

Examining Occupational Health and Safety Inspection and Supervision in Turkey by Comparison to EU Countries

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TABLE I

THE INTERNATIONAL REGULATIONS OF OHS INSPECTION AND SUPERVISION

International Organizations	International Regulations
United Nations (UN)	United Nations Treaty The Universal Declaration of Human Rights International Covenant on Civil and Political Rights International Covenant on Economic, Social and Cultural Rights
Council of Europe	European Convention on Human (Rights Convention for the Protection of Human Rights and Fundamental Freedoms The European Social Charter
European Union (EU)	Community Charter of the Fundamental Social Rights of Workers Directive 89/391/EEC-OHS "Framework Directive"
International Labor Organization (ILO)	International Labor Organization Constitution Labor Inspection Convention No.81 Labor Inspection (Agriculture) Convention No.129 Occupational Safety and Health Convention No.155 Occupational Health Services Convention No.161

II. AIM

This study aims to examine the supervision of occupational health and safety in terms of legal and practical terms and determine the experienced problems of the issue in Turkey. For this purpose, the study tries to seek answers to following questions:

- What are the legal bases of occupational health and safety inspection and supervision in Turkey?
- How is the application of occupational health and safety inspection and supervision in Turkey?
- Is there any difference between Turkey and EU countries in terms of occupational health and safety inspection and supervision?
- What are the problems in occupational health and safety inspection and supervision in Turkey?
- Specifically, how does the gap between legal regulations and implementation occur?
- Which parameters, in cultural and governmental aspect, effect the implementation?
- Does the difference between application and regulation create a new stage and ground where static conditions begin?

III. METHOD

This study, comparatively examining the application of occupational health and safety supervision in Turkey and EU countries, is conducted as comparative scanning correlational model. In addition to this, the study which is carried out

Abstract—This study aims to examine the application of occupational health and safety supervision in Turkey and EU countries in terms of legal regulations. The results of research reveal that occupational health and safety supervision in EU countries, whatever the understanding of welfare state, is effectively carried out and almost all legal regulations on this subject are consistent with the EU directives. On the other hand, there are serious problems in applications, not legal regulations, of occupational health and safety supervision in Turkey by the side of EU countries. Indeed, Turkey has modern regulations on occupational health and safety supervision whereas there are several problems such as ignoring prevention policy on occupational health and safety supervision, understanding of monotype inspector, problems resulting from this understanding and dispersed structure of occupational health and safety organizations in workplaces. As a result, Turkey needs to carry out effective supervision mechanisms.

Keywords—Legal Rules, Occupational Health and Safety, Inspection, Supervision, Legislation.

I. INTRODUCTION

OCCUPATIONAL health and safety (OHS) inspection and supervision has a particular importance to provide health and safety at work and to prevent work accidents and occupational diseases. For this purpose, occupational health and safety inspection and supervision has been subject to regulations by many international organizations such as the United Nations, the International Labor Organization and the European Union [1]-[4]. As the increasing rates of death depend upon work accidents and neglect, specifically developing countries such as Turkey and in general developed western EU countries are forced to admit some strict rules by transnational organizations. Whereas the conflict between transnational organization's superficial regulations and neoliberal political based trade policies creates a sharp segment and differentiation. As in developing countries course, Turkey has the same dichotomy by accepting universal and updated regulations but implementing them within the scope of monetary concerns.

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literature and document review, examines various reports obtained from the Ministry of Labor and Social Security, statistical agencies of various countries and International Labor Organization (ILO).

IV. RESULTS

A. The Legal Bases of Occupational Health and Safety Inspection and Supervision in Turkey

In this part of the study, national regulations about occupational health and safety inspection and supervision in Turkey are examined. These regulations are:

- Constitution of the Republic of Turkey,
- Labor Law, Occupational Health and Safety Law,
- Law on the Organization and Duties of Labor and Social Security Ministry [5].

TABLE II
 THE NATIONAL REGULATIONS OF OHS INSPECTION AND SUPERVISION IN TURKEY

Regulation date	Law
November, 11 1982	Constitution of the Republic of Turkey
May, 22 2003	Labor Law No. 4857
June, 20 2012	Occupational Health and Safety Law No. 6331
January, 9 1985	Law on the Organization and Duties of Labor Social Security Ministry No. 3146

Undoubtedly, all of these regulations are important for OHS inspection and supervision.

Republic of Turkey's Constitution remarks that Turkey is a social state. So, people should be granted the right to work in a safe and healthy work place by state (item 56). According to this provision of the constitution, ensure OHS is an important duty of the state. In this regard, government makes OHS inspection and supervision.

Occupational health and safety inspection are defined as the duties of the state within the context of Republic of Turkey's Labor Law. Because these duties, state inspects to implementation of legislation related to working life.

According to the duties clarified in the Ministry of Labor and Social Security Law; Ministry of Labor and Social Security implements occupational health and safety inspection on behalf of the state.

The object of Occupational Health and Safety 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.

B. The Application of Occupational Health and Safety Inspection and Supervision in Turkey

In this part of the study, authorized organizations and institutions of occupational health and safety inspection and supervision in Turkey are introduced. The first of these organizations is the Ministry of Labor and Social Security. Other organizations and institutions except the ministry of labor and social security are other ministries as Ministry of Health and Ministry of National Defense, Ministry of Energy and Natural Resources, Ministry of National Education, Ministry of Transport, Maritime, Affairs and Communication, Ministry of Environment and Urbanization; some central government agencies as Turkish Labor Agency and Social Security Institution, and local government agencies [5].

