



SCREENING CHAPTER 14 TRANSPORT POLICY

AGENDA ITEM I: LAND TRANSPORT/ROAD/ Social Conditions

**Country Session: The Republic of TURKEY
25-28 September 2006**



CONTENT

- Responsible Authorities
- Legislation
- Main Provisions
- Checks
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Responsible Authorities

- Ministry of Labour and Social Security (MoLSS)
responsible for setting the rules on working time,
including rest periods and driving times for drivers.
- Ministry of Interior (Road Traffic Police)
responsible for enforcement of the specific rules on
driving times/rest periods of vehicles on road.
- Ministry of Industry and Trade
responsible for determining the technical
specifications for the recording equipments



Legislation

- Labour Law No. 4857 (Official Gazette: 10 June 2003, no 25134)
- By-Law on Working Time that cannot be Divided into Weekly Working Days (Official Gazette: 06 April 2004, no 25425)
- By-Law on Road Traffic (Official Gazette: 02 September 2004, no 25571)



Legislation (CONT'D)

International Agreements

Turkey ratified:

- AETR Agreement (European Agreement on the Work of Crews of Vehicles Engaged in International Road Transport) (Official Gazette: 25 July 1999, no 23766);
- ILO Convention concerning Hours of Work and Rest Periods in Road Transport (C153) (Official Gazette: 22 July 2003, no 25176).



Legislation (CONT'D)

Labour Law:

- The objective is to regulate the rights and obligations regarding working conditions and work environment of employers and workers employed based on a labour contract.
- Does not apply to the self-employed.



Legislation (CONT'D)

By-Law on Working Time that cannot be Divided into Weekly Working Days

- The purpose is to lay down methods and principles to be applied to working time and period of the works that cannot be carried out by dividing into weekly working hours, such as the transport work which are done on board the vehicles moving on highways, railways, sea, lake and rivers and do not fall into the scope of the Maritime Labour Law no 854
- Does not apply to self-employed drivers.



Legislation (CONT'D)

By-Law on Road Traffic

- Applies to all drivers (including self-employed) of vehicles
 - which carry goods for commercial purposes and whose weight limit exceeds 3,5 tonnes
 - which carry passengers for commercial purposes and whose transport capacity exceed 9 persons including the driver.



MAIN PROVISIONS

- Breaks
- Daily Driving Period
- Weekly Driving Times
- Daily Rest Periods
- Weekly Rest Periods
- Obligations

Breaks

➤ Labour Law

- 15 minutes for works lasting 4 hours or shorter,
- 30 minutes for works lasting between 4 – 7½ hours,
- 1 hour for works lasting longer than 7½ hours.
- These breaks are minimum, and applied uninterruptedly.

➤ By-Law on Road Traffic

- 45 minutes after 4½ hours driving, unless a rest starts; may be replaced by breaks of at least 15 minutes.
- During breaks, the driver may not carry out any other work.
- Breaks may not be regarded as daily rest periods.



Daily Driving Limits

- Within a 24-hour period
 - Total driving limit is 9 hours
 - Maximum uninterrupted driving period is 4½ hours



Weekly Driving Times

➤ By-Law on Road Traffic

- The weekly driving period may not exceed 54 hours.
- Limit of driving in any one fortnight is 90 hours.

➤ By-Law on Working Time that cannot be Divided into Weekly Working Days

- Reference period is
 - a period necessary to do a particular work,
 - a period of maximum 6-month, minimum 2-month,
 - assigned by the employer.
- Average maximum weekly working time over a reference period is 45 hours.

Daily Rest Period

In each period of 24 hours,

- at least 11 consecutive hours or,
- 12 hours separated into two or three periods (one of which must be of at least eight consecutive hours) or,
- reduced rest period of a minimum 9 consecutive hours (not more than three times in any one week)

When a vehicle is manned by at least two drivers,

- During each period of thirty hours, 8 consecutive hours for each driver



Weekly Rest Period

- A consecutive weekly rest period of at least 24 hours
- No later than at the end of a driving period of six 24-hour

Obligations

- Professional Competence Certificate for drivers,
- Tachograph for buses, trucks and wreckers,
- Tachographs may be mechanical, electronic or electro mechanical.
- Keeping the tachograph records
 - 1 month in vehicle,
 - 5 years in office.
- Administrative fines



Checks

- Each year at least 1% of days worked by drivers of vehicle
- At least 15% of these checks at the roadside and 25% at the premises of the undertakings

Checks at the premises of undertakings

- weekly driving times and rest periods
- fortnightly driving times and rest periods
- compensation for reduced weekly rest periods
- record sheets and driver card data

Inspections

- The Labour Inspection Board of the MoLSS is responsible for enforcement of the rules at the premises of the employer in road transport.
- The Labour Inspectors make three kinds of inspections at the workplace; inspection, control and investigation.



Inspections (CONT'D)

- According to the ILO Convention Concerning Labour Inspection in Industry and Commerce numbered 81 and relevant legislation, collection of all statistical data is necessary.
- All these data is published in the General Report of Labour Inspection and submitted to the ILO annually.

Administrative Capacity

- Two organisational bodies in the MoLSS:
 - DG for Labour:
 - Responsible for preparing draft legislation.
 - 1 Head of Department, 2 Chiefs of Section and 6 officers in the relevant department
 - Labour Inspection Board:
 - Responsible for checks at the premises
 - Heads of units settled in 10 regions.
 - 326 Social and 277 Technical Labour Inspectors.



Administrative Capacity (CONT'D)

Ministry of Interior:

- General Directorate of Security: (Traffic Police)
 - Responsible for checks at roadsides and terminals.
 - 2.344.674 drivers were controlled in 2005 and police fined 13.473 drivers and operators not to obey working hours.



Administrative Capacity (CONT'D)

- Within the framework of the project “Assistance to the Turkish Road Transport Sector”, trainings on the following issues will be provided to 60 officers from the MoLSS and the officers from the Ministry of Interior.
 - Improvement of Skills
 - English Language
 - Co-operation/Co-ordination
 - Training of Trainers



Digital Tachographs

Technical studies are being carried out by the Ministry of Industry and Trade regarding the preparation of a draft By-Law on Recording Equipment (Tachographs) used in Road Transport.