

Development of effective grievance and remedy mechanisms to address the root causes of labour rights' violations in the context of enhanced social partner cooperation in the automotive supply chain due diligence in Turkey

Terms of Reference for the development of a short brochure and a short online tutorial and for a research project



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I. General information on the project

Turkey plays a central role in global automotive supply chains, particularly in Europe and, within Europe, especially in Germany. Globally operating OEMs have at least ten important manufacturing facilities (especially in the sub-sector of commercial vehicles and buses) in Turkey. In addition, there are at least 30 facilities of multinational tier 1 suppliers and hundreds of Turkish suppliers, the majority of which belong to the segment of small and medium-sized enterprises (SME).

The German Supply Chain Due Diligence Act (LkSG), which came into force in 2023 and which is closely aligned with the UN Guiding Principles on Business and Human Rights has the aim to effectively protect human rights along entire supply chains. The application of the law follows a multi-stage process (as also described by the OECD Guidelines for Multinational Enterprises), which requires companies to identify risks in their supply chains, to establish appropriate mitigation and remedial measures, to install grievance mechanisms and to publish regular reports. The International Labour Organization's (ILO) fundamental labor rights are an integral part of the LkSG. The LkSG thus creates a legal basis in the international arena that did not exist before.

Turkey is one of the countries from which most violations of fundamental workers' and trade union rights are reported, in particular regarding the right to freedom of association (ILO Convention No. 87) and the right to collective bargaining (ILO Convention No. 98). The reasons for this are not so much to be found in the quality of Turkish legislation, but above all in its application and enforcement. This can be seen, for example, in the fact that judicial proceedings take a very long time, but in the end a verdict is usually reached in favor of the employees/trade unions.

While these violations have so far been dealt with as individual cases or not at all, in those cases where no (effective) grievance process was in place, the LkSG opens up the option of a far more systematic and broader approach to the matter. First of all, the law offers the opportunity to give both, employees and trade unions in Turkey, a voice and, at the same

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time, to promote social dialog. This requires the effective implementation of ILO Conventions 87 and 98 and the development and dissemination of effective grievance and conflict resolution mechanisms, including an effective protection of whistle blowers. Besides consumers, there is no other target group of human rights due diligence policies that is larger than the group of workers.

IndustriALL Global Union and its predecessor organizations have been working for decades, often in close cooperation with the Friedrich-Ebert-Stiftung (FES), to protect workers' and trade union rights and to promote social dialogue in Turkey. This has not happened exclusively in the automotive industry, but also in other sectors such as in mining and in the textile, chemical, glass and tire industries.

Efforts in the automotive sector have been stepped up, particularly since the adoption of the LkSG in 2021. IndustriALL, IG Metall and the FES held two conferences in 2022 and 2023 to educate German and Turkish trade unions - in some cases with the involvement of German employer representatives - on labor relations in Turkey and on the new possibilities based on the LkSG. Through these measures, important partners have already been identified who are to play an important role in the project applied for here.

The LkSG has attracted attention, not least in Turkey, and has triggered training, dialogue and consultation processes regarding its contents and implementation. This applies to both German and Turkish companies and concerns the entire process cycle of corporate due diligence. Turkish trade unions and NGOs have also carefully analyzed how the LkSG can be used to enforce human rights. The GiZ is in the process of establishing 'Responsible Business Helpdesk Türkiye'.

IndustriALL Global Union and the IG Metall, in close cooperation with and the support by the GIZ, used the "Sector dialogue of the automotive industry to support the implementation of the NAP on Business and Human Rights" in Germany to successfully put the labor rights situation in Turkey on the agenda, particularly in a working group on "Human rights due diligence in sensitive political contexts". Both cases, the conferences on the LkSG in Turkey in 2022 and 2023 as well as the NAP sector dialogue, have shown that it is possible to draw the automotive OEMs attention to the situation in Turkey and to ensure their participation in the measures.

The project aims at promoting collective bargaining and developing effective grievance and out-of-court arbitration procedures to put an end to workers and trade union rights violations. For this purpose, the project will:

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- 1) Develop a publication and conduct training measures to raise awareness about on-going violations of workers' and trade union rights in Turkey and to set this in the context of the LkSG.
- 2) Conduct a research study to identify the factors of success and failure in former grievance and mitigation processes
- 3) Implement seminars with companies, unions and other stakeholders to ensure:
 - labor-related issues in Turkey become an integral part in the companies' risk analysis processes;
 - grievance mechanisms are implemented everywhere, are accessible and effective;
 - out-of-court arbitration processes are promoted and are seen as a core element of mitigation and remedy;
 - an effective protection of those who file a complaint (whistle blowers) by applying a grievance mechanism.
- 4) A larger event will be organized with all relevant stakeholders and target groups to make sure the above-mentioned policies are embraced at a broader level and a network is established that can support the project beyond the current project term.

