

OCCUPATIONAL HEALTH AND SAFETY LAW**Law Number: 6331****Acceptance Date: 20/6/2012****Published in the Official Gazette: Date: 30/6/2012 Number: 28339****Published Code: Series: 5 Volume: 52****FIRST PART****Purpose, Scope and Definitions****Aim**

ARTICLE 1 – (1) The purpose of this Law is to regulate the duties, authorities, responsibilities, rights and obligations of employers and employees in order to ensure occupational health and safety in workplaces and to improve existing health and safety conditions.

Scope and exclusions

ARTICLE 2 – (1) This Law shall apply to all public and private sector businesses and workplaces, to the employers and employer representatives of these businesses, and to all employees, including apprentices and trainees, regardless of their field of activity.

(2) However, the provisions of this Law shall not apply to the following activities and persons:

- a) Activities of the Turkish Armed Forces, general law enforcement forces and the Undersecretariat of the National Intelligence Organization, excluding those in factories, maintenance centers, sewing shops and similar workplaces.
- b) Response activities of disaster and emergency units.
- c) Household services.
- c) Those who produce goods and services on their own behalf and account without employing any employees.
- d) Workshop, education, security and vocational training activities carried out within the scope of improvement during the execution services for convicts and detainees.

e) **(Added: 10/9/2014-6552/15 art.; Cancelled: By the Constitutional Court's decision dated 14/5/2015 and numbered E.: 2014/177, K.: 2015/49.)**

Definitions

ARTICLE 3 – (1) In the implementation of this Law;

- a) Ministry: Ministry of Labor and Social Security,
- b) Employee: A natural person employed in public or private workplaces, regardless of their status in their own special laws.
- c) Employee representative: An employee authorized to participate in work related to occupational health and safety, monitor work, request measures to be taken, make proposals and represent employees in similar matters.
- c) Support staff: A person with appropriate equipment and sufficient training who is specifically assigned to prevent, protect, evacuate, firefight, first aid and similar issues related to occupational health and safety, in addition to his/her primary duty .
- d) Educational institution: Public institutions and organizations authorized by the Ministry to provide training for occupational safety specialists, workplace physicians and other health personnel, universities and institutions established by companies operating in accordance with the Turkish Commercial Code,
- e) Young employee: Employee who is over fifteen years of age but under eighteen years of age,
- f) **(Amended: 12/7/2013-6495/101 art.)** Occupational Safety Specialist: Inspectors who inspect working life in the Ministry and relevant institutions, whose procedures and principles are determined by the regulation, who are authorized by the Ministry to work in the field of occupational health and safety, who have an occupational safety specialist certificate, and graduates and technical staff of faculties providing engineering or architecture education.
- g) Work accident: An incident that occurs in the workplace or due to the execution of work, causing death or causing physical or mental disability ,
- g) Employer: Real or legal persons or institutions and organizations without legal personality that employ employees,
- h) Workplace: The organization where employees and material and non-material elements are organized together for the purpose of producing goods or services, which is qualitatively related to the goods or services produced by the employer at the workplace and which includes places affiliated with the workplace and other annexes and tools such as resting, nursing, eating, sleeping, washing, examination and care, physical and vocational training areas and courtyards.
- i) Workplace physician: A physician who is authorized by the Ministry to work in the field of occupational health and safety and who has a workplace physician certificate,
- i) Workplace health and safety unit: The unit established to carry out occupational health and safety services in the workplace and having the necessary equipment and personnel,
- j) Council: National Occupational Health and Safety Council,
- k) Board: Occupational health and safety board,
- l) Occupational disease: Disease resulting from exposure to occupational risks,
- m) Joint health and safety unit: A unit established by public institutions and organizations, organized industrial zones and companies operating in accordance with the Turkish Commercial Code to provide occupational health and safety services to workplaces, with the necessary equipment and personnel and authorized by the Ministry.
- n) Prevention: All measures planned and taken to eliminate or reduce risks related to occupational health and safety at all stages of work carried out in the workplace,
- o) Risk: The possibility of loss, injury or other harmful consequences arising from the hazard,
- ö) Risk assessment: The studies that need to be carried out in order to determine the existing or external hazards in the workplace, to analyse and rank the factors that cause these hazards to turn into risks and the risks arising from the hazards, and to decide on control measures.
- p) Hazard: The potential for harm or damage that exists in the workplace or may come from outside and may affect the employee or the workplace,
- r) Hazard class: The hazard group determined for the workplace, taking into account the nature of the work done, the substances used or produced at each stage of the work, work equipment, production methods and forms, and other issues related to the working environment and conditions in terms of occupational health and safety.
- s) **(Amended: 12/7/2013-6495/101 art.)** Technical staff: Those who have the title of technical teacher, physicist, chemist and biologist and graduates of occupational health and safety programs of universities,
- ş) Workplace nurse: A nurse/health officer who is authorized to practice the nursing profession in accordance with the Nursing Law No. 6283 dated 25/2/1954 and who has a workplace nursing certificate and is authorized by the Ministry to work in the field of occupational health and safety.

expresses.

(2) Employer representatives who act on behalf of the employer and take part in the management of the work and workplace are considered employers for the purposes of the application of this Law.

SECOND PART**Duties, Authorities and Obligations of Employers and Employees****General liability of the employer**

ARTICLE 4 – (1) The employer is obliged to ensure the work-related health and safety of employees and within this framework;

- a) It carries out work to prevent occupational risks, take all kinds of precautions including providing training and information, make the organization, provide the necessary tools and equipment, adapt health and safety measures to changing conditions and improve the current situation.
- b) Monitors and inspects whether occupational health and safety measures taken in the workplace are complied with and ensures that nonconformities are eliminated.
- c) Conducts a risk assessment or has one conducted.
- c) When assigning a task to an employee, the employee's suitability for the job in terms of health and safety is taken into consideration.
- d) Takes the necessary precautions to prevent employees, other than those who have been given sufficient information and instructions, from entering places that pose vital and special risks.
- (2) Getting services from expert individuals and organizations outside the workplace does not eliminate the employer's responsibilities.
- (3) The responsibilities of employees in the field of occupational health and safety do not affect the responsibilities of the employer.
- (4) The employer cannot pass on the costs of occupational health and safety measures to the employees.

Principles of protection from risks

ARTICLE 5 – (1) The following principles are taken into consideration in fulfilling the employer's obligations:

- a) Avoiding risks.
- b) Analyze the risks that cannot be avoided.
- c) Combating risks at their source.
- d) To take care in the design of workplaces and the selection of work equipment, working style and production methods in order to make the work suitable for the people, and especially to prevent or, if not preventable, to minimize the negative effects of monotonous work and production pace on health and safety.
- d) To adapt to technical developments.
- e) Replacing the dangerous with the non-dangerous or less dangerous.
- f) Developing a coherent and general prevention policy covering the effects of factors related to technology, work organization, working conditions, social relations and the working environment.
- g) To give priority to collective protection measures over individual protection measures.
- g) To give appropriate instructions to employees.

