

# Client Alert

January 2013

## Turkey

### New obligations regarding occupational health and safety

The new Law on Occupational Health and Safety no.6331 ("**Law No.6331**"), which governs the rights and obligations of employers and employees in workplaces, has been published in the Turkish Official Journal of 30 June 2012. Some of the provisions entered into force on 30 December and the remaining provisions shall enter into force by stages until 30 June 2014.

This new law is enforced for all employers and workplaces, whatever the number of the employees, and imposes many new duties on the employer.

#### General obligations of the employer

To adapt to the new provisions on occupational health and safety, employers shall take the necessary precautions to prevent occupational hazards, facilitate training and information sessions (art.18), communicate the necessary information concerning hazards that employees may face (art. 16) and provide the necessary protective equipment (art.4).

Employers must avoid all hazards, and must analyse inevitable hazards (art.5). The employers must perform or have performed a risk assessment to determine what efficient precautions should be put in place to maintain occupational health and safety (art.10).

Should such an obligation be violated, the employer shall be held liable. Similarly, any help received from specialists or institutions shall not do away with the employer's liability in applying these provisions (art.4).

#### Appointment of an occupational health and safety specialist and an occupational doctor

To maintain occupational health and safety, employers shall appoint an occupational safety specialist or an occupational doctor from amongst its staff (art.6). The employer shall not limit the rights and powers of the occupational safety specialist and the occupational doctor (art.8). In the event that the occupational safety specialist or occupational doctor is required to be employed full time, the employer shall establish an "Occupational health and safety unit".

Provision of such occupational health and safety services may be financially supported by the Ministry of Labour and Social Security if the workplace is classified as "very hazardous" or "hazardous" and has fewer than 10 employees. Workplace hazard classes have been published in the Turkish Official Journal of 26 June 2012 via a communiqué issued by the Ministry of Labour and Social Security (art.9).



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## Preparation of an emergency plan

Employers shall prepare an emergency plan and take all necessary precautions regarding the environment and working conditions. This emergency plan must focus in particular on first aid, emergency medical intervention, recovery, fire protection and fire fighting (art.11).

In the event of evacuation, employers shall take all necessary precautions in providing for the safety of employees (art.12).

## Recording all occupational accidents and diseases

Employers shall keep a record of all occupational accidents and occupational diseases and inform the social security institution within three days from the accident (art.14).

All employees are required to undergo a medical examination during recruitment, at the end of employment and during routine checks (art.15).

## Representation of employees regarding occupational health and safety

An "employee representative" shall be elected or appointed. This representative may request from the employer that sources of danger must be eliminated and that hazards must be reduced.

An occupational health and safety board shall also be established by the employer if the workplace numbers more than fifty employees (art.22). The employees exposed to a serious hazard may apply to the Board and request that necessary precautions be taken.

If the Board decides in favour of the employer, the employee is entitled to stop working. Employee remuneration and other legal rights are reserved during this time.

## Inspections and administrative sanctions

Ministry labour inspectors shall verify that the provisions of Law No.6331 are in place (art.24). In the event that a life-threatening hazard is determined in a workplace, work at such workplace must stop and the employer shall pay the employees during this time (art.25). In the event that the provisions of the above Law are violated, the employer shall be held liable for the payment of an administrative penalty (art.26).



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