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CIRCULAR 17/20

Subject: "Law no 7033 on Making Amendments in Certain Laws and Decree Laws for the Development of the Industry and Supporting the Production" also including making a suspension for 3 years from 2017 to 2020 in receiving OHS service from the permanent occupational safety specialist and occupational physician at the enterprises operating in the LESS DANGEROUS class in the Occupational Health and Safety Act and having employees less than 50 and in the PUBLIC institutions

The "Law no 7033 on Making Amendments in Certain Laws and Decree Laws for the Development of the Industry and Supporting the Production" also including making a suspension for 3 years from 2017 to 2020 in receiving OHS service from the permanent occupational safety specialist and occupational physician at the enterprises operating in the LESS DANGEROUS class in the Occupational Health and Safety Act and having employees less than 50 and in the PUBLIC institutions came into force by being published on the Official Gazette dated 1 July 2017 and no 30111.

The suspension act article related to the OHS was published on the Official Gazette as follows;

“At the workplaces having employees less than 50 and included in the less dangerous class, the occupational health and safety services (except for the employment, periodical examinations) shall be able to be executed by the employers or the representatives of the employers (provided that they will have OHS certificate). The workplaces having employees less than 50 and included in the less dangerous class shall be able to receive service from the family physicians and public health service providers (instead of the occupational physicians). The provisions "occupational health and safety services" and "supporting the occupational health and safety services" of the Occupational Health and Safety Law no 6331 shall come into force on 1 July 2020 instead of 1 July 2017.”

All Legal Liabilities except for the Permanent Physician and Specialist Assignment remain in force as of 1 January 2013.

The part which was suspended for 3 years from 2017 to 2020 with the Draft Law on Support to Industry and Production is to receive professional services with the preventive approach against the possible occupational diseases and occupational accidents with the periodical visits to the workplaces by assigning an OHS-Clerk for the occupational physician and occupational safety specialist in the OHS-Clerk system. Apart from this, all employers and employees are responsible for the entire OHS Legislation.

With the OHS Law No 6331 dated 1 January 2013, the following employer liabilities in the Public institutions and at the enterprises included in the less dangerous class and having employees less than 50 were put into use by being published on the official gazette and are still in force. The services given under certain headings below can be fulfilled by receiving service from the Joint Health and Safety Units in the case that there is no personnel having the necessary qualifications at the workplace of the Employer even if the obligation for permanent occupational health and safety service that can be received with the OHS-Clerk assignment is suspended for 3 years from 2017 to 2020.

1. Preparation of OHS Risk Assessment Report
2. Contingency Plans, Fire, Evacuation Training and Practices (once a year)
3. All Employees' receiving Certificated OHS Training
4. Specific persons' obtaining first aider certificate among the employees
5. Determination, supply of and training on the protective equipment
6. Preparation of the personnel job descriptions, OHS Instructions and procedures
- 7 . Determination of the occupational safety signs required to be used at the workplace

The companies which have currently entered into contract with the Joint Health and Safety Unit companies can revoke only the OHS-Clerk assignment by receiving certain mandatory services the headings of which are given above as well as they can continue to receive OHS service as a requirement even though there is no legal obligation having penal sanction.

Yours respectfully,

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