

# Survey on How Occupational Safety Experts Carry Out Their Roles and Responsibilities



REPORT





# REPORT

## Survey on How Occupational Safety Experts Carry Out Their Roles and Responsibilities

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Ankara

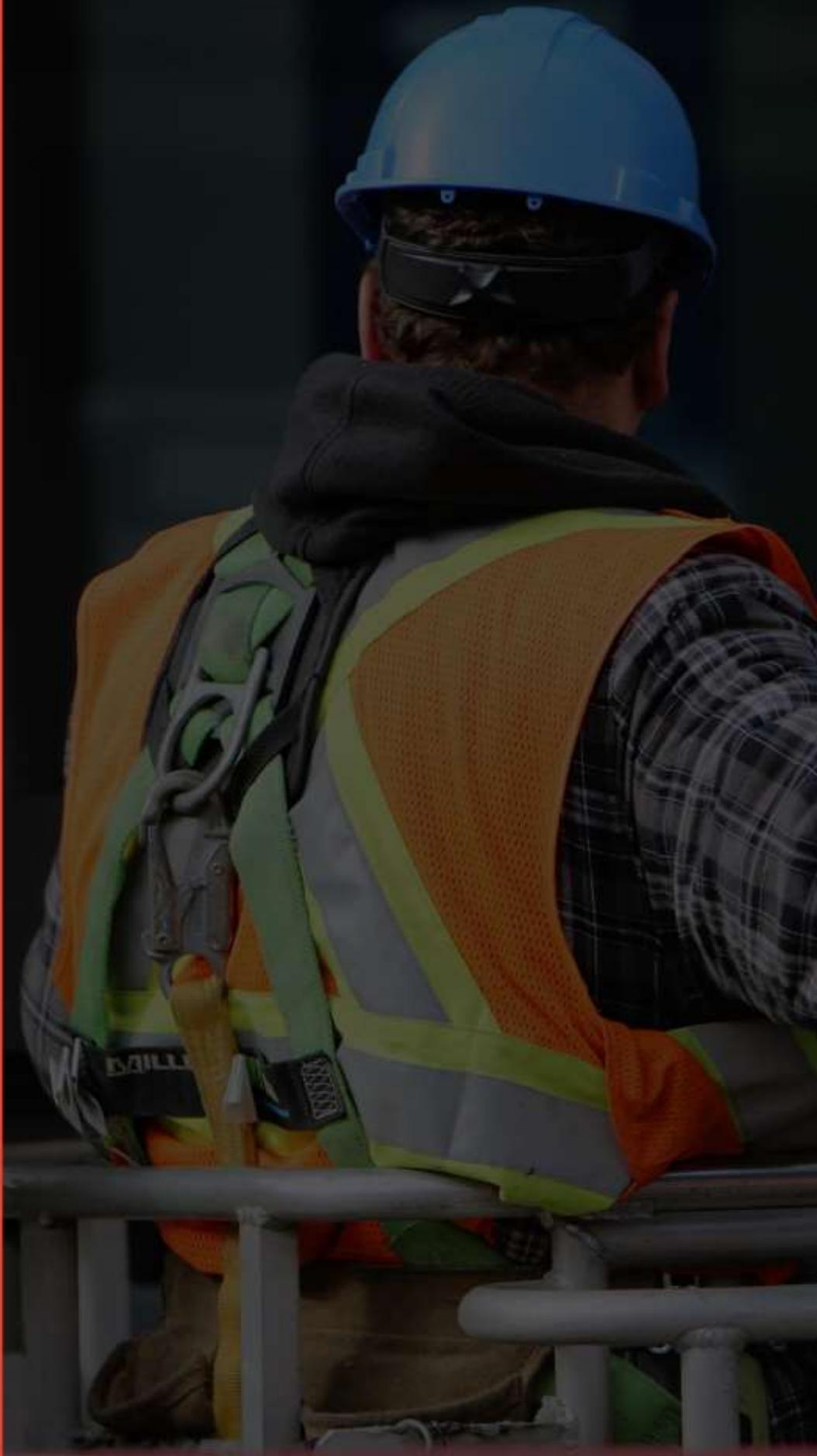


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# 1. INTRODUCTION





Turkey has, over the past fifteen years, been engaged in a process of reform of its national occupational safety and health (OSH) system, harmonizing it both with relevant European Union (EU) and International Labour Organization (ILO) standards regarding national as well as enterprise level requirements for prevention and risk assessment. The

