

LAW

OCCUPATIONAL HEALTH AND SAFETY LAW

Law No. 6331Date of Issuance: 20/6/2012

SECTION ONE

Object, Scope and Definitions

Object

ARTICLE 1 – (1) Object of this law is to regulate duties, authority, responsibility, rights and obligations of employers and workers in order to ensure occupational health and safety at workplaces and to improve existing health and safety conditions.

Scope and exceptions

ARTICLE 2 – (1) This Law shall apply to all works and workplaces in both public and private sector, employers of these workplaces and their representatives, all workers including apprentices and interns regardless of their field of activity.

(2) However, this Law shall not be applicable to the following activities and persons:

a) Activities of the Turkish Armed Forces, the police and the Undersecretary of National Intelligence Organisation except for those employed in workplaces such as factories, maintenance centres, sewing workshops and the like.

b) Intervention activities of disaster and emergency units.

c) Domestic services.

ç) Persons producing goods and services on their own account without employing workers.

d) Prison workshop, training, security and vocational course activities within the framework of improvement of enforcement services for convicts and inmates.

e) (**Annex: 10/9/2014-6552/15 Article; Annulment: Supreme Court's dated 14/5/2015 and numbered E.: 2014/177, K.: 2015/49 decision**)

Definitions

ARTICLE 3 – (1) For the purposes of this Law, the following terms shall have the following meanings:

a) Ministry: Ministry of Labour and Social Security;

b) Worker: any natural person employed at public or private sector workplaces, regardless of their status in their relevant laws;

c) Workers' representative: any worker authorised to represent workers in matters such as participating in occupational health and safety related activities, monitoring these activities, requesting measures, making propositions;

ç) Support staff: any person with appropriate competence and sufficient training who is specifically put in charge of issues related to occupational health and safety such as prevention, protection, evacuation, firefighting, first-aid besides their main duty;

d) Training institution: public institutions and organisations authorised by the Ministry to provide training for occupational safety specialists, occupational physicians and other health-care personnel, universities and enterprises established by companies operating in accordance with the Turkish Code of Commerce;

e) Young worker: any worker who is of at least fifteen years of age but less than eighteen years of age;

f) (**Amendment: 12/7/2013-6495/101 Article**) Occupational safety specialist: any engineer, architect or technician who are authorised by the Ministry to work in the field of occupational health and safety and who have occupational health and safety expertise certificate;

g) Occupational accident: any occurrence taking place at the workplace or due to the performance of work which leads to death or makes physically or mentally disabled to the physical integrity of the victim;⁽¹⁾

ğ) Employer: any natural or legal person or any institution and organisation which is not a legal entity who has an employment relationship with the worker;

h) Workplace: any organisation in which material and non-material elements and workers are organised together to produce goods or services, where the employer is linked in qualitative terms to the goods or services produced and which includes locations linked to the workplace organised under the same management and other premises and equipment such as rest rooms, nursing rooms, canteens, sleeping, washing, examination and maintenance facilities as well as physical and vocational training locations and courtyards;

ı) Occupational physician: any physician who is authorised by the Ministry to work in the field of occupational health and safety and who has occupational medicine certificate;

(1) (**Amendment: 25/4/2013-6462/1 Article**) The expression "özre uğratan" is changed to "engelli hale getiren" in the subparagraph (g) of the paragraph (1) of the Article 3.

- i) Workplace health and safety unit: any unit established to provide occupational health and safety services at the workplace with required equipment and personnel;
 - j) Council: National Occupational Health and Safety Council;
 - k) Committee: occupational health and safety committee;
 - l) Occupational disease: any illness caused by exposure to occupational risks;
 - m) Common health and safety unit: any unit which is established by public institutions and organisations, organised industrial zones and companies operating under the Turkish Code of Commerce in order to provide occupational health and safety services to workplaces, with required equipment and personnel and which is authorised by the Ministry;
 - n) Prevention: all the measures planned or taken in order to eliminate or reduce occupational health and safety risks at all stages of work undertaken at the workplace;
 - o) Risk: probability of loss, injury or other harmful result arising from hazard;
 - ö) Risk assessment: activities required for identifying hazards which are existing in or may arise from outside the workplace, analysing and rating the factors causing these hazards to turn into risks and the risks caused by hazards and determining control measures;
 - p) Hazard: potential which exists at the workplace or may arise from outside the workplace to cause harm or damage which could affect the worker or the workplace;
 - r) Hazard classification: hazard group in which a workplace is identified to fit in, taking into account the nature of the work performed, substances used or produced at every stage of work, work equipment, production methods and types as well as other issues related to work environment and working conditions in terms of occupational health and safety;
 - s) (**Amendment: 12/7/2013-6495/101 Article**) Technician: any person with the title of technical instructor, physicist and chemist as well as any graduate of an occupational health and safety programme at universities;
 - ş) Occupational nurse: any nurse/health technician who is authorised to perform the nursing profession pursuant to the Nursing Law dated 25/2/1954 and numbered 6283 and who has the occupational nurse's certificate issued by the Ministry in order to work in the field of occupational health and safety.
- (2) Employer's representatives who act on behalf of the employer and are involved in the work and the management of the workplace are considered as employers as far as the implementation of this Law is concerned.

SECTION TWO

Duties, Authority and Responsibilities of the Employer and Workers

General responsibility of the employer

ARTICLE 4 – (1) The employer shall have a duty to ensure the safety and health of workers in every aspect related to the work. In this respect, the employer shall;

- a) take the measures necessary for the safety and health protection of workers, including prevention of occupational risks and provision of information and training, as well as provision of the necessary organization and means and shall ensure that these measures are adjusted taking account of changing circumstances and aim to improve existing situations.
- b) monitor and check whether occupational health and safety measures that have been taken in the workplace are followed and ensure that nonconforming situations are eliminated.
- c) carry out a risk assessment or get one carried out;
- d) take into consideration the worker's capabilities as regards health and safety where he entrusts tasks to a worker;
- e) take appropriate measures to ensure that only workers who have received adequate instructions may have access to areas where there is serious and specific danger.

(2) In case an employer enlists competent external services or persons, this shall not discharge him from his responsibilities in this area.

(3) The workers' obligations in the field of safety and health at work shall not affect the principle of the responsibility of the employer.

(4) Measures related to health and safety at work may in no circumstances involve the workers in financial cost.

Principles of protection from risks

ARTICLE 5 – (1) The employer shall fulfil these responsibilities on the basis of the following principles:

- a) avoiding risks.
- b) evaluating the risks which cannot be avoided.
- c) combating the risks at source.
- d) adapting the work to the individual, especially as regards the design of work places, the choice of work equipment and the choice of working and production methods, with a view, in particular, to avoiding or minimizing

adverse effects of monotonous work and work at a predetermined work-rate on health and safety

e) adapting to technical progress.

f) replacing the dangerous by the non-dangerous or the less dangerous.

g) developing a coherent overall prevention policy which covers technology, organization of work, working conditions, social relationships and the influence of factors related to the working environment

h) giving collective protective measures priority over individual protective measures

i) giving appropriate instructions to the workers.

