

Employers' Occupational Health and Safety Training Obligations in Framework Directive and Training Procedure and Rules in Turkey

Nuray Gökçek Karaca, Berrin Gökçek

Abstract—Employers occupational safety and health training obligations are regulated in 89/391/EEC Framework Directive and also in 6331 numbered Occupational Health and Safety Law in Turkey.

The main objective of this research is to determine and evaluate the employers' occupational health and safety training obligations in Framework Directive in comparison with the 6331 numbered Occupational Health and Safety Law and to examine training principles in Turkey. For this purpose, employers' occupational health and safety training obligations examined in Framework Directive and Occupational Health and Safety Law. This study carried out through comparative scanning model and literature model. The research data were collected through European Agency and ministry legislations.

As a result, employers' occupational health and safety training obligations in the 6331 numbered Occupational Health and Safety Law are compatible with the 89/391/EEC numbered Framework Directive and training principles are determined by in different ways like the trained workers, training issues, training period, training time and trainers. In this study, employers' training obligations are evaluated in detail.

Keywords—Directive, occupational health and safety, training.

I. INTRODUCTION

VARIOUS risks of rapidly changing technology in work life force the work law to take care of advanced precautions and give important responsibilities to employer [1]. The workplace is one of the most important settings affecting the physical, mental, economic and social well-being of workers, and in turn the health of their families, communities and society [2].

The researches show that the incidence of accidents at work and occupational diseases is still too high and preventive measures must be introduced or improved without delay in order to safeguard the safety and health of workers and ensure a higher degree of protection [3].

Providing occupational health and safety is one of the most important responsibilities of employers. The employer should organize the occupational health and safety services to identify and avoid the risks, prevent the workplace hazards, design the safe workplaces, develop programs for improved work practices and for evaluating new equipment, advise on

Mrs. Nuray Gökçek Karaca is at Anadolu University, Eskişehir, Turkey (phone: +90 222 3350580; fax: +90 222 3352337; e-mail: ngokcek@anadolu.edu.tr).

Miss Berrin Gökçek is at Anadolu University, Eskişehir, Turkey (e-mail: berrinogkcek@hotmail.com).

occupational health, safety and hygiene, protect workers' health, promote adaptation of work to the worker, manage vocational rehabilitation, organize training and education, organize first aid and emergency treatment and analyze workplace conditions that lead to injury and illness.

In order to ensure an improved degree of protection, workers and/ or their representatives must be informed and trained of the risks to their safety and health and of the measures required to reduce or eliminate these risks.

Occupational health and safety training responsibility of employers which is under the occupational health and safety responsibility of employer has the priority place to solve occupational health and safety problems, to provide health and safety at work and to prevent work accidents and occupational diseases. The researches named "New Occupational Safety and Health Plan Aims to Reduce Accidents at Work" [4], "Health and Safety Training" [5], "Effects of Safety and Health Training on Work-Related Injury Among Construction Laborers" [6], "The Links Between Education and Health" [7], "Discovering the Objectives of Health Education" [8] show that training has a significant place to prevent work accidents and occupational diseases and to ensure healthy and safety work environment.

These results had forced the legislature to manage the training obligations. For this purpose, employers occupational safety and health training obligations are regulated in 89/391/EEC Framework Directive and also in country laws. The main training obligation in framework directive is that employer shall ensure adequate safety and health training for worker which is related the work [9].

In Turkey, employers' occupational health and safety training obligations are taken place in 6331 numbered Occupational Health and Safety Law [10]. In addition to Law, occupational health and safety training principles are prepared in the regulation.

II. METHOD

This study, comparatively examining the employers' obligations of the occupational health and safety training in Turkey and 89/391/EEC Framework Directive is conducted as comparative scanning model. In addition to this, the study which is carried out literature and document review, examines various regulations obtained from the Ministry of Labor and Social Security and European Agency.

III. RESULTS

A. 89/391/EEC Framework Directive

Employers' occupational health and safety training obligations are taken place in Article 12 of the Council Directive of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work called 89/391/EEC Framework Directive [11].

The object of Framework Directive is to introduce measures to encourage improvements in the safety and health of workers at work.

Framework Directive is applied to all sectors of activity, both public and private as industrial, agricultural, commercial, administrative, service, educational, cultural, leisure etc.

Framework Directive shall not be applicable where characteristics peculiar to certain specific public service activities, such as the armed forces or the police, or to certain specific activities in the civil protection services inevitably conflict with it.

