Analysis of OHS legislation in the process of EU accession of Turkey

B Piyal MD PhD
Ministry of Labour and Social Security
Evolution of OHS Legislation in Turkey’s History

- Ottoman Era & establishment of Turkish Republic
- Early Republic – WW2
- 1945-60
- Social state phenomenon
- EU accession of Turkey
Ratification of ILO Conventions

- **8 Fundamental Convention**
- **Overall 56 Convention**

<table>
<thead>
<tr>
<th>Freedom of association &amp; collective bargaining</th>
<th>Abolition of Forced labour</th>
<th>Discrimination</th>
<th>Worst form of Child labour</th>
</tr>
</thead>
</table>
Ratification of ILO Conventions

C155 Occupational Safety and Health Convention, 1981
&
C161 Occupational Health Services Convention, 1985

2005
Transformation of national OHS policies & international dynamics

- LAct
- Welfare State
- Military cue & beginning of neoliberal period
- Strong NL wave & EU accession

- Turkey becomes a member of UN & ILO
- WfS & strong union movement
- Transformation of national OHS policies & international dynamics

- %7
- %17
- %25
- %17
- %33

Years:
- 23
- 32
- 45
- 60
- 80
- 00
- 03
- 07
Latest developments & interactions between national OHS regulations
EU accession of Turkey

EU accession process

ILO C155, 161
New Labour Act
# 4857

Flexibility
Lent working, fixed-period service agreements, on-call work, shared work, broadening of subcontracted work

E Social Charter

47 (+) new national regulations
Mostly EU Directives (19/47)
4 (+) notifications …
A critique on the harmonization of OHS regulations

- In the process of negotiations
  - An optimistic approach from MoLSS
    - NOHC
    - NOHSPD
    - Harmonization continues
    - No single separate OHS Act
A critique on the Labour Act

• Poorly & eclectically adopted
  – Most of the basic OHS principles are ignored or
    • Covers core labour force
    • Allows flexibility but do not strongly protect labour
    • Inconsistent and
    • …
Critique of the new OHS regulations

• OHS Regulation is denounced
  – Model of OHS service is changed – limitation of access to OHS!!
  – Moore room for private sector / poor regulatory tools & monitoring

• The harmonization process was hurried
  – MoLSS’ organization & infrastructure is efficient
  – Labour force is not comprehensively covered
• Draft of OHS Act
  – National policy is not realistic
  – System of OHS is not thoroughly defined
    • Actors
    • Connections
    • Interactions
    • Legal framework
Proposed actions to make it better!

• Full coverage
• Holistic approach
• OHS system should be defined
  – inputs & outputs
  – Structure
    • Technical, organizational, hierarchical components
  – Functions
  – Manpower
    • Education & training
  – Finance
  – Connections & relations with other systems
Proposed actions to make it better!

Decisions to be made

• **Political**
  – participation

• **Strategic**
  – Problem oriented/specific, organization of the state’s mechanisms

• **Managerial**
  – Manpower – appointment …, education&training, team work

• **Operational**
  – Action plans, coordination …
Component of Production & Affected Factors

What should be taken into consideration in the process of coordination & cooperation between related actors?

Technology
Tech dependent, complicated, intensive

Functions of State
protection
inspection
regulation

Manufacture
Flexible, demand oriented

Deregulation, privatization, contracted work, downsizing

Work
Fragmanted, monotonous, flexible

Changed tripartite structure

Market
On time, diversity/variation, freedom of choice

Deteriorated work relations
Thank you & see you in Izmir next time…