EU Directive 89/391 and the ILO Occupational Safety and Health Convention, 1981 (No. 155) have been central in this reform process. This focused attention on OSH was initiated in 2003 with the incorporation of basic legal OSH requirements into the Labour Law (Act No. 4857) (Labour Law). This was followed in 2012 by the adoption of the new stand-alone OSH Law (Act No. 6331) (OSH Law). An overhaul of related regulations and by-laws was concluded in 2016. This process created a requisite legal framework allowing for Turkey's ratification of relevant ILO OSH Conventions. Turkey ratified Occupational Safety and Health Convention, 1981 (No. 155) and the Occupational Health Services Convention, 1985 (No. 161) in 2005. More recently in 2014, Turkey ratified the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) and, in 2015, the Safety and Health in Construction Convention, 1988 (No. 167) and the Safety and Health in Mines Convention, 1995 (No. 176). Turkey had previously ratified in 1951 the Labour Inspection Convention, 1947 (No. 81).

One of the innovations introduced by the OSH amendments to the Labour Law in 2003, was the requirement that enterprises employ Occupational Safety Experts (OSEs) and Occupational Physicians (OPHs). This requirement originally applied only to enterprises with more than 50 employees but became a requirement for all enterprises in 2012 with the adoption of the stand-alone OSH law. The OSH law (Art. 8) assigns important responsibilities to these OSH professionals. They have the responsibility to inform their employer in writing of the OSH measures the employer is required to implement and if the employer fails to implement measures necessary to protect workers from life-threatening hazards, to notify the Ministry of Labour and Social Security (MOLSS) of the situation. The Act further provides that the OSEs and OPHs shall not be restricted in the execution of their duties. They are required to maintain professional independence and observe the rules of ethics in the execution of their duties. OSEs and OPHs must be certified. Certification programs for OSEs and OPHs are comprised of 220 hours of training with three modules including 90 hours of face-to face training, 90 hours of distance learning and 40 hours of an internship. The OSEs training programmes, correspond to the three hazard classes of workplaces: (A) highly hazardous, (B) hazardous, and (C) less hazardous.<sup>1</sup> As of July 2015 a total of

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<sup>1</sup> Communiqué on "Hazard Classes regarding Occupational Health and Safety" published in Official Gazette dated 26.12.2012 numbered 28509

87,207 OSEs and 26,978 OPHs had been certified.<sup>2</sup>

Pursuant to its supervisory responsibility resulting from Turkey's ratification of Conventions Nos. 155 and 161, the ILO has provided comments on the 2003 OSH Act requirement that enterprises employ Occupational Safety Experts (OSEs) and Occupational Physicians (OPHs). In that context, and with reference to Articles Nos 5 a) and b) and 16 of Convention No. 155, the ILO Committee of Experts on the Application of Standards (Committee) noted, that concerns had been raised regarding the impact of this requirement in practice on the understanding of roles and responsibilities of employers and OSEs in ensuring worker safety and health in workplaces and the working environment. The Committee emphasized that an employer's engagement of an OSE or other OSH professional to assist the employer on OSH matters, should not limit or shift away from the employer the responsibility to ensure a safe and healthy workplace and working environment for workers. The Committee requested the Government to clarify and provide information regarding whether there had been such an impact on the understanding of the role and responsibilities of employers and that of the OSH professionals they engage.