TABLE III
 THE AUTHORIZED ORGANIZATIONS AND INSTITUTIONS EXCEPT THE MINISTRY OF LABOR AND SOCIAL SECURITY OF OHS INSPECTION AND SUPERVISION IN TURKEY

Other Ministries Except the Ministry of Labor and Social Security	Some Central Government Agencies	Local Government Agencies
Ministry of Health	Republic of Turkey Turkish Labor Agency	Special Provincial Administrations
Ministry of National Defense	Republic of Turkey Social Security Institution	Municipalities
Ministry of Energy and Natural Resources	Turkish Atomic Energy Authority	
Ministry of National Education		
Ministry of Transport, Maritime, Affairs and Communication		
Ministry of Environment and Urbanization		

C. OHS Inspection and Supervision in the European Union Countries and Turkey

Data obtained from mentioned reports reveal that OHS inspection and supervision in EU countries, whatever the understanding of welfare state, is effectively carried out and almost all legal regulations on this subject are consistent with the EU directives. In contrast, the legislations on OHS inspection and supervision in Turkey are not applied effectively. In other words, necessary regulations on OHS inspection and supervision in Turkey are available. However, these regulations are not applied. So there are serious problems in applications of occupational health and safety inspection and supervision in Turkey compared with other EU countries [6].

These problems create two different dimensions in aspect of national regulations and universal base. First of all, qualitatively excessive but unqualified staff creates a false perception by public. Secondly, within a crisis moment the false perception comes to light on public and it creates the

dichotomy.

D. The Problems in Occupational Health and safety Inspection and Supervision in Turkey

Indeed, Turkey has modern regulations on occupational health and safety supervision whereas there are several problems such as:

- Ignoring prevention policy on OHS inspection and supervision:
- Understanding of monotype inspector
- Lack of qualified staff to assist the inspectors
- Inadequate number of inspectors
- Conflict of competence and fragmentation in the organizational structure [7].

V. CONCLUSION

While the occupational inspection system is taken into account, traditional inspection perspective in which to determine misfits and applying sanctions are dominant. However in EU countries, occupational inspection system has been accommodated to scientific developments. With the scientific inspection perspective adopted in EU countries, the initiative methods which are limited to supervise and apply sanctions were added methods enabling the parties to get involved adjustment process of misfits directly [7].

To adapt occupational inspection system its own to different and ambiguous environments and strategic planning and technical support are considerably significant. Participant and advising mechanisms should be placed in inspection program via legal adjustments and balance should be established between the educational and retributive role. Rather than retributive mechanisms, preventive mechanisms should be prioritized, the results should be evaluated periodically [8]. By following these policies in Turkey, the consistency to EU should be attained.

Disordered organizational structure constitutes the failing dimension of occupational inspection systems in Turkey. Occupational inspection is implemented by the Ministry of Labor and Social Security. Hence, it is not the only organization about occupational inspection. The other ministries have also some duties and authorities about occupational inspection. Along with the ministries, municipalities and municipal police officers have also duties about occupational inspection. This case contradicts with the 'integrity principle' prevailing the occupational inspection and the current situation in Turkey shows that it is 'disordered principle'. While this matter compared with European countries; even Turkey reaches an equal position with European countries, equality is conspicuous within the frame of organizational structures. Turkey has not been able to take EU countries occupational inspection as a model, a specific attempt has not been studied yet [6].

Another deficit of Turkey where occupational inspection organizations are disordered is lack of expert personnel support when compared with EU countries. Besides the occupation inspector staff, there is a staff circle consists of professionals and experts in England. Same as in France, there

are occupational controller and secretaries along with inspectors and executive engineers, doctors and lawyers in district managements within the occupational inspection structure. Even though there are some current improvements of occupational health and safety field, the inspection duty of occupational health and safety is in occupational inspector's responsibility [7].

Exclusion of experts in occupational inspection system in Turkey results in inspection by the same inspectors of different workplace fields. Implementation of inspection has a controversial step in this situation. When we address England within this context, occupational inspectors are categorized according to the risks of workplace. High risk workplaces are inspected by the inspectors of Health Security Administration and relatively lower risk workplaces are inspected by local authorities' inspectors. In Germany, occupational inspectors classified and categorized according to their educational levels as middle level, high level and higher level [7].

Turkey has insufficient adjustments and inspector numbers as a specific matter when compared with the EU countries and standards. It has been stated that legislation can be implemented effectively by providing the target of 1 inspector to 10,000 workers in EU 2013-2020 Occupational Health and Safety strategies. However the recruitment of in-service training and new staff reinforces the executive capacity of Health Inspection Institution, the number of occupational inspectors is notably lower than the standard determined by ILO as 1 inspector for 20,000 workers in transition economies [9].

The following measures must be taken into consideration to solve mentioned problems:

- Primarily, the organizational structure should be re-organized
- The number of inspectors should be increased
- Inspections should be increased
- The working conditions of inspectors should be improved
- Professional education process should be taken into consideration to close the gap between regulations and application.
- Professional standards should be raised in terms of academic level and field practice extent [10].

As a result, Turkey needs to carry out effective inspection and supervision mechanisms regarding application of legal regulations to provide occupational health and safety for employees.

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