

UNIVERSITÉ CATHOLIQUE DE LOUVAIN
INSTITUT DES SCIENCES DU TRAVAIL



STUDY ON THE REPRESENTATIVENESS OF THE SOCIAL PARTNER ORGANISATIONS IN THE EXTRACTIVE INDUSTRY

Bulgaria, Romania and Turkey

Project No VC/2005/0753

December 2006

Research project conducted on behalf of the Employment and Social Affairs Directorate-General of the European Commission

STAFF WORKING ON THIS STUDY

AUTHOR OF THE REPORT

Cécile ARNOULD, researcher

COORDINATORS

Prof. Pierre REMAN

RESEARCH TEAM

Prof. Bernard FUSULIER

Prof. Evelyne LEONARD

Delphine ROCHET, researcher

Isabelle VANDENBUSSCHE, researcher

ADMINISTRATIVE COORDINATION

Myriam CHEVIGNE

NETWORK OF NATIONAL EXPERTS

Bulgaria Rumiana Gladicheva, Institute for Social Analyses and Policies

Romania Ion Glodeanu, Institut de Sociologie de l'Académie Roumaine

Turkey Dr. Zeki Parlak, the Department Labour Economics and Industrial Relations, Faculty of
Economics and Administrative Science, University of Marmara.

Disclaimer

The contents of this publication do not necessarily reflect the opinion or position of the European Commission, Directorate-General Employment and Social Affairs. This study has been carried out by independent experts. It therefore does not involve the Commission's responsibility in any way. The European organisations subject of this study have had the opportunity to comment on the content of this study before its final approval¹.

¹ Its approval by the Commission does not imply the approval of any of the European organisations as to its content.

INTRODUCTION

PRESENTATION OF THE STUDY

This report has been produced as part of the research into the institutional representativeness of social partners in the European Union, and the situation of trade unions and employers' associations in the candidate countries. The research has been conducted by the Institut des Sciences du Travail (Université catholique de Louvain) at the request of the Employment and Social Affairs Directorate-General of the European Commission (Call for tenders No VT/2002/83).

The issue of the representativeness of European organisations came to the fore in the context of the promotion of social dialogue. In a communication published in 1993², the European Commission set out three criteria determining the access that employers' and workers' organisations had to the consultation process under Article 3 of the Agreement on Social Policy. According to the terms of this communication, the organisation must: (1) *be cross-industry or relate to specific sectors or categories and be organised at European level*; (2) *consist of organisations which are themselves part of the social partners structures of Member States which have the capacity to negotiate agreements, and which are representative of all Member States, as far as possible*; (3) *have adequate resources to ensure their effective participation in the consultation process*. In 1996, it adopted a consultation document³ that sought to bring together the widest range of views on the measures to be employed in fostering and strengthening European social dialogue. At that point, given that the social partners at European level were, and still are, in the process of structuring themselves and accepting new applications for membership, the European Commission conducted a study on the representativeness of inter-professional and sector organisations in the European Union, and in a new communication⁴ in 1998, announced the measures that it proposed to take in order to adapt and promote social dialogue at European Union level. In it, the Commission reaffirmed the three criteria established by the 1993 Communication, permitting European organisations to be recognised as representative for consultation purposes under Article 3 of the Social Policy Agreement. Finally, in 2002, the Commission reaffirmed its support for a strengthening of social dialogue in its communication *The European social dialogue, a force for innovation and change*⁵. In the respect of the three criteria set up by the Commission, as has been pointed out in previous studies⁶, *the changes focus on the disappearance of demands relating to the inter-sector nature of organisations and on the fact that they are established in all Member States; the new rules have not been formulated in a very restrictive manner, they only require employers' and workers' organisations to represent "several" Member States. This relaxation of the implementation condition might pose a demarcation problem in the sense that there is no criterion setting out a minimum number of Member States to activate it.*

Against this background, it is clear that one of the main issues, both for the Commission and for the European social partners, is the enlargement of the European Union and its impact on the process of social dialogue at Community level: *The Communication underlines the vital role and the weaknesses of social dialogue in the candidate countries. Much has been achieved over the past decade with the support of Community programmes and initiatives. However, a lot remains to be done to strengthen the capacities of social partners and involve them in the accession process*⁷. As far as the European Commission is concerned, it is *only with sufficiently robust national structures that the social partners will be able to participate effectively in negotiations and in other European social dialogue activities and also implement agreements at national level*⁸.

The development of social dialogue, therefore, formed part of the "*acquis communautaire*" (community achievement): *The Treaty requires that social dialogue be promoted and gives additional powers to the social partners. The candidate countries are, therefore, invited to confirm that social dialogue is accorded the importance required and that the social partners are sufficiently developed in order to discharge their responsibilities at European Union and national level, and to indicate whether they are consulted on legislative drafts relating to the taking over of the*

² COM(93) 600 final of 14 December 1993, Communication from the Commission concerning the application of the Protocol on Social Policy.

³ COM(96) 448 final of 18 September 1996 concerning the development of the social dialogue at Community level.

⁴ COM(98) 322 final of 20 May 1998, Communication from the Commission, *Adapting and promoting the Social Dialogue at Community level*.

⁵ COM(2002) 341 final of 26 June 2002, Communication from the Commission, *The European social dialogue, a force for innovation and change*.

⁶ Spineux A., Walthery P. et al., *Report on the representativeness of European social partners organisations*, Report coordinated by the Institut des Sciences du Travail of the Université catholique de Louvain, for the European Commission, Directorate General for Employment, Industrial Relations and Social Affairs, Louvain-la-Neuve, 1998.

⁷ Op cit.

⁸ Op cit.

employment and social policy acquis... Therefore, the development not only of tripartite structures but also of autonomous, representative bipartite social dialogue is an important aspect for the future involvement of the candidate countries' social partners in the social dialogue activities developed at European and national level⁹.

Enlargement of the European Union is a major issue from a quantitative and qualitative point of view: *The quantitative leap is quite clear as soon as the number of partners rises. The delegations taking part in social dialogue will be enlarged, and that, as we know, does not facilitate dialogue. However, the leap is also qualitative in that the new entrants present the industrial relations systems they have inherited from their national histories¹⁰.* By and large, most of the countries studied are notable for strongly developed tripartism, but for weakness at central bipartite level, in social dialogue at sector level, and at the level of organisations, particularly employers' associations.

The aim of the report is to produce a study that sets out both brief descriptions of the way that social dialogue functions in the countries concerned, and descriptions of the various workers' and employers' organisations involved in social dialogue at sector level. This study may be seen as a tool to help understand these quantitative and qualitative factors.

RESEARCH APPROACH AND COMMENTS ON METHODOLOGY

For the purposes of this study, a network of University researchers throughout the 15 European Union Member States and candidate countries was set up. These researchers are experts in industrial relations and are independent of both the European Commission and employers' and workers' organisations. Each researcher was charged with drawing up a report based on a common template. A questionnaire tailored to the specific realities of the chemical industry sector was elaborated to that effect. Each national report issued by the expert was submitted to the national organisations in order to enable them to make comments on collected data. The IST took charge of coordinating the study and drawing up the summaries. Constant communication and ongoing collaboration between the IST, national experts and national organisations takes place in order to associate the various players of the process of research. The report is also checked by the European organisations and their members in order to enable them to make comments on the report. This phase of consultation represents an important stage of research. Lastly, the report is checked by the European Commission's services. The IST wishes to stress its independence with regard to the political consequences and decisions which may be made on the basis of this study.

The research process, in its design, comprises a phase of collection of data on the players and the social dialogue in which they participate, but also an active approach embracing the building of a consensus, which is an integral part of the process of social dialogue itself. Thus, whereas in a good number of cases the data collected do not permit total definition of the role played by the organisations, the contacts made during the data collection and the discussions with the different players concerned should be an integral part of a process of mutual recognition¹¹. The main sources used within the framework of this study are thus the social partners themselves.

Lastly, a few words on the consultation process involving the European social partners must be added. The organisations which have been consulted are cited in annex. The comments that the IST received from these organisations, and those of their members have been incorporated in different ways, depending on the kind of information received:

- The observation is directly included in the content of the report
- When a difference of opinion exists between the employers' or workers' organisation and the expert, the observation is included as a footnote in the report, as well as the justification of the expert.

The consultation for this report on the chemical industry will take place during the month of October 2006.

Finally, given that national situations are very changeable and evolve rapidly, it is important to stress that the aim of this study is to take "a snapshot" of the situation of the organisations in 2006. Interviews with the organisations took place, and the national reports were written, between April and July 2006.

⁹ Enlargement of the European Union. Guide to the negotiations. Chapter by chapter, European Commission, DG Enlargement, June 2003.

¹⁰ Léonard E., Spineux A., *Les relations industrielles en Europe aujourd'hui*, Institut des Sciences du Travail, UCL, 2003 (unpublished).

¹¹ Reply to Call for Tenders VT/2002/83. Studies on the representativeness of the social partners at sector level in the European Union and monographs on the situation of the social partners in the candidate countries, Institut des Sciences du Travail, UCL, 2002.

ABBREVIATIONS USED IN THIS REPORT

In the text	
%	Per cent
€	Euro(s)
CA	Collective agreement
CB	Collective bargaining
Density	Number of salaried workers or enterprises of the sector affiliated to the organisation divided by total number of salaried workers or enterprises of the sector
GDP	Gross Domestic Product
NACE	Statistical Classification of Economic Activities in the European Community
ND	no data, i.e. no data is available
PAV	Present Annual Value
SD	Social dialogue
SME	Small-to-Medium Enterprise
SSD	Sector social dialogue
SW	Salaried workers
In the tables of the national summaries	
CB	Does the organisation take part in collective bargaining?
Density companies or enterprises	Number of enterprises of the sector affiliated to the organisation divided by the total number enterprises of the sector
Density SW	Number of salaried workers of the sector affiliated to the organisation divided by the total number of salaried workers of the sector
Organisations' Abbreviations	
APEP	European Association of Potash Producers
BWI	Building and Wood Workers' International
CAEF	The European Foundry Association
CCA-Europe	Calcium Carbonate Association-Europe
CEC	European Confederation ,of Executive and Managerial Staff
CEEMET	Council of European Employers of the Metal, Engineering and Technology-based Industries
CEFIC	European Chemical Industry Council
CEPMC	Council of European Producers of Materials for Construction
CES	Confédération Européenne des Syndicats
CESI	European Confederation of Independent Trade Unions
CIC	International Confederation of Executives and Managerial Staff (Confédération Internationale des Cadres)

CTUC	Commonwealth Trade Union Council
EBA	European Borates Association
L'ECEG	Groupe Européen des Employeurs de la Chimie
ECITU	European Confederation of Independent Trade Unions
EDA	European Demolition Association
EFFAT	European Federation of Trade Unions in the Food Agriculture and Tourism Sectors
EFBWW	European Federation of Building and Woodworkers
EICTA	European Information and Communications Technology Industry Association
EMC	European Manager Confederation
EMCEF	European mine, chemical and energy workers' federation
EMF	European Metalworkers' Federation
EMO	European Mortar Industry Organization
EPSU	European Federation of Public Service Unions
ERMCO	European Ready Mixed Concrete Federation
ESMA	European Speciality Minerals Association
ETF	European Transport Federation
ETUC	European Trade Union Confederation
ETUF -TCL	European Trade Union Federation – Textile, Clothing and Leather
EUBA	European Bentonite Producers Association
EuDA	European Dredging Association
EuLA	European Lime Association
EURACOAL	European Association for Coal and Lignite
EUROCADRES	Council of European Professional and Managerial Staff
EUROFEDOP	European Organization of Public Service Employees
EUROFEL	European Association of Feldspar Producers
EUROFER	European Confederation of Iron and Steel Industries
EURO-Gif	European Oil and Gas Innovation Forum
EUROGYPSUM	Association of European Gypsum Industry
EUROMINES	European Association of Mining Industries, Metal Ores & Industrial Minerals
EUROSIL	European Association of Silica Producers
EUROROC	European and International Federation of Natural Stones Industries
EUROTALC	Scientific Association of the European Talc Industry
EURO WEA	European Workers' Education Association
EU SALT	European Salt Producers' Association
FECI	Federation of European Construction Industry
FEANI	European Federation of National Engineering Associations
FEPA	Federation of European Producers of Abrasives

FERPA	Federation of Europe Retired Personnel Association
FGE	Fédération Graphique Européenne
FIEC	European Construction Industry Federation
FIOM	Fédération Internationale des Travailleurs de la Métallurgie
FITTHC	Fédération Internationale des Travailleurs du Textile, de l'Habillement et du Cuir
FIPA	Latin American Federation of Aggregate Producers
FMTI	International Federation of Industry Workers
FSM	World Trade Federation
ICFTU	International Confederation of Free Trade Unions
ICEM	International Federation of Chemical, Energy, Mine and General Workers' Union
ICFTI	International Confederation of Free Trade Unions
IDPA	International Diatomite Producers Association
IFBWW	International Federation of Building and Woodworkers
IFWEA	International Federation of Workers' Education
ILA	International Lime Association
ILO	International Labour Organization
IMA	Industrial Minerals Association
IMA-Europe	Industrial Minerals Association - Europe
IMF	International Metalworkers' Federation
INFEDOP	International Federation of Employees in the Public Service
IOE	International Organization of Employers
ITF	International Transport Federation
ITGLWF	International Textile, Garment and Leather Workers' Federation
IUF	International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations
KPC-Europe	European Kaolin & Plastic Clays Association
OIEM	Organisation Internationale de l'Energie et des Mines
ORGALIME	European federation of national industrial associations representing the European mechanical, electrical, electronic and metal articles industries
PRE	The European Federation of Refractories' Manufacturers
PSI	Public Services International
UEAPME	European Association of Craft Small and Medium-sized Enterprises
UEPG	European Aggregates Association
UITBB	Trades Union International of Workers in the Building, Wood, Building Materials and Allied Industries
UITA	Union Internationale des travailleurs de l'alimentation, de l'agriculture, de l'hôtellerie-restauration, du tabac et des branches connexes
UNI	Union Network International

UNI-Europa	Union Network International - Europa
UNICE	Union des Industries de la Communauté Européenne
WCL	World Confederation of Labour
WFIW	World Federation of Industry Workers
WFBBW	World Federation of Building and Woodworkers Union

1. NACE Nomenclature¹²

In the NACE nomenclature, the mining and quarrying sector (M&Q sector) also includes the extraction of peat, crude petroleum and natural gas. These sections will not be included in the present research following an initial instruction of the European Commission. The following NACE nomenclature description is given here as an indication. Indeed, according to national traditions, the sector delimitation can differ from one country to another. One important aim of this study is to highlight the particular features of each sectoral situation in each country. Moreover, the framework and structuring of the employers' organisations and trade unions as well as the organisations involved in the social dialogue can cover various sub-sectors and/or different trades or professions.

