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Ref. 18/21

CIRCULAR NOTE 18/21

Subject: Amendments in the Regulation of the Execution of OHS Services by the Employer or the Employer's Representative

The following amendments have been made in the regulation on the execution of OHS Services by the employer or the employer's representative in Official Gazette on 21 May 2018.

The Act No. 6331 on Occupational Health and Safety enacted in 2012 to provide occupational health and safety at workplaces and to improve existing health and safety conditions, introduced obligations covering all workplaces and employees without sector discrimination.

In Article 4 of the Act, the general liabilities that the employer must fulfill are stated. According to this; the employer is obliged to ensure the health and safety of the employees related to the work. Within this scope; it works to prevent occupational risks, take all kind of measures including giving education and information, make organization, provide necessary tools and equipments, make health and safety measures compatible with changing conditions and improve the existing situation.

In order to provide occupational health and safety services including occupational risks prevention and protection from these risks, the employer appoints some of its employees as occupational safety specialist, workplace physician and other health personnel. If there is no personnel with specified qualifications, it may perform all or part of this service by receiving services from joint health and safety units. However, if it has the specified qualifications and required documents, it may undertake to provide this service, taking into consideration the hazard class and the number of employees.

The regulation determining the procedures and principles for occupational health and safety services performed by the employer or the employer's representative in workplaces with a certain number of employees (less than 10) and in the least hazardous class was published in the Official Gazette no. 29401 on 29 June 2015. Employers and employer representatives of a workplace with less than 10 employees and in less hazardous classes may perform the duties of a occupational safety specialist or workplace physician stated in occupational health and safety legislation, after they receive the required training.

According to the amendments to the Regulation on the Execution of OHS Services by the Employer or the Representative of the Employer, published in the Official Gazette on 21 May 2018;

1- The previous number of less than 10 employees was changed to less than 50.

2- The obligation to keep a certified notebook has been lifted, in case the duties of an occupational safety specialist or workplace physician are fulfilled by the employer or the representative of employer.

3- It is obligatory for the employers or the representatives of the employers who want to carry out the occupational health and safety services at the workplace to register in the system via OHS-KATIP. For the appointments, the people are required to be registered also in SSI as employer or the representative of the employer and work in the workplace under full time labor contract. Otherwise, it is deemed that no assignment has been made in occupational health and safety services.

4- The site or building manager may undertake the occupational health and safety services as representative of the employer, on condition that he receives education.

5- Occupational health and safety trainings to be provided to employees can also be given by the employers or the representatives of employers who complete the trainings stated in the Regulation and pass the examination.

6- Documents that were previously received in compliance with the law for workplaces which have less than 10 employees and are included in the less hazardous class will also be valid for workplaces with less than 50 employees and in the least hazardous class.

Best Regards,

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