

**NATIONAL
OCCUPATIONAL HEALTH AND SAFETY**

POLICY DOCUMENT

(2006-2008)

PREFACE

Working life is the most crucial factor that defines the physical, mental, and social wellbeing of an employee. Occupational health and safety, with its improving and changing dynamic nature, is on the agenda of not only developing countries but also industrialised countries.

During the EU accession process, harmonisation of the current EU Directives on occupational health and safety in to the Turkish National Legislation has been accomplished to a great extend. In our country, contribution and support of the social partners has a vital role in improving the level of occupational health and safety and in successful and voluntary implementation of the new legislation in the field.

National Occupational Health and Safety Council has been established in accordance with the Eighth Five Year Development Plan and ILO Convention No. 155, in order to socialise occupational health and safety, to solve the problems by reaching a consensus with social partners and to ensure health and social welfare of employees during this process in which Turkey is progressing towards industrialisation with a great pace.

What we expect from the National Council is to develop proposals that will guide our Ministry in defining the needs, priorities, policies and strategies in the field of occupational health and safety and to ensure a complete cooperation in achieving the defined objectives.

Believing in the importance of social dialogue, our Ministry will continue all its activities with the contribution and involvement of social partners.

With the opinion that this first National Occupational Health and Safety Policy Document will make a positive contribution to our country in terms of work life and employees, I believe that the decisions that will follow will constitute a crucial step in ensuring the wellbeing of employees and society.

Murat BAŞESGİOĞLU

Minister of Labour and Social Security

NATIONAL OHS COUNCIL

CHAIRMAN

Undersecretary of MOLSS

Head of Labour Inspectorate, MOLSS

Director General of Occupational Health and Safety, MOLSS

Director General of Labour, MOLSS

Head of Social Security Institution, MOLSS

Representative of the Ministry of National Education

Representative of the Ministry of Health

Representative of the Ministry of Agriculture and Rural Affairs

Representative of the Ministry of Industry and Trade

Representative of the Ministry of Energy and Natural Resources

Representative of the Ministry of Environment and Forestry

Representative of the State Planning Organisation (DPT)

Representative of the Council of Higher Education (YÖK)

Representative of the Turkish Confederation of Employers' Associations (TİSK)

Representative of the Confederation of Turkish Trade Unions (TÜRK-İŞ)

Representative of the Confederation of Progressive Trade Unions (DİSK)

Representative of the Confederation of Turkish Real Trade Unions (HAK-İŞ)

The Union of Chambers and Commodity Exchanges of Turkey (TOBB)

Representative of the Confederation of Turkish Tradesmen and Craftsman (TESK)

Representative of the Confederation of Unions of Turkish Public Employees (T.KAMU-SEN)

Representative of the Confederation of the Unions of Civil Servants (MEMUR-SEN)

Representative of the Confederation Of Public Employees' Trade Unions (KESK)

Representative of the Union of Turkish Medical Doctors (TTB)

Representative of the Union of Chambers of Turkish Architects and Engineers (TMMOB)

Representative of the NGOs

WORKING GROUP

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NATIONAL OCCUPATIONAL HEALTH AND SAFETY POLICY DOCUMENT

Introduction

As it is known, development of measures concerning occupational health and safety and improvement and restructuring of services such as; occupational health and safety related measurements, detection and recognition of occupational diseases, occupational medicine, supervision, education, occupational disease hospitals, and inspection are included as a target and policy in the Eighth Five Year Development Plan. In order to reach the defined objectives it is foreseen that the occupational health and safety legislation will be reviewed as a legal and institutional regulation, considering the EU and ILO norms and that “Occupational Health and Safety Council” which will also involve social partners should be established.

On the other hand, in the third section titled “Action on a National Basis” of part two titled “Principles of National Policy” of “Convention No.155 on Occupational Health and Safety, and Working Environment” which became operational after being published in the Official Journal No. 25404 dated 16 March 2004, and in “Convention No.161 on Occupational Health Services”, following provisions concerning “National Occupational Health and Safety Council” can be found;

- Taking the national condition and way of implementation into consideration, each member, shall consult with the trade union and employers’ organisation with the highest number of representatives and develop, implement, and periodically evaluate a coherent policy concerning occupational safety, occupational health, and work environment.
- The aim of this policy is to prevent accidents that are work related or that occur during the performance of the work by minimizing the causes of hazards at the workplace as much as possible.
- Development of the national policy shall be done by considering the duties and responsibilities of the public institutions, employers, employees and other relevant

institutions concerning occupational health and safety and work environment; national conditions; and complementary nature of actions.