Unless indicated otherwise, the comparative study and each national report will cover the following activities:

SECTION C MINING AND QUARRYING

SUBSECTION CA MINING AND QUARRYING OF ENERGY-PRODUCING MATERIALS

10 MINING OF COAL AND LIGNITE; ~~EXTRACTION OF PEAT~~

10.1 Mining and agglomeration of hard coal

10.10 Mining and agglomeration of hard coal

10.2 Mining and agglomeration of lignite

10.20 Mining and agglomeration of lignite

This section does not include coking (23.10).

12 MINING OF URANIUM AND THORIUM ORES

12.0 Mining of uranium and thorium ores

12.00 Mining of uranium and thorium ores

¹² Source: Commission Regulation (EC) No 29/2002 of 19 December 2001, amending Council Regulation (EEC) No 3037/90 on the statistical classification of economic activities in the European Community, In: Official Journal of the European Communities (10.01.2001).

This section does not cover the enrichment of uranium and thorium ores, production of fissile or fertile material and production of uranium metal (23.30).

SUBSECTION CB MINING AND QUARRYING, EXCEPT ENERGY-PRODUCING MATERIALS

13 MINING OF METAL ORES

13.1 Mining of iron ores

13.10 Mining of iron ores

This class excludes pyrites and pyrrhotite mining and preparation (14.30).

13.2 Mining of non-ferrous metal ores, except uranium and thorium ores

13.20 Mining of non-ferrous metal ores, except uranium and thorium ores

This class mainly includes non-ferrous metals (aluminium, copper, lead, zinc, tin, manganese, chrome, nickel, cobalt, molybdenum, tantalum, vanadium, etc) and precious metals (gold, silver, platinum). However, it excludes the mining and the preparation of uranium and thorium ores (see 12.00) and the production of aluminium oxides and mattes of nickel or of copper (27.4).

14 OTHER MINING AND QUARRYING

14.1 Quarrying of stone

14.11 Quarrying of ornamental and building stone

14.12 Quarrying of limestone, gypsum and chalk

14.13 Quarrying of slate

14.2 Quarrying of sand and clay

14.21 Operation of gravel and sand pits

14.22 Mining of clays and kaolin

This class excludes the mining of bituminous sand (11.10).

14.3 Mining of chemical and fertilizer minerals

14.30 Mining of chemical and fertilizer minerals

This class covers the mining of natural phosphates and natural potassium salts, native sulphur, natural barium sulphate and carbonate, natural borate, natural magnesium sulphates (kieserite), earth colour and fluorspar and guano mining. It also includes the extraction and preparation of pyrites and pyrrhotite.

This class excludes the production of salt (see 14.40), roasting of iron pyrites (24.13) and manufacture of synthetic fertilizers and nitrogen compounds (24.15).

14.4 Production of salt

14.40 Production of salt

This section includes the extraction of salt from underground (including by dissolving and pumping), salt production by evaporation of sea water or other saline water, production of brine and other saline solutions, crushing, purification and refining of saline solutions. However, it excludes potable water production by the evaporation of saline water (41.00).

14.5 Other mining and quarrying

14.50 Other mining and quarrying (e.g. asbestos, siliceous fossils meals, feldspar, quartz, mica, natural asphalt and bitumen)

The mining and quarrying of various minerals and materials are included in this category, for instance, abrasive metals, asbestos, siliceous fossil meals, natural graphite, talc, feldspar, gem stones, quartz, mica, natural asphalt and bitumen.

NATIONAL REPORTS

BULGARIA

1. DESCRIPTION OF THE SECTOR'S CHARACTERISTICS AT NATIONAL LEVEL

1.1. Delimitation and scope of activities in the sector

In Bulgaria, the national delimitation fully corresponds to the NACE classification.

As far as the social partners are concerned, they exclude C11 from bargaining for the sector. On its side, the employers' chamber covers some companies involved in geological surveys (R&D and construction of installations, related to M&Q: NACE K 73.1, 74.2, 74.4 and F45.34).

Collective bargaining totally covers NACE sectors 10, 13 and 14 (NACE 12 does not exist currently in Bulgaria, although it did before 1990).

1.2. Socio-economic features of the sector¹³

Trends: share of the sector in GVA-Gross Value Added (%)

	2000	2001	2002	2003
Mining and quarrying (C)	1.6	1.5	1.4	1.5

Source: CANSTAT¹⁴ Statistical Bulletin 2003/4 (last edition). Editor: National Statistical Institute, Bulgaria 2004.

Trends: Industrial Production volume indices in Mining and quarrying

NACE C as of April 2006 (preliminary data)	2000 =100	Previous month=100 (i.e. March 2006)	Corresponding period of 2005 = 100 (i.e. April 2005)
Mining and quarrying (total)	100.2	80.7	96.8
Of which:			
C 10	52.5	56.6	96.2
C 13	102.9	88.4	88.6
C 14	204.7	105.2	111.8

Source: National Statistical Institute, 12.06.2006, <http://www.nsi.bg/Op/Op.htm>

In 2006, salaried workers in the sector comprised 0.75% of employees in the country.

In Bulgaria, the importance of the underground economy in the Mining and quarrying sector can be described as negligible.

¹³ The data is provided by the National Statistical Institute (NSI), last updated in 2006. If the source is different, it will be noted.

¹⁴ CANSTAT was an initiative of Statistical agencies in Candidate countries, except for Malta. It ended in 2004, when 9 of these Candidate countries became members of the EU.

Number of companies by sub-sectors (trends)¹⁵

sub-sectors	2004
10	20
12	0
13	19
14	178
Total C	217

Source: National Statistical Institute – the latest data available as of 1 June 2006.

The majority of firms (206 out of 217 enterprises) belong to the private sector. There are at least 3 multinational companies in the sector but unfortunately the NSI does not collect such information.

Workers 2004

Sub-sectors	Number of self-employed workers in the sector	Number of employees in the sector	Number of employees in the sector/ total number of employees in the country –all sectors- (%)	Number of employees in companies with <10 workers in the sector/ number of employees in the sector (%)	Number of employees in companies with 10-49 workers in the sector/ number of employees in the sector (%)	Number of employees in companies with 50-249 workers in the sector/ number of employees in the sector (%)	Number of employees in companies with >249 workers in the sector/ number of employees in the sector (%)
Sub-sector 10	ND ¹⁶	16,218	0.75	0	0.38	0	53.72
Sub-sector 12	0	0	0	0	0	0	0
Sub-sector 13	ND	6,904	0.32	0	0	3.34	19.42
Sub-sector 14	ND	6,453	0.30	1.12	3.83	9.18	7.69
Total in the sector	133	29,575 (LFS: 29,758)	1.37% LFS:1.38%	1.12	4.21	12.52	80.83

Source: National Statistical Institute – the latest data available as of 1 June 2006.

Regarding the distribution of white and blue-collar workers, in 2004 there were 5,631 (19%) white-collar workers (from 1st to 5th ISCO groups) and 24,127 (81%) blue-collar workers (from 6th to 9th ISCO groups).

¹⁵ Companies without employees are excluded here.

¹⁶ The data for self-employed workers is not separated by sub-sectors in the NSI database

Occupational categories by ISCO grouping (salaried workers only)

Occupational categories	2004
1. Legislators, senior officials and managers	1,717
2. Professionals	711
3. Technicians and associated professionals	2,068
4. Clerks	1,135
5. Service workers, shop and market sales workers	503
6. Agricultural, forestry and fishery workers	16
7. Craft and related trades workers	8,937
8. Plant and machine operators, and assemblers	10,486
9. Elementary occupations	4,185
Total	29,758

Source: National Statistical Institute – the latest data available as of 1 June 2006.

The remuneration in this sector is above the country average (170%, the country average being 100). Wages in the public sector are much higher than in the private sector. Wages in the private sector are up to 65% of wages in the public sector.

In 2005, women's salaries represented 91.6% of men's salaries. However, salaries in the private sector are balanced according to gender. By contrast, in the public sector men's wages are significantly higher than those of women (in the public sector women's salaries in 2005 were 82% of men's).

The atypical forms of work (part-time in particular) are not widespread and their share is negligible (0.25% in 2005, source NSI).

In 2005, 29,131 males and 5,260 females (15% of the workforce) worked in this sector – Source: National Statistical Institute 2006.

In recent years, the Mining and quarrying sector has seen an expansion (mostly sub-sector NACE 14) thanks to favourable prices globally. The number of microcompanies (1-9) is increasing at the highest rate. Companies without workers double each year although their number is still small.

Number of companies by size

	2003	2004	2004 %
Without employees	4	8	3.56%
1-9	91	107	47.55%
10-49	53	56	24.88%
50-249	34	34	15.11%
> 250	23	20	8.88%
total	205	225	100.00%

Source: National Statistical Institute – the latest data available as of 1 June 2006.

Companies 2004

Sub-sectors	Number of companies	% companies without employees	% companies with <10 employees	% companies with 10-49 employees	% companies with 50-249 employees	% companies with > 249 employees
Sub-sector 10	20	0	2.22	0	1.33	4.00
Sub-sector 12	0	0	0	1.77	0	0
Sub-sector 13	19	0	0.88	1.33	2.67	3.11
Sub-sector 14	186	3.56	44.44	21.77	11.11	1.77
Total of the sector	225	(8) 3.56	(107) 47.55	(56) 24.88	(34) 15.11	(20) 8.88

Source: National Statistical Institute – the latest data available as of 1 June 2006.

2. DESCRIPTION OF ORGANISATIONS ACTIVE IN THE SECTOR

2.1. Description of workers' organisations active in the sector

Under the Labour Legislation in Bulgaria (Labour Code), only a few workers' organisations have the right to operate at sector level. The organisations eligible at sector level are only those which are affiliated to central trade union organisations recognised as being representative at national level. Consequently, only two federations are active in the sector - members of the CITUB and Podkrepa CL.

National affiliation	Member of the Confederation of Independent Trade Unions of Bulgaria (CITUB)	Member of the Confederation of Labour PODKPEPA (CL PODKPEPA)
Original name of the organization	Федерация на независимите синдикати на миньорите – КНСБ	Синдикална миньорска федерация "Подкрепа"
English name	Federation of the Independent Trade Unions of Miners – CITUB	Miners Federation Podkrepa
Year of creation	1906-established as a company union for miners; 1992-the present name and directed to miners only.	Established in 1990
Structure of the organization: sector/subsector	covers all the activities of NACE C 10, 11,13 and 14	covers the activities of NACE C 10, 13 and 14
Funding	Membership fee	
Staff	7 persons	5 persons
Number of individual members	11,350 (Source: organizational membership records last updated in January 2006).	7,000 (Source: organizational membership records last updated in January 2006).
Number of members working in sector C	11,350; of which in CA – 7,822 and in CB – 3,528	7,000; of which about 75% in CA and 25% in CB
staff/white-collar workers	560	700, or 10%
manual/blue-collar workers	10,680	6,300
Pensioners	110	0

Density % ¹⁷	33%	20.4%
Recognition system of social partners	Legally based: membership with central national confederation	
Does the organisation take part in consultations at sectoral level, higher than enterprise or enterprise level?	Yes, directly at sectoral and subsectoral level; indirectly at enterprise level via company sections	Yes, directly at sectoral level; indirectly at enterprise level via company sections
Does the organisation negotiate, or does it sign, collective agreements?	Yes - it negotiates and is eligible to sign at sectoral level	
How many collective agreements have been signed by the organisation in 2004 and 2005?	1 extension to the CA from 2003 in order to remain valid until the end of 2006	
Does the organisation take part in tripartite consultation?	Yes	
Does the organisation have the power to sign collective agreements at this level for the sector?	Yes	
How many agreements has it signed in the framework of tripartite consultation in 2004 and 2005?	No signed Tripartite CA	

Workers' organisation(s)

Organisation (English name)	Members		Estimated density	Collective Bargaining (Yes/No)	Affiliations			
	Total number of members in the organisation	Number of members who are working in the sector of the Mining and Quarrying Industry			European affiliations		Other affiliations	
					Related to the sector	Others	Related to the sector	Others
Federation of the Independent Trade Unions of Miners – CITUB	11,350	11,350	33%	Yes	EMCEF	no	ICEM	no
Miners Federation Podkrepa	7,000	7,000	20.4%	Yes	EMCEF	no	ICEM	no

Sources: 1) Federation of the Independent Trade Unions of Miners - CITUB (June 2006); 2) Miners Federation Podkrepa (June 2006); 3) NSI - for data for calculation of density basis (recent data available as of 1 June 2006)

¹⁷ Calculation of density is done according to LFS data for 2005 (34,392 salaried workers) because this is the most recent data available

2.2. Description of employers' organisations active in the sector

Employers' associations follow the same logic as workers' organisations according to the Law in force. This means that only members of the five "umbrella" employers' organisations: BIA, BCCI, UPEE, BUPE "Vuzrazhdane" and EABG, are able to act in the sector, yet not all of them have structures in the sector. In fact, there is only one employers' chamber, which is involved in CB and tries to play a role in the social dialogue.