The target group of the project comprises the entire automotive ecosystem in Turkey including business, labor, governmental and non-governmental organizations.

The main stakeholders are Turkish affiliates of IndustriALL Global Union representing workers in the Turkish automotive industry (vehicle manufacturing and suppliers), the German metalworkers' union IG Metall, selected automotive OEMs, Turkish branches and partners of the aforementioned German companies and their suppliers in Turkey, Turkish employers' associations, German-Turkish Chamber of Industry and Commerce, Friedrich-Ebert-Stiftung, Turkey Office, the Responsible Business Helpdesk project in Turkey, governmental and semi-governmental organizations from Turkey, partners from science and research.

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II. Description of the Research Assignment

The assignment consists of

Conducting a scientific study on the factors of success and failure in former grievance and mitigation processes concerning violations of workers' and trade union rights in Turkey.

Specifically, the study shall:

- 1) Research three to five former cases of violations of workers' and trade union rights in Turkey;
- 2) Analyze the applied measures and framework conditions in order to identify factors of success and failure;
- 3) Develop a related a risk barometer.

The following cases are proposed (this list is neither exclusive nor exhaustive):

- A violation of freedom of association at the Turkish plant of a German automotive supplier from 2020, which was resolved positively with the help of a number of stakeholders.
- A violation of the right to collective bargaining at a Turkish supplier from 2023, which could not be resolved in favor of the rights holders despite great efforts by a series of stakeholders.
- An example from the textile industry, where agreements have been reached between international fashion companies and their Turkish suppliers that include both regular trainings and concrete complaint and remedial measures.
- Other one or two very recent cases from the Turkish auto supply chain

The study shall be conducted in a period of 4 months, starting on 24 December 2024 and ending on 30 April 2025.

The study shall be delivered in English and Turkish as full report and in an executive version in PPT.

Milestones/partial works	Date
Design and methodology of study	31 December 2024
Draft case 1	31 January 2025
Draft complete study	31 March 2025
Final study, presentation and translation	15 April 2025

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III. Requirements for the assignment

1) Qualifications of proposed staff

General qualifications

Education: university degree in social sciences, PhD preferred

Professional experience:

- At least 5 years of research experience in the fields of labor movements, social policy, sociology of work, labor rights;
- Specific research or knowledge about labor rights, unions, collective bargaining etc. in Turkey;
- Specific research or knowledge about grievance and mitigation procedures concerning workers and unions rights' violations;
- High sensitivity for gender-related matters;
- Very good Interview skills;
- Ability to present concepts/ideas in accessible language and use of graphics/illustrations.

Language skills

- business fluency in English C1
- business fluency in Turkish C2

2) Workings days, related costs and compensation

The lump sum payment that is suggested for the research project is €11,000. This amount shall cover all costs associated with the completion of the task.

The research project shall go beyond a pure desk study and therefore include a few interviews with relevant stakeholders. All research and interviews shall be mainly done remotely. Data that is presented in the research should be gender-disaggregated.

The researcher shall be available for a minimum of four and maximum of six events/workshops/webinars and present/discuss the research results based on PowerPoint presentations with the stakeholders of the overall project.

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IV. Requirements for the submission of the technical offer

1) Application procedure

- Write a cover letter that provides a brief outline of your competencies and experiences in doing similar work / provide your CV.
- Provide a proposed work plan and an indicative budget for doing the research – including the research methodology (please stick to the above-mentioned timeline).
- Email the Cover letter, CV, proposed work plan and budget to undertake the research and submit to Georg Leutert at gleutert@industriall-union.org **by 19 December 2024** at the very latest.

2) Award criteria

- All applications that have submitted all required documents will be reviewed by IndustriALL.
- The applications will be assessed by their quality (70%) and the proposed budget (30%). The offer with the highest value obtained using this formula will be regarded as the most economically advantageous tender.
- The research contract is scheduled to be concluded by 24 December 2024.
- Gender: IndustriAll Global Union strives to increase the number of female researchers/activist in academia, science, trade union education and activism. Applications from female researchers are therefore explicitly welcome. Applicants will be notified accordingly.

For further information, please contact Georg Leutert at gleutert@industriall-union.org