



SCREENING CHAPTER 19 SOCIAL POLICY AND EMPLOYMENT

AGENDA ITEM : OCCUPATIONAL HEALTH AND SAFETY - LEGAL BASES

**Country Session: The Republic of TURKEY
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LEGAL BASES OF OCCUPATIONAL HEALTH AND SAFETY (OHS)

- CONSTITUTION
- CODE OF OBLIGATIONS
- LAW ON PROTECTION OF PUBLIC HEALTH
- SOCIAL INSURANCE LAW
- LABOUR LAW



CONSTITUTION (ARTICLE 56)

- Everyone has the right to live in a healthy, balanced environment.
- It is the duty of the state and citizens to improve the natural environment, and to prevent environmental pollution.
- To ensure that everyone leads their lives in conditions of physical and mental health.



(cont.)

- The state shall fulfil this task by utilizing and supervising the health and social assistance institutions, both in the public and private sectors.
- In order to establish widespread health services general health insurance may be introduced by law.



CODE OF OBLIGATIONS (ARTICLE 332)

The employers are obliged to

- take all necessary measures against hazards which workers may be exposed
- provide healthy and suitable working places
- provide healthy accommodation if the worker resides in workplace
- if the employer fails to comply with the provisions set above and this causes death of the worker, the dependents of worker have the right to apply for compensation for the damages.



LAW ON PROTECTION OF PUBLIC HEALTH (ARTICLE 179-180)

- Some articles of this law provides protection of health of young and child workers.
- The employer has to recruit an occupational physician for surveillance of the health of the workers in the workplaces, where more than 50 employees are employed.



SOCIAL INSURANCE LAW

- Definition of occupational accident
- Definition of occupational disease
- Compensatory obligation of employer



LABOUR LAW (ARTICLE 77)

Obligations of Employers and Workers

Employers are obliged to;

- take all measures
- make all equipment available
- check and inspect the measures
- inform and train the workers
- notify the occupational diseases and accidents

Workers are obliged to;

- comply with such measures taken for OHS



LABOUR LAW (ARTICLE 78)

Statutes and By-Laws

The Ministry of Labour and Social Security (MoLSS) issues statutes and by-laws, after obtaining the opinion of the Ministry of Health;

- to ensure measures to be taken for OHS in enterprises
- to prevent occupational accidents and diseases that may be caused by machinery, installations, equipment and materials used
- to arrange the working conditions of the persons who should be protected because of their age, sex and special conditions



LABOUR LAW (ARTICLE 79)

Suspension and/or Closure of Enterprises

In case any matter is determined in the;

- facilities and assemblies,
- working methods and procedures,
- machinery and equipment of an enterprise

which may endanger the life of workers, operation of the enterprise is fully or partially suspended, or the enterprise is closed, depending on the nature of danger.



LABOUR LAW (ARTICLE 80) **OHS Committee**

For enterprises;

- in industrial sector,
- permanently employing at least fifty persons,
- where works are performed continuously for longer than six months,

each employer is obliged to establish a committee on OHS.



LABOUR LAW (ARTICLE 81)

Workplace physician

Those employers who permanently employ at least fifty persons are obliged to;

- employ one or more workplace physician(s)
- establish a workplace health care unit depending on the number of employees and the degree of danger of the work performed
- ensure good health condition of the workers
- take OHS measures, as well as to provide first aid, emergency therapy and protective health care services, in addition to the health care services provided by Social Insurance Organization.



LABOUR LAW (ARTICLE 82)

Engineers or technical personnel in charge of labour safety

For enterprises;

- in industrial sector,
- permanently employing at least fifty persons,
- where works are performed continuously for longer than six months

employers are obliged to employ one or more engineer(s) or technical personnel.



LABOUR LAW (ARTICLE 83)

Rights of workers

The worker who faces with;

- close, urgent and vital hazard at the workplace in respect of OHS
- that may disturb his/her health or endanger his/her body integrity,
- may apply to the committee on OHS to fix the situation and take decision to take necessary measures.

In case the committee allows the worker's request, the worker may avoid from working until necessary OHS measures are taken.



LABOUR ACT (ARTICLE 85)

Heavy and dangerous works

It is forbidden to make young workers and children, who did not complete the age of sixteen, work in heavy and dangerous works.



LABOUR LAW (ARTICLE 86)

Report for heavy and dangerous works

The workers to be employed in heavy and dangerous works are subjected to health examination;

- at the time of recruitment
- and thereafter at least once a year

LABOUR LAW (ARTICLE 87)

Report for workers under age of eighteen

It is obligatory to have child and young workers between the ages of fourteen and eighteen (including eighteen) examined;

- at the time of recruitment
- and thereafter at least every six months



LABOUR LAW (ARTICLE 88)

By-Law on pregnant or breast-feeding women

- The positions in which and the periods during which it is prohibited to make pregnant or breast-feeding women work,
- The requirements and procedures to which such women should comply with in positions in which they are allowed to work,
- The conditions under which breast feeding rooms or day nurseries should be established,
are regulated by by-law.



LABOUR LAW (ARTICLE 91)

State authority

The state monitors, controls and inspects the implementation of legislation on work life.

This task is carried out by labour inspectors in required number and having required qualifications who are authorized to inspect and control reporting to the MoLSS.



THANK YOU FOR YOUR ATTENTION