Occupational health and safety services

ARTICLE 6 – (1) In order to provide occupational health and safety services, which will include efforts to prevent occupational risks and protect against these risks, the employer;

a) It assigns an occupational safety specialist, occupational physician and other health personnel from among its employees in workplaces with ten or more employees in the very hazardous class . If there is no personnel with the specified qualifications among its employees, it can provide all or part of this service by receiving services from joint health and safety units. However, if it has the specified qualifications and the necessary document, it can undertake to provide this service itself, taking into account the hazard class and the number of employees. **(Additional sentence: 10/9/2014-6552/16 art.)** Employers of workplaces that do not have the specified qualifications and the necessary document but have fewer than 50 employees and are in the low hazard class or employer representatives can provide occupational health and safety services, except

for pre-employment and periodic examinations and tests, provided that they complete the trainings announced by the Ministry.

b) They provide all necessary needs such as tools, equipment, space and time for the persons they assign or the institutions and organizations from which they receive services to fulfill their duties.

c) Ensures cooperation and coordination among those who carry out health and safety services in the workplace.

c) They carry out the measures that are in compliance with the legislation on occupational health and safety and are notified in writing by the persons they assign or the institutions and organizations from which they receive service.

d) Informs the persons they assign or the institutions and organizations from which they receive services, employees who come to their workplace from other workplaces and their employers about issues that are known to affect or are likely to affect the health and safety of employees.

(2) Public institutions and organizations within the scope of the Public Procurement Law No. 4734 dated 4/1/2002 may receive occupational health and safety services directly from revolving fund organizations belonging to the Ministry of Health or within the framework of the provisions of Law No. 4734.

(3) It is not mandatory to assign other health personnel to workplaces where a full-time occupational physician is assigned.

(4) **(Added: 10/9/2014-6552/16 art.)** In determining the assignment period to be made in accordance with subparagraph (a) of the first paragraph, apprentices and trainees who have student status within the scope of the Vocational Education Law No. 3308 dated 5/6/1986 and the Higher Education Law No. 2547 dated 4/11/1981 are not included in the total number of employees.

Supporting occupational health and safety services

ARTICLE 7 – (1) Support can be provided by the Ministry for the performance of occupational health and safety services under the following conditions:

a) Workplaces with fewer than ten employees, excluding public institutions and organizations, that are in the very dangerous and dangerous class can benefit from this benefit. However, the President may also decide that workplaces with fewer than ten employees, that are in the less dangerous class, can benefit from this benefit.

b) Expenses are financed by the Social Security Institution by transferring resources from the premiums collected for short-term insurance branches in terms of work accidents and occupational diseases.

c) In practice, Social Security Institution records are taken as basis.

c) In the controls and audits carried out in accordance with this Law and other legislation, if it is determined that the employers who employ their employees have not declared their insurance, the payments made until the date of detection will be collected by the Social Security Institution together with legal interest, and employers in this situation cannot benefit from the support provided for three years.

d) The Ministry is authorized to resolve any hesitations that may arise regarding the application, to direct the application and to solve any problems that may arise.

(2) The following issues and the procedures and principles related to them are determined by the regulation issued by the Ministry after obtaining the approval of the Ministry of Finance:

a) Implementation of support to be provided for the performance of occupational health and safety services.

b) Determination of the occupational health and safety service fees to be paid by the Social Security Institution, the part to be supported and the payment method, taking into account the characteristics of the workplaces with fewer than ten employees to be supported.

c) Conditions that businesses that can benefit from the support must meet.

d) Characteristics of organizations that will provide occupational health and safety services.

(3) In order to ensure effectiveness and continuity, the Ministry may cooperate with the Ministry of Health, the Ministry of Science, Industry and Technology and relevant professional organizations.

Occupational physicians and occupational safety experts

ARTICLE 8 – (1) The rights and authorities of occupational physicians and occupational safety experts cannot be restricted due to the performance of their duties. These persons carry out their duties within the ethical principles and professional independence required by the profession.

(2) **(Amended: 4/4/2015-6645/1 art.)** The occupational physician and occupational safety expert, who are assigned to provide guidance and consultancy to the employer on issues related to occupational health and safety, shall determine the deficiencies and malfunctions, measures and recommendations regarding occupational health and safety by taking into account the legislation and technical developments related to their duties in the workplace where they work, and shall notify the employer in writing. The employer is responsible for correcting the deficiencies and malfunctions and implementing the measures and recommendations. If the reported deficiencies and malfunctions require an emergency stop or pose a fire, explosion, collapse, chemical leakage or similar urgent and life-threatening risks, or if there are environments that may cause occupational diseases, the employer does not take the necessary measures, the occupational physician or occupational safety expert shall notify the authorized unit of the Ministry, the authorized union representative if any, or the employee representative if none exists. The certificate of the occupational physician and occupational safety expert who is determined not to have made a notification shall be suspended for three months, and for six months if it is repeated. Due to this notification, the employer cannot terminate the employment contract of the occupational physician or occupational safety specialist and these persons cannot lose their rights in any way. Otherwise, the employer will be awarded compensation not less than one year's contract fee. The rights of the occupational physician or occupational safety specialist under labor laws and other laws are reserved. In the lawsuit filed, the certificate of the person who is determined by a court decision to have made a false notification in bad faith will be suspended for six months.

(3) Service providers, workplace physicians and occupational safety experts are liable to the employers to whom they provide services for their negligence in the execution of occupational health and safety services.

(4) The licence of the workplace physician or occupational safety specialist whose negligence is detected in the occurrence of a work accident or occupational disease that results in the death or disability of the employee and causes damage to the physical integrity is suspended.

(5) In order for occupational safety experts to be able to work; they must have a class (A) occupational safety specialist certificate in workplaces classified as very hazardous, a class (B) occupational safety specialist certificate in workplaces classified as hazardous, and a class (C) occupational safety specialist certificate in workplaces classified as less hazardous. The Ministry may make special arrangements in the sectoral area regarding the assignment of occupational safety experts and occupational physicians. **(Additional sentence: 4/4/2015-6645/1 article)** Within the framework of the sectoral arrangement, the procedures and principles regarding the determination of which occupational safety experts will work primarily in mining and construction and other sectors, and the occupational safety experts with other professions who will work alongside them, are determined by the Ministry.

(6) In cases where the occupational physician and occupational safety specialist must be assigned full-time due to the determined working hours, the employer shall establish a workplace health and safety unit. In this case, the weekly working hours determined in accordance with the Labor Law No. 4857 dated 22/5/2003 shall be taken into account, provided that the provisions of the law to which the employees are subject are reserved.

(7) Personnel who are employed in public institutions and organizations in accordance with the relevant legislation and who are qualified as occupational physicians or occupational safety specialists may be assigned to other public institutions and organizations in addition to their primary duties, provided that they have the necessary document, by complying with the determined working hours, in the institution where they work or with the consent of the relevant personnel and the approval of the senior manager. An additional payment equal to the multiplication of the indicator number (200) by the civil servant monthly coefficient for each hour of duty is made by the institution receiving the service to the personnel to be assigned in this manner. No deductions other than stamp duty are made from this payment. In additional payments related to assignments in this case, assignments exceeding eighty hours in total per month, subject to daily working hours, are not taken into account.