- The state of occupational health and safety and working conditions shall be revised periodically either as a whole or by dividing into specific fields in order to detect problems, to develop efficient methods for the solution of these problems, and to evaluate priorities and consequences.

Following the new Labour Law No.4857, legal regulations on occupational health and safety have been harmonised in accordance with modern and international norms and EU Directives in the EU accession process and eventually 33 regulations on Occupational Health and Safety have been issued. It is vital that the regulations concerning working life are applicable and that they can meet the needs to improve the level of occupational health and safety in our country.

Social dialogue has been of utmost importance in all activities carried out by our Ministry and one of the pledges of our Ministry in the EU accession process is to establish the “National Occupational Health and Safety Council” as defined in the Eighth Five Year Development Plan and in Convention No.155.

In addition to the fact that occupational health and safety constitutes an important part in the EU *acquis communautaire* and is open to development, there is a rapid shift from an agricultural society to an industrial society and this brings about new developments in industry and service sector. Due to these, a steering body is required to define the priorities, needs, policies and strategies in the field of occupational health and safety and that makes advisory decisions for the implementation and enforcement authorities.

In order to meet this requirement, with the Approval No.755 dated 25 February 2005 of the Ministry, it has been approved that “National Occupational Health and Safety Council” should be established to bring together the social partners (trade unions and employers’ organisations), universities, non-governmental organisations and other relevant institutions and organisations in the field of occupational health and safety, and

to create a platform where the partners could discuss, express their opinions and define the priorities, needs, policies and strategies in the field of OHS. Directorate General of Occupational Health and Safety has been appointed to execute the secretarial work of this National Council which will convene at least twice annually.

Occupational Health and Safety in Turkey

According to the 2004 statistical data of Social Insurance Institution, there are 850,928 enterprises and 6.181.251 insured employees in these enterprises. The number of enterprises with less than 50 employees is 835.050 and 3.583.583 people are employed by them. Small and Medium sized Enterprises (SMEs) constitute 98.7% of the enterprises and they employ 56% of the total number of working population.

The highest rate of occupational accidents in our country is observed in SMEs which constitute 98% of the total number of enterprises, and which, due to employing less than 50 people, are not obliged to establish an Occupational Health and Safety Council and to employ an Occupational Physician, Occupational Safety Expert, Occupational Nurse or Health Officer.

50% of occupational accidents occur in workplaces with 9 or less employees. These workplaces represent 90% of the SMEs.

When the distribution of occupational accidents in the categories of industry is analysed, the first three sectors are; production of metal products with 13%, construction with 9.6 %, and mining with 6.5 %.

Occupational Health and Safety System

Due to the lack of sufficient cooperation between institutions and organisations and statistical data, and the fact that this issue has never been dealt with in a systematic way, it is rather difficult to define a system. Yet, the current occupational health and safety system in Turkey can be defined as below.

There are four divisions carrying out OSH activities in the Ministry of Labour and Social Security (MOLSS). These are;

- Directorate General of Occupational Health and Safety (DGOHS) / Occupational Health and Safety Centre (ISGUM)
- Labour Inspection Board (LIB)
- Labour and Social Security Training and Research Centre (ÇASGEM)
- Social Security Institution – Social Insurance Institution (SSK)

Many other institutions and organisations that carry out several OHS activities on various levels can be listed under 5 main groups. These are, as given in detail below, institutions that execute legal regulation and inspection; health and social security services; scientific research and training; data collection and data assessment; and that support and extend OHS practices.

A. Legal Regulation and Inspection

- a) Ministry of Labour and Social Security
- b) Ministry of Health
 - i. General Directorate of Basic Health Services
 - 1. Emergency Health Services Department
 - ii. General Directorate of Health Education
- c) Ministry of National Defence
- d) Ministry of Environment and Forestry
 - i. General Directorate of Environment Management
- e) Ministry of Interior
 - i. General Directorate of Civil Defence
 - ii. Fire Brigades of Municipalities
 - iii. General Directorate of Security
 - 1. Traffic Services Department
- f) Ministry of Public Works and Settlement
- g) Ministry of Industry and Trade
- h) Ministry of Energy and Natural Resources
- i) Turkish Atomic Energy Institute (TAEK)

- j) State Planning Organisation (DPT)
- k) Turkish Standards Institution (TSE)

B. Health

- a) Hospitals of the Ministry of Health / Occupational Disease Hospitals
- b) Other Health Units (Universities, Ministry of National Defense, other public institutions and organisations, private hospitals and laboratories.)
- c) Insurance Institutions and Organisations