According to Framework Directive, the employer should ensure that each worker receives adequate safety and health training, in particular in the form of information and instructions specific to his workstation or job:

- On recruitment,
- In the event of a transfer or a change of job,
- In the event of the introduction of new work equipment or a change in equipment,
- In the event of the introduction of any new technology.

The training should be adapted to take account of new or changed risks, and repeated periodically if necessary. The training may not be at the workers' expense and must take place during working hours.

The employer should ensure that workers from outside undertakings and/ or establishments engaged in work in his undertaking and/ or establishment have in fact received appropriate instructions regarding health and safety risks during their activities in his undertaking and/ or establishment.

Framework Directive takes special care of workers' representatives. Workers' representatives with a specific role in protecting the safety and health of workers should be entitled to appropriate training. The training must take place during working hours or in accordance with national practice either within or outside the undertaking and/ or the establishment.

B. Occupational Health and Safety Law in Turkey

Occupational Health and Safety Law in Turkey has been published in the Official Gazette No. 28339 dated 30 June 2012 [12].

The object of this law is to regulate duties, authority, responsibility, rights and obligations of employers and workers in order to ensure occupational health and safety at workplaces and to improve existing health and safety conditions.

This law is applied to all works and workplaces in both public and private sector, employers of these workplaces and their representatives, all workers including apprentices and interns regardless of their field of activity.

Occupational Health and Safety Law shall not be applicable to the activities of the Turkish Armed Forces, the police and the Undersecretary of National Intelligence Organization except for those employed in workplaces such as factories, maintenance centers, sewing workshops and the like, intervention activities of disaster and emergency units, domestic services, persons producing goods and services in their own name and on their own account without employing workers, prison workshop, training, security and vocational course activities within the framework of improvements carried out throughout the enforcement services for convicts and inmates.

Employers' occupational health and safety training obligations are taken place in Article 17 of the Law. The employers' main training obligations are;

- The employer shall ensure that each worker receives safety and health training. This training shall be provided on recruitment, in the event of a transfer or a change of job, in the event of a change in equipment or introduction of any new technology. The training shall be adapted to take account of new or changed risks and repeated periodically if necessary.
- Workers' representatives shall be entitled to appropriate training.
- Workers failing to present documents to prove that they have received vocational training on their job might not be employed in jobs classified as hazardous and very hazardous which require vocational training.
- Workers who have had occupational accident or disease shall receive additional training on reasons for the accident or disease, ways to protect themselves and safe working methods. Furthermore; workers who are away from work for any reason for more than six months shall receive refresher training before return to work.
- Workers from outside undertakings and/or enterprises might not start to be employed in jobs classified as hazardous and very hazardous unless they can present documents to prove that they have received appropriate instructions regarding health and safety risks.
- The employer who is the party to temporary employment relationship shall ensure that the worker receive training on health and safety risks.
- Trainings may in no circumstances bring financial burden to workers and shall be deemed as actual work time. In case the time allocated for trainings exceeds weekly working hours, hours worked in excess of weekly working hours shall be considered as overtime.

C. Regulation of the Ministry of Labour and Social Security of May 2013 on the Principles and Regulations for Occupational Health and Safety Training of Employees in Turkey

Employees' occupational health and safety training principles and procedures in Turkey are taken place in a regulation [13].

The regulation's aim is to manage the principles and rules for the occupational health and safety training as training issues, training time and period, trainers and special groups

training principles.

According to regulation, employer shall ensure training programme, training place and appropriate equipments for training. Workers from outside undertakings and/or enterprises might not start to be employed in jobs classified as hazardous and very hazardous without training. In addition, the main employer is responsible with the subcontractor for the worker trainings.

Employers' obligations on training time and period change according to job classify in the regulation as;

- For less hazardous jobs training period is minimum one time in three years.
- For hazardous jobs training period is minimum one time in two years
- For very hazardous jobs training period is minimum one time in a year.

Employers' obligations on training hours change according to job classify in the regulation as;

- For less hazardous jobs training hour is minimum 8 hours.
- For hazardous jobs training hour is minimum 12 hours.
- For very hazardous jobs training hour is minimum 16hours.

These training hours are applied in the new employment and in the training periods which is mentioned above.

Special groups as young, old, disabled, pregnant and breastfeeding workers that require special policy shall have training.

Training issues are determined in the regulation as general, health, and technical issues.