Bulgarian Chamber of Mining and Geology - Българска Минно-геоложка камара

The Bulgarian Chamber of Mining and Geology was established in 1992. Its main funding is based on membership fees and sponsorship.

The organisation's activities cover sub-sectors NACE C 10, 13 and 14. Its members also include companies performing geological surveys (R&D) and construction of installations, related to M&Q, such as: NACE K 73.1, 74.2, 74.4 and F45.34. The organisational staff is composed of a minimum of three full-time employees.

Its members are mainly private SME's. In accordance with its status as a member of a national employers' association (i.e. Bulgarian Industrial Association), this organisation is legally recognised. Indeed, it negotiates at sector level for the Mining and Quarrying industry (and has the power to sign collective agreements at this level for the sector).

Currently, one extension to the CA was signed in 2003 and will remain valid until the end of 2006.

This organisation does not take part in collective bargaining at company level.

As far as tripartite consultation is concerned, it is not typical to sign a CA in a tripartite manner. Indeed, in the sectoral tripartite councils it is possible to sign common memorandums, appeals etc. For the sector such types of agreements are not signed, because in general they do not have strong legal power and in fact they are rarely useful.

At national level, this organization is affiliated to the Bulgarian Industrial Association.

Note: **MINI MARITSA IZTOK EAD (Bulgarian Lignite Producer)** is the biggest company active in the Mining sector. It is a member and one of the founder of the Bulgarian Chamber of Mining and Geology. According to the representative of the Chamber (BCMG), this company also often represents the chamber in EURACOAL¹⁸.

Employers' organisations

Organisation (English name)	Members		Estimated density	Collective Bargaining (Yes/No)	Affiliations			
	Total number of companies that are members of this organisation	Total number of workers who are working in companies which are members of this organisation			European affiliations		Other affiliations	
					Related to the sector	Others	Related to the sector	Others
Bulgarian Chamber of Mining and Geology	89, of which 63 in M&Q	20,000, of which 12,000 in M&Q	29%	Yes	Euromines Euracoal	No	No	No

Source: Bulgarian Chamber of Mining and geology, June 2006.

¹⁸ According to the representative of the Chamber (BCMG), as far as both the chamber and this company are directly affiliated to Euracoal, the chamber sometimes authorizes the company to represent it (as doing a favour).

3. DESCRIPTION OF THE SOCIAL DIALOGUE IN THE SECTOR AT NATIONAL LEVEL

3.1. Description of the tripartite concertation in the sector

It could be said that tripartite concertation is the general procedure in Bulgaria, mainly for the state-owned companies. Indeed, there are traditionally strong mining unions in Bulgaria. This consultation is organised by the Ministry of Economy and Power Supply. The partners involved are the Federation of the Independent Trade Unions of Miners (CITUB) and the Miners Federation Podkrepa, on the workers' side, and the Bulgarian Chamber of Mining and Geology, on the employers' side.

This consultation deals with the following general matters: structural changes and social outcomes, collective disputes and breaches of CAs, and also reports on social security, Occupational Health and Safety, ecology, collective dismissals, privatisation procedures and strategies. On the whole, it is mainly the problems of state-owned companies which are discussed.

In 2004 a "Strategy for the development of coal mining" was signed, but it is not valid anymore since in June 2005, the new government does not recognize this agreement. The agreement was in fact in force for quite a short period in order to achieve some results.

3.2. Description of the bipartite social dialogue in the sector

There are no formal or informal reciprocal recognition systems on the part of social partners. Recognition of representation of the social partners at sector and branch level depends only on affiliation to a nationally representative employers' or workers' organisation. At enterprise level all trade union organisations can negotiate with the employer in the bargaining process.

At Sector level

There is no obligation to take part in sector level bargaining. The three partners involved (Federation of the Independent Trade Unions of Miners - CITUB, Miners Federation Podkrepa, Bulgarian Chamber of Mining and Geology) do not suffer from a lack of recognition, because there is no conflict between the players regarding these issues.

At sector level, one collective agreement has been signed. It will stay in force until the end of 2006. Bulgarian legislation allows one CA in force for any particular sector. Among others things, it deals with the following issues: wages, working conditions, working time, collective issues, with a particular focus on wages and OHS. Its duration has been fixed for two years (it is strictly regulated by the Labour Code - not less than 1 year and not more than 2 years, i.e. 1-2 years). It covers mainly blue-collar workers.

In comparison with the total number of companies, its coverage rate is 29% (63 companies out of 217 in the sector), which represents in total more or less 58%¹⁹(about 20,000²⁰ out of 34,392) of workers.

As far as the extension mechanism is concerned, only the Minister of Labour and Social Policy is authorised to decide it on the basis of an official request submitted by the social partners. This mechanism has not been used at all in the country to date. Indeed, although there have been many requests from different sectors, the Minister has not allowed any extension up to now.

At company level

At this level all trade union sections (even those of non-recognised unions) are allowed to negotiate directly with the individual employer (principal, executive). There is no obligation to participate in this bargaining process. In the case of more than one union section willing to participate in CB, they have to submit a common CA draft to the employer. This is because the regulation allows only one CA in force for each establishment. Most often the dominant players at company level are the sections of the two biggest trade union confederations (CITUB and Podkrepa) as they have the largest organisational structures in the country.

Concerning recognition issues, there is no requirement for representation at this level and there are no other players aiming to participate in CB at the moment.

According to an estimate by the branch chamber, there are currently more or less one hundred collective agreements in force at this bargaining level. Unfortunately, as no estimates have been made, it is difficult to distinguish between those signed within multinational enterprises and/or SMEs, for instance.

Their duration is fixed generally for one or two years and they cover issues like wages, working conditions, working time, collective issues with a particular focus on wages and OHS.

¹⁹ Calculation by the national expert, based on the estimates of the social partners in the sector since there is no official data

²⁰ Estimate by the branch chamber

In comparison with the share of companies within the sector covered by a company collective agreement, its coverage rate is 46%²¹(about 100 companies out of 217). This must approximately represent a share of employees in the sector who are covered by a company collective agreement of about 70%²².

There is no mechanism to extend the CA. Collective/group joining is not allowed by the Law. However, individual workers can join the signed agreement. Individuals can join the CA by submitting a simple application to either the employer or trade union that is a signatory party. This procedure for personal joining is used widely.

The agreements negotiated at sector level are, generally, rules for company CA's. Both these levels are relatively well-developed despite the company level supplies higher coverage. Indeed, there are companies outside the chamber which sign company collective agreements.

Individual employers that are not members of the chamber are not inclined to take part in CB at sector level; the dialogue is seen by the Miners Federation Podkrepa as gradually becoming ineffective at the stage of implementing CAs in practice. In general, it could be said that only the social partners are convinced of the development and promotion of bipartite social dialogue at sectoral level.

4. COMMENT

The sector and the existence of strong trade unions are both traditional in the country. There are no companies active in subsector CAB12. The sector accounts for about 1.4% of national employment, and so it should be regarded as a small sector²³. At the moment private companies and SMEs predominate. Yet, there are 11 big state-owned companies, which employed about half of the workers in the sector within the last few years. However, in 2005 employment in the private sector was boosted significantly (by about 6,500 people) after a period of stagnation and thus employment in the private sector predominated. Wages in the sector are among the highest in the country which is regarded as compensation for poor working conditions. The National working conditions survey in 2005 revealed that the most significant negative divergence from the average rate of satisfaction with working conditions is observed in mining and quarrying (56.5% workers satisfied) against 73% national rate of satisfaction (country average)²⁴.

The first CA signed in Bulgaria after the changes in the 1990s was the CA for the mining & quarrying sector (1991-1992). Although many things have changed since 1990 (fewer workers, lost union membership etc.), the bipartite and tripartite CB are still the rule as compared to other sectors. The tripartite consultations mainly deal with the problems of public companies. The coverage rate of CAs in the sector is very high compared to the country average: at sectoral level 29% of companies and 58% of workers are covered. At company level the coverage is about 46% for companies and 70% for workers.

²¹ Estimate by the branch chamber

²² Estimate by the national expert, based on the estimates by the social partners in the sector since there is no official data

²³ As compared to trade, textiles and transport, for example

²⁴ Gladicheva, R. 2005. National Working Conditions Survey, NWCS: <http://www.eurofound.eu.int/ewco/surveys/BG0509SR01/BG0509SR01.htm>

Gladicheva, R. 2006. "How job satisfaction is measured in surveys: Bulgaria". Topic report: <http://www.eurofound.eu.int/ewco/topicreports.htm>

ROMANIA

1. DESCRIPTION OF THE SECTOR'S CHARACTERISTICS AT NATIONAL LEVEL

1.1. Delimitation and scope of activities in the sector

In the official statistics, the sector is to be found in the C section of the NACE Rev 1 classification (Extractive Industry) and includes groups 10, 11, 12, 13 and 14. Including NACE 11 activities makes it difficult to use the statistical data published by the National Institute for Statistics (INS). The companies that are affiliated to the employer's organization are mostly from the sub-sectors whose activities are defined by NACE 10, 12 and 13 and only a small part from the quarrying sub-sector (NACE 14) along with research institutes working in the mining domain. As far as trade unions are concerned, they represent all the sub-sectors corresponding to NACE 10, 12, 13 and 14 as well as employees in geology. So, the delimitation of the sector from the INS point of view is looser than that found in the trade unions and employers' organizations.

1.2. Socio-economic features of the sector

Unfortunately, there is no data on the GDP and the added value of the sector. According to the social partners, there is no underground economy in the mining sectors (great majority of companies are state owned)²⁵.

According to the statistical data provided by the INS, at the end of 2004 there were 519 companies registered in the sector:

Companies 2004 (by sub-sectors)

	Number of companies
NACE 10	15
NACE 12	1
NACE 13	11
NACE 14	492
Total	519

Source (INS, 2004).

It can be seen that around 95% of the companies in the sector are companies whose activities are related to construction materials, those having activities of energy-producing resources extraction being small in number but extremely important for the national economy.

From the point of view of enterprise size, the majority (57%) are micro-enterprises, 22.4% small enterprises, 5% medium enterprises and 4.2% large enterprises. It must be stated that the majority of large enterprises are active in the coal extraction and preparation sub-sector, radioactive minerals extractions and preparation and metallic minerals extraction and preparation, while the small and medium-sized enterprises are mainly to be found in the sub-sector of construction industry materials extraction. There are only 4 foreign capital companies in the sector.

At the end of 2004 there were 61,104²⁶ salaried employees in the sector: 31.3% in superior coal extraction and preparation; 35.3% in inferior coal extraction and preparation and 13.2% in the sub-sector of non-iron and rare ores extraction and preparation.

It is important to note that while the large and very large enterprises represent only 4.2% of the total number of enterprises in the sector, the labour force in these enterprises represents 85.5% of the total number of salaried employees in the sector.

88.5% of the total number of employees are workers and 11.5% are technical and administrative personnel, specialists and various types of managers. The share of women in the total number of personnel is 14.7%. The average age is relatively low (38 years), the majority of employees being between 35 and 45 years old²⁷.

²⁵ According to Toni Grebla, General Director, PATROMIN: "Perhaps, but only in small private companies, there are cases of using a "black" labour force but these cases are insignificant at sector level".

²⁶ Cf. statistical data from INS, March 30, 2006.

²⁷ The Mining Industry Strategy for 2004-2010, table 2, pg. 7.

46% of employees have basic training (secondary school), 45% high school and 9% higher education²⁸.

Wages differ from one sub-sector to another. The average monthly wage per person in 2004²⁹ was as follows:

Coal extraction and preparation:	11,202,085 ROL (276 euro) ³⁰
Metal ores extraction and preparation:	7,833,446 ROL (193 euro)
Other extractive activities:	6,691,152 ROL (165 euro)

The average Romanian wage tends to be lower (5,986,386 ROL – 148 EUR per month, in 2004³¹).

In 2004, the Romanian Government set up a Strategy for the Mining sector (2004-2010). Through a series of tools, the main objective is to achieve the functioning of the Mining sector in the conditions of the market economy. Policies aim to eliminate financial losses in the mining sector (for instance by closing down unviable mines). This Strategy is characterized by rapid restructuring³² followed by privatization and the attraction of investors³³.