C. Scientific Research and Education

- a) Ministry of National Education (MEB)
- b) The Council of Higher Education (YÖK)
- c) OHS related departments of universities
- d) Occupational Health and Safety Centre (ISGUM)
- e) The Scientific and Technological Research Council of Turkey (TÜBİTAK)
- f) National Productivity Centre (MPM)
- g) Union of Turkish Medical Doctors (TTB)
- h) Union of Chambers of Turkish Architects and Engineers (TMMOB)

D. Data Collection and Assessment

- a. Turkish Statistics Institution
- b. MOLSS, Social Insurance Institution
- c. Ministry of Health

E. Institutions and Organisations that Support OSH Practice

a) Employers' Organisations

Turkish Confederation of Employers' Associations (TİSK)

The Union of Chambers and Commodity Exchanges of Turkey (TOBB)

Confederation of Turkish Tradesmen and Craftsman (TESK)

b) Confederations of Trade Unions

Confederation of Turkish Trade Unions (TÜRK-İŞ)

Confederation of Turkish Real Trade Unions (HAK-İŞ)

Confederation of Progressive Trade Unions (DİSK)

c) Confederations of Unions of Civil Servants

Confederation of Unions of Turkish Public Employees (T. KAMU-SEN)

Confederation of Public Employees' Trade Unions (KESK)

Confederation of Civil Servants Unions (MEMUR-SEN)

d) Professional Organisations

Union of Turkish Medical Doctors (TTB)

Union of Chambers of Turkish Architects and Engineers (TMMOB)

Union of Turkish Chambers of Agriculture (TZOB)

e) Foundations and Associations

MESS Training Foundation

Fişek Institute

The Foundation of Masters Inspectors and Controllers of Turkey (TUDEV)

Association of Labour Inspectors

Turkish Chemical Manufacturers Association (TKSD)

Foundation of Research and Prevention of Occupational Accidents and Diseases (MESKA)

Foundation of Vocational Training and Small Industries (MEKSA)

Association of Occupational Safety Businessmen (İSGİAD)

Association of Personnel Management (PERYÖN)

Turkish Nurses Association

Construction and Installation Workers' Training Foundation (İNİŞEV)

