



TÜRK-İŞ

TÜRKİYE İŞÇİ SENDİKALARI KONFEDERASYONU

CONFEDERATION OF TURKISH TRADE UNIONS
CONFEDERATION DES SYNDICATS D'OUVRIERS DE TURQUIE
TÜRKSCHER GEWERKSCHAFTSBUND

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Sayı: 2008-630/12.20

Ankara, 22 Eylül 2008

Ref: **Ms. Meg Taylor**
Compliance Advisor Ombudsman
IFC
Washington, DC
Fax: + 1 (202) 522 7400

Dear Ms. Taylor

I would like to thank you for your early reply to our letter regarding the violations of trade union rights in Standart Profil. We are looking forward to the results of your evaluation regarding our complaint.

In addition to the violations in Standart Profil, another violations of organizing rights and freedoms is taking place in **Assan Aliminyum A.Ş (Project number: 26648)**. This company has also applied for a loan from IFC and stated that "... all workers are free to join a union..." in their report presented to IFC. Detailed information that we received from our affiliated union Turk Metal concerning their violations is enclosed.

Our Confederation will highly appreciate from your sensitivity to the enforcement of IFC Performance Standard 2. We believe that you will implement excluding policies to companies violating international and national regulations and acting with a derogative manner towards trade union rights and freedoms particularly organizing, strike and collective bargaining rights taking place in PS2. We also believe that your Institution would not desire to provide financial resources to such anti-union companies which are also violating your own standards and requirements.

It will be highly appreciated if you inform us on your Institution's initiatives and their consequences regarding the violations of Assan Aliminyum A.Ş. which are mentioned in the attached letter.

Yours Sincerely,

M. Mustafa KUMLU
President

B.E

METAL WORKERS UNION OF TURKEY

Turkish Metal, Steel Ammunition, Machinery, Metal Products and Auto, Assembly and Allied Workers Union

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To: **TÜRK-İS
WORKER'S TRADE UNIONS CONFEDERATION OF TURKEY
HEADQUARTERS
ANKARA**

Ref. 03.09.2008 dated, Article No.2008-583 / 08.030.

According to your concerned article, we have been required to give information about our organization activities at **ASSAN ALUMINIUM within Kibar Group Co.** that exists in our sector.

Therefore, requested information is presented below;

The Aluminium factory of ASSAN at Dilovası, bounded to Uzan Group, was handed over to Savings, Deposit and Insurance Fund (TMSF) on February 2004. But the facility, the premises, integral parts, machinery and the equipment were purchased by ASSAN Galvanize Co. at June 2005 dated tender. Until February 2006 the operation of the facility continued under the name Standart Co. but, after that date the name of the business was changed as ASSAN Aluminium.

However on 2005 our union has started its organization activity for the first time at Dilovası Factory and Mecidiyeköy unit in order to conduct an enterprise level collective agreement. After having the necessary majority, we have demanded a determination of competency from the Ministry. A certificate of competency was derived on 23 August 2005 with the Article No. 28079-52607. As it can be understood from the details above, our union has taken the certificate of competency from the Ministry after the hand over of the concerning facilities to ASSAN Galvanize Co.

But, **Standart Aluminium Co.** which operates the facility until February 2006 **extended a protest to the court on September 2005 against the union's certificate of competency.** Also the actual owner of the company ASSAN Galvanize Co. had been informed about the situation. Concerning protest was disapproved by 07 October 2006 dated court decree. Our union has carried out to recapture the certificate of competency on 02 October 2007 with Article no.30767-043952.

The certificate of competency was communicated to ASSAN Aluminium Co. which is the successor of the old Standart Aluminium Co. on 16 October 2007 and the employer was invited to collective bargaining for the date 22 October 2007. However this time, ASSAN Aluminium Co. has filed a suit against the union on 26 October 2007 to the Gebze Labour Court and demanded the revocation of the certificate. Concerning case still continues.

Briefly, the employer ASSAN Aluminium Co. pledged an appeal against the union's certificate of competency through Standart Aluminium Co. on 2005 firstly, than on October 2007 the employer made a second appeal himself. The date falls to the same period with the beginning of Collective Agreement Process. Since the purchase of the factory on June 2005, the employer consistently hampers the benefit of the workers from their rights and to get through to Collective Agreement order in the work place. Some of the long standing union members were dismissed in order to intimidate the existing and the potential ones. Also they were threatened. In view of these anti-democratic practices which are implemented systematically, some of the union members have been forced to resign and certain potential members were obstructed to become a union member. The employer imposes the redundancy of union membership to the workers and affirms that they adopt a policy of high wage discharge anyhow. A refusal of union membership is obviously denoted.

Regarding to above mentioned explanations, we have presented our organization activities at the concerning company with periodic detentions of the employer against union rights. We demand a notification of the situation to IFC. 10 October 2008