

“IUF rejoinder to Cargill’s response for Business & Human Rights Resource Centre”, 28 September 2020

The IUF firmly rejects the grounds upon which Cargill alleges the 14 blue collar production workers were dismissed; The IUF also notes that the two non-union employees Cargill refers to were white collar shift supervisors who filed individual cases in the Turkish Courts, which they won on the grounds of unfair dismissal.

In its February 2020 verdict, which applied to eight Cargill workers unfairly dismissed for union activity, the Bursa-Orhangazi District Court states (according to an unofficial translation),

*In the concrete dispute, the respondent employer’s sales and assets increased after the termination date, the company continued to make profit, there was no decrease in the order and production, there was overtime at the workplace before and after the termination, the company did not apply measures that cover the whole business, the change in the sugar quota which is shown as the reason of dismissal, has not started to be implemented in the date of dismissal, the employer didn’t show and prove, the objective selection criteria in the termination of the employment contract, how and by whom the assessment was made, the reasons for which the plaintiff could not reach these criteria. The defendant didn’t apply other measures such as unpaid leave, collective leave, flexible work etc. It is also seen that the plaintiff was not trained for another job and offered any other work to do. Therefore, it is understood that the defendant employer does not act in accordance with the principles of “consistency, proportionate, not to act arbitrary and termination as a last resort” when applying the business decision, and therefore there is no mistakes in the decision given by the court. The expert committee report submitted to the dossier by examining the records and documents of the employer in the workplace is in compliance with the scope of the dossier, is suitable for audit and supports the court decision... in this case it is not a coincidence that 14 union member workers were dismissed, according to witness statements, the plaintiffs were leading union organizing in the workplace and they were trying to convince their colleagues to join the union, that’s why there is no incompliance with the law and procedure in the decision which states that the employer terminated work contracts because of trade union activity.*

Discrimination on the basis of trade union activity, which resulted in termination of employment, was not presumed – it has been clearly proven.

Finally, as a point of clarification and fact, Tekgıda-İş was not a party to the [Specific Instance](#) filed by the IUF against Cargill with the U.S. National Contact Point.