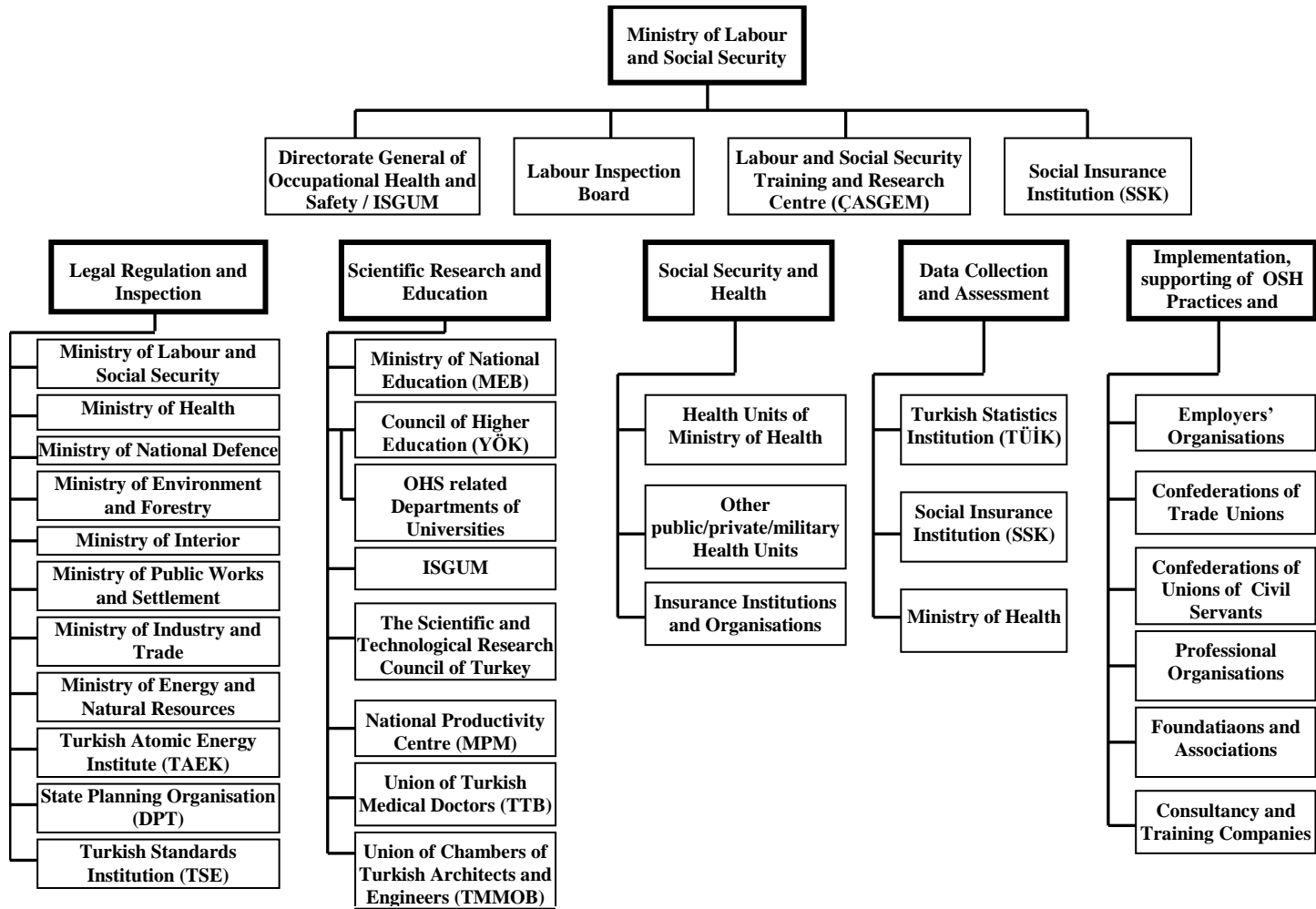
Turkish Textile Foundation

Association of Occupational Health Nurses (İŞHEMDER)

f) Consultancy and Training Companies

Profit-making companies providing consultancy and training in occupational health and safety.

Current State of OHS in Turkey



Evaluation of National OHS System

Restructuring and strengthening of Directorate General of Occupational Health and Safety (DGOHS), the unit responsible for preparing OHS legislation and defining national policies in the field of OHS in the Ministry of Labour and Social Security, which is directly related to the issues concerning working life, in 2003; together with the existing body of Labour Inspection Board that carries out the enforcement of OHS Legislation and accident inspection; and close attention and cooperation of the trade unions and employers' organisations, constitute a solid basis for the future activities in the field of occupational health and safety.

According to Labour Law No.4857, which was issued in parallel to international developments and new approaches in contemporary OHS studies;

- Establishment of Occupational Health and Safety Councils in enterprises with 50 or more employees in order to implement and enforce OHS measures,
- Appointment of an OHS workers' representative in all enterprises, completion and implementation of legislative basis defining the procedures and principles of operation and authorities and responsibilities of occupational physicians, occupational nurses, and occupational safety experts who are responsible for "protective and preventive services" that are of vital importance in the sustainability of OHS activities,
- Adoption of risk assessment approach in accordance with new regulations issued within the scope of the Law,
- Publication of the 21 regulations in order to transpose the EU-OHS legislation into the National Legislation,
- Intensification of raising awareness activities in the field of OHS,
- Reinforcement of OHS concept by non governmental organisations and social partners,
- Obliging the employer to train and inform employees in order to ensure safety and health at all workplaces within the scope of Labour Law No. 4857,

are important milestones in the establishment of a National OHS Policy.

However, in spite of these positive developments, it should not be disregarded that there is still a great deal of things to be accomplished in the field of OHS.

Within this framework;

Qualified labour force need of OHS stakeholders that are responsible for the implementation of the new OHS legislation in our country should be supported by multi functional activities.

Labour Law No.4857 requires the employers that employ 50 or more employees to establish an occupational health and safety council and to employ an occupational physician, an occupational nurse, and an occupational safety expert in order to be able to fulfill their legal obligations. Common safety and health units should be made more functional in order to deliver occupational health and safety services to all employees within the frame of EU norms.

Due to the fact that occupational health and safety involves a multi-disciplinary approach, besides the existing definitions of expertise; other OHS experts such as; hygienists, epidemiologists, toxicologists, and ergonomics specialists should also be taken into consideration.

In accordance with the Framework Directive No. 89/391/EEC of the EU, new regulations shall be included in the Labour Law No.4857 to include craftsmen, and the employees in agriculture and the public sector should be covered by occupational health and safety legislation.

When compared with the example of the European Union, DGOHS has insufficient number of personnel to execute its political and administrative functions. The capacity of DGOHS, together with that of ISGUM, is at a development stage, as it has recently been established. Much stronger cooperation and coordination is required among the relevant units of the Ministry such as the Labour Inspection Board.

