



# Occupational Health and Safety

Week 1

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# The Health Law

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- To work in a safe environment is one of the basic human rights.
- The two sides of the working life are the employers and the workers
- Creating a healthy and productive working life is of the benefit of these two sides.
- The legislation on occupational health and safety; regulates the relations of employers and workers, and aims to establish a safe working life
- The legislation on occupational health and safety in Turkey has been structured in line with the Constitution.



# The Turkish Constitution

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- The Constitution of Turkey has been revised several times, the most recent revision was made in 1982.
- Articles related to working life; play central roles in the preservation of the workforce, appropriate placement of workers, and providing safe working conditions. Two of the articles are directly related to occupational health and safety.
- "No one can be employed in jobs that do not match their age, gender, and strength." (Article 50) "Everyone has the right to work in a healthy and balanced environment." (Article 56)
- In general, the Constitution refers to the environment; based on this article, the working environment should be "safe and healthy."

# Occupational Health and Safety Law

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- The Occupational Health and Safety Law (No. 6331; 2021 (OHS Law) was published in the Official Gazette in 2012.
- The OHS Law includes regulations regarding all jobs and workplaces in both the public and private sectors, regardless of the field of activity or the number of workers, and it covers workers, trainees, employers, and the representatives of the employers.
- Certain activities of the Turkish Armed Forces, Police Department, and civil defense services are out of the scope of the OHS law.
- Additionally, the OHS Law does not apply to household services, those who produce goods and services on their own behalf and account, prisons, and similar institutions.



# The Labor Law (No. 4857; 2003)

- The first Labor Law came into force in 1936.
- Since that time, the law has been revised and amended several times at 25 to 30-year intervals.
- The general conditions of working life such as; labor contract, minimum working age, and wages are defined in the Labor Law.
- There was a special section in the Labor Law devoted to occupational health and safety. In this section, in addition to other matters, the employer's responsibility to take all relevant measures to establish occupational health and safety, and the workers's obligation to comply with the rules and measures in this regard were clearly defined.



# The Labor Law (No. 4857; 2003)

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- Labor law regulates the inspection of workplaces and the penalties to be applied in case of violation. Following the entry into force of the OHS Law, all articles related to occupational health and safety in the Labor Law were repealed.
- The Labor law regulates the following matters that are related to labor relations and occupational health and safety.
- Minimum working age: the 71st article of the Labor Law, defines the minimum age for employment as 15.
- Employment contract: Articles 8 to 31 of the Labor Law are on employment contracts, which are formal agreements between the worker and the employer that define their mutual duties and responsibilities.



# The Labor Law (No. 4857; 2003)

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- The Various types of contracts (limited-unlimited full-time or part-time contracts), termination of the contract, terms of termination of the contract, employment conditions for the disabled, etc. are defined in law.



# The Code of Obligations

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- The Code of Obligations (No. 6098; 2011), came into force in 1926 for the first time. The aim of this code was to define the obligations that people have to one another.
- This code was revised in 2011. The Code of Obligations specifically defines the mutual obligations of employers and workers.
- In this sense, employers have an obligation to protect the health of the workers by establishing a safe working environment.
- In case of harm to the health of the workers as a result of their work, the employer must compensate the workers for their damage.
- Workers must comply with safe working rules and regulations.

# Public Health Law in Turkey

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- Public Health Law in Turkey (No. 1590; 1930) came into force in 1930 as a general law covering all health-related issues.
- Since there was no legislation on occupational health and safety at that time, the Public Health Law filled this gap until the first Labor Law came into force.
- There was a special section in the Public Health Law in Turkey devoted to occupational health and safety.
- (Article 173 to 180). Minimum working age, working time, protection of worker health, and workplace health services were regulated in this section.

# Social Security and General Health Insurance Law

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- Work Accident and Occupational Disease Insurance Law, Insurance Institution Law, and Sickness and Birth Insurance Law regulated some rights and benefits of workers for a long time.
- The Law of Social Insurance came into force in 1964 along with a series of work accidents and occupational diseases related provisions.
- This law aims to include workers in social insurance coverage. The law of Social Insurance applies to the workers who are registered in Social Insurance Institution, in other words, to the workers whose insurance premiums are paid.

# Social Security and General Health Insurance Law

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- As its scope is limited to compensation, Social Security and General Health Insurance Law define work accident and occupational diseases differently from the OHS Law.
- In the Social Insurance Law, diagnostic procedures and notification of occupational diseases, as well as the benefits and compensation rights of workers in case of permanent incapacity due to work accident or occupational diseases are described in detail.
- This Law applies not only to work accidents and occupational diseases but also to all kinds of other social security areas such as marriage, maternity, retirement, and the treatment of general health problems.

- The following are particularly relevant as they are steps towards a national occupational health and safety system:
- Employment of the occupational physician was regulated for the first time with the Public Health Law of 1930.
- The establishment of occupational health and safety committees in workplaces was first regulated by the Labor Law dating 1973 (and numbered 1475).
- The inspection of mining and construction works by occupational safety experts was first regulated by the Labor Law dating 1973 (and numbered 1475).