(8) Without prejudice to the provisions of the legislation regarding full-time work in public health services, the restrictive provisions of other laws shall not apply to the assignment of workplace physicians and other health personnel to the workplace health and safety unit and joint health and safety units and to their performance of their duties, limited to those working in the workplaces where services are provided.

Determination of hazard class

ARTICLE 9 – (1) Workplace hazard classes are determined by a circular to be issued by the Ministry, in line with the opinions of the commission established by the relevant parties under the chairmanship of the General Director of Occupational Health and Safety, taking into account the short-term insurance branch premium tariff determined in accordance with Article 83 of the Social Insurance and General Health Insurance Law No. 5510 dated 31/5/2006.

(2) In determining workplace hazard classes, the actual work done in that workplace is taken into account.

Risk assessment, control, measurement and research

ARTICLE 10 – (1) The employer is obliged to conduct or have conducted a risk assessment in terms of occupational health and safety. The following points are taken into consideration when conducting a risk assessment:

- a) The situation of employees who will be affected by certain risks.
- b) Selection of work equipment, chemicals and preparations to be used.
- c) The order and tidiness of the workplace.
- c) The situation of groups requiring special policies such as young, elderly, disabled, pregnant or breastfeeding employees and female employees.
- (2) The employer determines the occupational health and safety measures to be taken and the protective equipment or gear to be used as a result of the risk assessment.
- (3) Occupational health and safety measures, working methods and production methods to be implemented in the workplace must increase the level of protection of employees in terms of health and safety and must be applicable at every level of the administrative structure of the workplace.
- (4) The employer ensures that the necessary controls, measurements, examinations and research are carried out to determine the risks to which the employees are exposed in the working environment and in terms of occupational health and safety.

Emergency plans, firefighting and first aid

ARTICLE 11 – (1) Employer;

- a) It determines possible and probable emergencies that may affect employees and the work environment by evaluating the work environment, materials used, work equipment and environmental conditions in advance and takes measures to prevent and limit their negative effects.
- b) It makes the necessary measurements and evaluations to protect against the negative effects of emergencies and prepares emergency plans.
- c) In order to deal with emergencies, taking into account the size of the workplace and the special risks it carries, the nature of the work done, the number of employees and other people in the workplace; it assigns a sufficient number of people who are suitably equipped and trained in prevention, protection, evacuation, firefighting, first aid and similar matters, provides the tools and equipment, carries out training and drills and ensures that the teams are always ready.
- c) Makes the necessary arrangements to ensure contact with organizations outside the workplace, especially in the areas of first aid, emergency medical intervention, rescue and fire fighting.

Evacuation

ARTICLE 12 – (1) In case of serious, imminent and unavoidable danger, the employer;

- a) Makes the necessary arrangements in advance and gives the necessary instructions to the employees so that they can leave their workplaces immediately and go to a safe place.
- b) If the situation continues, employees other than those who have the necessary equipment and are specifically assigned cannot be asked to continue their work unless it is necessary.
- (2) In cases where employees encounter a serious and imminent danger to their own safety or the safety of others and are unable to immediately notify their superiors, the employer shall provide the opportunity for them to intervene within the framework of their knowledge and existing technical equipment in order to prevent undesirable consequences. In such a case, employees cannot be held responsible for their intervention unless they act negligently or carelessly.

The right to refrain from work

ARTICLE 13 – (1) Employees who are faced with serious and imminent danger may apply to the board, or to the employer in workplaces where there is no board, to request that the situation be determined and that the necessary measures be taken. The board meets urgently, and the employer makes its decision immediately and records the situation in a report. The decision is notified to the employee and the employee representative in writing.

(2) If the Board or the employer decides in favor of the employee's request, the employee may refrain from working until the necessary measures are taken. The employee's wages for the period in which he/she refrains from working and other rights arising from the law and the employment contract are reserved.

(3) In cases where a serious and imminent danger cannot be prevented, employees leave the workplace or the dangerous area and go to a designated safe place without having to comply with the procedure in the first paragraph. The rights of employees cannot be restricted due to these actions.

(4) Employees working under an employment contract may terminate their employment contracts in accordance with the provisions of the law they are subject to, in cases where the necessary measures are not taken despite their request. Public personnel working under a collective agreement or collective labor contract are deemed to have actually worked during the period they are not working according to this article.

(5) In case of cessation of work in the workplace in accordance with Article 25 of this Law, the provisions of this article shall not apply.

Registration and notification of work accidents and occupational diseases

ARTICLE 14 – (1) Employer;

- a) Keeps records of all work accidents and occupational diseases, conducts the necessary investigations and prepares reports on them.
- b) Investigates and prepares reports on incidents that occur in the workplace but do not cause injury or death but cause damage to the workplace or work equipment or have the potential to harm the employee, workplace or work equipment.

(2) The employer shall notify the Social Security Institution within the specified period in the following cases:

- a) Work accidents within three working days following the accident.
- b) Within three working days from the date of learning about occupational diseases reported to him/her by health service providers or workplace physicians.
- (3) Workplace physicians or health service providers refer cases with a preliminary diagnosis of occupational disease to health service providers authorized by the Social Security Institution.

(4) Health service providers shall report the work accidents reported to them, and authorized health service providers shall report the cases they diagnose as occupational diseases to the Social Security Institution within ten days at the latest.

(5) The procedures and principles regarding the implementation of this article are determined by the Ministry, after obtaining the approval of the Ministry of Health.

Health surveillance

ARTICLE 15 – (1) Employer;

- a) Ensures that employees are subject to health surveillance, taking into account the health and safety risks they may be exposed to in the workplace.
- b) Must ensure that health examinations are carried out for employees in the following cases:

c) Those ensure that health examinations are carried out for employees in the following cases:

- 1) When they start working.
- 2) In case of change of job.
- 3) In case they request to return to work after repeated absences from work due to a work accident, occupational disease or health reasons .
- 4) During the continuation of the work, at regular intervals determined by the Ministry according to the nature of the worker and the work and the hazard class of the workplace.

(2) Those who will work in jobs classified as hazardous or very hazardous cannot be employed without a health report stating that they are suitable for the job they will do.

(3) **(Amended first sentence: 10/9/2014-6552/17 art.)** Health reports required to be obtained within the scope of this Law shall be obtained from the workplace physician. For workplaces with less than 50 employees and low-risk workplaces, they may also be obtained from public service providers or family physicians. Objections to the reports shall be made to the arbitrator hospitals determined by the Ministry of Health, and the decisions made shall be final.

(4) The costs arising from health surveillance and any additional costs arising from this surveillance are covered by the employer and cannot be passed on to the employee.

(5) Health information of the employee who has undergone a medical examination is kept confidential in order to protect his/her private life and reputation.