Communication between the National OHS policy makers and institutions that carry out OHS operations shall be improved.

The scattered structure of communication, coordination, policy, planning and organisation between the institutions and organisations that are defined as a part of the OHS system and that are involved in OHS activities directly or indirectly should be eliminated and a complementary, contributive and supportive structure should be established.

Due to the deficiencies in the data collection system in the field of OHS, collection and evaluation of data concerning work related accidents and occupational diseases and general information related to the enterprises cannot be done. In our national legislation work related accidents and occupational diseases are defined in SSK Law No.506 and it only covers the employees that are in the scope of Labour Law No. 4857. The scope of the legislation should be extended to include other categories of employees.

There are not any scientific research and education institutions specific to the field of OHS. There is a need to carry out new research activities on the casual relationship between OHS and working conditions. In this respect, establishment of departments and areas of specialisation specific to occupational health and safety at universities would improve the quality and quantity of the required work. For this purpose, universities should be encouraged to carry out research and investigation in fields related to occupational health and safety.

Various public institutions and organisations that are responsible for making legislation and carrying out inspections within the scope of their duties and responsibilities in accordance with the law have issued legislations related to OHS and some of these regulations related to OHS are overlapping each other at some points, which causes a waste of resources and unnecessarily delay the completion of the bureaucratic operations. Studies should be carried out to harmonise the provisions in the legislation of different institutions concerning occupational health and safety.

There is a need to define performance criteria to measure the efficiency of OHS services of the public sector. Inspections concerning the field and the sector should be executed in a continuous and efficient manner by prioritising education, and labour inspectors should be equipped with modern technology and up-to-date information, which will ultimately contribute to the improvement of the occupational health and safety level.

Priorities and Objectives in National Occupational Health and Safety (2006 – 2008)

Priorities of Turkey in occupational health and safety and the objectives planned to be accomplished by the end of 2008 are presented below:

I) Political Objectives:

1. Issuing an Occupational Health and Safety Law in line with the EU norms,

Harmonising the occupational health and safety legislation of our country with the EU norms and with today's conditions and bringing them together under the roof of a single "Occupational Health and Safety Law" with the agreement of social partners and ensuring the implementation of the laws and regulations that are in operation will be highly beneficial for occupational health and safety.

2. Including all employees in the legislation concerning occupational health and safety,

It is required to define and implement a modern and comprehensive policy that prioritises and gives importance to human life in terms of occupational health and safety and that meets the physical, spiritual, and social needs of human. Regulations in the field of OHS should cover all employees including civil servants, freelance workers, and workers in agriculture.

3. Extending the implementation of the legislation concerning occupational health and safety to all enterprises

OHS services should be completely aligned with the EU norms and should be provided for all enterprises regardless of the number of employees. Inequalities in the provision of occupational health and safety services disturb the belief about the necessity of those services and have a negative impact on the growth of employment and enterprises. Besides, it results in unfair competition. In order to provide such services in an equal and extensive manner, economical conditions of the enterprises should be taken into consideration and necessary action should be taken in cooperation with social partners.

4. Making the occupational health and safety service units efficient,

In order to establish an efficient planning and management system for occupational health and safety, workplace health and safety units, workplace common health and safety units, occupational health and safety councils that are provisioned by the Law and related regulations should operate actively and efficiently. It should be ensured that the annual reports of the occupational health and safety councils are evaluated and the proposals and measures presented in these reports are implemented.

II) Implementation Objectives:

1. Reducing the number of work related accidents by 20 %,

The number of work related accidents and occupational diseases that occur in a country is an important indicator of the level of effectiveness and sufficiency of OHS services provided. Number of work related accidents will be reduced through extending and efficiently implementing OHS services.

2. Developing diagnosis systems for occupational diseases in our country,

An increase in the diagnosis and recognition of occupational diseases, which are difficult to detect in our country, will be ensured by extending and simplifying diagnosis procedures for occupational diseases, which are one of the OHS indicators; by increasing the level of knowledge and awareness of occupational physicians and other health professionals; and by preparing necessary training materials.

3. Increasing the OHS technical support services carried out by the public institutions in our country by 20%.

Technical infrastructure and qualified human resources of ISGUM within the scope of the Ministry of Labour and Social Security, which carries out measurements concerning the employees and the environmental state of the workplace at enterprises, will be made sufficient. Moreover, improvement of OHS support services will be ensured with the support of other institutions that provide similar services.