Occupational health and safety services

ARTICLE 6 – (1) In order to provide occupational health and safety services including activities related to the protection and prevention of occupational risks, the employer shall:

a) designate workers as occupational safety specialist, occupational physician and other health staff. In case there is lack of personnel in the undertaking competent enough to be designated, the employer shall enlist a common health and safety unit to provide these services partially or completely. Provided that the employer has the required qualifications and documents, these services can be offered by the employer considering the hazard classification and the number of workers. **(Additional clause: 10/9/2014-6552/16 Article)** In enterprises where less than 50 employees and which are classified as less hazardous employer or employer's representative who do not have specified qualifications and the required certification, provided by completing the training which declared by the Ministry, shall fulfill occupational health and safety services except for recruitment medical and periodic examinations. ^{(1) (2)}

b) meet the need for means, space and time to help designated people or organizations fulfill their duties.

c) ensure cooperation and coordination among all people and bodies responsible for providing health and safety services at workplaces

d) implement measures that are in accordance with the relevant occupational health and safety and notified in written by the designated persons or organizations providing service

e) inform designated persons, external services consulted and other workers and their employers from any outside enterprise or undertaking engaged in work in his undertaking or enterprise receive adequate information as regards the factors known to affect, or suspected of affecting, the safety and health of workers.

(2) Public bodies and organizations as defined in Public Procurement Law no. 4734 dated 4/1/2002 may get occupational health and safety services either directly from circulating capital enterprises operating under the Ministry of Health or as defined in law no. 4734.

(3) It is not obligatory to hire other health care staff in enterprises where there is a full time occupational physician.

(4) **(Annex: 10/9/2014-6552/16 Article)** For determining appointment time according to (a) of the first paragraph of this article apprentices and trainees with student status which is in the scope of Vocational Training Law no. 3308 dated 5/6/1986 and Higher Education Law no. 2547 dated 4/11/1981 shall not be taken into account the total number of workers.

State Subsidies to Occupational Health and Safety Services

ARTICLE 7 – (1) The Ministry may provide support to enterprises to carry out occupational health and safety services provided that the following conditions are met:

a) This support may be provided to enterprises employing fewer than ten workers except for public bodies and organizations provided that the enterprise is classified as 'very hazardous' and 'hazardous'. However, the President of the Republic may decide that the enterprises employing less than ten workers in the class of 'less hazardous' can benefit from the support. ⁽³⁾

b) Social Security Institution shall cover expenses by allocating resources out of premiums collected under the short-term insurance program including occupational accidents and occupational diseases.

c) The records kept by the Social Security Institution shall constitute the basis in the implementation phase.

d) In case it is revealed, in the scope of controls and inspections carried out as per this law and other relevant pieces of legislation, that the employer has failed to enter their employees into social insurance registry, the Social Security Institution shall collect the outstanding debts together with legal interest rate. Employers who are found to be in such violation shall be deprived of the right to benefit from all types of subsidy for a period of three years.

e) The Ministry is the authorized body to guide the practice, remove hesitations on how to implement the law and resolve problems arising out of implementation.

(2) The following issues and the relevant procedures and principles shall be specified by a regulation issued by the Ministry after receiving the approval of the Ministry of Finance:

a) Utilization of subsidies provided as a means to support occupational health and safety services.

b) Determining the amount of remuneration to be paid by the Social Security Institution to cover occupational health and safety services, identifying which part of these services are to be supported and deciding on the payment rate taking account of the characteristics of the enterprises to be provided subsidy with fewer than ten workers

(1) **(Amendment: 10/9/2014-6552/16 Article)** The expression "occupational physician and" is added come later from the expression "in enterprises where less than 10 employees and which are classified as very hazardous" in the subparagraph (a) of the paragraph (1) of the Article 6.

(2) **(Amendment: 18/6/2017-7033/85 Article)** The expression "less than 10" is changed to "less than 50" in the subparagraph (a) of the paragraph (1) of the Article 6.

(3) **(Amendment: 2/7/2018-KHK 703/210 Article)** The expression "Council of Ministers" is changed to "President of the Republic" in the subparagraph (a) of the paragraph (1) of Article 7.

- c) Conditions to be met by the enterprises to be provided with state subsidy.
- d) Characteristics of enterprises providing occupational health and safety service.

(3) The Ministry might cooperate with Ministry of Health, Ministry of Science, Industry and Technology and other relevant professional organizations in order to ensure efficiency and sustainability.

Occupational physicians and occupational safety specialists

ARTICLE 8 – (1) Rights and authorities of occupational physicians and occupational safety specialists might not be restricted in the execution of their duties. Occupational physicians and safety specialists shall seek and maintain professional independence and observe the rules of ethics in the execution of their functions.

(2)(**Amendment: 4/4/2015-6645/1 Article**) Occupational physician and occupational safety specialist, whom are appointed as guide and consultant in occupational health and safety issues to the employer, shall identify the deficiencies and defects regarding occupational health and safety issues in the workplace, considering improvements and changes to the legislation and technical developments and notify the employer regarding these deficiencies and defects in writing. It is the responsibility of the employer to correct the deficiencies and defects. In case the employer fails to implement measures against life threatening dangers such as fire, explosion, collapse, chemical leakage or environment that may cause occupational disease; occupational physician or occupational safety specialist shall notify the component body of the Ministry, if available authorized union representative if not available worker representative. The license of the occupational physician or occupational safety specialist who is detected to act against the previous sentence falls into abeyance for three months and in repetition six months. The contract of the occupational physician or occupational safety specialist cannot be terminated nor can their rights be forfeited. Otherwise employer shall pay compensation not lower than a 1 year employment contract. All the rights of the occupational physician or occupational safety specialist mentioned in the Labour Law and other related laws are reserved. If claims of the occupational physician or occupational safety specialist are found to be false by the court the certificate shall be suspended for 6 months.

(3) Occupational physicians and occupational safety specialists as well as external services consulted shall be accountable to the employer for neglect of duty in the execution of their offices.

(4) Where an occupational physician or occupational safety specialist is found to be in neglect of his/her duties resulting in an occupational accident or occupational disease which causes disruption in the integrity of the body such as death or disability, his/her certificate of authorization shall be suspended.

(5) In order to be able to be employed as an occupational safety specialist, one shall obtain class (A) certification to be considered as qualified enough to work in enterprises classified as very hazardous and at least class (B) certification to work in enterprises classified as hazardous and at least class (C) certification to be hired in less hazardous enterprises. The Ministry might introduce several arrangements specific to a sector related to the designation of occupational safety specialists and occupational physicians. (**Additional sentence: 4/4/2015-6645/1 Article**) Under the framework of sectoral arrangement, procedures and principles regarding determination of which occupational titles from mining and construction and other sectors which occupational safety expert have and occupational safety expert who work in other duties and with these people are made by the Ministry.

(6) In the event that it is required to hire full time occupational physicians and safety specialists due to the working hours, the employer shall establish a workplace health and safety unit. Without prejudice to the provisions of the law applicable to workers, the weekly working hours as defined in the Labour Law no. 4857 dated 22/5/2003 shall be taken into account.