Informing employees

ARTICLE 16 – (1) In order to ensure and maintain occupational health and safety in the workplace, the employer informs his employees and employee representatives about the following issues, taking into account the characteristics of the workplace:

- a) Health and safety risks that may be encountered in the workplace, protective and preventive measures.
- b) Legal rights and responsibilities related to them.
- c) Persons assigned to first aid, emergency situations, disasters, firefighting and evacuation.

(2) Employer;

a) It immediately informs all employees who are exposed to or at risk of being exposed to the serious and imminent danger specified in Article 12 about the measures taken and to be taken against the dangers and the risks arising from them.

b) Provides the necessary information to the employers of employees who come to work from other workplaces to ensure that they receive the information specified in the first paragraph.

c) Ensures that support staff and employee representatives have access to information obtained from risk assessment, protective and preventive measures regarding occupational health and safety, measurement, analysis, technical control, records, reports and inspections.

Training of employees

ARTICLE 17 – (1) The employer ensures that employees receive occupational health and safety training. This training is provided particularly before starting work, in case of a change in workplace or job, in case of a change in work equipment or in case of the implementation of new technology. Training is renewed in accordance with the changing and emerging risks and repeated at regular intervals when necessary.

(2) Employee representatives are specially trained.

(3) Those who cannot document that they have received vocational training related to the job they will perform cannot be employed in jobs that are classified as hazardous or very hazardous and require vocational training.

(4) An employee who has had a work accident or contracted an occupational disease is given additional training on the causes of the accident or occupational disease, protection methods and safe working methods before starting work. In addition, those who have been away from work for more than six months for any reason are given refresher training before starting work again.

(5) In workplaces classified as hazardous or very hazardous, employees coming from other workplaces cannot be employed without a document proving that they have received training containing sufficient information and instructions regarding the health and safety risks to be encountered in the work to be done.

(6) The employer with whom a temporary employment relationship is established ensures that the necessary training is given to the employee against occupational health and safety risks.

(7) The cost of training to be provided within the scope of this article cannot be reflected to the employees. The time spent in training is considered as working hours. If the training period exceeds the weekly working hours, these periods are considered as working overtime or overtime.

Obtaining employees' opinions and ensuring their participation

ARTICLE 18 – (1) The employer shall provide the following opportunities to employees or, in workplaces where there are two or more employee representatives, to the authorized union representatives, if any, or to the employee representatives if none are available, regarding consultation and participation:

a) Asking for their opinions on occupational health and safety issues, granting them the right to make proposals, and ensuring their participation and involvement in discussions on these issues.

b) Obtaining opinions on the application of new technologies, the work equipment to be selected, the impact of the working environment and conditions on the health and safety of employees.

(2) The employer ensures that the opinions of support staff and employee representatives are obtained in advance on the following matters:

a) Assignment of a workplace doctor, occupational safety specialist and other personnel to be assigned from the workplace or to receive service from outside the workplace, as well as persons for first aid, firefighting and evacuation tasks.

b) Determining the protective and preventive measures to be taken and the protective gear and equipment to be used by conducting a risk assessment.

c) Preventing health and safety risks and carrying out protective services.

c) Informing the employees.

d) Planning the training to be given to employees.

(3) The rights of employees or employee representatives cannot be restricted due to their application to the competent authority in cases where the measures taken for occupational health and safety at the workplace are inadequate or during inspections .

Employees' responsibilities

ARTICLE 19 – (1) Employees are obliged not to endanger their own health and safety or the health and safety of other employees affected by their actions or the work they do, in accordance with the training they receive on occupational health and safety and the employer's instructions on this matter.

(2) The obligations of employees, in line with the training and instructions given by the employer, are as follows:

a) To use the machines, devices, tools, equipment, hazardous materials, transportation equipment and other production tools in the workplace in accordance with the rules, to use their safety equipment correctly and not to remove or change them arbitrarily.

b) To use and protect the personal protective equipment provided to them correctly.

c) To immediately notify the employer or employee representative when they encounter a serious and imminent danger to health and safety in the machinery, devices, vehicles, equipment, facilities and buildings in the workplace and when they see a deficiency in protective measures.

c) To cooperate with the employer and employee representatives in eliminating deficiencies and non-conformances to legislation detected in the workplace by the competent authority for inspection.

d) To cooperate with employers and employee representatives to ensure occupational health and safety in their area of responsibility.

Employee representative

ARTICLE 20 – (1) The employer shall appoint the following number of employee representatives through selection among employees or, if this cannot be determined through selection, through appointment, provided that the employer takes into account the risks in different parts of the workplace and the number of employees, and ensures a balanced distribution:

a) One in workplaces with two to fifty employees.

b) Two in workplaces with between fifty-one and one hundred employees.

c) Three in workplaces with between one hundred and one and five hundred employees.

- c) Four in workplaces with between five hundred and one thousand employees.
- d) Five in workplaces with between one thousand and two thousand employees.
- e) Six in workplaces with two thousand one or more employees.

(2) If there is more than one employee representative, the chief representative is determined by an election among the employee representatives.

(3) Employee representatives have the right to make suggestions to the employer and request the employer to take the necessary measures to eliminate the source of danger or reduce the risk arising from the danger.

(4) The rights of employee representatives and support staff cannot be restricted due to the performance of their duties, and the employer provides them with the necessary facilities to enable them to perform their duties.

(5) If there is an authorized union in the workplace, the workplace union representatives also serve as employee representatives.

THIRD PART

Council, Board and Coordination

National Council for Occupational Safety and Health

ARTICLE 21 – (1) The Council was established to make recommendations for determining policies and strategies regarding occupational health and safety throughout the country .

(2) **(Repealed: 2/7/2018-Decree Law-703/210 art.)**

(3) **(Repealed: 2/7/2018-Decree Law-703/210 art.)**

(4) **(Repealed: 2/7/2018-Decree Law-703/210 art.)**

(5) **(Repealed: 2/7/2018-Decree Law-703/210 art.)**

(6) **(Repealed: 2/7/2018-Decree Law-703/210 art.)**

(7) **(Repealed: 2/7/2018-Decree Law-703/210 art.)**

Occupational health and safety board

ARTICLE 22 – (1) In workplaces where there are fifty or more employees and where continuous work lasts more than six months, the employer shall establish a committee to work on occupational health and safety. The employer shall implement the decisions of the committee in accordance with the occupational health and safety legislation.

(2) In cases where there is a main employer-subcontractor relationship that lasts more than six months;

a) If separate committees are established by the main employer and the subcontractor, cooperation and coordination regarding the execution of activities and implementation of decisions are ensured by the main employer.

b) If a committee has been established by the main employer, the subcontractor who is not required to establish a committee shall appoint an authorized representative to ensure coordination.

c) The main employer, who is not required to establish a committee at the workplace, appoints an authorized representative to ensure cooperation and coordination with the committee established by the subcontractor.

c) If the total number of employees of the main employer and the subcontractor who are not required to form a committee exceeds fifty, a committee shall be formed jointly by the main employer and the subcontractor, provided that the coordination is carried out by the main employer.