Companies (December 31, 2004)

NACE	Number of companies	Companies without employees %	Companies with <10 employees %	Companies with 10-49 employees %	Companies with 50-249 employees %	Companies with > 249 employees %
10.1	4	0	50 (2)	0	25 (1)	25 (1)
10.2	11	0	36.4 (4)	27.3 (3)	9 (1)	27.3
12.0	1	0	0	0	0	100 (1)
13.1	3	33.3 (1)	33.3 (3)	0	0	33.3 (1)
13.2	8	0	12.5 (1)	12.5 (1)	0	75 (6)
14.1	165	13.3 (22)	57.6 (95)	22.4 (37)	4.8 (8)	1.8 (3)
14.2	296	10.1 (30)	59.1 (175)	24 (71)	5.1 (15)	1.7 (5)
14.3	4	0	50 (2)	25 (1)	25 (1)	0
14.4	5	20 (1)	60 (3)	0	0	20 (1)
14.5	22	22.7 (5)	59.1 (13)	13.6 (3)	0	4.5 (1)
TOTAL	519	11.4 (59)	57 (296)	22.4 (116)	5 (26)	4.2 (22)

Source: National Institute of Statistics, March 30, 2006.

Workers (2004)

²⁸ Idem, pg. 7.

²⁹ Romanian statistical Yearbook 2005, pg. 224.

³⁰ For an annual exchange rate of 40,532.11 ROL/ euro (cf. www.bnr.ro – annual statistical series).

³¹ Romanian Statistical Yearbook, 2005, p. 222.

³² According to one of the trade union interviewees, there were around 180.000 employees within the Mining sector before 1997. Since that year, this number has greatly decreased. Currently, around 45,000 people work within this sector but the general decreasing trend and the workforce reduction will surely be continued by the Strategy for the Mining sector.

³³ The Mining Industry Strategy for 2004-2010.

NACE	Number of self-employed workers in the sector	Number of employees in the sector	Number of employees in the sector/ total number of employees in the country –all sectors- (%)	Number of employees in companies with <10 workers in the sector/ number of employees in the sector (%)	Number of employees in companies with 10-49 workers in the sector/ number of employees in the sector (%)	Number of employees in companies with 50-249 workers in the sector/ number of employees in the sector (%)	Number of employees in companies with >249 workers in the sector/ number of employees in the sector (%)
10.1	1	14,889	0.33	(7) 0.05	(0) 0.00	(52) 0.35	(14,830) 99.60
10.2	3	16,801	0.39	(11) 0.07	(59) 0.35	(219) 1.30	(16,512) 98.28
12.0	0	1,939	0.04	(0) 0.00	(0) 0.00	(0) 0.00	(1,939) 100.0
13.1	1	347	0.00	(1) 0.29	(0) 0.00	(0) 0.00	(346) 99.71
13.2	19	15,902	0.36	(8) 0.05	(29) 0.18	(0) 0.00	(15,865) 99.77
14.1	40	2,744	0.06	(232) 8.45	(745) 27.15	(872) 31.78	(895) 32.62
14.2	58	5,447	0.12	(562) 10.32	(1,462) 26.84	(1,757) 32.26	(1,666) 30.58
14.3	1	103	0.00	(8) 7.77	(21) 20.40	(74) 71.83	(0) 0.00
14.4	12	2,507	0.06	(6) 0.24	(0) 0.00	(0) 0.00	(2,501) 99.76
14.5	5	425	0.01	(28) 6.59	(55) 12.94	(0) 0.00	(342) 80.47
TOTAL	140	61,104	1.37	(863) 1.41	(2,371) 3.88	(2,974) 4.87	(54,896) 89.84

Source: National Institute of Statistics, March 30, 2006

2. DESCRIPTION OF THE ORGANISATIONS ACTIVE IN THE SECTOR

2.1. Description of the workers' organisations active in the sector

The system of the reciprocal recognition of social partners is a legal one, stipulated by Law 130/1996, modified and completed by Law 143/1997 on the Collective Work Contract³⁴. The Law establishes the representation criteria for a trade union or employers' association structure and for each level. Only those structures for a certain level can negotiate a CA at the corresponding level. Recognition of representation must be by a legal authority (law court) through a civil order, based on the documents presented by each trade union or employers' association. Due to this legal regulation, there are no problems regarding the recognition of the social partners and their capacity to negotiate CAs.

a) National Mining Central/ Centrala Nationala Miniera

This federal organisation was established in 1990. The main sub-sectors represented are: chemical fertilisers; synthetic threads and fibres; inorganic chemical products, medicines. It is a legal entity representing the mining sector. It was established in 1990, on the basis of Law 21/ 1924, to which all the trade unions in mining and geology adhered. The federation includes several trade unions representing the coal, ores, radioactive metals, salt and non-metal ores sub-sectors as well as the trade unions in geology. Its main sources of finance are based on members' subscriptions. The federation employs three full-time staff. Its members include all categories of workers.

The federation is known as representative at sector level, meeting the conditions of Law no.130/1996, modified and completed by Law no. 143/1997³⁵ which also gives the right to negotiate collective agreements. The federation takes part in consultations with the employers' organization at sector level and at company level. The issues discussed mainly relate to the regulation of industrial relations in the mining sector. Another feature of consultation is dialogue with the government and the General Mining Department of the Ministry of Economy and Trade on aspects concerning the sector's development strategy. The dialogue at company level focuses on issues specific to the company at a given time.

³⁴ Law 143/1997, Art. 14-19, Official Monitory no.172/ July 1997.

³⁵ Art. 14-18.

In 2003 it signed a collective agreement at branch level (for 2003), and in 2004 it negotiated the collective agreement for 2004- 2007³⁶.

At company level, the negotiation and signing of the collective agreement is carried out by the trade union(s) in each enterprise. The federation provides judicial and economic consultancy for the trade unions, when the latter request it, or it intervenes in situations when the negotiations are blocked³⁷. It has not signed collective agreements at company level.

As far as the tripartite consultation for the sector is concerned, it takes place within the institutionalized structures, namely CES and the Social Dialogue Commission in the Ministry of Economy and Trade (MEC). The very large number of social and economic issues submitted for dialogue makes these structures fairly inefficient³⁸. Usually, in tripartite consultation no collective agreements are signed.

At national level, the trade union is affiliated to the National Trade Union Confederation "Cartel Alfa". At European level, it is a member of European Mine, Chemical and Energy Workers' Federation (EMCEF), and at international level, of the International Federation of Industry Workers (FMTI).

b) Valea Jiului Trade Unions Federation (FSVJ) / Federatia Sindicatelor Valea Jiului

FSVJ has a federal trade union structure. The federation now includes 2,000 members from six trade unions affiliated to it. The major sources of finance are subscriptions, donations, income from the culture and leisure institution owned by the federation and from using the federation's own material base³⁹, and sums from the collective bargaining fund. The federation represents the coal extraction sub-sector, the car manufacturing industry, and computer operators and sectors. Of the total number of members, approximately half belong to the coal extraction sub-sector. Its members include all social and professional categories of workers.

The federation does not have its own employees, the entire activity being voluntary.

The organization has representation at mining sector level and legal recognition. By virtue of this, it participates in collective bargaining at the level of the mining industry branch. It signed the collective agreement at branch level for 2004-2007⁴⁰. The organization takes part in collective bargaining at company level. It has signed only one agreement, with the National Mineral Coal Central Petrosani. There is institutionalized tripartite consultation within the dialogue committee of the Ministry of Economy and Trade, where the federation does not have direct affiliation, and the interests are represented by the confederation to which it is affiliated (CNS Cartel-Alfa). In exchange, the organization participates in the bipartite dialogue with the National Mineral Coal Central Petrosani administration board. At national level, Valea Jiului Trade Unions Federation is affiliated to CNS Cartel –Alfa.

c) Valea Jiului Mining Trade Unions League (LSMVJ) / Liga Sindicatelor Miniere Valea Jiului

LSMVJ is an association-type trade union. Currently 15 trade unions are affiliated to LSMVJ with around 12,000 members. Its financing is based principally on the subscriptions of affiliated organizations. The League represents the coal extraction sector. Its members include all social and professional categories of workers.

Its staff consists of 12 employees.

LSMVJ is representative at the level of the National Mineral Coal Company and has legal recognition.

The organization participates in collective bargaining at branch level with the approval of the trade union confederation to which it is affiliated (The Meridian National Trade Union Confederation).

The last collective contract at branch level signed by the league includes the period 2004-2007⁴¹.

The organization participates in collective bargaining at company level. In 2005 it negotiated only one collective contract at company level and several additional acts to the collective contracts signed in previous years.

³⁶ The collective working contract unique in the mining and geology industry branch level for 2004-2007, Official Gazette, Part V no.1, February 2004..

³⁷ Interview, Octavian Luca, Vice- president CNMR.

³⁸ Therefore, in the mining sector bipartite dialogue, both between trade union and employers and between trade union and authorities, functions much better and with concrete results.

³⁹ Valea Jiului Trade Unions Federation Statute, art 21, <http://www.fsvj.ro>.

⁴⁰ The sole collective agreement at the mining and geology industry branch level for 2004-2007, Official Gazette Year 172/ February 16, 2004.

⁴¹ The sole collective agreement at the mining and geology industry branch level for 2004-2007, Official Gazette Year 172/ February 16, 2004.

There is tripartite consultation at sector level and FSMVJ participates in the tripartite dialogue within the institutional structures: CES, the social dialogue commission in the Ministry of Economy and Trade and in the Gorj Prefect's Office. The main issues submitted to the tripartite dialogue concern the social problems of employees in the sector, jobs, health care assistance and work security, and the professional training of trade union members. In the last three years it has signed 10 agreements, the majority concerning social problems in Valea Jiului. At national level, it is affiliated to the Meridian National Trade Union Confederation

d) Mining Central Meridian / Centrala Miniera Meridian - CMM (Formerly : The Federation of Copper Mining Trade Unions in Romania (FSMCR) Federatia Sindicatelor Miniere a Cuprului din Romania)

CMM (FSMCR) is a trade union structure of federal type was established in 1992 with two trade unions. Currently, 6 trade unions are affiliated to this structure which represents around 4,000 members. Its main sources of finance are subscriptions and sponsorship. It represents the "extraction and preparation of metal ores" (NACE codes 131 and 132), the extraction and preparation of copper, gold, complexes etc. Its members include all social and professional categories of workers. The Federation has one full-time employee.

The organization fulfils the representation conditions at branch level and is legally recognized. The last collective labour contract in the mining industry branch negotiated and signed by the federation was in 2004, for 2004-2007. FSMCR negotiates and signs contracts at company level⁴².

There is tripartite consultation at branch level within CES and the dialogue committee of the Ministry of Economy and Trade in which the Federation participates directly through its representatives. The organization has the mandate to negotiate within these structures for the sub-sector which it represents. It has not signed tripartite agreements.

At national level, CMM (FSMCR) is a member of the Meridian National Trade Union Confederation

Workers' organization(s)

Organisation	Members		Estimated density	Collective Bargaining (Yes/No)	Affiliations			
	Total number of members of the organisation	Number of members who are working in the sector			European affiliations		Other affiliations	
					Related to the sector	Others	Related to the sector	Others
National Mining Central	35,000	35,000	57.3	yes	EMCEF	-	-	FMTI
Valea Jiului Trade Unions Federation	2,000	2,000	1.6	yes	-	-	-	-
Valea Jiului Mining Trade Unions League	12,000	12,000	19.6	yes	-	-	-	-
Mining Central Meridian - The Federation of Copper Mining Trade Unions in Romania	4,000	4,000	6.5	yes	-	-	-	-

⁴² According to the law regarding the collective labour contract, as the organization that is representative at a higher level is also representative at a lower level, and it can therefore negotiate at company level.

2.2. Description of the employers' organisations active in the sector

PATROMIN Mining Employers Association /Asociația Patronala Miniera PATROMIN

The organization is a structure of the association type. It is organised and functions according to the employers' organizations' law and its own statute. It is the only employers' organization in the sector. It was established in 1992. It represents 23 companies with around 41,000 employees. Its main sources of finance are the members' subscriptions and entry fees.

The organization represents the sub-sectors of coal, lignite and mineral coal extraction; extraction of copper, iron, zinc, gold, uranium ores; activities for preparing coal; research and design institutions in the domain of coal and mineral ores. The companies which are represented are mostly medium and large; around 90% are state-owned companies and 10% private companies, which cover all the activities in the branch. Over 95% are local capital companies. 4 full-time employees and 1 part-time employee constitute the organisational staff.

The organization is representative at branch level as it meets the representative conditions of the law regarding the collective labour contract.

The organization participates in collective bargaining at branch level. The last collective contract that was negotiated and signed covers the period 2004-2007. Every year there is an additional act that modifies certain provisions in the contract (especially changes to wages at sector level).

The organization does not participate in collective bargaining at company level. Within the Ministry of Economy's social dialogue committee the organization participates in tripartite consultations and the negotiation of aspects regarding the sector's general issues: the restructuring of the sector, privatization, the provision of new technology, social issues of the sector's labour force, environmental issues and so on. Up to now, no tripartite agreement has been signed⁴³.

PATROMIN is affiliated at national level to The Industry, Services and Commerce Employers' Confederation (CPISC) and at European level to EUROMINES and EURACOAL.