(7) The personnel qualified enough to be hired as occupational physician or occupational safety specialist in public bodies and organizations according to the relevant legislation might be assigned in other public bodies and organizations in addition to their fundamental duties following the approval and consent of the relevant personnel and top management provided that the working hours are not to exceed the time indicated in their contract and all required documentation is presented. An additional payment equal to the product of an indicative figure (200) and quotient of the monthly salary of civil servants shall be awarded by the organization benefiting from this additional service to the personnel assigned in public bodies other than the one that they were originally assigned. There shall be no deduction in this payment other than the deduction due to stamp tax. Assignments exceeding eighty hours in total in a month shall not be included in the additional payment provided that the daily working hours are not exceeded.

(8) Without prejudice to the legislation on full time employment in public health care services, the restrictive provisions of other laws shall not apply to employment of occupational physicians and other health care staff in workplace health and safety units and common health and safety units and fulfilment of their duties the scope of which shall be limited to the number of workers in the enterprise benefiting from the service.

Determining the Hazard Classification

ARTICLE 9 – (1) Considering the short-term insurance premium tariff as defined in article 83 of the Law no. 5510 dated 31/5/2006 on Social Insurance and Universal Health Insurance and in line with the views of commission composed of all parties concerned and set up under the chairmanship of Directorate General of Occupational Health

and Safety, the Ministry shall issue a circular on assigning a hazard classification to enterprises.

(2) The hazard classification for enterprises shall be assigned based on the main activities conducted.

Risk assessment, control, measurement and examinations

ARTICLE 10 – (1) The employer shall conduct an assessment of risks to health and safety of workers or get one carried out, taking account the following points:

- a) The situation of workers who might get affected by risks.
- b) Choice of work equipment, the chemical substances or preparations used.
- c) Workplace organization and housekeeping.
- d) The situation of female workers and other workers such as young workers, older workers, disabled, pregnant or breastfeeding workers who need specific policies.

(2) The employer shall identify measures needed to be taken for the safety and health of workers as a consequence of the risk assessment and protective equipment needed to be used to implement the measures.

(3) Measures to be taken for the safety and health protection of workers and the working and production methods implemented by the employer must assure an improvement in the level of protection afforded to workers with regard to safety and health and be practicable at all hierarchical level within the undertaking and/or enterprise.

(4) The employer shall ensure that controls, measurements, examinations and researches are carried out to determine the risks related to safety and health present at the workplace and affecting the workers.

Emergency plans, fire-fighting and first aid

ARTICLE 11 – (1) The employer shall;

a) assess the foreseeable emergency situations and identify those that might potentially affect workers and work environment taking into account the work environment, substances used, equipment and environmental conditions present in the workplace and take measures to prevent and limit adverse effects of emergency situations.

b) conduct measurement and assessments to afford protection against adverse effects of emergency situations and prepare emergency plans.

c) designate a sufficient amount of persons trained in prevention, protection, evacuation, fire fighting, first aid and other related issues taking into account the size and specific hazards of the undertaking, nature of the activities, number of employees and other persons present in the enterprise. The number of such workers, their training and equipment available to them shall be adequate and the employer shall arrange emergency drills and trainings and make sure that the rescue teams are always available to respond.

d) arrange any necessary contacts with external services, particularly as regards first aid, emergency medical care, rescue work and fire-fighting.

Evacuation

ARTICLE 12 – (1) In the event of serious, imminent and unavoidable danger, the employer shall:

a) take action and give instructions to enable workers to stop work and/or immediately to leave the work place and proceed to a place of safety.

b) save in exceptional cases for reasons duly substantiated; refrain from asking workers to resume work in a working situation where there is still a serious and imminent danger.

(2) The employer shall ensure that all workers are able, in the event of serious and imminent danger to their own safety and/or that of other persons, and where the immediate superior responsible cannot be contacted, to take the appropriate steps in the light of their knowledge and the technical means at their disposal, to avoid the consequences of such danger. Their actions shall not place them at any disadvantage, unless they acted carelessly or there was negligence on their part.

Right to Abstain from Work

ARTICLE 13 – (1) Workers exposed to serious and imminent danger shall file an application to the committee or the employer in the absence of such a committee requesting an identification of the present hazard and measures for emergency intervention. The committee shall convene without delay and the employer shall make a decision immediately and write this decision down. The decision shall be communicated to the worker and workers' representative in writing.

(2) In the event that the committee or the employer takes a decision that is supportive of the request made by the worker, the worker may abstain from work until necessary measures are put into practice. The worker shall be entitled to payment during this period of abstention from work and his/her rights arising under the employment contract and other laws shall be reserved.

(3) In the event of serious, imminent and unavoidable danger; workers shall leave their workstation or dangerous area and proceed to a place safety without any necessity to comply with the requirements in the first paragraph. Workers may not be placed at any disadvantage because of their action.

(4) Where the necessary measures are not taken despite the requests by workers, workers under labour contract might terminate their employment contract in accordance with the provisions of the law applicable to them. As for the

workers under collective bargaining agreement, the abstention period as defined in this article shall be deemed as actual work time.

(5) In compliance with the article 25 of this law, the provisions of this article shall not apply in the event of cease of work in the enterprise.

Recording and Notification of Occupational Accidents and Diseases

ARTICLE 14 – (1) The employer shall;

a) keep a list of all occupational accidents and diseases suffered by his workers and draw up reports after required studies are carried out.

b) investigate and draw up reports on incidents that might potentially harm the workers, work place or work equipment or have damaged the work place or equipment despite not resulting in injury or death.

(2) The employer shall notify the Social Security Institution of the following situations within a prescribed time as follows:

a) Within three work days of the date of the accident.

b) Within three work days after receiving the notification of an occupational disease from health care providers or occupational physicians.

(3) Occupational physicians or health care providers shall refer workers who have been pre-diagnosed with an occupational disease to health care providers authorized by the Social Security Institution.

(4) Occupational accidents referred to health care providers shall be notified to the Social Security Institution within ten days at most and authorized health care providers shall notify the Social Security Institution of the occupational diseases within the same period of time.

(5) The procedures and principles as regards this article shall be defined by the Ministry following the receipt of approval from the Ministry of Health.

Health Surveillance

ARTICLE 15 – (1) The employer shall;

a) ensure that workers receive health surveillance appropriate to the health and safety risks they incur at work.

b) Health examination of workers is required under the following situations:

1) Pre-assignment.

2) Job change after the assignment.

3) In case of return to work following repetitive absence from work due to occupational accidents, occupational diseases or health problems upon request.

4) At regular intervals recommended by the Ministry in the course of employment taking into account the workers, the nature of work and hazard classification of the enterprise.