(3) If there is more than one employer in the same field of work and more than one board is formed by these employers, the employers shall inform the other employers about the board decisions that may affect each other's work.

Coordination of occupational health and safety

ARTICLE 23 – (1) In cases where more than one employer shares the same work area, employers cooperate in the implementation of occupational hygiene and occupational health and safety measures, coordinate the prevention of occupational risks and protection from these risks by taking into account the nature of the work performed, and inform each other and employee representatives about these risks.

(2) In places such as business centers, business centers, industrial zones or sites where there is more than one workplace, coordination on occupational health and safety is provided by the management. The management warns employers to take the necessary measures regarding the hazards that may affect other workplaces in terms of occupational health and safety. It reports employers who do not comply with these warnings to the Ministry.

CHAPTER FOUR

Inspection and Administrative Sanctions

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

ARTICLE 24 – (1) Monitoring and inspection of the implementation of the provisions of this Law shall be carried out by the Ministry's labor inspectors authorized to conduct inspections in terms of occupational health and safety. Articles 92, 93, 96, 97 and 107 of Law No. 4857 shall be applied in the inspections and examinations to be carried out within the scope of this Law.

(2) **(Repealed: 25/1/2024-7495/8 art.)**

(3) Procedures regarding the subject and results of the audit and inspection of military workplaces and workplaces producing materials necessary for homeland security are carried out in accordance with the regulation to be prepared jointly by the Ministry of National Defense and the Ministry.

The Ministry's authority and responsibility for investigation, control and audit

ARTICLE 24/A- **(Added: 25/1/2024-7495/9 art.)**

(1) The Ministry is authorized to conduct inspection, authorization, control and audit in educational institutions, joint health and safety units, equipment inspection organizations, occupational hygiene measurement, testing and analysis laboratories within the scope of this Law. Inspection, control and audit on behalf of the Ministry shall be carried out by personnel with the title of labor expert and assistant labor expert, engineer, physicist, chemist, biologist and physician working in the General Directorate of Occupational Health and Safety. Personnel assigned within the scope of this article shall be obliged not to disrupt work as much as possible during inspection, control and audit, and to keep the professional secrets of the employer and the workplace and the matters they see and learn completely confidential. The necessary convenience shall be provided to the assigned personnel by the employer or employees. The procedures and principles related to this paragraph shall be regulated by the Ministry.

(2) If the Ministry personnel working within the scope of this article need the assistance of law enforcement forces, excluding military workplaces, they shall notify the relevant provincial governor. If the provincial governor finds the request appropriate as a result of the evaluation he will make within the framework of the authorities granted by the Provincial Administration Law No. 5442 dated 10/6/1949 and the Police Duties and Authorities Law No. 2559 dated 4/7/1934, he shall assign a sufficient number of law enforcement forces.

(3) The provision of paragraph (b) of Article 33 of the Daily Allowance Law No. 6245 dated 10/2/1954 shall apply to those assigned for examination, control and audit within the scope of this article.

Stopping of work

ARTICLE 25 – (1) If a vital danger is detected for employees in the building and annexes, working methods and forms or work equipment in the workplace; work is stopped in a part or the whole of the workplace until this danger is eliminated, taking into account the nature of the vital danger and the area and employees that may be affected by the risk that may arise from this danger. In addition, in workplaces where mining, metal and construction works, which are classified as very dangerous, or where work involving hazardous chemicals is carried out or where major industrial accidents may occur, work is stopped if no risk assessment has been conducted.

(2) A committee consisting of three labour inspectors authorized to inspect in terms of occupational health and safety may decide to stop the work within two days from the date of the determination by the labour inspector authorized to inspect in terms of occupational health and safety, after conducting the necessary examinations. However, if the issue detected requires urgent intervention, the labour inspector who made the determination shall stop the work until the decision is taken by the committee.

(3) The decision to stop the work shall be sent to the relevant provincial governor and the provincial directorate of the Labor and Employment Agency where the workplace file is located within one day. The decision to stop the work shall be implemented by the provincial governor through law enforcement within twenty-four hours. However, the decision to stop the work given because the detected issue requires urgent intervention shall be implemented by the provincial governor through law enforcement on the same day.

(4) The employer may object to the decision to suspend work at the competent labor court within six working days from the date of its implementation . The objection does not affect the implementation of the decision to suspend work. The court shall first consider the objection and make a decision within six working days. The court decision is final.

(5) If the employer notifies the Ministry in writing that the issues requiring the cessation of work have been resolved, the employer's request will be finalised by conducting an inspection of the workplace within seven days at the latest.

(6) The employer is obliged to pay the wages of employees who become unemployed due to the cessation of work or to provide them with another job according to their profession or situation, provided that their wages are not reduced.

(7) **(Added: 4/4/2015-6645/2 art.)** In works that are classified as very dangerous and are awarded through tender, working methods that pose a life-threatening risk due to production pressure by acting contrary to production and/or manufacturing plans and work programs without ensuring certain elements such as technological development, increase in workforce capacity, and innovation in production methods are considered grounds for stopping work.

(8) **(Added: 4/4/2015-6645/2 art.)** Employers or employer representatives who make employees work without permission during suspended work at the workplace are sentenced to imprisonment from three to five years.

Ban on public tenders due to fatal work accident

ARTICLE 25/A – (Added: 4/4/2015-6645/3 art.)

In mining workplaces where fatal work accidents occur, the employer whose fault is determined by a court decision is banned by the court from participating in public tenders for a period of two years, together with those listed in the second paragraph of Article 26 of the Law No. 4735 on Public Procurement Contracts dated 5/1/2002. A copy of the decision is sent to the Public Procurement Authority to be recorded in the employer's registry and is announced on the Authority's website.

Administrative fines and their implementation

ARTICLE 26 – (1) Of this Law;

a) Two thousand Turkish Lira for each obligation separately to the employer who does not fulfill the obligations specified in subparagraphs (a) and (b) of the first paragraph of Article 4,

b) For the employer who does not assign an occupational safety specialist or occupational physician with the qualifications determined in accordance with the first paragraph of Article 6, five thousand Turkish Lira for each person he does not assign, the same amount for each month the violation continues; for the employer who does not assign other health personnel, two thousand five hundred Turkish Lira, the same amount for each month the violation continues; for the employer who does not fulfill the obligations specified in subparagraphs (b), (c) and (d) of the same paragraph, one thousand five hundred Turkish Lira for each violation; for the employer who acts contrary to subparagraph (ç), one thousand Turkish Lira for each measure not taken,

c) One thousand five hundred Turkish Lira for each violation for the employer who acts contrary to the first and sixth paragraphs of Article 8,

ç) Three thousand Turkish Lira for the employer who does not conduct a risk assessment or does not have one conducted in accordance with the first paragraph of Article 10, four thousand five hundred Turkish Lira for each month that the non-compliance continues, one thousand five hundred Turkish Lira for the employer who does not fulfill the obligations specified in the fourth paragraph,

d) Employers who act contrary to the provisions of Articles 11 and 12 shall be fined one thousand Turkish Lira for each obligation not complied with, and the same amount for each month that the non-compliance continues.