Employers' organizations

Organisation	Members		Estimated density	CB (Yes/No)	Affiliations			
	Total number of companies that are members of this organisation	Total number of workers who are working in companies which are members of this organisation			European affiliations		Other affiliations	
					Related to the sector	Others	Related to the sector	Others
PATROMIN Employers Organization Association	23	41,000	67.1	Yes	EUROMINES EURACOAL	-	-	-

Source: Toni Grebla, General Director, PATROMIN

3. DESCRIPTION OF THE SOCIAL DIALOGUE IN THE SECTOR AT NATIONAL LEVEL

3.1. Description of the tripartite concertation in the sector

There is tripartite concertation in the mining sector. It takes place within two institutionalized structures, the CES and the social dialogue commission in the Ministry of Economy and Trade. The authorities are represented by officials from the Ministry of Economy and Trade, which coordinates the majority of the mining sector. On the other hand, as the mining sector is an important

⁴³ According to Toni Grebla, General Director, PATROMIN May 9, 2006: "There is legislation for social dialogue, there are consultations between the authorities and the social partners, but the important decisions are made by the authorities, without taking the opinion of the employers' organization or of the trade union into consideration to any great extent. In this way, the consultation of the social partners becomes a formality, with the authorities not wanting to give up their monopoly on decisions."

component of the national economy and is undergoing a massive restructuring process (with important social consequences), there is also an un-institutionalized tripartite dialogue between authorities, trade unions and employers for finding solutions to the sector's specific or general problems.

However, the social partners consider that the dialogue and consultation are frequently a formality, and the decisions are made by the authorities without taking into account the opinions and solutions put forward by the social partners. In this way, the representatives of the authorities prove that they do not want to give up their monopoly on decisions.

The tripartite concertation covers all employees and employers represented by the trade union and employers' organizations.

The problems submitted to tripartite concertation are the following: restructuring and privatizing the mining sector; the status of state-owned companies; the provision of new technologies and the modernization of enterprises in the sector; the social protection of employees in the case of collective layoffs.

Usually, no tripartite agreements are signed.

3.2. Description of the bipartite social dialogue in the sector

a) At sector level

The social partners who participate in the negotiations for a collective agreement at sector level are the four trade union federations (National Mining Central; the Valea Jiului Trade Union Federation; Valea Jiului Mining Trade Unions League; the Copper Mining Trade Union Federation in Romania) and the Employers Organizations Association PATROMIN. There is no obligation to participate in sectoral collective bargaining but the social partners, especially the trade unions, are interested in participating in the negotiation and signing of the collective agreement. Indeed, the provisions of the collective labour contract at sector level are minimal and mandatory for the collective contracts signed at levels below branch level (group of units and company).

There are no conflicts between partners regarding the recognition of their representation (attested by a civil sentence of the Bucharest Court House or by a mandate from a confederation to which a federation that does meet the representation conditions at branch level is affiliated). A collective agreement was signed for 2004-2007⁴⁴.

The main provisions of these CAs are the obligations of the employers; the obligations of trade union organizations; job description; negotiating and executing the collective labour contract; working conditions, safety and health at the workplace for employees; working time and breaks; overtime; night hours; employees' wages; social and special protection of employees and various employee benefits; professional, economic and trade union training; work discipline.

It covers all categories of employees, i.e. a coverage rate of 62%⁴⁵ in relation to the number of companies and over 80% in relation to the number of employees.

There are legal procedures for extending the provisions of the collective agreement to parties who have not signed the agreement. This is stipulated by the Law regarding the collective agreement⁴⁶ which states the following: "the terms of collective labour agreements have effects ...for all employees in all units in the activity branch for which the collective agreement has been signed." As far as the prospects for social dialogue at sector level are concerned, the social partners appreciate that it should be developed. However, this depends on the future development of the sector, namely: the privatization process and the future configuration of the sector, depending on the type of property; the structure of companies' function of size, and the change in the number of employees.

b) At company level

Company level bargaining involves the trade union organization(s) in the company or, where there is no trade union, the elected representatives of the employees and the company's administration board.

There is a legal obligation to negotiate and sign a collective agreement at company level "with the exception of a unit which has less than 21 employees"⁴⁷. There are no conflicts between the players regarding recognition.

Unfortunately, there is no definite data about the number of collective working contracts signed at company level, but their number is estimated at around 60⁴⁸. In general, they cover large and medium-sized enterprises.

⁴⁴ The sole collective labour contract at the level of the mining industry branch and geology for the period 2004-2007, Romania's Official Gazette - Part V Year172/ February 16, 2004.

⁴⁵ Cf. The sole collective labour contract at mining industry branch and geology level for the period 2004-2007, Romania's Official Gazette - Part V Year172/ February 16, 2004, Annexe no.1, pg. 18-23.

⁴⁶ Law 130/ 1996, modified and completed by Law 143/1997, art. 11. c.

⁴⁷ Idem, art. 3, al 1 In order to strengthen the character of obligation, the law establishes sanctions for owners who refuse to negotiate the collective agreement.

⁴⁸ Source : Interview, National Mining Central.

The content is similar to that of the collective agreement at branch level, but it is adapted to the specific conditions of each company

Usually, the duration of the collective contract at company level is one year. However, there are companies in which the collective agreement is signed for a longer period (two or three years), and each year, an additional act is signed, which modifies certain provisions in the contract. A company CA covers all the employees in the company. From estimates, we can assume that around 12% of the total number of companies have a CA signed at this level of bargaining, which represents approximately 60% of the total number of employees in the sector.

As far as an extension mechanism is concerned, legally the provisions of the collective agreement have effects “for all the employees in the company”⁴⁹, irrespective of the social and professional category they are part of, irrespective of whether or not they are trade union members. At company level there are committees that check whether the provisions of the collective labour contract are applied.

4. COMMENT

The mining and quarrying sector has been and is an important sector for the national economy, in terms of the country’s energy balance. Over the last ten years (and beyond) it has been subjected to an extensive process of restructuring and modernization.

The main trends in the sector: restructuring the companies according to the principles of a market economy, free competition; the privatization of viable enterprises; closing down companies that are not capable of supporting themselves after the elimination of subsidies; reduction in the number of employees and reduction of company size; the development of surface mining; the development of construction material and ornamental rocks exploitation, as there are unexploited reserves and considerable demand on the market.

As far as the promotion of a social dialogue at sector level is concerned, the players who promote it are the trade unions and employers organizations which are representative at this level. There is, however, a particular feature of the bipartite dialogue in the mining sector, namely that frequently the bipartite dialogue between trade unions and employers is replaced by dialogue between the trade unions and the authorities. This usually happens in the case of state-owned enterprises. As far as the promotion of social dialogue at sector level is concerned, there are two situations: one where it is promoted by the trade unions and the employers and another where it is promoted by the trade unions in association with the authorities.

⁴⁹ Idem, art. 11, litera a.

TURKEY

1. DESCRIPTION OF THE SECTOR'S CHARACTERISTICS AT NATIONAL LEVEL

1.1 Delimitation and scope of activities in the sector

Four significant organisations provide official information on the mining and quarrying industry in Turkey. They are the TÜİK⁵⁰ (Statistics Establishment of Turkey), the DPT (State Planning Organization), the CSGB (Ministry of Labour and Social Security) and the Treasury. The TÜİK is the main institution supplying data on production, employment and trade in Turkey. It tends to use the ISIC Rev 2 based on 3 or 4 digits in its Statistical Year Book of Turkey while employing the ISIC (Rev 3) based on 3 digits in its General Industrial and Workplace Survey.

The DPT generally uses ISIC (Rev. 3) based on 4 digits in its Five Year Development Plans Special Experts Committee Reports. The 8th Five Year Development Plans Special Experts Committee Report considers the mining and quarrying industry as consisting of “energy raw material” “metallic mines” and “industrial mines” sectors. The main report mainly provides qualitative information and no quantitative information is provided. The DPT’s “Sector Profile of Turkish Industry”, on the other hand, uses the ISIC (Rev. 3) based on 4 digits and provides both quantitative and qualitative information on the mining and quarrying industry.

The CSGB uses a system of sectoral classification, established in 1983. The system is largely based on the ISIC Rev (2) and has 28 industrial sectors. This system is the basis for collective bargaining and industrial relations in Turkey. The mining and quarrying industry is the 2nd sector and called the “mining sector” in this system. It includes the following activities such as exploring and prospecting mines, coal mining, metallic ore mining, stone, clay, sand quarrying, salts (including rock salt) and extraction of other mines and the production of substances made out of coal. The CSGB issues the Labour Statistics twice a year providing information on firms, workers, unionisation, collective bargaining and industrial action at sectoral level in line with this classification system. No information is given at sub-sectoral level.

Finally, the Treasury, and its sub-organizations such as Export Unions and Export Promotion Centres also provide information and publish reports on various industries including the mining and quarrying industry. They generally use STIC Rev (3), Harmonized System and Custom Tariff Statistical Positions.

The information on the mining and quarrying industry presented by these organizations tends to be inconsistent as they use different classification systems. Accordingly this study will mainly use the information provided by the TÜİK and the CSGB. The use of the reports and data by organizations such as the DPT and the Treasury will be limited. When information is not available, estimates based on the qualitative interviews will be made.

1.2. Socio-Economic features of the sector

Mining and quarrying activities have a long history in Turkey (Uzunoğlu, 2005). Turkey is currently one of the significant sources of mines and industrial minerals in the world. It has very rich industrial mineral reserves and produces more than 50 minerals (lignite, boron, marble, magnesite, barite, rock salt, feldspar, soda ash, sodium sulphate, bentonite, pumice, gypsum, quartzite, quartz sand, clays, silica sand, perlite, dolomite, sepiolite, emery, meerschaum, calcite, kaolin, bauxite, diatomite, alunite, wollastonite, ornamental stones, trass, building stones, calcium marm, sand, gravel). It also produces some important metallic minerals including copper, chromites, iron ore, gold, sulphur, pyrite, manganese, mercury, lead, zinc and meerschaum.

Lignite is the most important product of the mining and quarrying sector and its total reserves are roughly 8 billion tonnes. Despite the sharp increase recorded during the 1990s, its production has been declining since 2000. Turkey has been self-sufficient until recently, but if the present trend continues, it will have to import lignite. However, Turkey is a net importer of hard coal and iron ore. The production of both minerals meets only about 20% of domestic demand. Metallic minerals such as chromites and copper production have declined since the 1990s. This is generally attributed to the lack of investment in modern machinery and techniques. Boron production has, on the other hand, remained stable while magnesite production has increased and fluctuated since the 1990s. The Turkish mining and quarrying industry, compared to its potential, is not large in terms of production. Further exploration and investments are needed. The existing reserves of metallic minerals have to be developed and capacity utilization has to be increased. The value of the total mining production was USD 2.670 Million in 2000. After a 24% rise in the next few years. It reached USD 3,500 Million in 2004. This means that Turkey is not only self-sufficient but also a net exporter of mining and quarrying products. The total export value of

⁵⁰ The DIE (State Statistics Institute) has recently been converted to the TÜİK (Statistics Establishment of Turkey).

Turkish mining and quarry production is not very large and confined to about 15-20% of the total production value. It was about USD 400 Million and USD 639 Million in 2000 and 2004 respectively. The share of industrial minerals is 40%, followed by natural stones and metallic ores. The export of crude mines and quarry materials accounted for 1.4% of Turkey's total exports in 2000 and those of processed mineral commodities accounted for 16% (DPT, 2004).

Turkey imports a large quantity of minerals. Mineral imports are around 7-10% of the country's total imports. The total amount of imports in the mining and quarrying industry is about USD 1.6 Billion. The major imported items are iron ore, pit coal, kaolin, raw sulphur, natural calcium phosphates, natural sand, granite and electro-fused magnesite.

The mining and quarrying industry ranks fourth in terms of value-added in Turkey. Its contribution to the country's GDP was about 1.5-2% in 2004. In spite of its substantial potential, the industry is relatively underdeveloped and has a small share of the economy. The Turkish mining and quarrying industry has been on the privatization agenda since the early 1980s. Nevertheless the role and share of the private sector has been insignificant and the state, by far, remains the principal player through either having full control of the state enterprises or holding a share in a number of large private and state-owned industrial corporations. The industry is dominated by the public extracting and processing corporations (85% of the mining and quarrying industry belong to the public corporations). In recent years, mineral exports, and domestic and foreign private investments have been encouraged. Yet the share of the mining and quarrying industry in the total investment has rapidly declined since the early 1980s. Indeed, the decisions to privatise most public corporations have even prevented essential investment in the technology and production process. The privatization process has neither been completed nor been successful (Senikanet, 2005). This is because many privatised public companies have either been closed down or put back into public ownership. The public sector firms mainly operate in fuel minerals and metallic ores while the private sector firms are dominant in industrial minerals. The new Mining Law is also likely to give an additional impetus to the privatization process in the sector⁵¹. In the Turkish mining and quarrying industry, foreign investors are allowed to have up to 100% ownership, registered in line with the laws and regulations.