(2) Workers to be employed (**Amended expression: 10/9/2014-6552/17 Article**) in jobs classified as hazardous and very hazardous shall receive a medical report before employment.⁽¹⁾

(3) (**Amended first sentence: 10/9/2014-6552/17 Article**) Medical reports required to be received as per this law shall be obtained from occupational physician. It might also obtaine from the Public Health Service Providers or family physicians for enterprises where less than 50 workers and which are classified as less hazardous.⁽²⁾

(4) The employer shall cover all expenses arising from health surveillance and any additional expense related to this surveillance. The health surveillance may in no circumstances bring financial burden to workers.

(5) Health data of workers undergoing a medical examination shall be kept confidential in order to ensure protection of individual privacy and prestige.

Worker Information

ARTICLE 16 – (1) The employer shall inform the workers and workers' representatives of the following issues taking into account the characteristics of the enterprise for the purposes of ensuring and maintaining the occupational health and safety:

a) the safety and health risks and protective and preventive measures.

b) their legal rights and responsibilities.

c) Workers designated to handle first aid, extra ordinary situations, disasters, fire-fighting and the evacuation.

(2) The employer shall;

a) as soon as possible, inform all workers who are, or may be, exposed to serious and imminent danger of the risk involved as defined in article 12 and of the steps taken or to be taken as regards protection.

b) ensure that employers of workers from any outside undertakings and/or enterprises engaged in work in his undertaking and/or enterprise receive adequate information concerning the points referred to in paragraph 1 which is to be provided to the workers in question.

c) ensure that support staff and workers' representatives shall have access to the risk assessment, protective and preventive measures related to safety and health at work, the information yielded by measurements, analysis, technical controls, records, reports and inspections.

Training of Workers

(1) (**Amendment: 10/9/2014-6552/17 Article**) The expression “enterprises” is changed to “in jobs” in the paragraph (2) of the Article 15.

(2) (**Amendment: 18/6/2017-7033/85 Article**) The expression “less than 10” is changed to “less than 50” in the paragraph (3) of this

ARTICLE 17 – (1) The employer shall ensure that each worker receives adequate safety and health training. This training shall be provided on recruitment, in the event of a transfer or a change of job, in the event of a change in equipment or introduction of any new technology. The training shall be adapted to take account of new or changed risks and repeated periodically if necessary.

(2) Workers' representatives shall be entitled to appropriate training.

(3) Workers failing to present documents to prove that they have received vocational training on their job might not be employed in jobs classified as hazardous and very hazardous which require vocational training.

(4) Workers who have had occupational accident or disease shall receive additional training on reasons for the accident or disease, ways to protect themselves and safe working methods. Workers who are away from work for any reason for more than six months shall receive refresher training before return to work.

(5) Workers from outside undertakings and/or enterprises might not start to be employed in jobs classified as hazardous and very hazardous unless they can present documents to prove that they have received appropriate instructions regarding health and safety risks.

(6) The employer who is the party to temporary employment relationship shall ensure that the worker receives training on health and safety risks.

(7) Trainings mentioned in this article may in no circumstances bring financial burden to workers. Time spent on trainings shall be deemed as actual work time. In case the time allocated for trainings exceeds weekly working hours, hours worked in excess of weekly working hours shall be considered as overtime.

Consultation with and Participation of Workers

ARTICLE 18 – (1) The employer shall consult workers or representatives authorized by trade unions in enterprises with more than two workers' representatives or workers' representatives themselves in the absence of trade union representative to ensure the consultation and participation of workers. This presupposes:

a) Consultation with regard to safety and health at work, the right of workers and/or their representatives to make proposals and allowing them to take part in discussions and ensuring their participation.

b) Consultation as regards the introduction of new technology and the consequences of the choice of equipment, the working conditions and the working environment for the safety and health of workers.

(2) The employer shall ensure that support staff and workers' representatives shall be consulted in advance with regard to:

a) The assignment of occupational physicians, occupational safety specialists and other staff inside the enterprise or the enlistment, where appropriate, of the competent services or persons outside the undertaking and/or enterprise and designation people to be in charge of first aid, fire fighting and evacuation.

b) Identification of the protective equipment and protective and preventive measures to be introduced as a consequence of risk assessment.

c) Prevention of health and safety risks and providing protective services.

d) Worker information.

e) The planning of training to be provided to workers.

(3) Workers and/or their representatives are entitled to report to the authority responsible for safety and health protection at work if they consider that the measures taken and the means employed by the employer are inadequate for the purposes of ensuring safety and health at work. The workers may not be placed at a disadvantage because of their respective activities.

Workers' Obligations

ARTICLE 19 – (1) It shall be the responsibility of each worker to take care as far as possible of his own safety and health and that of other persons affected by his acts or commissions at work in accordance with his training and the instructions given by his employer

(2) To this end, workers must in particular, in accordance with their training and the instructions given by their employer:

a) make correct use of machinery, apparatus, tools, dangerous substances, transport equipment and other means of production; use such safety devices correctly and refrain from changing or removing arbitrarily safety devices fitted

b) make correct use of the personal protective equipment supplied to them.

c) immediately inform the employer and/or the workers' representative of any work situation they have reasonable grounds for considering represents a serious and immediate danger to safety and health and of any shortcomings in the machinery, apparatus, tools, facilities and buildings;

d) cooperate with the employer and/or workers' representative to enable any tasks or requirements imposed by the competent authority to protect the safety and health of workers at work to be carried out

e) cooperate with the employer and/or workers' representative for the safety and health of workers within their field of activity.

Workers' Representative

ARTICLE 20 – (1) In the event that no person might be elected or chosen to represent workers, the employer shall designate a workers' representative considering the risks present at work and the number of workers with special attention to balanced participation of workers. The number of representatives shall be identified in the following way:

- a) One representative for enterprises between two and fifty workers.
- b) Two representatives for enterprises between fifty one and one hundred workers.
- c) Three representatives for enterprises between one hundred one and five hundred workers.
- d) Four representatives for enterprises between five hundred one and one thousand workers.
- e) Five representatives for enterprises between one thousand one and two thousand workers.
- f) Six representatives for enterprises between two thousand one and more workers.

(2) Where there is more than one workers' representative, the chief representative shall be elected among the other workers' representative.

(3) Workers' representatives shall have the right to ask the employer to take appropriate measures and to submit proposals to him to that end to mitigate hazards for workers and/or to remove sources of danger.

(4) Workers' representatives may not be placed at a disadvantage because of their respective activities and the employer shall provide them with the necessary means to enable such representatives to exercise their rights and functions.

(5) Where there is an authorized trade union represented in the enterprise, the trade union representative shall act as workers' representative.

SECTION THREE

Council, Committee and Coordination

National Occupational Health and Safety Council

ARTICLE 21 – (1) A council has been established to make recommendations on policies and strategies related to occupational health and safety throughout the country.

- (2) (Cancelled: 2/7/2018-KHK-703/210 Article)
- (3) (Cancelled: 2/7/2018-KHK-703/210 Article)
- (4) (Cancelled: 2/7/2018-KHK-703/210 Article)
- (5) (Cancelled: 2/7/2018-KHK-703/210 Article)
- (6) (Cancelled: 2/7/2018-KHK-703/210 Article)
- (7) (Cancelled: 2/7/2018-KHK-703/210 Article)

Occupational Health and Safety Committee

ARTICLE 22 – (1) The employer shall set up an occupational health and safety committee in enterprises where a minimum of fifty employees are employed and permanent work is performed for more than six months. Employers are under the obligation to enforce the decisions of the occupational health and safety committees taken in accordance with the legislation on occupational health and safety.

