unconstitutional.” This paper will exhibit the union rights (organizing, collective bargaining and strike) of public servants in Turkey and examine new legal amendments in the light of international regulations.

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