General issues are;

- Labor legislation
- Employees' legal rights and responsibilities
- Workplace cleanliness and order
- Legal consequences arising from accidents at work and occupational diseases

Health issues are;

- Causes of occupational diseases
- Principles of disease prevention and implementation of conservation techniques
- Biological and psychosocial risk factors
- First aid

Technical issues are;

- Chemical, physical and ergonomic risk factors
- Manual lifting and carrying
- Flare, explosions, fires and fire protection
- Safe use of work equipment
- Working with display screen equipment
- Electrical hazards, risks and precautions
- Health and safety signs
- Use of personal protective equipment
- The causes of occupational accidents and protection principles
- General rules of the occupational health and safety and safety culture
- Evacuation and rescue

These general, health and technical training issues are the minimum training subjects and should be appropriate to

workplace activities.

According to the regulation trainings may be given by occupational safety specialist or occupational physicians that is involved in the workplace., unions or their education foundations or centers, universities, public education units, joint health and safety unit and educational institutions authorized by the Ministry.

All trainings are documented with the name and task of the employee and training issue, training period, trainer, training place and date of training.

IV. CONCLUSION

Occupational Health and Safety Law No. 6331 was prepared based on the principles of the Framework Directive. As you see in the results employers' occupational health and safety training obligations in the Occupational Health and Safety Law are compatible with the 89/391/EEC numbered Framework Directive.

Law No. 6331 introduces several new concepts and additional obligations to employers in relation to occupational health and safety training. In this context, workers who had occupational accident or disease shall receive additional training and workers who are away from the work for any reason for more than six months shall receive refresher training before return to work.

Training principles are changed according to dangerous level of jobs in Turkey. It determines the training periods and hours.

As a result, the training principles of Law No. 6331 and Framework Directive are consistent with each other, but the most important thing is that training practices must be effective and efficient for employees. The regulations show the minimum legal requirements, so the employers should analyze the company needs, determine the health and safety risks very well and ensure the quality training to the employees.

The health-promoting workplaces are becoming more important for private and public organizations because of the future success in an increasingly globalize marketplace can only be realized with a healthy, qualified and motivated workforce.

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REFERENCES

- [1] E. Güven and U Aydın, "Individual labor law", Eskişehir, 2013, pp. 158.
- [2] C. Chu, G. Breucker, N. Harris, A. Stitzel, X. Gan, X. Gu and S. Dwyer, "Health-promoting workplaces - international settings development", Health Promotion International, vol. 15, no. 2, 2000, pp. 155.
- [3] Brussels, "Evaluation of the European Strategy 2007-2012 on health and safety at work", Comission Staff Working Document, 2013.
- [4] H. Teador, "New occupational safety and health plan aims to reduce accidents at work". <http://eurofound.europa.eu/observatories/eurwork/articles/working-conditions/new-occupational-safety-and-health-plan-aims-to-reduce-accidents-at-work> (Access date: 24.08.2014).
- [5] Health and Safety Executive, "Health and safety training", 2008.

- [6] X. Dong, P. Entzel, Y. Men, R. Chowdhury, S. Schneider, "Effects of safety and health training on work-related injury among construction laborers", *Journal of Occupational and Environmental Medicine*, vol. 46, no. 12, 2004.
- [7] E. Ross and Wu. Chia-ling, "The links between education and health, *American Sociological Review*, vol. 60, no. 5, 1995, pp. 719-745.
- [8] F. Bobbitt, "Discovering the objectives of health education", *The Elementary School Journal*, vol. 25, no.10, 1925, pp. 755-761.
- [9] EUR-Lex, "Council Directive of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (89/391/EEC)", 2008. <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01991L0383-20070628> (Access date: 18.07.2014).
- [10] Occupational Health and Safety Law, Law no. 6331, article 17. Date of issuance 20.06.2012 <http://www.mevzuat.gov.tr/Metin.Aspx?MevzuatKod=1.5.6331&MevzuatIlski=0&sourceXmlSearch=>
- [11] EUR-Lex, "Council Directive of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (89/391/EEC)", 2008. <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01991L0383-20070628> (Access date: 18.07.2014).
- [12] Occupational Health and Safety Law, Law no. 6331, Date of issuance. 20.06.2012 <http://www.mevzuat.gov.tr/Metin.Aspx?MevzuatKod=1.5.6331&MevzuatIlski=0&sourceXmlSearch=>
- [13] Regulations of the Ministry of Labour and Social Security of May 2013 on the Principles and Regulations for Occupational Health and Safety Training of Employees. <http://www.resmigazete.gov.tr/eskiler/2013/05/20130515-1.htm>