(2) In the event that main employer – sub contractor relation exceeds six months:

a) Where the contractor and sub-contractor have set up separate committees, the contractor shall ensure cooperation in the enforcement of decisions and maintenance of activities.

b) Where the contractor has set up a committee, the sub-contractor shall appoint by proxy an authorized representative to facilitate coordination.

c) The contractor who is not required to set up a committee shall appoint by proxy an authorized member to be represented in the committee set up by the sub-contractor to ensure cooperation and coordination.

d) Where the contractor is not supposed to set up a committee and the sub-contractor employs more than fifty workers, the contractor and sub-contractor shall set up a joint committee provided that the cooperation is ensured by the contractor.

(3) Where there is more than one employer in the same workplace and these employers set up more than one committee, these employers shall inform each other of the decisions of the committees which might affect one another.

Coordination of Occupational Health and Safety Services

ARTICLE 23 – (1) Where there is more than one employer in the same work environment, the employers shall cooperate in the implementation of measures related to health and safety at work and occupational hygiene. The employers shall work in cooperation to prevent occupational risks and offer protection against such risks and inform each other and workers' representatives on these risks.

(2) Where there is a business centre, office block, industrial zone or an industrial estate with more than one workplace, the management shall ensure cooperation in the field of occupational health and safety. The management shall advise the employers to take necessary measures against hazards that might affect the health and safety in other workplaces. The management shall notify the Ministry of the employers failing to take these measures.

SECTION FOUR
Inspection and Administrative Sanctions

Inspection, examination, investigation and authority, obligation and responsibility of the inspector

ARTICLE 24 – (1) The monitoring and inspection with regards to the implementation of this Law is carried out by the labour inspectors of the Ministry authorized to carry out occupational health and safety inspections. During the inspections and examinations to be carried out under this Law, the articles numbered 92, 93, 96, 97 and 107 of the Law numbered 4857 are implemented.

(2) The Ministry has the authority to carry out occupational health and safety measurements, examinations and investigations, to take samples for this purpose and to control and inspect training institutions and common health and safety units. The authorized personnel in this respect are obliged to avoid interrupting the work as much as possible and to keep professional secrets of the employer and the workplace and what he/she sees and learns confidential. The procedures and principles of such control and inspection are regulated by the Ministry.

(3) The audit and inspection of military workplaces and the workplaces producing materials for home security and the results of such inspection are carried out according to the regulations to be jointly prepared by the Ministry of National Defence and the Ministry of Labour.

Cease of operations

ARTICLE 25 – (1) In case of any situation found dangerous to workers' life in the premises, working methods or equipment, operations shall be stopped in the premises or any part of it, taking into account the nature of the hazard and the part of the premises and the workers to be affected by the hazard, until such hazard is eliminated. In addition, at the workplaces classified as very hazardous, mining, metal and construction workplaces, workplaces where hazardous chemicals are used and the workplaces where serious industrial accidents may take place, the operations shall be stopped in case of a lack of risk assessment.

(2) The group of three labour inspectors, authorized to carry out occupational health and safety inspection, carry out required examination based on the decision of the labour inspector authorized to carry out occupational health and safety inspection and may decide to stop the operations in the days following the date of the decision. However, in case the hazard requires urgent intervention, the labour inspector taking the decision shall stop the operations temporarily until a decision is taken by the group of inspectors.

(3) The decision on cease of operations shall be sent in one day to the relevant local authority and to the Provincial Directorate of Labour and Employment which has the file of the workplace. The decision on the cease of operations is enforced in twenty four hours (**Annex expression: 4/4/2015-6645/2 Article**) by means of the police. However, the cease of operations decision requiring urgent intervention is enforced (**Annex expression: 4/4/2015-6645/2 Article**) by local authority by means of the police on the same day. ⁽¹⁾

(4) The employer may appeal the decision on the cease of operations through authorized labour court in six days following the enforcement of the decision. The appeal shall not affect the enforcement of the decision on the cease of operations. The court first evaluates the appeal and takes a decision in six working days. The court's decision is the final decision.

(5) In case that the employer informs the Ministry in written form that the factors leading to cease of operations are not in place any more, there shall be another examination at the workplace in seven days at maximum in order to address the request of the employer.

(6) The employer is obliged to make the payments of his workers unemployed due to the cease of operations or assign them to another job judging by their profession or situation on the condition that they are not paid less.

(7) (**Annex: 4/4/2015-6645/2 Article**) In jobs classified as very hazardous and taken by procurement; technological development, increasing the workforce capacity, without providing a portion elements such as innovation in production methods life-threatening forms of work due to the force production by way act contrary to production and/or the manufacturing plan, work programs, considered as a reason to cease of operation.

(8) (**Annex: 4/4/2015-6645/2 Article**) Employer and their representatives who make working without permission in ceased operations in the workplace is given a prison sentence from three years to five years.

Prohibition from public procurement due to fatal occupational accident

ARTICLE 25/A – (Annex: 4/4/2015-6645/3 Article)

In the mining workplace occurring fatal occupational accidents, as determined by the employer defected by the judgment, is prohibited for two years from participating in public procurement by the court with specified in the second paragraph of the Article 26 of Public Procurement Contracts Law dated 5/1/2002 and numbered 4735. A copy of the decision is sent to the Public Procurement Authority to be processed by the employer of record and shall be announced on the Authority's website.

⁽¹⁾(**Amendment: 4/4/2015-6645/2 Article**) The expression "by means of police" is added come after the statements of "local authority" in the paragraph (3) of Article 25.

Administrative fines and enforcement

ARTICLE 26 – (1) Within the scope of this Law, the administrative fines are as follows;

a) For the employer who violates the obligations laid down in lines (a) and (b) of the first paragraph of the Article 4, two thousand Turkish Lira per each obligation,

b) For the employer who does not employ an occupational safety specialist or occupational physician as foreseen in the first paragraph Article 6, five thousand Turkish Lira per each professional, the same amount per each month until it is corrected, for the employer who does not employ other health technician two thousand five hundred Turkish Lira, the same amount per each month until it is corrected, for the employer who violates the obligations laid down in lines (b), (c) and (d) of the same paragraph, one thousand five hundred Turkish Lira per each obligation, for the employer who violates the obligations laid down in line (ç) thousand Turkish Lira per each obligation,

c) For the employer who violates the obligations laid down in the first and sixth paragraphs of the Article 8 one thousand five hundred Turkish Lira per each obligation,