Regarding the structure of the industry, according to the Labour Statistics (LS) there were 6,204 workplaces employing about 127,564 workers in the mining sector in 2005. Considering those firms employing 1-99 workers as SMEs with Turkish standards, it is possible to say that the structure of the industry is overwhelmingly dominated by SMEs. As can be seen from Table 1, those firms employing 1-9 workers constituted the largest group with a 73.75% share of the existing firms. Those firms employing 10-24 workers made up the second largest category with a 14.78% share. The third largest group, those employing 25-49 workers, accounted for 6%. Finally, the firms with 50-99 constituted 2.64% of the firms in this industry. Despite this overshadowing position in the structure of the industry these firms, which accounted for the 97.17% of the existing firms, employed only 40.7% of the workforce. The rest, that is, 59.3% of the workforce was employed by the large firms. The importance of the large firms in terms of employment is obvious. Only 11 firms making up 0.2% of the firms employed about 28% of the workforce.

Table. Number of Firms and Employment in the Mining and quarrying Industry in 2005

Size of Firms	Firms	(%)	Employment	(%)
1-9	4,576	73.75	13,925	10.9
10-24	917	14.78	13,933	10.9
25-49	373	6	12,885	10.1
50-99	164	2.64	11,310	8.8
100-249	116	1.86	17,043	13.3
250-499	31	0.49	10,477	8.2
500-999	16	0.25	11,482	9.0
1000-4999	10	0.16	17,077	13.3
5000- +	1	0.04	19,432	15.2

⁵¹ In retrospect, Turkey has received an insufficient amount of FDI in the mining and quarrying industry. This is largely attributed to the all-embracing state presence in and control of the industry. What is more, some of the public corporations have chiefly maintained a monopoly on certain minerals such as hard coal and borate (Arol, 2002). Not only has this hindered the inflow of FDI, but also detrimentally affected the growth of the private firms in the mining and quarrying sector. Nevertheless the enactment of the Mining Law No 3212 in 1985 and the adequate economic climate for the FDI completely changed the prospect for the FDI in the mining and quarrying sector. After quite a long period, more than 100 MNCs firms have invested in the last couple of years. As a result, 193 MNCs currently operate in the mining and quarrying sector in Turkey. Of these about 85 are involved in marble and other dimensioned and polished stones.

TOTAL	6,204	100	127,564	100
-------	-------	-----	---------	-----

Source: CSGB, Labour Statistics, Ankara, 2005 p.125.

As regards work and working conditions in the Turkish mining and quarrying industry, the work is in general heavy and intensive in the entire industry regardless of the technological level or ownership (public or private). However, in most of the private sector firms with longer hours of work and appalling working conditions, it is even worse. In these firms, workers often work 12-13 hours in a day and have two days weekend-holiday every fortnight. Sometimes the minimum health and safety precautions are not taken. In the public sector, on the other hand, work and working conditions are much better. Fatal accidents and pit gas explosions are frequent even in public companies.

Concerning wages, although it is considered heavy industry, the wages are relatively low, compare to those of the other heavy industries such as shipbuilding. Nevertheless it is possible to say that the wages are relatively high in the unionised firms, particularly in the public sector. In a unionized large public coal company, a foreman receives about USD 1,100, a skilled worker USD 1,000, semi skilled workers USD 900 and unskilled workers USD 800. In a unionised private sector firm, on the other hand, the wages are even less than half of those in the public sector, as a foreman has USD 550-600, a skilled worker USD 450-500, semi skilled USD 375, and unskilled USD 330. Finally, it is reported that in many non-unionised private sector mine companies the workers are paid extremely low wages. The wages are about USD 230, a little more than the national minimum wage (Dev Maden-Sen, 2006). Due to the extensive privatisations and the use of sub-contracting and “redevence”? contracts, low-wages and difficult working conditions and even informal employment are becoming widespread in the Turkish mining and quarrying sector.

2. DESCRIPTION OF THE ORGANISATIONS ACTIVE IN THE SECTOR

2.1. Description of the workers organisations active in the sector

a) *Türk Maden-İş (Union of Mine Workers of Turkey)*

Türk Maden-İş is the largest workers trade union operating in the mining and quarrying industry. Türk Maden-İş was established by a number of trade unions as a trade union federation in 1953. It was converted into a national union after the enactment of the current Trade Union Act No 2821 in 1983. The union expanded its base both in the public and private sector until the end of 1990s. It has lost ground in the public sector due to the privatisations since 2000. It organises the workforce in 6 enterprises with 40 establishments in the public sector while organising the workforce in 40 firms in the private sector.

The firms organised by Türk Maden-İş are mainly active in areas of the exploration, extraction and processing of lignite, metallic and non-metallic minerals. It is important to note that the Türk Maden-İş union has very limited options of taking industrial action. This is because almost 80% of its members work in the part of the industry where strike action is prohibited by law⁵². The union had 50,694 members in 2005.

The centre of the union is in Ankara and it has 15 branch offices mainly located in the Western, and Central Anatolian and Marmara regions. Each branch has a director, a vice director, general secretary, financial secretary and organizing secretary. The union has published a monthly periodical called “Madenci” for over 24 years.

At national level, the union is still affiliated to Türk-İş. At international level, it has been affiliated to ICEM since 1993. At European level, it is affiliated to the EMCEF (European Mine, Chemical and Energy Workers Federation).

⁵²The 29th and 30th Articles of the Collective Bargaining Act No 2822, determine the services and establishments subject to strike and lockout bans. According to these articles, strikes and lockout are banned in services such as life and property saving, funerals and burials, water, electricity, gas and lignite production for thermal power plants, production and distribution of natural gas and petroleum, banking and notary public services, and services carried out by public organizations such as fire departments, intercity highway, seaway and railroad transportation and other rail mass transit.

b) Genel Maden-İş (General Union of Mine Workers of Turkey)

Genel Maden-İş is the second largest authorised trade union operating in the mining and quarrying industry. It was founded under the name of the “Mines Workers Trade Union of Ereğli Coal Basin” in 1947. During the 1990s, the failure of the collective negotiations between *Genel-Maden-İş* and *Kamu-Sen* (the public employer union) for the 50,000 miners in the TTK (*Coal Establishment of Turkey*) and MTA (*Mine Prospecting and Research Institute*) instigated the largest ever industrial action. General Maden-İş demonstrated its capacity to undertake the largest ever miners strike (strike of 30,000 workers in November 1990).

In 1999, the government’s policy to reduce employment and close down all the pits was suddenly changed and an announcement was made that 4,012 new workers were to be recruited by 2001. Since 2000, Genel Maden-İş has intensified its efforts to convince the government to recruit more workers to increase production and save the coal mines in Zonguldak. It also embarked on a campaign against imported coal. The union also successfully concluded the collective negotiations in 2002. The union managed to convince the government to 1,120 recruit new workers in 2005.

It is mainly organised in the Zonguldak Coal Basin, thus almost all of its activities are confined to this region, except the MTA branch which is in Ankara. It has 6 branch offices and organises two public coal companies. The union publishes a monthly periodical, nowadays biweekly, called “Genel-Maden-İş”. It is reported to have 30,509 members in two large public companies in 2005. It is affiliated to Türk-İş, MIF (International Federation of Mining) and ICEM (International Confederation of Chemical, Energy, Mining and Service Workers).

c) Dev Maden-Sen (Union of Revolutionary Mine Prospecting and Operating Workers of Turkey)

Dev-Maden-Sen is a left-wing workers union. It was established in 1959. Its original name was MTA-İş (Union of Workers Employed at the MTA Institute). It was a workplace union operating in the MTA’s mines (the state-owned mining institute).

The union was very active and militant during the 1970s and 1980s in the Turkish mining and quarrying sector. The union is not currently authorized to undertake collective bargaining negotiation. This is because Dev Maden Sen has never achieved the industry threshold and had competency since the enactment of the Collective Bargaining Act No 2822 in 1983. It has never signed any collective agreement. According to the Labour Statistics it has just 1,429 members. In total, 7 people are employed in the central office (+volunteers and unpaid workers).

Trade Unions

Organisation		Members	Members working in the sector	Density	CB	National affiliations	European affiliations	International affiliations
Original name	English name	Number	Number	%	yes/no			
Türk Maden-İş	Union of Mine Workers of Turkey	50,646	50,646	39.7	Yes	Türk-İş, ICIFTU	EMCEF ETUC	ICEM
Genel Maden-İş	General Union of Mine Workers of Turkey	30,509	30,509	23.9	Yes	Türk-İş	EMCEF	ICEM MIF
Dev Maden-Sen	Union of Revolutionary Mine Prospecting and Operating Workers of Turkey	1,429	1,429	1.12	No	DISK, ICIFTU	ETUC	ICEM

2.2. Description of the employers' organisations active in the sector

On the employer side, apart from the public employer union, (Kamu-İş), there is currently no employer union exist in the Turkish mining and quarrying industry⁵³.

Kamu-İş

The first public employer unions were established after the legislation of the first truly Trade Union and Collective Bargaining Acts of No 274 and 275 in 1963. In 1978, the Prime Minister and the President of Turk-İş signed a "Social Agreement": a framework had been developed within which all collective negotiations were to be carried out and agreements were to be signed in Turkey. It was the first and last national level social dialogue structure. Yet it was never effective and was also short-lived. During the military regime the Supreme Arbitration Board renewed the expired collective agreements in line with act No 2364 between 1980 and 1983. Nevertheless, after the legislation of the new Trade Union and Collective Bargaining Acts No 2821 and 2822, the existing 13 public employer unions merged and three public employer unions were established in 1986.

At the end of the 1980s, the increasing power of the public employer convinced Turk-İş to establish a "Public Sector Collective Agreement Coordination Board (PSCACB)". The 1989, 1991 and 1993 collective bargaining negotiations and agreements were conducted between Turk-İş's PSCACB and Kamu-İş at national level. When the negotiations were blocked, the government intervened to resolve the deadlock. To strengthen the national level negotiations structure by signing all collective agreements in a single year⁵⁴, Kamu-İş and Türk-İş agreed to limit the term of all the collective agreements to one year in 1994. This created a national level informal social dialogue mechanism without the participation of the private sector. The 1995 negotiations between the government and Turk-İş were a turning point in the development of public sector industrial relations and collective bargaining. All public sector employer unions decided to merge into one single public employer union within Kamu-İş. Türk Kamu-Sen joined Kamu-İş while the TUIİS General Congress refused to do so. The 1995 collective negotiations were also conducted at national level between the public employer unions, the government and Turks-İş. Kamu-İş, TUIİS and Türk-İş signed a framework agreement (it is called the general agreement protocol) after long and tiring collective bargaining negotiations covering over half a million workers in the public sector. Within the framework of this agreement, Kamu-İş signed 90 collective agreements with Türk-İş⁵⁵. In the Turkish public sector, the tradition of the framework agreement or general agreement has been in force since 1995. Although, 11 trade unions affiliated to Hak-İş and 4 trade unions affiliated to DİSK also sign collective agreements with Kamu-İş, neither Hak-İş nor DİSK is allowed to participate in the national level public sector collective bargaining negotiations.

Concerning the union competency, in contrast to the workers and private sector employer unions, which are allowed to be established and operate in only one out of 28 industrial sectors determined by the CSGB, Kamu-İş has been authorized by law to operate in 24 of these sectors. It represents about 70 establishments and enterprises in the public sector. At the moment 75 collective agreements signed by Kamu-İş are in force⁵⁶. Kamu-İş provides legal and logistic supports for the member establishments and intervenes in relation to problems with the implementation of the collective agreements.

Regarding the organisational structure, Kamu-İş has a general committee, a board of directors, a board of supervisors, a discipline committee, and a general secretariat. The members of these boards and committees are appointed from the manager and experts in the public enterprises for two year periods. The union employs 3 consultants and 14 specialist and researchers along with 10 administrative staff. It publishes a scholarly journal, İş Hukuku ve İktisat (Labor Law and Economics), Labor Statistics and has published about 140 academic books since 1987.

Employers' organisations

Organisation	Sub-sectors covered	Companies	SW	Density Companies	Density SW	CB	National Affiliations	European affiliations	International affiliations
Kamu-İş	Public enterprises	Number	Number	%	%	yes/no			
		8 ⁵⁷	71,025	0.12	55%	Yes	TİSK ⁵⁸	-	-

⁵³ There used to be three employer unions in the past: Türkiye Maden İşletmeleri İşverenleri Sendikası I, (Mining Enterprises Employer Union of Turkey I), Türkiye Maden İşletmeleri İşverenleri Sendikası II (Mining Enterprises Employer Union of Turkey II), and Türkiye Maden İşverenleri Sendikası. The first two employer union were wound up before the 1980 Military takeover while the third was wound up in the late 1990s.

⁵⁴ Since 1995, all public sector collective agreements are signed in single digit years.

⁵⁵ In 1995, TUIİS also signed 57 collective agreements with Turk-İs.

⁵⁶ This means that 5 public enterprises have been privatised since last year.

⁵⁷ It should be kept in mind that Kamu-İş can operate across 24 sectors. It currently represents about 70 public enterprise or multi-plant establishments in the public sector. Thus it only represents about 8 large mining corporations in the public sector.

2.3. Other organisations active in the Mining and Quarrying sector affiliated by European organisations

a) IMMEA – Istanbul Minerals and Metals Exporters' Association

The IMMEA is one of 58 exporter unions operating largely under the control of the Prime Minister, Undersecretariat for Foreign Trade in Turkey. The IMMEA was established in 1976 and its key aim is to preserve moral professional and cooperation among its members, increase exports, verify product items, ensure the competitive advantage of products, help exporters and defend the interests of its members. In other words, it organises and supervises the export activities of member firms and takes the necessary precautions regarding these activities. The IMMEA is not an employer association, but is a semi-official body and represents only those firms which export. It is a member of EUROMINES.