# Regulation on the Principles and procedures of Employing Children and Young Workers (2004, 2013)

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- While a child worker is defined as, the worker who is under 15 years of age (+14 years of age and completed compulsory primary education), a young worker is defined as, the worker who is under 18 years of age (+ 15 years of age)
- The working hours of child workers who have completed primary education are a maximum of 7 hours per day and a maximum of 35 hours per week. For young workers over the age of 15, working hours can be increased to 8 hours per day to 40 hours per week.
- The types of jobs that child and young workers can be employed in are listed in the regulation.

# Regulation on the working conditions of pregnant or lactating women (2013)



- In accordance with the regulation, female workers cannot be employed in night shifts during pregnancy or for one year after delivery.
- The working hours are limited to a maximum of seven and a half hours during the same period.
- In workplaces employing more than 100 female workers, nurseries are established for the babies of female workers.
- Pregnant women have the right to 8 weeks of paid leave before and after the delivery.

# Regulation on the working conditions of pregnant or lactating women (2013)



- Mothers are given 3 hours of breastfeeding leave every day until the baby is six months old; they also have the right to one and a half-hour long breastfeeding leave until the baby is one year old.
- Following the 8-week paid leave period after birth, the mother can benefit from unpaid leave until the baby is one year old.

# Regulation on Occupational Health and Safety Committees (2013):



- It is obligatory to establish an occupational health and safety committee in workplaces with 50 or more employees and where continuous work is carried out for more than six months.
- Occupational physician, occupational safety specialist, and worker representatives take place in the committee.
- Occupational health and safety specialist works as the secretary of the committee chaired by the employer or the employer's representative.
- The committee should meet monthly to discuss the safety and health conditions, as well as to find solutions. The employer will implement the decisions of the committee, as long as the decisions are in line with the occupational health and safety legislation.

# Regulation on Risk Assessment (2012):



- Definitions of basic terms related to risk assessment such as danger, risk, prevention, near miss, etc. are given and the team that will make the risk assessment, the steps of the risk assessment, and the analysis and principles of risk control are defined in the legislation.
- The team consists of the employer or the representative of the employer, occupational physician, occupational safety specialist, and worker representatives.

# Regulation for Occupational Health and Safety Services (2014):

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- The responsibilities of employers and rights and obligations of workers are defined in this regulation.
- In accordance with the regulation, the employer provides occupational health and safety services and employs a sufficient number of (Occupational Safety Specialists), workplace physicians, and other health personnel (such as workplace nurses).
- Depending on the total number of employees and the hazard class of the workplace, an occupational health and safety unit is established in the workplace if a physician and occupational safety specialist are employed full-time.

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- Depending on the total number of employees and the hazard class of the workplace, an occupational health and safety unit is established in the workplace if a physician and occupational safety specialist are employed full-time. Otherwise, these services can be provided through a "Joint Health and Safety Unit."
- The Regulation defines the characteristics of both Workplace Health and Safety Units and, Joint Health and Safety Units.

# Regulation on Supporting Occupational Health and Safety Services (2013)

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- The regulation defines the conditions for financial support for occupational health and safety services to micro-enterprises employing 10 or fewer workers if the enterprises in question fall into the "dangerous" or "very dangerous" group.
- The Council of Ministers decides whether workplaces that employ less than 10 workers and are included in the "low dangerous class" can benefit from financial support.



# Regulation on the Duties, Authorities, Responsibilities and Training of Occupational Physicians and Other Health Personnel (2014)

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- This legislation is country-specific. It defines the duties and responsibilities of the occupational physician and other health personnel
- Occupational physicians and other health personnel must have received special training on the subject and must be authorized by the ministry in this regard. Details of the training and authorization procedures of both physicians and other health personnel are included in the Regulation.



# Regulation on the Duties, Authorities, Responsibilities, and Training of Occupational Safety Specialists (2015)

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- Occupational physicians and other health personnel must have received special training on the subject and must be authorized by the ministry in this regard. Details of the training and authorization procedures of both physicians and other health personnel are included in the Regulation.



# Regulation on the duties, authorities, responsibilities, and training of occupational safety specialists (2015)

- This legislation, which is country-specific, defines the duties and responsibilities of occupational health and safety specialists.
- The occupational safety specialist must have received special training on the subject and must be authorized by the ministry.
- Based on the characteristics of the experts, three different levels of "authority" have been defined: Class A", "B" and "C".
- An occupational safety specialist with a "C class" certificate can only be employed in workplaces classified as "less dangerous". Only the specialists with "A Class" certificate can be employed in workplaces classified as "very dangerous"



# Regulation on the Procedures and Principles of Occupational Health and Safety Training of Workers (2013):

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- The employer provides occupational health and safety training to the workers, in accordance with the regulation.
- The content, duration and frequency of the trainings are defined in the regulation depending on the hazard class of the workplace.

# Regulation on National Occupational Health and Safety Council (2013):

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- The regulation defines the establishment, the duties and working principles, and the procedures of the National Occupational Health and Safety Council.
- There are many regulations, including the regulations that define permissible limits such as “noise control”, “dust control” or “chemical control” and organizational regulations such as regulations on “shift work”, “occupational hygiene measurement, testing and analysis” or “duties and responsibilities of Occupational Health and Safety Research and Development Institute”
- The full list of Laws and Regulations can be found on the MoLSS website: <https://www.csgb.gov.tr/mevzuat>