Against this background, the Director General of the Occupational Safety and Health Department (DGOSH) of the Ministry of Labour and Social Security (MOLSS) requested the ILO's assistance to carry out a study to obtain information on the impact of these requirements on the understood roles and responsibilities of employers, OSEs and OPHs among relevant target groups. It was agreed to target not only the OSH professionals and employers, but also workers and workers' representatives, as well as the judiciary and media representatives.

The intent of this research was to document what employers, workers and their representatives, the judiciary, the media and OSH professionals understand to be the role and responsibilities of the OSEs and the OPHs in the national OSH system and to assess whether there is lack of clarity about the role, responsibilities and work processes of OSH professionals as well as other relevant parties. In addition, the study sought to collect the views of relevant stakeholders about OSH in Turkey and their recommendations on how to improve the national OSH system and the safety and health of Turkey's workplaces.

The study's methodology, to carry out a survey among OSEs and OPHs, was established base on consultations between DGOSH and the ILO Office in Turkey. For that purpose, the ILO commissioned expert services from Gauss Statistical Solutions (GAUSS). The questionnaires and other related material were developed with inputs from the DGOSH, the ILO (both in Ankara and at Headquarters in Geneva) and the GAUSS experts. Based on those inputs, for both scientific and practical reasons, it was agreed to use a mixture of quantitative and qualitative methods to collect data from the different groups.

To obtain the views of as many OSH professionals as possible, an online survey was created and disseminated using the Occupational Health and Safety Registry, Tracking and Monitoring Programme (ISG KATIP)<sup>3</sup> of the

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<sup>2</sup> National OSH Profile for Turkey [http://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-ankara/documents/publication/wcms\\_498829.pdf](http://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-ankara/documents/publication/wcms_498829.pdf), pp. 64-65.

<sup>3</sup> <https://isgkatip.csgb.gov.tr/Logout.aspx>

DGOSH. A total of 4322 OSH professionals, (4141 OSEs and 192 OPHs), participated in the survey. The online survey collected demographic profiles and information about the OSH professional's education, expert training, views on OSH legislation and regulations, legal and judicial processes and views on their occupation and of other OSH professionals, their occupational independence and cooperation.

The views of employers, workers and their representatives were collected through separate group discussions using four fictitious cases illustrating relevant OSH issues. Based on the facts presented in each of these cases, the participants expressed their views on the roles and responsibilities of the relevant parties. These group discussions were conducted with employers in Ankara, Gaziantep and Manisa (Soma) and with workers and their representatives in Bursa, Manisa (Soma) and Istanbul. Views were also collected from the judiciary through in-person interviews with judges using a set of prepared questions, again targeting the relevant OSH issues. The views (and experiences) of the groups presented in this report are based on these group discussion, which were recorded, transcribed, organized and analysed. Information was also collected from media representatives through a written questionnaire.

The main part of this report presents the information collected from each of the groups and a summary of conclusions drawn and proposals for the way forward.

## 2. METHODOLOGY



The results of the field studies conducted for responding to the inquiries made to demonstrate how health and safety services are applied at national level are summarized in this report. In this context, both quantitative and qualitative methods were used to produce actionable results based on the data collected. In the present section, the quantitative methods used to analyse data collected by online questionnaires with closed-ended questions are explained. In addition, the focus group work based on open-ended questions and the qualitative studies using in-depth interviews are also explained. In consultations between DGOHS and the ILO Office for Turkey the geographical coverage for this report was discussed taking into account data from ISGKATIP where all of the OSH professionals are recorded. Initially it was decided to limit the study to eight provinces representing industry and all hazardous sectors (Ankara, İstanbul, Bursa, Gaziantep, Manisa, İzmir, Kocaeli, Trabzon). However, during the conduct of work GAUSS assessed that for the on-line survey it was best to cover Turkey nationwide, and for the focus group meetings it was best to limit the work to five provinces with similar demographics and working conditions (Ankara, İstanbul, Bursa, Gaziantep, Manisa). While qualitative analyses were carried out using the target groups in these provinces, all OSH professionals and media representatives in the sample data covering all cities were used in the report to increase the significance level of results.