ç) For the employer who fails to do risk assessment or to have risk assessment done in accordance with the first paragraph of the Article 10, three thousand Turkish Lira, four thousand five hundred Turkish Lira per each month until it is corrected, for the employer who violates the obligations laid down in the fourth paragraph, one thousand five hundred Turkish Lira,

d) For the employer who violates the Articles 11 and 12, one thousand Turkish Lira per each obligation violated and the same amount per each month until it is corrected,

e) For the employer who violates the obligations laid down in the first paragraph of the Article 14, one thousand five hundred Turkish Lira per each obligation, for the obligations in the second paragraph two thousand Turkish Lira, for the health service providers or authorized health service providers who violate the obligations laid down in the fourth paragraph two thousand Turkish Lira,

f) For the employer who violates the obligations laid down in the first and second paragraphs of the Article 15, one thousand Turkish Lira per each worker who hasn't gone through health surveillance or who doesn't have a health report,

g) For the employer who violates the obligations laid down in the Article 16, one thousand Turkish Lira per each uninformed worker,

ğ) (**Amendment: 4/4/2015-6645/4 Article**) The employer who doesn't carry out the obligations stated in 17. Article, 500 Turkish Liras for each nonconformity per employee,

ı) For the employer who violates the obligations laid down in the first and fourth paragraphs of the Article 20 one thousand Turkish Lira, for the obligations laid down in the third paragraph one thousand five hundred Turkish Lira,

i) For the employer who violates the obligations laid down in the Article 22, two thousand Turkish Lira per each obligation,

j) For the management which violates the notification obligations laid down in the second paragraph of the Article 23, five thousand Turkish Lira,

k) For the employer who prevents measurement, examination and investigation, taking samples in terms of occupational health and safety or checks and audits of training institutions and common health and safety units laid down in the second paragraph of the Article 24, five thousand Turkish Lira,

l) (**Amendment: 4/4/2015-6645/4 Article**) The employer who doesn't carry out the obligations stated in 6. Sub-Article of 25. Article, 1000 Turkish Liras for each employee whose right violated, the same amount per month that the violation continues,

m) For the employer who fails to prepare serious accident prevention policy document in accordance with the Article 29 fifty thousand Turkish Lira, for the employer who prepares safety report but fails to submit to the Ministry before starting the operations, the employer who starts the operations without getting the permit from the Ministry or the employer who maintains the operations ceased by the Ministry, eighty thousand Turkish Lira,

n) For the employer who violates the obligations laid down in the regulations mentioned in Article 30, one thousand Turkish Lira per each provision violated per month following the date of detection of the violation.

o) (**Annex: 4/4/2015-6645/4 Article**) The employers who doesn't supply CE marked personal protective equipment, 500 Turkish Liras per employee,

ö) (**Annex: 4/4/2015-6645/4 Article**) The employer who doesn't set up a tracking system which shows the place of the employees and the direction of enters and exits, 500 Turkish Liras per employee.

(2) (**Amendment: 4/4/2015-6645/4 Article**) The administrative fines defined in this law except for the administrative fines which are applied to ones who don't carry out the declaration obligation stated in 14 article of this Law, are conducted by the province director of Provincial Directorates of Labour and Employment, thereby the reasons are stated. The administrative fines, except for the administrative fines applied to the ones who don't carry out the declaration obligation stated in 14 article of this Law, are registered as income to the national budget. The administrative fines which are applied to ones, who don't carry out the declaration obligation stated in 14 article of this Law, are directly paid to Social Security Institution. In case of the declaration, objection and collection of

administrative fines conducted by Social Security Institution, decrees of 102 article of Law No 5510 applied. The other administrative fines shall be paid in 30 days. The administrative fines also can be applied on the state institutions and organizations which aren't legal entity.

(3)(**Annex: 4/4/2015-6645/4 Article**) Within the scope of this article, the administrative fines are as follows,

a) For the management with fewer than ten workers;

1) same amount to classified as less hazardous,

2) twenty-five percent increase in amount to classified as hazardous,

3) fifty percent increase in amount to classified as very hazardous,

b) For the management having between ten and forty-nine workers,

1) same amount to classified as less hazardous,

2) fifty percent increase in amount to classified as hazardous,

3) one hundred percent increase in amount to classified as very hazardous,

c) For the management fifty or more workers,

1) fifty percent increase in amount to classified as less hazardous,

2) one hundred percent increase in amount to classified as hazardous,

3) two hundred percent increase in amount to classified as very hazardous,

shall apply.

(4) (**Annex: 4/4/2015-6645/4 Article**) the administrative fines shall not apply in the event of cease of work due to related to actions that caused the suspension.

(5) (**Annex: 4/4/2015-6645/4 Article**) the provisions of the third paragraph shall not apply in administrative fines which multiplied with the number of employees.

(6) (**Annex: 4/4/2015-6645/4 Article**) The administrative fines collected in accordance with this Law shall be used in spending on education and research and development projects related to occupational health and safety except for applying for the management which violates the notification obligations laid down in the Article 14. The appropriations needed for this purpose is provided for in the Ministry's budget. These allowances and the relevant procedures and principles shall determine by jointly with the Ministry of Finance and the Ministry.

Cases for which no provision exists and exemption

ARTICLE 27 – (1) Save for the legal provisions that the workers are subject to, for the cases for which there are no provisions in this Law, the provisions of the Law numbered 4857, which are in compliance with this Law shall apply.

(2) The papers issued in accordance with this Law are exempted from stamp tax and the transactions are exempted from fees.

(3) The Ministry shall ask for and archive any document or data related to the work or transactions to be done according to this Law via electronic or similar media and shall confirm, authorize, inform and issue documents via these media.

SECTION FIVE

Miscellaneous and Temporary Provisions

Prohibition of using drugs

ARTICLE 28 – (1) It is forbidden to come to the workplace drunk or on drugs and to drink alcohol or use drugs in the workplace.

(2) The employer has the authority to determine in which cases, when and under which conditions alcohol can be consumed in the premises.

(3) The prohibition of drinking is not applicable to the following workers:

a) The workers employed in workplaces producing alcoholic drinks and assigned to inspect what is produced.

b) The workers who have to drink alcohol due to the requirements of their job in workplaces where alcohol is sold either in closed bottles or open ones.

c) The workers who have to drink alcoholic drinks with the customers due to the nature of their job.

Safety report or serious accident prevention policy document

ARTICLE 29 – (1) For workplaces where a serious industrial accident can take place, the employer shall prepare a serious accident prevention policy document or safety report based on the size of the workplace before starting the operations.

(2) The employer shall start operations in the workplace following the examination of the safety report of the workplace in terms of the content and competency by the Ministry.

Regulations related to occupational health and safety

ARTICLE 30 – (1) The following issues as well as the procedures and rules related to them shall be set out by the regulations to be prepared by the Ministry:

a) With the aim of ensuring, maintaining and improving occupational health and safety by consulting the relevant ministries, the issues that may require specific regulation such as; premises, work equipment, the materials used or produced in every phase of the work, working environment and conditions, work equipment, works and workplaces which involve specific risks, employment of groups which require specific policy, night work and shift work based on the nature of the work done, works that should be done for shorter time due to health reasons, working conditions of pregnant and nursing women, establishing breast feeding rooms and day-care dormitories or having external services as well as notifications and permits related to them and other issues with regards to implementation of this Law.

b) In relation to occupational health and safety services;

1) The workplaces where occupational health and safety units shall be established based on the number of workers and the hazard classification, the physical conditions and the equipment that should be available in such units.

