

REQUIREMENT OF EMPLOYMENT/APPOINTMENT OF

WORKPLACE DOCTORS AND OCCUPATIONAL SAFETY SPECIALISTS

Pursuant to the Occupational Health and Safety Law, employers are obliged to ensure the health and safety of the employees by taking certain measures such as appointing/employing occupational safety expert(s) (*iş güvenliği uzmanı*) as well as workplace doctor(s) and other health personnel (i.e. nurses, health officers, emergency medical technicians, etc.). Further, the secondary legislation published subsequent to the introduction of the Occupational Health and Safety Law defines certain categories of risk groups for workplaces and obliges the companies that carry out riskier activities to comply with more comprehensive requirements.

Effective date for the requirement of appointment/employment of an on-site doctor, other health personnel and occupational safety specialist depends on the risk group and number of employee of the workplace; being

- (i) 30 December 2012 for workplaces employing 50 or more employees;
- (ii) 1 January 2014 for workplaces with medium and high risk, employing less than 50 employees; and
- (iii) 1 July 2016 for workplaces with low risk employing less than 50 employees and public bodies.

Appointments must be notified to the Ministry of Labor and Social Security, General Directorate of Work Health and Safety. Employers may use the online system established by the General Directorate for the appointments and/or notifications.

A. WORKPLACE DOCTOR

Working hour requirements of workplace doctors depend on the number of employees and the risk group, as detailed below:

- (i) Workplaces with low risk, employing less than 10 employees must appoint a workplace doctor that would be able to work for at least twenty five minutes for each employee per year.
- (ii) In case 10 or more employees are employed, workplaces with low risk levels must employ/appoint workplace doctor that would be able to work for at least four minutes for each employee per month. In terms of the workplaces with medium and high risk, risk such time should be at least six and eight minutes respectively.
- (iii) Employment of a full time workplace doctor is required for the workplaces with high number of employees. A full time workplace doctor must be employed for each 1000, 1500 and 2000 employees at the workplaces with low, medium and high risk respectively. Workplaces employing a full time doctor do not need to employ/appoint other health personnel.
- (iv) Working hours of other health personnel is determined as well. Workplaces with low risk, employing less than 10 employees must appoint other health personnel that would be able to work for at least thirty five minutes for each employee per year. In case 10 or more employees are employed, workplaces with low risk levels must employ/appoint other health personnel that would be able to work for at least six minutes for each employee per month. In terms of the workplaces with medium and high risk, such time should be at least nine and twelve minutes respectively.

B. OCCUPATIONAL SAFETY SPECIALIST

Working hour requirements of occupational safety specialists depend on the number of employees and the risk group, as detailed below:

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- (i) Workplaces with low risk, employing less than 10 employees must appoint an occupational safety specialist that would be able to work for at least sixty minutes for each employee per year.
- (ii) In case 10 or more employees are employed, workplaces with low risk levels must employ/appoint an occupational safety specialist that would be able to work for at least six minutes for each employee per month. In terms of the workplaces with medium and high risk, risk such time should be at least eight and twelve minutes respectively.
- (iii) Employment of a full time an occupational safety specialist is required for the workplaces with high number of employees. A full time an occupational safety specialist must be employed for each 1000, 1500 and 2000 employees at the workplaces with low, medium and high risk respectively.

C. WORKPLACE HEALTH AND SAFETY DEPARTMENT

A workplace health and safety department must be established until 30 December 2012 in case a workplace doctor and an occupational safety specialist must be employed full time.

D. SANCTIONS

Non-compliance with the requirements to employ/appoint a workplace doctor and an occupational safety specialist may result in administrative fines in the amount of TRY 5,390¹ (approximately USD 2,650) each (for each month the workplace doctor and occupational safety specialist are not appointed/employed). Sanction for not appointing/employing other health personnel is TL 2,695 (approximately USD 1,320) (for each month other health personnel is not appointed/employed).

The sanction for non-compliance with the working hour requirements is TL 1,078 (approximately USD 530) for each item of non-compliance for each month.

In case the workplace health and safety department is not established, such incompliance is subject to an administrative fine in the amount of TL 1,617 (approximately USD 790).

Should you wish to have more detailed information on the above, please do not hesitate to contact us.

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¹ The amount of the administrative fine is re-determined each year and the amount stipulated above is valid for the year 2013. This explanation is applicable to all other amounts of administrative fines mentioned in this document.