

“Participation of Foreigners in the Turkish Labor Market Under the Temporary Protection Act” Roundtable – Summary & Outcomes Report

1.0 Introduction

On March 6, 2015, FLA and ETI hosted the joint-roundtable meeting, *“Participation of Foreigners in the Turkish Labor Market Under the Temporary Protection Act,”* at the Divan Hotel in Istanbul, Turkey. The meeting was well attended with nearly 90 stakeholders present, including international brand members of ETI and FLA, trade unions, UN agencies, non-governmental organizations (NGOs), and the Turkish Ministry of Labor.

One UN agency representative stated during the event that “in four years working on the issue of Syrian refugees, I have never seen a [diverse, multi-stakeholder] group like this form in Turkey to discuss these important issues. This is a significant achievement in itself.”

This report:

- Summarizes the key discussions points from the presentations and panel discussions.
- Summarizes the key points and themes from the breakout sessions.
- Highlights some suggested next steps and actions for all engaged parties.

The meeting was held under the Chatham House Rule, which permits information from the meeting to be shared, but prohibits attribution to any specific remarks. This report does not attribute any comments to one organization or person.

2.0 Background

Since 2011, Syrian refugees have been migrating to Turkey on a mass scale in order to escape the civil war and humanitarian crisis that is taking place in Syria. The majority of refugees are moving from the Turkish-Syrian border to other locations within Turkey where they seek opportunities to work. Unfortunately, because most of the Syrian refugees are unable to obtain Turkish work permits to earn money, they must work illegally, which leaves them vulnerable to abuse and exploitation. As the Turkish government develops guidelines around the employment of Syrian refugees, the roundtable provided a safe space for different stakeholders to provide input and seek agreement on how to ensure fair treatment of Syrian refugees in the supply chain.

3.0 Summary of Events

FLA and ETI began the event by emphasizing how seriously both organizations regard the current situation on Syrian refugees. Both organizations stressed the need to treat Syrian refugees fairly if they are found in a member company’s supply chain, such as paying them at least the legal minimum wage and ensuring non-discrimination. The two organizations also discouraged the “cut-and-run” approach, and asked member companies to give special attention to remediation as Syrian refugees are in a particularly vulnerable situation. In addition, both FLA and ETI expressed the need for member companies to be extra vigilant, given that the use of Syrian refugees is more prevalent in subcontracted units below tier 1. Both FLA and ETI have developed position statements and guidance on the issue for their company affiliates.

A senior UN official working on labor issues then provided an overview of the situation in Syria emphasizing the scale of the crisis and the need for international co-ordination. The UN agency is stepping up its engagement in Turkey to provide much needed technical and financial support to deal with the impacts of the crisis. It will also focus its support on capacity building and technical assistance for Turkish authorities,

improving the knowledge-base through rapid assessment on child labor, labor market assessments and socio-economic needs assessments; as well as identifying initiatives to strengthen the local economy.

3.1 Panel Discussion and Stakeholder

Following the opening comments, there was a panel discussion featuring representatives from the Turkish Ministry of Labor and several UN agencies that have been working on addressing the issue of Syrian refugees working in Turkey. The panel was chaired by Meera Sethi, Chief of Mission from the International Organization for Migration (IOM), and the panelists included: Sertac Turhal from the United Nations Development Program (UNDP), Muharrem Gözükcük from the Ministry of Labor (MoL), Nejat Kocabay from the International Labor Organization (ILO), and Luisa Seiler and Handan Gokce Saraydin from the United Nations High Commissioner for Refugees (UNHCR).