2) The qualifications, employment, appointment, duty, authority and responsibilities of occupational physicians, occupational safety specialist and other health technicians to be employed in workplace health and safety units and common health and safety units, the procedures as to how they should carry out their duties, minimum working hours based on the number of workers and the hazard class of the workplace, the procedures of notification of hazardous situations at the workplace, the workplaces where they can be employed according to the certificates they have.

3) Duty, authority and obligations, certification and authorization of people and institutions providing occupational health and safety services, health surveillance and health reports to be provided within such services, physical conditions, staff and equipment that should be available in such institutions.

4) The conditions under which the services will be received from people and institutions providing occupational health and safety services based on the workplace hazard classification and the number of workers; the number of staff to be assigned or employed, the duration of services to be provided and the conditions under which the employer can undertake the assigned duties himself.

5) The training and certification of occupational physicians, occupational safety specialist and other health technicians, the classification of the certificates to which they are entitled based on their titles, certification and authorization of the institutions training occupational physicians, occupational safety specialist and other health technicians, appointment and certification of the training schedule and the trainers of such training institutions, the tests to be taken at the end of such trainings and certificates to be issued.

6) **(Annex: 10/9/2014-6552/18 Article)** The points related to the duration of training, qualifications of trainers, assignments and training programs for occupational health and safety in the enterprises employing fewer than fifty workers and classified as less hazardous. ⁽¹⁾

c) In relation to risk assessment; the workplaces where risk assessment shall be done and how, setting down the qualification of people and institutions to carry out risk assessment, providing the required permit and cancellation of the permits.

ç) By consulting Ministry of Health, the checks, examination and investigation required for personal exposure and working environment stipulated by this Law, procedures and rules of physical, chemical and biological factor measurements and laboratory analysis, setting up the required qualification of people and institutions providing such measurements and analysis, authorization and cancellation of authorization as well as authorization and certification costs.

d) Preparation of an emergency plan based on the nature of the work done, the number of workers, the size of the workplace, materials produced and stored, working equipment and location of the workplace, prevention, protection, evacuation, first aid and people to be assigned for such issues.

e) Training sessions to be organized for workers and their representatives, certification of these training sessions, qualifications of people and institutions providing occupational health and safety training, work requiring professional training.

f) Composition of the council, its duty, authority, rules and procedures, the coordination and cooperation among the councils in case there are more than one council.

g) **(Amendment: 4/4/2015-6645/5 Article)** the cease of operations at the workplace, the workplaces where the operations shall be stopped in case of lack of risk assessment, temporary lift of closure with the aim of eliminating the reasons leading to cease of operations, conditions under which resume of operations can be allowed, the issues requiring urgent cease at the workplaces classified as very hazardous mainly in the mining and construction, implementation of the measures to be taken until the decision on cease of operations shall be taken in urgent cases.

(1) (**Amendment: 18/6/2017-7033/85 Article**) The expression “less than 10” is changed to “less than 50” in the paragraph (6) of this Article 30.

ğ) Jointly with the Ministry of Environment and Urbanisation and Disaster and Emergency Management Presidency, measures to be taken in order to prevent serious industrial accidents and mitigating their effects, determination and classification of the workplaces where serious industrial accidents may take place, preparation and examination of serious accidents prevention policy document and safety report for newly established or currently operating enterprises, the cease of operations or allowing operations to continue in case of lack of safety report and the other issues with regard to prevention of serious industrial accidents and mitigating their effects.

(2) Training schedule for occupational physician and other health technician stipulated in the regulations to be published on occupational physician and other health technician in compliance with the line (b) of the first paragraph, duration of their work, the Ministry of Health is consulted on the issues of duties and authority.

(3) (**Annex: 4/4/2015-6645/5 Article**) The procedures and principles regarding the technical specifications about refuge chambers in which mining workplaces can be established is arranged by the regulation issued by Ministry within a year. These specifications are determined in accordance with national and international standards.

Certification, notice and cancellation

ARTICLE 31 – (1) Authorization and certification costs of people, institutions and training institutions which provide occupational health and safety services, conduct measurements and analysis, the registration of rules imposed on such people and institutions as slight, medium and severe notice in case of violation, suspending of and procedures and principles of cancellation of the authorization certificates directly or considering notice points, are regulated by the Ministry.

Amended provisions

ARTICLE 32 – Of the Labour Law numbered 4857 and dated 22/5/2003;

a) The last sentence of the first paragraph of the Article 7 is amended as follows: “Having established a temporary business relation, the employer has the right to give instructions to the worker.”

b) The expression in the sub clause (d) of line (II) in the first paragraph of Article 25 “or violating the Article 84” has been replaced as follows: “, coming to the workplace drunk or on drugs and to drink alcohol or use drugs in the workplace”.

c) The following clause is added in the third paragraph of the Article 7, just after “light work”: “, the jobs where youngsters over sixteen but under eighteen can be employed”.

ARTICLE 33 – The posts of “Chief Labour Inspector”, belonging to the Ministry of Labour and Social Security on the table (I) which is an annex to Decree Law on General Posts and Procedures dated 13/12/1983 and numbered 190, has been changed as “Chief Inspector of Labour”.

ARTICLE 34 – The posts on the tables (I), (II) and (III) in the annex are formed and added on the table (I) which is an annex to Decree Law numbered 190 under the section of Ministry of Labour and Social Security, the posts in the table (IV) in the annex are cancelled and taken out of the table (I) which is an annex to Decree Law numbered 190 under the section of Ministry of Labour and Social Security. ⁽¹⁾

ARTICLE 35 – **The article is related to the Public Officers Law dated 14/7/1965 and numbered 657 and it has been replaced there.**

ARTICLE 36 – **The article is related to the Law of the Organization and Duties of Ministry dated 9/1/1985 and numbered 3146 and it has been replaced there.**

Abolished provisions

ARTICLE 37 – The following provisions of the Law numbered 4857 have been abolished:

a) fourth paragraph of the Article 2.

b) fourth paragraph of the Article 63.

c) fourth, fifth and sixth paragraphs of the Article 69.

ç) the Articles 77, 78, 79, 80, 81, 83, 84, 85, 86, 87, 88, 89, 95, 105 and temporary article 2.

The following expressions are left out of the text: “Saving for occupational health and safety provisions” in line (f) of the first paragraph of the Article 4 of the Law numbered 4857 and “under the scope of the article 85, onethousand New Turkish Lira per each worker employed”.

ADDITIONAL ARTICLE 1–(Annex: 2/7/2018-KHK-703/210 Article)

(1) References to the National Occupational Health and Safety Council in the legislation is considered to be made to the the board or the authority determined by the President of the Republic.

References

TEMPORARY ARTICLE 1 – (1) References included in other pieces of legislation to the Law numbered 4857 are considered as references to this Law.