The IMMEA is organised on the basis of exported materials. Thus it has six sub-associations⁵⁹, only one of which, Istanbul Mineral Exporter's Association, is related to the mining industry. The rest of the associations vary from the Istanbul Ferrous and Non-Ferrous Metals Exporters Association to the Jewellery Exporter's Association. The IMMEA currently has 26,037 members. 3,381 are members of the Istanbul Mineral Exporter's Association. It does not deal with industrial relations issues. It has no authority to deal with any industrial relations issue and currently has no intentions of doing so.

b) Miners Association of Turkey (Türkiye Madenciler Derneği)

The Miners Association of Turkey is an employer association established in 1948, in Istanbul. It seeks to protect and improve the interests of private sector mining employers. It is one of the most active organisations in the mining and quarrying sector in Turkey. It currently has 80 members. Its basic aim is to lobby and enhance the interests of its members. It is a member of EUROMINES. As it is an ordinary association, it is not authorised to deal with industrial relation issues or participate in collective bargaining negotiations on behalf of its members. Yet, due to its experience and activities, it is likely to contribute to the social dialogue at sectoral level in the future.

c) ETİ MİNE WORKS

Eti Mine Works (EMW) is the continuation of the first and largest public sector mining establishment ETIBANK, which was established in 1935. ETIBANK had the largest range of activities in the mining industry. It was restructured in 1998 and Eti Holding Company was established. Eti Holding Company also continued the tradition of producing large amounts of minerals and materials. In 2000, the government decided to privatize part of the ETİ Holding and restrict its activities to boron production. Thus, Eti Copper, Eti Chrome, Eti Silver, Eti Elektrometallurgy companies were immediately transferred to the Privatisation Administration in the same year. Eti Aluminium was also transferred to the Privatisation Administration in 2003. The Holding Company was again restructured in 2004 and converted into Eti Mine Works General Directorship. Unlike the other mineral plants, Eti Boron was not privatised and the EMW was in charge of preserving the state monopoly over boron production. The EMW's sole intention is to increase Turkey's share in the world boron markets and increase the production of refined boron in Turkey. The EMW has 8 joint venture companies, 6 of which have foreign capital and 5 plants producing boron products. It currently employs 4,047 workers in its plants and headquarters. The EMW managed to export approximately USD 300 Million of boron minerals. Eti Mine Works is currently a member of the IMA-Europe and European Boron Associations (EUBA).

d) Esan Eczacıbaşı HAMMADELLER San ve. Tic A.S.

It is a private sector company and belongs to Eczacıbaşı Group⁶⁰. The company was set up to produce ceramics raw materials in 1979. It merged with EDM Doğa Madencilik belonging to the same group in 2004⁶¹. As result of this merger, the company produces industrial raw materials in various industries, chemicals, minerals, heat insulating materials, ceramics, furnace and furnace equipment in addition to feldspar, clay, kaolin, quartz and sand. The main export destination is Europe and Middle East. The company employs about 76 workers in its mines and processing plants in 2005. The workforce in these mines and plants is totally non-unionised. The company is a member of EUROFEL and KPC.

⁵⁸ Employer Unions Confederation of Turkey.

⁵⁹ They are the Istanbul Mineral Exporter's Association, the Istanbul Ferrous and Non-Ferrous Metals Exporters Association, the Istanbul Chemical and Chemical Products Exporter's Association, the Istanbul Electrical, Electronic and Electronics and Machinery Products, Exporter's Association, the Istanbul Precocious Minerals and Jewellery Exporter's Association, and the Istanbul Iron and Steel Exporter's Association

⁶⁰ Eczacıbaşı is a prominent Turkish industrial group with a combined net turnover of close to \$ 2.6 billion, 37 companies and more than 8,000 employees in 2005. It operates in pharmaceuticals, building materials and consumer products, finance, information technology and welding technology

⁶¹ There are two other large feldspar producers: Cine Akmaden Madencilik and Klatun Madencilik

e) Association of Turkish Gypsum Producers

The Association of Turkish Gypsum Producers (ATGP) was established in 1995, in Ankara. The association operates at sub-sectoral level in the mining sector. The six largest gypsum producers', mainly joint ventures with foreign capital, are the founders. Only those who process raw gypsum are allowed to join the association. Those extracting and applying gypsum are not allowed to join. The ATGP is not interested in representing its members but its sole aim is to promote and expand the use of gypsum in Turkey. For this purpose, it seeks to collaborate with universities and research organizations and finance scientific symposia and conferences and publish booklets and handouts. It aims to lobby for legislation which would increase the use of gypsum in buildings. It also seeks to develop solidarity among its members and to standardize the products.

It currently has 80 members. They employ in total 1,500 workers. Thus the ATGP has no authority in social dialogue or industrial relations. It is an ordinary association established by Gypsum producers and has no authority to deal with industrial relations and collective bargaining issues. It is a member of the Association of European Gypsum Industries (EUROGYPSUM).

f) BOREN (National Boron Research Institute)

BOREN was established in 2003 in order to institute research and development activities in the field of boron, declared as a strategic material of Turkey⁶². The institute seeks to attract and sponsor "innovative projects" and scientific studies which would develop the markets for existing boron products as well as develop new boron products, inform the public and businesses about the potential consumption areas for boron products, provide technical support to public and private companies in the processing, quality and environmental fields, sponsor and support research and development activities by firms, universities and scientific organisations and promote the domestic consumption of boron products by supplying scientific and practical information to potential consumers. It aims to increase the country's ability to control boron production and boron markets. BOREN also intends to be a bridge between research institutes / universities and industry in all related fields. It has currently no role in the sectoral social dialogue.

g) SERHAM (National Ceramic, Glass and Cement Raw Materials Producer's Association)

SERHAM was established to operate in the field of ceramic raw materials in 1996. The objectives of the association are to organise the producers in the sector, to guide its members, to create common areas in which they can collaborate on restructuring, in line with the conditions imposed by globalisation, to seek to promote Turkish ceramic production and the market share of Turkish ceramic production in the international markets, to seek solutions for their common problems, to ensure that the sector operates in accordance within industry deontology and for the public benefit, and to carry out the role of the highest representative of the ceramic raw materials industry.

The SERHAM currently has 53 members. The founding members are the raw material firms belonging to the largest ceramic manufacturers such as Kale, Toprak, Ege, Eczacıbaşı, Serel. These companies carry out the most of the ceramic production and account for nearly 95 percent of the exports of ceramics in the country. There are both large and medium sized firms among its members.

3. DESCRIPTION OF THE SOCIAL DIALOGUE IN THE SECTOR AT NATIONAL LEVEL

3.1. Bipartite Social Dialogue at Industry Level and Collective Bargaining in the Mining and Quarrying Industry

There is no tripartite or bipartite social dialogue at sectoral level in Turkey. Collective bargaining is the central means for bipartite social dialogue. Collective bargaining basically takes place at establishment (a workplace/plant) or enterprise (multi-plant belonging the same employer) levels⁶³. However, established informal social dialogue structures exist between the government, the public employer union and Turk-İş. This structure is based on the negotiations between Kamu-İş and Turk İş's Public Sector Collective Agreement Coordination Board. When the negotiations are blocked the government becomes involved. If they agree, a "framework agreement" is signed by the parties and the government. The negotiations for such framework agreements are embarked on shortly before the expiry of the existing collective agreements. According to this framework agreement, collective bargaining negotiations are conducted by a manager of a particular public company and the trade unions affiliated to Turk-İş at establishment and enterprise levels in the public sector.

⁶²Turkey has about 65 percent of the world boron reserves. It is also thought that boron will increasingly replace petrol as a source fuel in the near future.

⁶³Enterprise level bargaining is a concept brought in by CBA No 2882. It indicates an undertaking belonging to a corporate body, corporation, or a public organisation or institution, having more than one workplace / plants / establishments in the same sector (Dereeli, 1997).

The Collective Bargaining Act No 2822 regulates the process and procedure of the collective bargaining negotiations and collective agreements. According to the Act, workers and employers trade unions can only be established at sectoral level while collective bargaining negotiations and agreements have to take place at establishment or enterprise (multi-plant) levels. In order to be authorised to negotiate collective bargaining and to sign a collective agreement, labour unions to have accomplish a double-threshold. Nevertheless, the employer unions are not required to meet any criteria.

The first threshold for a labour union is at sector level. A labour union has to recruit at least 10% of the workforce in the sector and recruit at least 50% + 1 workers in the plant where it seeks to sign a collective agreement. Upon crossing both of these thresholds, the labour union must apply to the CSGB to receive its competency certificate to initiate collective bargaining negotiations with the employer of the establishment/enterprise where it has achieved competency⁶⁴.

In the process of collective bargaining, impediments are somewhat different between the public and the private sectors in Turkey. The prime impediments are the extensive privatizations and subcontracting resulting in massive lay-offs, dismissals and de-unionisation in the Turkish public mining and quarrying sector. The recruitment of workers and the recognition of the union's competency are not even considered as problems in the public sector. However, these are the most important problems in the collective bargaining process in the private sector. Employers usually ferociously resist the unionisation of their workplaces in the private sector⁶⁵.

If one of the unions received competency in an establishment /enterprise, the employer usually applies to a court for the re-determination of the union's competency in the private sector⁶⁶. This process generally last up to 2 years during which unionised workers are either dismissed⁶⁷ or they resign from the union in order not to lose their jobs. As a consequence, the union is doomed to lose its competencies in most cases. What is more, to join a trade union, workers must go to a notary during a working day. Most employers do not allow their workers to go to a notary during the day to become a union member. The union officials claimed that this is a major obstacle to the process of unionisation and collective bargaining⁶⁸.

However, an extension of any collective agreement is, theoretically, possible in Turkey. According to CBA No 2822 Article 11, all collective agreements can be extended to non-unionised establishments/enterprises in a specific industry or even to a whole industry by the decision of the government upon a request by an employer or a trade union or even the Ministry of Labour and Social Security itself. The extension of a collective agreement is rare in Turkish industrial relations. No extension of a collective agreement has yet taken place in the Turkish mining and quarrying sector.

All collective agreements signed in the mining and quarrying industry include more or less the same issues. In the public sector, they incorporate 5 directives on topics such as change in place of work, protective equipment provided for workers, paid leave with reason, free-coal for workers for domestic use, and shop stewards. In the private sector, conversely, they tend to less detailed. Although, in the public sector the wages and working conditions are more or less the same, the wages and provisions vary to a large extent between firms depending on their ability to pay and the power of the union in the private sector. Generally, collective agreements deal with the following matters: the provisions on wage levels, wage increases, fringe and social benefits, collection of union dues, election and duties of shop stewards, discipline committees, dismissals, redundancies, compensation, severance payments, promotion, employment of temporary workers, overtime working, overtime payment, shift working, holidays and holiday pay, health and safety, handling of grievances. Most of these provisions are regulated by Labour Law No 4857 at minimum levels; however the collective agreements usually provide much higher and better provisions.

Table. Number of Employees in the Turkish Mining and Quarrying Industry

⁶⁴ It should be noted that the competency of a trade union is determined by the CSGB in line with the Labour Statistics. The Labour Statistics are issued twice in a year. Thus a trade union may lose or even achieve competency within 6 months. But even if it loses its competency the collective agreements signed by such a union are valid until their terms come to an end.

⁶⁵ Most employers, when their workforces are unionised or unions received competency certificates in their workplaces/enterprises, wage an all-out war to defeat the trade union.

⁶⁶ Sometimes rival unions also do not recognise the competency of the union and go to a local court for the re-determination of the trade union's competency.

⁶⁷ If these workers apply to a court and prove being dismissed due to their union memberships, the court generally reinstates them to their jobs. Nevertheless, in such cases, most employers prefer not to re-employ such workers and dismiss them by paying their union compensation and severance payment.

⁶⁸ It should be pointed out that resigning from a trade union has to be done through a notary. The cost of a notary must be met by the workers themselves.

Years	Number of Workers	Number of Workplaces	Unionized Workers	Rate of Unionisation
2003	118,181	5,645	80,965	68.51
2004	122,615	5,957	81,748	66.67
2005	127,564	6,024	82,584	64.74

Source: CSGB, Labour Statistics for 2003, 2004, 2005, Ankara.

Before evaluating the coverage of collective bargaining, it can be seen from the table above that the rate of unionisation was about 68.51% in the Turkish mining and quarrying sector in July 2003. It began to fall in the following years declining to 64.71% in 2005. In spite of the decreasing rate of unionisation, the figure is extremely high for a newly developed economy. These figures should be treated with caution⁶⁹.

Regarding the coverage of the collective agreements⁷⁰, the following table provides information on the number of workers covered by collective agreements in Turkey. To find out the estimated coverage of the collective agreements, an approximate number of workers employed in the industry must be calculated.