The UN agencies are coordinating their response to the Syrian refugee crisis through a program called the Regional Refugee Resilience Plan (3RP). This program aims to build the capacity of Turkish authorities, such as the Turkish Employment Agency (ISKUR), to manage Syrian refugees in their region, undertake labor market assessments, review skill gaps and conduct impact assessments. One representative highlighted the desperation felt by Syrian refugees and the lack of awareness of their rights, even amongst those who have registered for residency permits. There is also a huge challenge in terms of communicating the rights of Syrian refugees to Turkish citizens. Another agency representative pointed to the increase in human smuggling and trafficking for exploitation. One of the agencies is currently developing a framework for Ethical Recruitment to combat the issues related to human trafficking.

The Turkish government has been working on two key pieces of legislation to regulate the influx of Syrian refugees into the Turkish labor market:

- **Temporary Protection Legislation (2014)** this legislation allows Syrian refugees to register for residency permits and live in Turkey, as well as access local services, education and healthcare, for a temporary period while the crisis is occurring. A clause in this Legislation allows workers to apply for Work Permits.
- **Draft Law on the Employment of Foreigners (still to be passed).** Under this legislation, Syrians can only apply for work permits six months after they have received residency permits. Once Syrian workers receive their work permits, they will be able to enjoy all the labor rights to which Turkish workers are entitled.

It was also noted the Turkish government has spent \$5.3 billion in financial assistance to help Syrians access basic humanitarian needs, which is far more than any other country has provided.

After the panel discussions and a short Q&A session with the panelists, NGOs, trade unions, and companies were invited to share their perspectives with the panelists. At this point, the discussion became more specific to the agriculture, textile and garment sectors, where large concentrations of Syrian refugees are working. A key question that all stakeholders wanted an answer to was when the Law on Employment of Foreigners would be ratified, and some were disappointed to find out that it will not be until after elections take place in June.

One NGO participant pointed out that Afghani, Iranian, Iraqi and Jordanian migrants face similar conditions to the Syrian refugees and should not be forgotten. Other NGOs shared many of the social problems that refugees are facing such as harassment and abuse; discrimination against older Syrian workers, which is causing an increase in the use of child labor; and the pursuit of marriage at an early age by young Syrian girls for security purposes as they have abandoned hope for the future and are no longer seeking educational opportunities.

Trade unions highlighted the fact that although 1.5 million Syrians have registered to live in Turkey, only around 4,000 Syrians have received work permits. There is clearly a large mismatch between the Syrians who need to work and the number of permits that have been issued, which is why so many Syrian workers are



working in Turkey illegally without valid permits. Union representatives also emphasized that there should be no discrimination against or exploitation of Syrian refugees. In addition, the trade unions stated that the current political situation where the legislation will not be enacted before the elections in July is not a legitimate excuse for delaying the integration of Syrian refugees into the workforce.

Companies raised the point that while some of them have communicated a zero tolerance policy around the employment of Syrian refugees, they are still discovering Syrian workers in their supply chains. All efforts are therefore being focused on effective remediation and registration of workers in partnership with NGOs.

3.2 Breakout Discussions

In the afternoon, roundtable participants were separated into six small groups to further the morning discussions. Each group was asked to answer the following questions:

- **Challenges:** How can we better integrate Syrian refugees into the Turkish labor economy while protecting their rights?
 - What are the policies or social programs that could help?
 - What actions can brands take to support this integration so that Syrians are treated fairly?
- **Solutions:** How can the following type of organizations support the implementation of some of these suggestions?
 - Companies
 - Unions
 - NGOs
 - Academics
 - Multi-Stakeholder Initiatives (MSIs)

The questions provoked an interesting and useful discussion about the situation and how different stakeholders should respond. The seven common themes that emerged were:

1. Companies need to establish clear policies

- Companies need to think through the short-, medium-, and long-term implications:
 - In the short term, companies have to recognize that the Law on the Employment of Foreigners will not be in place until July 2015 at the earliest. There is a need for brands to show leadership on addressing the Syrian refugee crisis, and companies should consider the Bangladesh Accord as a model on which it can form future efforts.
 - In the medium term, there will be a gap between the legislation coming into effect and Syrian refugees actually obtaining work permits. There could also be restrictions on the regions and sectors in which Syrians can legally access work permits.
 - In the long term, although no one knows for sure how long the Syrian crisis will last, it is reasonable to expect that Syrians will continue to work in Turkey for the next five to ten years.
- Companies need to take a unified approach and develop a common set of policies to address this issue to ensure that the same messages are communicated to suppliers and workers.
- The challenge is in identifying the most appropriate remediation strategies when Syrian refugees are found in the supply chain. Remediation should not mean cutting and running, and Syrian workers should not be put in a more vulnerable position as a result of company policies.
- Companies need to develop a common approach or set of guidelines on how to effectively remediate
- During remediation, companies must ensure that Syrian workers employed by their suppliers are receiving equal pay with Turkish colleagues.

2. Companies should inspect their supply chain and remediate non-compliances

- Monitoring and auditing should cover subcontractors as well as first tier suppliers, as Syrian refugees are more likely to be found working at the subcontractors level, especially in the Istanbul area.
- Companies should strengthen their internal monitoring systems to reveal undisclosed outsourcing since there is a high risk that Syrian refugees could be working for unauthorized subcontractors.



- Companies must be extra diligent in their monitoring efforts, because there are many challenges in finding Syrian refugees. For example, factory managers may hide Syrian workers, refugees might hide themselves out of fear of discovery, and inspectors and monitors often do not speak Arabic.
 - In addition to making sure that companies are aware of the presence of Syrian refugees in their supply chain, brands need to be mindful of related labor issues such as child labor, low wages, discrimination and abuse.
 - Companies should work with NGOs, trade unions, and other stakeholders to find effective means of remediation.
3. *Companies should explore the possibility of creating a separate fund to address general assistance to refugees or to cover issues such as payment of legal benefits*
- In the short term, while Syrian refugees are working but are not paying social security, the money that companies are supposed to pay to the government for this mandatory social benefit should go to a common fund so that Turkish workers' wages are not being undercut by the fact that Syrian refugees are not registered for social security. The money from the common fund could be used to support training initiatives or other social programs to help Syrian refugees.
4. *Suppliers and workers need training on the refugees' rights and code compliance (e.g. nondiscrimination)*
- Beyond the factory gates there is a great need for training of factory management and communication to Syrian refugees on their rights. This may take the form of formal worker training centers.
 - NGOs need access to the refugee camps so that they can raise awareness about ILO Conventions, child labor and workers' rights.
 - Trade unions need to develop policies to organize and work with the migrants.
5. *All stakeholders identified the need for further studies – desire to better understand the Syrian refugee crisis*
- There is still insufficient data on the Syrian refugee crisis to develop a solid policy. Having reliable data on occupations, skills, and levels of education among the refugees would help policy-makers better integrate Syrians into the labor market.
 - The voice of Syrian workers themselves was not represented in the room. Moving forward the group needs to find a way to ensure the voice of Syrian workers is represented.
 - There is still much that we do not know, and many academics in the audience committed to undertaking research into the situation. Universities should focus research on the skills gaps and needs of Syrian workers.
 - Universities need to work with multi-stakeholder organizations to ensure that the findings of their research are shared widely and with stakeholders in a position to influence change.
6. *Stakeholder groups should collaborate on solutions (e.g. companies with NGOs, MSIs with the Ministry of Labor)*
- All stakeholders need to work together to tackle the emerging issues relating to the Syrian refugee crisis.
 - The garments and textiles sector represents only eight to nine percent of the Turkish economy, so stakeholder working in this sector need to collaborate with others working on refugee-related initiatives in other sectors.
7. *Stakeholders must work together to influence government policy*
- The multi-stakeholder initiatives (ETI and FLA) need to work with the Turkish government to keep updated about legislative developments and to understand the likely implications for various industry sectors and regions of Turkey.
 - There is a need for social inclusion programs to better integrate the Syrian population with the Turkish population.