Current regulations

TEMPORARY ARTICLE 2 – (1) Provisions in regulation which have been enacted pursuant to articles 77,

78, 79, 80, 81 and 88 of the Law numbered 4857 which are not in violation of this Law, shall remain in force until the regulations foreseen in this Law enter into force.

Medical reports

TEMPORARY ARTICLE 3 – (1) Periodic medical reports which were given out to workers previously in accordance with the Law numbered 4857 and other pieces of legislation shall remain valid until the expiry date.

Requirement to appoint occupational safety specialist

TEMPORARY ARTICLE 4 - (Amendment: 4/4/2015-6645/6 Article) (1) The requirement of employing an occupational safety expert with (A) class certificate in enterprises classified as very hazardous shall be deemed as fulfilled provided that an occupational expert with (B) class certificate is employed in these enterprises until the enforcement date of subclause (1) of subparagraph (a) of paragraph 1) of Article 38; the requirement of employing an occupational safety expert with (B) class certificate in enterprises classified as hazardous shall be deemed as fulfilled provided that an occupational safety expert with (C) class certificate is employed in these enterprises until the enforcement date of subclause (1) of subparagraph (a) of paragraph 1) of Article 38⁽¹⁾.

(2) (**Annex: 12/7/2013-6495/55 Article**) The Ministry, with the condition to determine the procedures and principles, is authorized to make the necessary arrangements for whom have occupational expert certificate concerning the granting the right to a maximum two exams on the condition to be used within one year from the date of entry into force of paragraph taking into account the issues such as the days of premium have been paid to Social Security Institution and class of certificate that they have in order to get the certificate in the upper classes.

3) (**Annex: 4/4/2015-6645/6 Article**) The rights of occupational safety experts who enter the certificate upgrade exam and eligible to get the certificate according to second paragraph are reserved.

Existing certificates and documents, and warning points

TEMPORARY ARTICLE 5 – (1) Of the persons who hold occupational physician's, occupational safety specialist's and occupational nurse's certificate or document issued by the Ministry or occupational physician's certificate given out by the Turkish Medical Association before the date of issuance of this Law, those whose certificates were deemed invalid can exercise all rights and authority conferred upon by this Law on condition that they replace their existing document or certificate with the document to be issued by the Ministry within one year as of the issuance of this Law. Of the persons who completed a training programme provided by training institutions for occupational physicians and occupational safety specialists before the above-mentioned date, those whose training was deemed invalid shall be awarded the right to enter the examination in accordance with the relevant piece of legislation. Records of the Ministry shall be deemed as privileged for determining the ownership of right.

(2) Warning points given to training institutions and common health and safety units for which no final court order was delivered before the issuance of this Law shall be transferred to the upcoming new regulation exactly as they are in records.

Payments to physicians employed as occupational physicians in public institutions

TEMPORARY ARTICLE 6 – (1) Public sector employees cannot be subject to administrative or financial procedures or prosecution due to payments made to occupational physicians from public institutions and organisations as well as local governments; any initiated procedure or prosecution shall be annulled; these payments cannot be collected or compensated retrospectively.

TEMPORARY ARTICLE 7 – (1) As of the issuance of this Law, those persons who are assigned in the posts of Chief Labour Inspector shall be considered as assigned to the posts of Chief Inspector for Labour without requiring any procedure.

(1) With the Article 16 of the Law No. 7166 dated 21/2/2019, the expressions "until 1/1/2020" and "until 1/1/2019" in this paragraph have been changed to "until the enforcement date of subclause (1) of subparagraph (a) of paragraph 1) of Article 38".

TEMPORARY ARTICLE 8 – (1) Duties of the persons holding the titles of the Director of the Institute for Worker’s Health and Occupational Safety and the Deputy Director of the Institute for Worker’s Health and Occupational Safety under the Central Directorate of Occupational Health and Safety on the date of the issuance of this Law shall end on the day this Law has been issued and they shall be reassigned to other posts suitable to their degrees and levels within at least one month. They shall, until they are reassigned to their new posts, continue to receive their salaries, additional indicators and all kinds of raises and compensations as well as other financial rights related to their old posts. In the event that the total net amount (this amount is considered as a fixed value) of the salaries, additional indicators, all kinds of raises and compensations paid as well as additional payments and all other payments made under similar names (with the exception of overtime and additional course payments made for work performed actually pursuant to the relevant legislation) to the personnel in question within the last month related to their old posts as of their reassignment is higher than the total net amount of the salaries, additional indicators, all kinds of raises and compensations paid as well as additional payments and all other payments made under similar names (with the exception of overtime and additional course payments made for work performed actually pursuant to the relevant legislation) related to their new posts; the difference between the two amounts shall be paid separately as compensation as long as the difference remains without being subject to any tax or deduction. Payment of the reassignment compensation shall be stopped for those whose post titles were changed upon their own request and those who were reassigned to other institutions upon their own request.

(2) Assignments may be made to the vacant posts, which are included in the annexed list of posts created for this Law, of 20 Occupational Health and Safety specialists, 100 Assistant Specialists on Occupational Health and Safety, 40 Civil Servants, 40 Data Preparation and Control Operators and 10 Engineers within the year 2012 without being subject to the limitations under the Central Government Budget Law for the year 2012 dated 21/12/2011 and numbered 6260.

TEMPORARY ARTICLE 9 – (Annex: 4/4/2015-6645/7 Article)

Having added (ö) of the first paragraph of Article 26 of this Law shall be implemented by the date of 01.01.2016.

TEMPORARY ARTICLE 10 – (Annex: 28/11/2017-7061/104 Article)

The obligation of preparing the safety reports for the currently operating enterprises laid down in line (ğ) of the first paragraph of Article 30 of this Law, shall be completed until 31.12.2018.

Enforcement⁽¹⁾⁽²⁾

ARTICLE 38 – (1)

a) **(Annex: 2/7/2013-6495/56 Article)** Articles 6, and 7 of this Law shall enter into force

1) the date of 01.07.2020 for public institutions excepting employees within the scope of (repealed) Article 81 of the Law numbered 4857 and enterprises where less than 50 workers and which are classified as less hazardous;^{(1) (2)}

2) one year as of the date of issuance for enterprises where less than 50 workers are employed and which are classified as hazardous and very hazardous;

3) six months as of the date of issuance for other enterprises,

b) articles 9, 31, 33, 34, 35, 36 and 38 as well as temporary articles 4, 5, 6, 7 and 8 shall enter into force on the date of issuance,

c) other articles shall enter into force six months as of the date of issuance.

Execution

ARTICLE 39 – (1) The provisions of this Law shall be implemented by the Cabinet.

(1) **(Amendment: 20/8/2016-6745/71 Article)** The expression “1/7/2016” is changed to “1/7/2017” in the subclause 1) of subparagraph (a) of the paragraph (1) of the Article 38.

(2) **(Amendment: 18/6/2017-7033/86 Article)** The expression “1/7/2017” is changed to “1/7/2020” in the subclause 1) of subparagraph (a) of the paragraph (1) of the Article 38.