Years	Number of CA			Number of Establishments			Number of workers			Those Paying Union Due			Those Paying Solidarity Due		
	PB	PR	T	PB	PR	T	PB	PR	T	PB	PR	T	PB	PR	T
2003	12	22	34	100	46	146	22.445	7.856	30.301	14.538	4.692	19.275	3.651	905	4.556
2004	15	31	46	54	74	128	48.114	10.429	58.543	27.575	6,318	33.893	18.680	1,554	20.244
2005	16	39	55	55	94	149	46.161	12.035	60.169	27.609	7.407	35.016	0	1,516	1,516

Source: CSGB, Labour Statistics for 2002, 2003 and 2005
PB: Public; PR: Private T: Total

It demonstrates that the number of collective agreements in force has increased from 34 in 2003, to 46 in 2004 and to 55 in 2005. The coverage of the collective agreements also increased from 30,301 in 2003, to 58,543 in 2004 and 60,982 in 2005 in the Turkish mining and quarrying industry. The collective agreements covered about 25% of the workforce in 2003, 49% in 2004 and 47% in 2005⁷¹. These figures need to be treated with caution for at least two reasons. Firstly, they exclude the part of the workforce called “exempted personnel”. Exempted personnel habitually consist of managerial and technical staff and civil servants in both the private and public sectors. The extent of the exempted personnel is often confined to 10% of the workforce in the private sector. This is a very important source of conflict in relation to the implementation of the collective agreements in the unionised establishments in the private sector⁷².

⁶⁹ The LS's figures on union membership may have some distortions. This is because most union members, when they decide to resign or move to a different sector, do not go to a notary and spend USD 50 to resign from the unions. The unions do not pay for the cost of notary nor inform the CGBS of those who have resigned from the membership and moved to a different sector or even died. The unions take advantage of this situation to cross the sectoral level threshold. Some researchers argue that the LS's figures about the union members and unionisation may be 50% higher than the actual figure. One of the union's membership records does support this argument in that the union studied within the scope of this report has currently 24,000 members yet the LS shows that it has 50,646 members.

⁷⁰ Information on the coverage of the collective agreements has been given in the LS since 2002. No detailed information is available in the LS preceding 2002. Although there are some inconsistencies, the issue of the coverage of collective agreements in the LS is one of the uncontroversial areas. The figures come directly from the collective agreements signed. Thus, they are, to large extent, based on reliable information on the coverage of collective agreements.

⁷¹ This should not be considered as a rapid rise in the rate of the coverage of the collective agreements. It may mean that some of the unions did not manage to sign collective agreements before July 2004. Thus the talks were extended and an agreement may be signed in the next year.

⁷² These personnel are considered to be civil servants and can become members of white-collar unions in the public sector. However, the white-collar workers unions do not have the right to negotiate collective bargaining or sign a collective agreement. They can, in theory, join the trade union operating in their place of work and be covered by the collective agreement signed in their place of work, in the private sector. However, the content of a collective agreement signed by a worker union tends not to meet their expectations in practice. According to the CBA only one collective agreement can be in force in an establishment or enterprise, thus no other trade union can sign a collective agreement on their behalf.

Secondly, these figures exclude informal employment which is far-reaching in Turkey. It has been estimated by a recent study that informal employment is about 51% in Turkey⁷³. But the rate of informal employment could be much lower than the country's average in the mining and quarrying sector. This is because most of the mines are still under government control and many companies prefer employing formally those who are actually working in the pits. Yet informal employment could be wide-spread in the logistics services and in sub-contracting firms. Therefore, it could be around 20-25% in the entire mining and quarrying sector. All in all, taking the 10% exempted personnel and 20% informal employment into consideration, it can be estimated that the real number of workers could be about 165,833 and thus only 36% of the workforce may be covered by the collective agreements in the Turkish mining and quarrying sector in 2005⁷⁴.

Not all workers covered by the collective agreements are trade union members. Those paying solidarity dues⁷⁵ can be covered by the collective agreements and constitute a considerable part of the workforce. The duration of all collective agreements signed is two years in the Turkish mining and quarrying industry⁷⁶. As can be seen 34 collective agreements covering 146 establishments were in force in 2003. 46 collective agreements covering 128 establishments and 55 collective agreements covering about 149 establishments were in force in 2004 and 2005 respectively. According to the union officials almost no serious conflicts related to the implementation of the collective agreements arise in the public sector. In the public sector, the mining and quarrying industry has been unionised for more than 50 years. The collective agreements are implemented within an institutionalized structure. Moreover, the process of collective bargaining also takes place within a framework agreement signed by Turk-İş, Kamu-İş and the government in the public sector. This structure ensures the low level of conflict over the implementation of the collective agreements. In the private sector, on the other hand, most conflict occurs in relation to exceptional issues, health and safety precautions and equipment. The collective agreements overtly limit the proportion of the exempted workers to 10%, yet management tends to exploit the exempted personnel provisions by increasing its size in most of the firms. It is reported that some employers seek to expand the rate of these employees by up to 15-20% so that during industrial action they could maintain at least a minimum level of production.

4. COMMENT

The original mining and quarrying industry goes back to ancient times in Turkey, but modern mining activities commenced at the beginning of the 19th Century. The Turkish mining and quarrying industry has great potential, albeit relatively underdeveloped. This is because its share of the economy is relatively low. Despite the extensive process of privatisation, 85% of the industry is still under public ownership. In addition, the public monopoly still continues on certain minerals such as hard coal and borate. The private sector mainly operates in industrial minerals.

The structure of the industry is dominated by the existence of a large number of SMEs, but large public companies constitute very important sources of income and employment for rural communities. It seems that work is particularly difficult in underground mines and the necessary health and safety precautions are not properly taken both in the public and private companies.

There are three worker trade unions, two of them are authorized and have signed many collective agreements. Both trade unions have enough experience, a well-established structure and entrenched traditions. They have national, European and international connections. On the employer side, no private sector employer unions exist. There are a number of ordinary associations, none of which are authorised to deal with industrial relation issues. However, as the state is the largest employer, a public employer union, Kamu-İş, is active in the industry.

There is neither tripartite nor bipartite social dialogue at national or industry level. Establishment / enterprise level collective bargaining is the sole mechanism for bipartite social dialogue. It seems to be possible to argue that both workers unions and the public employer union are sufficiently institutionalised and have entrenched customs and traditions in handling industrial relations and collective bargaining issues. An entrenched and uninterrupted pattern of collective bargaining processes and collective agreements is particularly present in the public sector. The rate of unionisation and the coverage of the collective agreements are well above the country's average in the mining and quarrying industry. Those workers covered by the collective agreements have relatively higher wages, better working conditions and employment security than those working in both non-unionised large and small firms. Yet, the lack of employer unions in the private sector

What is more, they mostly represent the employer and have access to most confidential and strategic information about the company. Thus their membership of a worker union operating in their place of work is ethically problematic. Consequently, it has become the custom to exclude managerial and technical personnel from the coverage of the collective agreement in force in their place of work.

⁷³ TİSK, (2005). Sosyal Güvenlik Yasa Tasarılarının Değerlendirilmesi Semineri, İstanbul: No. 256.

⁷⁴ According to the LS, 127,564 workers are employed and the rate of unionisation was about 66% in the Turkish mining and quarrying industry in 2005. The employment figures are directly taken from the Social Security Institutions' records on those paying their social security premiums. Therefore the figure includes only formal employment. Adding about 20-25% informal employment and administrative and technical staff, this figure increases to 165,833.

⁷⁵ Article 9 of CBA No 2822 entitles non-members to avail of the collective agreements by stipulating that those workers who are not members of the union that sign the collective agreement in a given establishment or enterprise on the date of signature or those who have been recently employed yet have not joined the trade union or those who are expelled or resigned from the union after the said date. To be covered by the valid collective agreement the expression of a worker's willingness and payment of the solidarity due are sufficient (Dereli, 1997). For this neither the employer's nor the trade union's consent is required.

⁷⁶ According to CBA NO 2822, the term of the collective agreements cannot be for less than one year or more than three years. After being signed, the term of the collective agreements cannot be extended, shortened or terminated by the parties prior to the end of the term. There is only one exception to this general rule, if the job for which the agreement is implemented; the duration of a collective agreement can also be less than a year.

is a serious handicap for the sector. Its establishment and development is an urgent issue. Consequently, it can be suggested that no major obstacles to the development of sectoral social dialogue at both bi-partite and tripartite exist in the public sector. Yet in the private sector, the lack of an employer union with entrenched custom and traditions will be an enormous impediment for the development of sector social dialogue in the Turkish mining and quarrying industry.

5. LIST OF ABBREVIATIONS

CBA (Toplu Pazarlık Kanunu)	Collective Bargaining Act
CSGB (Çalışma ve Sosyal Güvenlik Bakanlığı)	Ministry of Labor and Social Security
Dev Maden-Sen (Devrimci Maden İşçileri Konfederasyonu)	Revolutionary Mine Workers Union
DİSK (Devrimci İşçi Sendikaları Konfederasyonu)	Revolutionary Workers Trade Union Confederation
DTP (Devlet Planlama Teşkilatı)	State Planning Organization
Genel Maden-İş	General Union of Mining Workers of Turkey
Hak-İş (Hak-İşçi Sendikaları Konfederasyonu)	Real Confederation of Workers Union
Kamu-İş (Kamu Kurumları İşverenler Sendikası)	Public Sector Employer Union
TİSK (Türkiye İşveren Sendikaları Konfederasyonu)	Employer Confederation of Turkey
Türk Maden-İş (Türkiye Maden İşçileri Sendikası)	Union of Mine Workers of Turkey
Türk-İş (Türkiye İşçi Sendikaları Konfederasyonu)	Workers Trade Union Confederation of Turkey
PSCACB (Kamu Kesimi Toplu Pazarlık Koordinasyon Kurulu)	Public Sector Collective Agreements Bargaining Coordination Board

ANNEXES

A. REFERENCES

Bulgaria

- CANSTAT *Statistical Bulletin 2003/4* (last edition), National Statistical Institute, Bulgaria, 2004. (www.nsi.bb/Op/Op.htm)
- www.nsi.bg/Labour_e/Labour_e.htm
- *Industrial Relations in Europe*, European Commission (Directorate-General for Employment and Social Affairs), May 2002, p. 92.
- GLADICHEVA, R. (2005), *National Working Conditions Survey* (www.eurofound.eu.int/ewco/surveys/BG0509SR01/BG0509SR01.htm)
- GLADICHEVA, R. (2006), *How job satisfaction is measured in surveys: Bulgaria* (www.eurofound.eu.int/ewco/topicreports.htm)

Romania

- Law 130/ 1996, modified and completed by Law 143/1997
- Romania's Official Gazette - Part V Year172/ February 16, 2004,
- Collective labor contract Law
- The Law of Foundations and Associations
- Trade unions law
- www.fsvj.ro
- The Mining Industry Strategy for 2004-2010
- *Romanian statistical Yearbook 2005*
- The Mining Industry Strategy for 2004-2010 Implementation Program
- www.bnr.ro
- Romanian Government's Decision no. 349/2006, Official Gazette, Part I no. 260 of 22/03/2006

Turkey

- AROL, A.I. (2002), "*The Current Statutes of FDI and Environmental Issues in Mining in Turkey*", OECD Global Forum on International Investment, Conference on FDI and Environment, 7-8 February 2002, Paris.
- CSGB, *Labour Statistics*, Ankara, 2002
- CSGB, *Labour Statistics*, Ankara, 2003
- CSGB, *Labour Statistics*, Ankara, 2004
- Dev-Maden-Sen, *Özel Sektör Maden İşçileri Ekonomik ve Sosyal Haklar Kurultayı*, Dev Maden Sen: Ankara, 2006.
- DPT, (2004), *Sector Profile of Turkish Industry: A General Outlook*, <http://ekutup.dpt.gov.tr/imalatsa/2004.pdf>
- SendikaneT, (2005), "*Madencilik Sektörü ve Özelleştirme Raporu*", <http://www.sendikaneT.org.tr/dosya/madencilik.doc>
- TİSK, (2003), *Kayıt Dışı İstihdam*, İstanbul
- TÜİK, *Genel Sanayi ve İşyeri Sayımı*, Ankara, 2002
- Uzunoğlu, H. (2005), *Türkiye'de Maden Sektörü*, MTA, Ar-Ge Bülten, Ekim. <http://www.mta.gov.tr/madenler/turmaden/tarih1.asp>.

B. VALIDATION

1. NATIONAL VALIDATION

Bulgaria

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
Bulgarian Chamber of Mining and Geology	Petar Petrov	Executive secretary
Federation of the Independent syndicates of miners - CITUB	Pencho Tokmakchiev	President
Miners Federation Podkrepa	Vladimir Topalov	President

Romania

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
National Mining Central	Octavian Luca	Vice-president
Valea Jiului Trade Unions Federation	Adrian Misarosi	President
Valea Jiului Mining Trade Unions League	Marian Holban	Executive President
Centrale Miniere Meridian	Ion Popescu	President
PATROMIN Mining Employers Association	Toni Grebla	General Director

Turkey

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
Genel Maden -İş	Turhan Oral	Education Secratry
Türk-Maden İş	Fikret Sazak	Education Secratry
Dev Maden Sen	Tevfik Güneş	Education Seretary
Kamu-İş	Hamdi Engin	Reseacher
DPT (SPO)	Ismail Gerim	Researcher

2. EUROPEAN VALIDATION

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
EMCEF	Patrick Mazeau	Deputy Secretary General
APEP	Ernst-Ullrich Krische	European Affairs, K+S Aktiengesellschaft
EURACOAL	Thorsten Diercks	Secretary General
EUROMINES	Corina Hebestreit	Director
IMA-Europe	Michelle Wyart-Remy	Secretary General