8. *Need for international support*

- Many people outside this region don't understand the severity of the situation and there is very little international support for removing the barriers to Syrian refugees' access to work. Brands, MSIs and international unions could work together to raise awareness on this issue at the international level.

4.0 Actions and Outcomes

Based on the discussions and the feedback summarized above, ETI and FLA have created the following recommended action steps for different stakeholder groups over the short, medium, and long term.

Stakeholder Group	Short Term	Medium Term	Long Term
Companies	<ul style="list-style-type: none"> Develop a unified policy position on non-discrimination and exploitation of Syrian refugees Develop strategies for monitoring and detecting Syrian refugees in supply chain including undeclared subcontractors. Employ Arabic speakers in audit and monitoring teams Develop a unified approach to remediation recognizing that legislation will not be in place until after July at earliest. Work with NGOs to provide remediation services Explore the possibility of developing a fund for the payment of social security while Syrians cannot receive these benefits 	<ul style="list-style-type: none"> Remain informed on the changing legislation and the regional and sector specific guidance. Change policies and remediation strategies in line with legislation when it is implemented. 	<ul style="list-style-type: none"> Remain engaged on the topic
Unions	<ul style="list-style-type: none"> Develop policies for social dialogue with Syrian refugees working with different stakeholders and platforms 	<ul style="list-style-type: none"> Work to inform Syrian refugees of their rights under the new legislation 	<ul style="list-style-type: none"> Ensure that Syrian workers are organized and can freely associate and bargain collectively alongside Turkish colleagues in line with Turkish legislation.
NGOs	<ul style="list-style-type: none"> Create civil-society-based monitoring systems Develop networks of organizations to support Syrian rights at a national and international scale. Raise awareness of the issues and lobby stakeholders to create change. Provide services so Syrians can register to live in Turkey and access local services, education and healthcare under the Temporary Protection Legislation 	<ul style="list-style-type: none"> Work to communicate to Syrian workers their rights under new legislation. 	
Academics	<ul style="list-style-type: none"> Undertake research on the needs of Syrian refugees, skills gaps and gaps in the services provided. Provide technical guidance to governments, brands, trade unions, civil society and other stakeholders 	<ul style="list-style-type: none"> Work with all stakeholders to ensure the lessons from research are shared and implemented. 	
Multi-	<ul style="list-style-type: none"> Develop programs to highlight 	<ul style="list-style-type: none"> Develop platforms for tackling 	<ul style="list-style-type: none"> Remain engaged with the issues



Stakeholder Initiatives (MSI)	<p>best practices and support a common approach taken by the private sector</p> <ul style="list-style-type: none"> • Develop networks of organizations to support Syrian rights at a national and international scale. • Co-ordinate with all stakeholders to ensure lessons are learnt and best practices developed • Work together with international unions, brands and governments to raise international awareness 	human rights grievance address	over the long-term
Turkish Government	<ul style="list-style-type: none"> • Work to ensure that the legislation matches the needs of the Syrian refugees, takes in account stakeholder views and feedback. • Work with NGOs and academics to get a better picture of the needs of the Syrian population • Provide leadership to the Turkish people to emphasize the positive benefits to Turkey of hosting Syrian guests. 	<ul style="list-style-type: none"> • Ensure agencies responsible for the registration of Syrians, and the issuing of work permits have the capacity to tackle the numbers of Syrians applying. • Develop social inclusion programs to support the integration of Syrian and Turkish populations • Provide education and vocational training to the Syrian refugees. 	<ul style="list-style-type: none"> • Work with regional and international partners to share the burden • Plan for Syrian refugees to be in Turkey for the next 5-10 years, and be mindful that many Syrian children will be born in Turkey.