e) One thousand five hundred Turkish Lira for each obligation to the employer who does not fulfill the obligations specified in the first paragraph of Article 14, two thousand Turkish Lira to the employer who does not fulfill the obligations specified in the second paragraph, two thousand Turkish Lira to the health service providers or authorized health service providers who do not fulfill the obligations specified in the fourth paragraph,

f) One thousand Turkish Liras for each employee who is not subject to health surveillance or for whom a health report is not obtained, to the employer who does not fulfill the obligations specified in the first and second paragraphs of Article 15.

g) One thousand Turkish Liras for each employee who is not informed to the employer who does not fulfill the obligations specified in Article 16,

g) **(Amended: 4/4/2015-6645/4 art.)** For employers who do not fulfill the obligations specified in Article 17, five hundred Turkish Lira per employee for each violation,

h) Employers who fail to fulfill the obligations specified in Article 18 will be fined one thousand Turkish Liras for each violation.

i) One thousand Turkish Lira to the employer who does not fulfill the obligations specified in the first and fourth paragraphs of Article 20, one thousand five hundred Turkish Lira to the employer who does not fulfill the obligations specified in the third paragraph,

i) Two thousand Turkish Liras for each violation to the employer who does not fulfill the obligations specified in Article 22,

j) Five thousand Turkish Lira to the administrations that do not fulfill the notification obligations specified in the second paragraph of Article 23,

k) Five thousand Turkish Lira to the employer who prevents the measurement, examination and research, the taking of samples or the control and inspection of educational institutions and joint health and safety units on the issues related to occupational health and safety specified in the first paragraph of Article 24/A,

1) **(Amended: 4/4/2015-6645/4 art.)** For the employer who does not fulfill the obligations specified in the sixth paragraph of Article 25, one thousand Turkish Liras for each employee who has suffered a violation, and the same amount for each month that the violation continues,

m) Fifty thousand Turkish Lira to the employer who does not prepare a major accident prevention policy document as specified in Article 29, eighty thousand Turkish Lira to the employer who puts the workplace into operation without preparing a safety report and submitting it to the evaluation of the Ministry, who opens a workplace whose operation is not permitted by the Ministry, or who continues to operate in a workplace that has been stopped,

n) Employers who fail to fulfill the obligations specified in the regulations stipulated in Article 30 will be fined one thousand Turkish Liras per month, starting from the date of detection, for each provision not complied with.

o) **(Added: 4/4/2015-6645/4 art.)** Employers who do not provide their employees with personal protective equipment that complies with the standards and has the CE mark will be fined five hundred Turkish Lira per employee.

ö) **(Added: 4/4/2015-6645/4 art.)** Five hundred Turkish Lira per employee for employers who do not establish a tracking system showing the location and entrances and exits of employees in underground mining operations, administrative fines are imposed.

(2) **(Amended: 4/4/2015-6645/4 art.)** The administrative fines specified in this Law, except for the administrative fines to be applied to those who do not fulfill the notification obligation specified in Article 14, shall be imposed by the provincial director of the Labor and Employment Agency, stating the reason. The collected administrative fines, except for the administrative fines applied to those who do not fulfill the notification obligation specified in Article 14, shall be recorded as income in the general budget. The administrative fines to be applied to those who do not fulfill the notification obligation specified in Article 14 shall be imposed directly by the Social Security Institution. The provisions of Article 102 of Law No. 5510 shall be applied in the notification, objection and collection of administrative fines imposed by the Social Security Institution. Other administrative fines imposed shall be paid within thirty days from the notification. Administrative fines may also be issued on behalf of public institutions and organizations that do not have legal personality.

(3) **(Added: 4/4/2015-6645/4 art.)** Administrative fines specified in this article;

a) From workplaces with fewer than ten employees;

1) The same amount for those in the less dangerous class,

2) Increased by twenty-five percent for those in the dangerous class,

3) Increased by fifty percent for those in the very dangerous class,

b) Workplaces with ten to forty-nine employees;

1) The same amount for those in the less dangerous class,

2) Increased by fifty percent for those in the dangerous class,

3) Increased by 100 percent for those in the very dangerous class,

c) From workplaces with fifty or more employees;

1) Increased by fifty percent for those in the less dangerous class,

2) Increased by 100 percent for those in the dangerous class,

3) Increased by two hundred percent for those in the very dangerous class, is applied.

(4) **(Added: 4/4/2015-6645/4 art.)** In case of suspension of work, the relevant administrative fine shall not be imposed for the act that caused the suspension.

(5) **(Added: 4/4/2015-6645/4 art.)** The provisions of the third paragraph shall not apply to administrative fines imposed by multiplying the number of employees.

(6) **(Added: 4/4/2015-6645/4 art.)** Except for the administrative fines imposed on those who fail to fulfill the notification obligation specified in Article 14, the administrative fines collected in accordance with this Law shall be used for expenditures related to training and research and development projects related to occupational health and safety. The funds required for this purpose shall be foreseen in the Ministry's budget. The procedures and principles regarding the use of the said funds shall be determined jointly by the Ministry and the Ministry of Finance.

Cases where no provision exists and exemption

ARTICLE 27 – (1) Without prejudice to the provisions of the law to which employees are subject, in cases not covered by this Law, the provisions of Law No. 4857 that are not contrary to this Law shall be applied.

(2) Papers prepared in accordance with this Law are exempt from stamp duty and transactions are exempt from fees.

(3) The Ministry may request and archive any document or information regarding the work and transactions to be carried out in accordance with this Law through electronic and similar media, and may grant approval, authorization, information and documents through these media.

CHAPTER FIVE

Miscellaneous and Temporary Provisions

Prohibition of using addictive substances

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

(2) The employer has the authority to determine in what cases, at what time and under what conditions alcoholic beverages can be consumed in the parts considered as annexes of the workplace.

(3) The prohibition on drinking alcohol does not apply to the following employees:

- a) Those who work in workplaces where alcoholic beverages are produced and are assigned to inspect what is produced as part of their job.
- b) Those who have to drink alcoholic beverages due to the nature of their job in workplaces where alcoholic beverages are sold or consumed in closed containers or openly.
- c) Those who have to drink alcoholic beverages with customers due to the nature of their job.

Safety report or major accident prevention policy document

ARTICLE 29 – (1) Before starting the business, a major accident prevention policy document or safety report is prepared by the employer for workplaces where major industrial accidents may occur, depending on the size of the workplace.

(2) Employers who are obliged to prepare a security report may open their workplaces for operation after the content and adequacy of the security reports they have prepared have been examined by the Ministry.

