



By-law on Occupational Health and Safety (OG : 09.12.2003 / 25311)

- 89/391/EEC - Council Directive on the introduction of measures to encourage improvements in the safety and health of workers at work



By-law on Occupational Health and Safety

(OG : 09.12.2003 / 25311)

1. Objective

- Prevention of occupational risks,
- Protection of health and safety,
- Elimination of risk and accident factors,
- Informing and training the workers on occupational health and safety (OHS), consulting the workers
- Special protection for risk groups



By-law on Occupational Health and Safety

(OG : 09.12.2003 / 25311)

2. Scope (in conjunction with Labour Law)

- Covers all work places independently from their working area and their employers, employer' representatives and employees

Excluding

- Sea and air transportation,
- Agriculture and forestry workplaces employing less than fifty workers,
- All agricultural related construction works which can be considered in the family economy,
- Handicrafts and jobs made by family members using their home as a workplace.



By-law on Occupational Health and Safety (OG : 09.12.2003 / 25311)

2. Scope (cont'd)

- Domestic servants,
- Apprentices,
- Sportsmen,
- People under rehabilitation,
- Small workplaces where only three persons work

Following works are also covered by the labour law :

- Loading and unloading works from ships to land and from land to ships
- All land works of aviation,
- Factories and workshops producing parts of agricultural equipment.



By-law on Occupational Health and Safety **(OG : 09.12.2003 / 25311)**

2. Scope (cont'd)

- Construction works in agricultural enterprises,
- Park and garden works which are for society or part of a workplace,
- Water products producing works which are not covered by agricultural works definition and by Maritime Labour Law.

In the scope of this act worker is defined as; real person working on the basis of a working contract.

Labor Law does not cover civil servants, police forces and civil defense workers.



By-law on Occupational Health and Safety

(OG : 09.12.2003 / 25311)

3. Obligations of Employer

- Avoiding risks,
- Evaluating the risks,
- Combating the risks at the source,
- Adapting the work to the individual,
- Adapting to technical progress,
- Replacing the dangerous by the non-dangerous or the less dangerous
- Developing an overall prevention policy,
- Giving priority to collective protective measures,
- Giving appropriate instructions to the workers.

Employer has the sole responsibility for OHS at the workplace.



By-law on Occupational Health and Safety

(OG : 09.12.2003 / 25311)

4. Obligations of Employees

- It shall be the responsibility of each worker to take care as far as possible of his own safety and health,
- Make correct use of the personal protective equipment supplied to them
- Obey the instructions of employer
- Immediately inform the employer any situation that within reason can be considered representing a serious and immediate danger,
- Cooperate with the employer in OHS subjects

Obligations of workers doesn't eliminate the obligations of employer.



By-law on Occupational Health and Safety

(OG : 09.12.2003 / 25311)

5. Miscellaneous Provisions

Risk assessment

Employer shall;

- Carry out an assessment of risks at the workplace
- Based on the results of the risk assessment decide the protective equipment to be used.
- Prepare reports on risk assessment



By-law on Occupational Health and Safety

(OG : 09.12.2003 / 25311)

5. Miscellaneous Provisions (cont'd)

Continuity

- The employer shall be alert to the need to adjust these measures to take account of changing circumstances and aim to improve existing situations.

Record Keeping (Occupational Accident)

Employers ;

- Keep a list of occupational accidents that result in a worker being unfit for work for more than three working days.
- Prepare reports on occupational accidents suffered by his/her workers.



By-law on Occupational Health and Safety (OG : 09.12.2003 / 25311)

5. Miscellaneous Provisions (cont'd)

Informing the Workers

Employer shall inform the workers about;

- Safety and health risks, protective and preventive measures and activities in the workplace,
- People hired in the workplace,
- Employer shall take appropriate measures so that employers of workers from any outside establishment engaged in work in his establishment receive adequate information.



By-law on Occupational Health and Safety

(OG : 09.12.2003 / 25311)

5. Miscellaneous Provisions (cont'd)

Consultation and participation of workers

- The employer on issues related to health and safety, consult the workers or their representatives, give them the right to make proposals and will ensure their balanced participation in discussions of such issues.
- Workers' representatives have the right to make proposals during the inspections of competent authorities.



By-law on Occupational Health and Safety (OG : 09.12.2003 / 25311)

5. Miscellaneous Provisions (cont'd)

Training of workers

- The employer shall ensure that each worker receives adequate safety and health training, in particular in the form of information and instructions specific to his job,
- The training shall be adapted to take account of new or changed risks and if necessary repeated periodically,
- The trainings may not be at workers' or their representatives' expense and the time spent in training shall be counted as working time.



By-law on Occupational Health and Safety

(OG : 09.12.2003 / 25311)

5. Miscellaneous Provisions (cont'd)

Protective and preventive services

- The employer shall designate one or more workers to carry out activities related to the protection and prevention of occupational risks for the establishment,
- Designated workers may not be placed at any disadvantage because of their activities related to the protection and prevention of occupational risks,
- The employer shall enlist competent external services or persons.
- Designated people must have enough occupational skill, information and quality,
- Also external services or persons must have the same qualifications.



By-law on Occupational Health and Safety

(OG : 09.12.2003 / 25311)

5. Miscellaneous Provisions (cont'd)

First-aid, fire-fighting, and evacuation of workers, serious and imminent danger

The employer shall:

- Take the necessary measures for first-aid, fire-fighting and evacuation of workers
- Arrange any necessary contacts with external services, particularly as regards to first-aid, emergency medical care, rescue work and fire-fighting
- The employer, for first-aid, fire-fighting and evacuation of the workplace, shall assign enough people who are trained on this subject have the appropriate equipment.



By-law on Occupational Health and Safety

(OG : 09.12.2003 / 25311)

5. Miscellaneous Provisions (cont'd)

Health surveillance

- The employer is responsible for providing workers health surveillance
- Depending on the nature of the work, as the work continues, health surveillance shall be done periodically.



By-law on Occupational Health and Safety (OG : 09.12.2003 / 25311)

5. Miscellaneous Provisions (cont'd)

Statistical Data

Occupational accidents reported to the Ministry shall include;

- Gender, age, working time of worker
- Education level of the worker, his/her job during the accident and whether it is his/her own duty or not
- Condition of worker after the accident (injury, physical loss, death)
- Short story and damage level of the accident



By-law on Occupational Health and Safety

(OG : 09.12.2003 / 25311)

5. Miscellaneous Provisions (cont'd)

Statistical Data

Occupational diseases announcements to the Ministry shall include;

- Gender, age, health of worker,
- Exposure value of the worker (physical, chemical, biological)
- Duration of exposure
- Did the worker have therapy, if yes, its duration
- Working time in the work place where diagnosed as an occupational disease

There is also an occupational diseases list in our legislation.



By-law on Occupational Health and Safety

(OG : 09.12.2003 / 25311)

5. Miscellaneous Provisions

Statistical Data

- The collaboration activities with ESAW are carried on by Turkish Statistical Institute (TURKSTAT). In the scope of these activities pilot exercises are held and adaptation trainings will be given.
- There is an ongoing Project of Occupational Accidents and Diseases of Social Insurance Institution (SSK).



THANK YOU FOR YOUR ATTENTION