-End of Report -



Appendix: Attendees

	Organisation	NAME
1	Kocaeli University	Ahmet Selamoglu
2	Marmara University	Ahmet Türker
3	Human Resources Development Foundation	Alp Biricik
4	FLA	Alpay Celikel
5	Olam	Arin Yeniaras
6	Olam	Asude Süleymanoğlu
7	Tiffen and Associates Turkey	Aylin Çetinbaş
8	Next	Ayşenaz Askin
9	IPC	Barbara Pusch
10	Inditex	Bayramhan Boyer
11	CCC	Bettina Musiolek
12	CCC	Bilge Seckin Demirkaya
13	C&A	Burak Gagvalı
14	Nike	Caner Soytaş
15	Superdry	Carly Thomas
16	ILO	Ceren Ababay Tosyali
17	ETI	Ceren Isat
18	CCC	Christa Luginbuhl
19	3WF	Christine Hoberman
20	Freidrich Ebert Stiftung	Cihan Hüröğlu
21	FLA	Claudia Coenjearts
22	CCC	Corrina Aydin
23	Tek-Gıda Is	Damla Demir
24	ETI	Debbie Coulter
25	Tiffen and Associates Turkey	Doğan Türker
26	Koc University Centre for Migration	Doğuş Şimşek
27	Nestle	Ebru Coşar
28	Superdry	Eda Togan
29	Adidas	Enes Un
30	Deriteks	Engin Celik
31	Development Workshop	Ertan Karabıyık
32	Espirit	Evre Kaynak
33	Monsoon	Evrin Özdemir
34	Balsu	Felah Alothman



35	Whitestuff	Fuat Özveri
36	SGDD/ASAM	Gizem Demirci
37	FLA	Gulden Ulker
38	s.Oliver	Hakan Kurt
39	UNCHR	Handan Gökçe Saraydin
40	Hatay Municipality/ Hatay Belediyesi	İbrahim Karaağac
41	ASDA	Kerem Karpuz
42	Kocaeli University	Kuvvet Lordoğlu
43	Union League	Linda Grumea
44	New Balance	Loay Tolba
45	ASOS	Loraine Hall
46	UNCHR	Luisa Seiler
47	Hatay Municipality/ Hatay Belediyesi	Lutfu Savas
48	Women Working Worldwide	Maggie Burns
49	ETI	Martin Buttle
50	IOM	Meera Sethi
51	Giyimsen	Mehmet Emin Yilmaz
52	IOM	Meltem Hamit
53	INDUSTRIALL	Monika Kemperle
54	FLA	Muge Tuna
55	Ministry of Labor	Muharrem Gözükcük
56	Inditex	Murat Akkun
57	Deriteks	Musa Servi
58	Teksif	Mustafa Özal Perçin
59	ILO	Nejat Kocabay
60	s.Oliver	Nilüfer Çavurmirza
61	ILO	Numan Özcan
62	Puma	Olgun Aydın
63	HAK-IS (Celik-Is)	Onur Sayılan
64	Helsinki Citizens Assembly	Öykü Tümer
65	Giyimsen	Ozkan Caglayan
66	ITKIB	Özlem Güneş
67	Oz Iplik Is	Pınar Özcan
68	s.Oliver	Rahima Aktar
69	Marmara University	Refika Bakoğlu
70	FLA	Sabrina Bosson
71	INDUSTRIALL	Sedat Kaya
72	KADAV (Women's Solidarity Foundation)	Serap Güre



73	H&M	Serkan Tanka
74	UNDP	Sertac Turhal
75	Syngenta	Şeyda Konuk
76	Primark	Sinem Tekce
77	BCI	Şükran Bayçura
78	Burberry	Tuze Mekik
79	Genc Hayat Foundation	Uğur Gulderer
80	VF	Utku Tosun
81	IndustriALL - Inditex Global Framework Agreement	Víctor Garrido
82	Syngenta	Yahya Erciyes
83	C&A	Yeşim Koçman
84	FCO/ British Embassy	Yiğit Kader
85	FWF	Yıldız Koç
86	FLA	Yu Lan Duggan
87	H&M	Yüksel Şendan