Various regulations regarding occupational health and safety

ARTICLE 30 – (1) The following issues and the procedures and principles related to them are regulated by the regulations to be issued by the Ministry:

a) In order to ensure and maintain occupational health and safety and to improve the current situation, by taking the opinion of the relevant ministries; workplace buildings and annexes, work equipment, substances used and produced at every stage of the work, working environment and conditions, work equipment and jobs with special risks and workplaces, employment of groups requiring special policies, night work and shift work depending on the nature of the work, jobs requiring less work in terms of health rules, working conditions of pregnant and breastfeeding women, establishment of breastfeeding rooms and childcare centers or outsourcing of services and similar issues that may require special arrangements and notifications and permissions related to these and other issues related to the implementation of this Law.

b) Regarding occupational health and safety services;

1) In which workplaces will the workplace health and safety unit be established, considering the number of employees and the hazard class, the physical conditions of these units and the equipment to be available in the units.

2) The qualifications, recruitment, assignment, duties, authorities and responsibilities of the workplace physician, occupational safety specialist and other health personnel who will work in the workplace health and safety unit and the joint health and safety unit, how they will carry out their duties, minimum working hours considering the number of employees in the workplace and the hazard class of the workplace, how they will report hazardous issues in the workplace, and in which workplaces they can work according to the documents they have.

3) The duties, authorities and responsibilities, documentation and authorization of the persons, institutions and organizations that will provide occupational health and safety services, health surveillance and health reports within the scope of the services to be provided, the physical conditions of the organizations and the personnel and equipment to be kept in the organizations.

4) The conditions under which services will be received from persons, institutions and organizations that provide occupational health and safety services, according to the workplace hazard class and the number of employees, the number of people to be assigned or employed, the duration of service to be provided in the workplace and in which cases the employer can undertake the determined tasks.

5) Training and certification of workplace physicians, occupational safety specialists and other health personnel, who can obtain which class of certificate according to their titles, certification and authorization of institutions that will provide training for workplace physicians, occupational safety specialists and other health personnel, determination and certification of training programs and qualifications of trainers who will take part in these programs, exams to be held at the end of the training and documents to be prepared.

6) **(Added: 10/9/2014-6552/18 art.)** Training programs regarding the undertaking of occupational health and safety services in workplaces with less than 50 employees and classified as low-risk, the duration of training, qualifications of trainers and matters related to assignment.

c) Regarding risk assessment; determining the workplaces in which the risk assessment will be conducted, determining the qualifications of the persons and organizations that will conduct the assessment, granting the necessary permits and canceling the permits.

ç) By taking the opinion of the Ministry of Health into consideration, the necessary controls, examinations and researches regarding personal exposure and the working environment that employers are obliged to conduct within the scope of this Law at their workplaces, the procedures and principles of measurements and laboratory analyses related to physical, chemical and biological factors, and the determination of the qualifications of the persons and institutions that will perform these measurements and analyses, granting the necessary authorizations, cancellation of the granted authorizations and authorization and certification fees.

d) Preparation of emergency plans, prevention, protection, evacuation, first aid and similar issues, and persons to be assigned on these issues, taking into account the nature of the work performed, the number of employees, the size of the workplace, the substances used, stored and produced, work equipment and the location of the workplace.

e) Training to be given to employees and their representatives, documentation of this training, qualifications to be sought in persons and organizations that will provide occupational health and safety training, and jobs that require vocational training.

f) The formation of the board, its duties and powers, its working procedures and principles, and, in the event that there is more than one board, the coordination and cooperation between these boards.

g) **(Amended: 4/4/2015-6645/5 art.)** Suspension of work in workplaces, in which works the work will be stopped if a risk assessment has not been made, temporary removal of seals to eliminate the reasons for the suspension, conditions for permitting re-work, matters requiring emergency suspension in workplaces, especially mining and construction, which are classified as very dangerous works, implementation of measures to be taken during the period until the decision to stop work is made in case of emergency.

g) **(Amended: 28/11/2017-7061/103 art.)** Measures to be taken jointly with the Ministry of Environment and Urbanization and the Disaster and Emergency Management Presidency to prevent major industrial accidents and reduce their effects, determination and classification of workplaces where major industrial accidents may occur, preparation and examination of major accident prevention policy documents or safety reports for newly established or currently active workplaces, stopping work or allowing work to continue in the absence of a safety report, and other issues related to preventing major industrial accidents and reducing their effects.

(2) The Ministry of Health's approval is sought on the issues regarding the training programs, working hours, duties and authorities of the workplace physician and other healthcare personnel included in the regulation issued in accordance with subparagraph (b) of the first paragraph.

(3) **(Added: 4/4/2015-6645/5 art.)** The procedures and principles regarding which shelter rooms can be established in mining workplaces and the technical specifications of these rooms are regulated by a regulation to be issued by the Ministry within one year. These technical specifications are determined in accordance with national and international standards.

Documentation, warnings and cancellations

ARTICLE 31 – (1) The authorization and certification fees for persons, institutions, organizations and educational institutions that provide occupational health and safety services and perform measurements and analyses, the procedures and principles regarding the recording of violations of the rules imposed on these persons and institutions as light, medium and heavy warnings, and the suspension and cancellation of the validity of authorization certificates directly or based on warning points are determined by the Ministry.

Amended provisions

ARTICLE 32 – Of the Labor Law No. 4857 dated 22/5/2003;

a) The last sentence of the first paragraph of Article 7 has been changed as follows: “The employer with whom a temporary employment relationship is established has the right to give instructions to the employee.”

b) The phrase "or acting contrary to Article 84" in subparagraph (d) of paragraph (II) of the first paragraph of Article 25 has been changed to "coming to the workplace drunk or on drugs or using these substances in the workplace".

c) The phrase "in which types of work can young workers who are sixteen years of age or older but under eighteen years of age be employed" has been added after the phrase "light work" in the third paragraph of Article 71.

ARTICLE 33 – The positions titled “Chief Labour Inspector” in the section of the Annex (I) of the Decree Law No. 190 on General Staff and Procedure dated 13/12/1983 belonging to the Ministry of Labour and Social Security have been changed to “Chief Labour Inspector”.

ARTICLE 34 – The positions included in the annexed lists (I), (II) and (III) have been created and added to the section of the annexed table (I) of the Decree Law No. 190 pertaining to the Ministry of Labor and Social Security, and the positions included in the annexed list (IV) have been cancelled and removed from the section of the annexed table (I) of the Decree Law No. 190 pertaining to the Ministry of Labor and Social Security.

ARTICLE 35 – It is related to the Civil Servants Law No. 657 dated 14/7/1965 and has been replaced.

ARTICLE 36 – It is related to the Law No. 3146 on the Organization and Duties of the Ministry of Labor and Social Security dated 9/1/1985 and has been replaced.

Provisions repealed

ARTICLE 37 – The following provisions of Law No. 4857 have been repealed:

a) Fourth paragraph of Article 2.

b) Fourth paragraph of Article 63.

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

c) Articles 77, 78, 79, 80, 81, 83, 84, 85, 86, 87, 88, 89, 95, 105 and temporary 2nd articles.

The expression “Without prejudice to the provisions of occupational health and safety” in subparagraph (f) of the first paragraph of Article 4 of Law No. 4857 and the expression “One thousand New Turkish Liras for each worker employed in workplaces within the scope of Article 85” in the first paragraph of Article 98 have been removed from the text.

