

# Client Alert

February 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).



Gide Loyrette Nouel

#### Algiers

Tel. +213 (0)21 23 94 94  
gln.algiers@gide.com

#### Beijing

Tel. +86 10 6597 4511  
gln.beijing@gide.com

#### Brussels

Tel. +32 (0)2 231 11 40  
gln.brussels@gide.com

#### Bucharest

Tel. +40 21 223 03 10  
gln.bucharest@gide.com

#### Budapest

Tel. +36 1 411 74 00  
gln.budapest@gide.com

#### Casablanca

Tel. +212 (0)5 22 27 46 28  
gln.casablanca@gide.com

#### Hanoi

Tel. +84 4 3946 2350  
gln.hanoi@gide.com

#### Ho Chi Minh City

Tel. +84 8 3823 8599  
gln.hcmc@gide.com

#### Hong Kong

Tel. +852 2536 9110  
gln.hongkong@gide.com

#### Istanbul

Tel. +90 212 385 04 00  
gln.istanbul@gide.com

#### Kyiv

Tel. +380 44 206 0980  
gln.kyiv@gide.com

#### London

Tel. +44 (0)20 7382 5500  
gln.london@gide.com

#### Moscow

Tel. +7 495 258 31 00  
gln.moscow@gide.com

#### New York

Tel. +1 212 403 6700  
gln.newyork@gide.com

#### Paris

Tel. +33 (0)1 40 75 60 00  
info@gide.com

#### Saint Petersburg

Tel. +7 812 303 6900  
gln.saintpetersburg@gide.com

#### Shanghai

Tel. +86 21 5306 8899  
gln.shanghai@gide.com

#### Tunis

Tel. +216 71 891 993  
tunis@gln-a.com

#### Warsaw

Tel. +48 22 344 00 00  
gln.warsaw@gide.com



## 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).



## Gide Loyrette Nouel

Yapı Kredi Plaza, C Blok  
Cömert Sokak, 1C  
Levent Mahallesi  
34330 Beşiktaş - Istanbul  
Turkey  
Tel. +90 212 385 04 00  
Fax +90 212 325 35 87  
E-mail: [gln.istanbul@gide.com](mailto:gln.istanbul@gide.com)

## Contacts

**Mathieu Roy**  
[roy@gide.com](mailto:roy@gide.com)

For further information:

[www.gide.com](http://www.gide.com)

*In compliance with Turkish bar regulations, opinions relating to Turkish law matters which are included in this memorandum have been issued by Özdirekcan Bilgiç Dündar, a Turkish law firm acting as correspondent firm of Gide Loyrette Nouel in Turkey.*

You can also find this Client Alert and our other newsletters on our website in the News/Publications section.

This Client Alert (the "Newsletter") is a free, periodical electronic publication edited by the law firm Gide Loyrette Nouel (the "Law Firm"), and published for Gide Loyrette Nouel's clients and business associates. The Newsletter is strictly limited to personal use by its addressees and is intended to provide non-exhaustive, general legal information. The Newsletter is not intended to be and should not be construed as providing legal advice. The addressee is solely liable for any use of the information contained herein and the Law Firm shall not be held responsible for any damages, direct, indirect or otherwise, arising from the use of the information by the addressee. In accordance with the French Data Protection Act, you may request access to, rectification of, or deletion of your personal data processed by our Communications Department ([privacy@gide.com](mailto:privacy@gide.com)).