ADDITIONAL ARTICLE 1 – (Added: 2/7/2018-KHK-703/210 art.)

(1) References made to the National Occupational Health and Safety Council in the legislation are deemed to have been made to the board or authority determined by the President.

Citations

TEMPORARY ARTICLE 1 – (1) References made to Law No. 4857 regarding occupational health and safety in other legislation shall be deemed to have been made to this Law.

Current regulations

TEMPORARY ARTICLE 2 – (1) The provisions of the regulations put into effect in accordance with Articles 77, 78, 79, 80, 81 and 88 of Law No. 4857, which are not contrary to this Law, shall continue to be applied until the regulations foreseen in this Law enter into force.

Health reports

TEMPORARY ARTICLE 3 – (1) Periodic health reports previously obtained for employees in accordance with Law No. 4857 and other legislation are valid until their expiration date.

Obligation to appoint an occupational safety expert

TEMPORARY ARTICLE 4 – (1) (Amended: 4/4/2015-6645/6 art.) The obligation to assign an occupational safety expert with a class (A) certificate in workplaces included in the very hazardous class specified in Article 8 of this Law shall be deemed to have been fulfilled provided that an occupational safety expert with a class (B) certificate is assigned until the effective date specified in subparagraph (1) of paragraph (a) of the first paragraph of Article 38; and the obligation to assign an occupational safety expert with a class (B) certificate in workplaces included in the hazardous class shall be deemed to have been fulfilled provided that an occupational safety expert with a class (C) certificate is assigned until the effective date specified in subparagraph (1) of paragraph (a) of the first paragraph of Article 38.

(2) (Added: 12/7/2013-6495/55 art.) The Ministry is authorized to make the necessary arrangements to grant those who have an occupational safety specialist certificate a maximum of two exam rights, provided that they are used within one year from the date of entry into force of the paragraph, in order to obtain an occupational safety specialist certificate in the upper classes, taking into account such issues as the number of premium days paid to the Social Security Institution and the certificate class they have, provided that the procedures and principles are determined.

(3) (Added: 4/4/2015-6645/6 art.) The rights of those who are successful in the occupational safety specialist certificate upgrade exams and are entitled to receive a certificate according to the second paragraph are reserved.

Current certificates and documents and warning points

TEMPORARY ARTICLE 5 – (1) Holders of occupational physician, occupational safety specialist and occupational nurse certificates or documents issued by the Ministry before the publication date of this Law and occupational physician certificates issued by the Turkish Medical Association, whose documents are deemed invalid, may use all rights and authorities granted by this Law, provided that they replace their existing documents or certificates with a document to be issued by the Ministry within one year from the publication date of this Law. Those who completed occupational physician and occupational safety specialist trainings provided by educational institutions before the same date and whose trainings are deemed invalid, are entitled to take the exam in accordance with the relevant legislation. The Ministry’s records shall be taken as basis in determining entitlement.

(2) Warning points applied to educational institutions and joint health and safety units for which there is no final court decision before the date of publication of this Law shall be transferred to the new regulation as recorded.

Fee payments to institutional physicians who perform occupational medicine

TEMPORARY ARTICLE 6 – (1) Administrative or financial trials and prosecutions cannot be initiated against public officials due to workplace doctor fee payments made in public institutions and organizations and local administrations, those initiated are annulled and these payments cannot be subject to retroactive collection or compensation.

TEMPORARY ARTICLE 7 – (1) Those who are in the Chief Labour Inspector positions on the date of publication of this Law shall be deemed to have been

TEMPORARY ARTICLE 8 – (1) The duties of those who hold the positions titled Director of the Occupational Health and Safety Institute and Deputy Director of the Occupational Health and Safety Institute at the Occupational Health and Safety Central Directorate on the date of publication of this Law shall end on the date of publication of this Law and they shall be assigned to other positions appropriate to their degree and grade within one month at the latest. Until they are assigned to a new position, they shall continue to receive their monthly salaries, additional indicators, any raises and compensations and other financial rights related to their former positions. The total net amount of the monthly salaries, additional indicators, any raises and compensations, additional payments and all kinds of payments made under similar names (excluding overtime pay and additional lesson pay related to actual work in accordance with the relevant legislation) received by the said personnel in the last month related to their former positions as of the date of their assignment (this amount shall be taken as a fixed value); If the total net amount of the monthly salary, additional indicator, all kinds of raises and compensations, additional payments and all kinds of payments made under the names of similar names (excluding overtime pay and additional lesson pay based on actual work in accordance with the relevant legislation) made for the newly appointed positions is more than the net amount, the difference amount will be paid as compensation separately until the difference is closed without being subject to any tax or deduction. The payment of difference compensation will be terminated for those who have any voluntary change in the title of the position they have been appointed to and those who have been appointed to other institutions of their own volition.

(2) Appointments can be made to the vacant positions of 20 Occupational Health and Safety Specialists, 100 Assistant Occupational Health and Safety Specialists, 40 Civil Servants, 40 Data Preparation and Control Operators and 10 Engineers from the positions created in the lists annexed to this Law within 2012 without being subject to the limitations in the 2012 Central Government Budget Law No. 6260 dated 21/12/2011.

TEMPORARY ARTICLE 9 – (Added: 4/4/2015-6645/7 art.)

(1) Clause (ö) added to the first paragraph of Article 26 of this Law shall be applied as of 1/1/2016.

TEMPORARY ARTICLE 10 – (Added: 28/11/2017-7061/104 art.)

The obligation to prepare security reports imposed on businesses currently operating in accordance with subparagraph (ğ) of the first paragraph of Article 30 of this Law shall be completed by 31/12/2018.

Force

ARTICLE 38 – (1) Of this Law;

a) **(Amended: 12/7/2013-6495/56 art.)** Articles 6 and 7;

- 1) For public institutions, excluding those working within the scope of the repealed article 81 of the Labor Law No. 4857, and for workplaces with less than 50 employees and in the low-hazard class, on 31/12/2024,
- 2) For workplaces classified as hazardous and very hazardous with less than 50 employees, on 1/1/2014,
- 3) For other workplaces, six months after the date of publication,
- b) Articles 9, 31, 33, 34, 35, 36 and 38 and temporary articles 4, 5, 6, 7 and 8, on the date of publication,
- c) Other articles after six months from the date of publication,
- shall enter into force.

Executive

ARTICLE 39 – (1) The Council of Ministers shall execute the provisions of this Law.

**LEGISLATION ADDING AND AMENDING LAW NO. 6331 OR
TABLE SHOWING THE ENFORCEMENT DATES OF THE CONSTITUTIONAL COURT CANCELLATION DECISIONS**

Number of the Amending Law/Decree Law or the Annulment Constitutional Court Decision	Amended or Cancelled Articles of Law No. 6331	Date of Entry into Force
6462	3	3/5/2013
6495	3, TEMPORARY ARTICLE 4, 38	2/8/2013
6552	2, 6, 15, 30	11/9/2014

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