In line with information obtained through an online survey, analyses of the following target groups were carried out using quantitative methods.

- OSEs and OPHs
- Media Representatives

The OSH specialists (i.e. the OSEs and the OPHs) and the media representatives were given an online questionnaire. The ISG KATIP database was used for accessing the OSH specialists. The media representatives were accessed through contact lists provided by the ILO Office in Turkey (Ankara) and of the DGOHS and they were contacted with a request to fill in the online questionnaire. An announcement regarding the scope and objective of the survey was also published on the web sites of the DGOSH and the ILO.

To carry out the in-depth analysis with open ended questions, information was collected from the following target groups which was analysed with qualitative methods.

- Workers (Focus group: Bursa, İstanbul, Manisa)
- Employers (Focus group: Ankara, Gaziantep, Manisa)
- Judges (Face-to-face in-depth interviews with members of the Court of Appeal and the Justice Academy. The latter is the governmental institution which is responsible for conducting training of judges, prosecutors, lawyers and other legal personnel.)

The Union of Chambers and Commodity Exchanges of Turkey (TOBB) facilitated contacts with employers, while workers' representatives were accessed through trade unions. The Justice Academy and the Court of Appeal provided access to an adequate number of judges and prosecutors for conducting the questionnaire. The

qualitative methodology had the advantage of providing an increased understanding of the social and economic dimensions of how the perception of the target groups regarding OSH services had developed and clarified how the perceptions and views of the target groups had developed through their experiences with OSH professionals at their workplaces.

## 2.1 Quantitative Studies

Two separate online questionnaires were developed for the OSEs, the OPHs and the media representatives. With a few exceptions, most of the questions in the questionnaire were same for the OSEs and the OPHs. Due to the low number of responding OPHs, the responses from the OPH's are reported separately in the Annex of this report. The following processes and methods were used to answer the research questions created in this context.

### *Questionnaire Design for Online Surveys*

The research questions were designed together with the experts of the ILO and the MOLSS to demonstrate how the legal requirements regarding health and safety services are implemented at the national level. To develop the questionnaires a pilot study was carried out during which demographic information and opinions about OSH services were obtained from the participants through independent questions. The steps used in developing the questionnaires were as follows:

- **Content Compliance:** The selected questions in the questionnaire were checked to see if they were within the same scope as the questions asked by the researcher, and the necessary updates were made accordingly.
- **Level of difficulty of Questions:** The difficulty of each question was measured by the participants. This process was carried out during the pilot study.
- **Question Types:** Variable types were defined for each question so that a statistical analysis could be carried out with sufficient reliability. Depending on the purpose of each question, multiple choice-questions, questions based on the Likert scale, dual or sequential answer questions were chosen.
- **Sequence of Questions:** The questions were arranged in an order to be as efficient as possible for the respondents.
- **Length of the Research:** The questionnaires should be at an optimal length to maximize the number of respondents. Measurements and necessary arrangements were made during the pilot studies to determine the length of the research. In the pilot studies conducted, the optimal completion time of

the questionnaire by participants was determined to be approximately 15-20 minutes. At the end of the conduct of the study it could be determined that among the 4333 participants the average time to complete the questionnaire was 19 minutes 58 seconds.

- **Pilot Study:** A pilot study was carried out with a total of 20 participants to determine the openness, length and sequence of the questions.
- **Revision of the Questions:** The research questionnaires are finalized prior to the application by going back through the results of the pilot study.

### *Measuring the Consistency of Questions*

Questions were applied to a pilot group to identify discrepancies, deficiencies and mistakes in the questions. To be able to see the accuracy of the scales used in the evaluation design for different scenarios, tests were carried out under different strata. In addition, Cronbach's Alpha test (See Annex, pp. 49-50) was applied on the pilot data to obtain accurate statistical results. The necessary infrastructure was set up to carry out these tests. To determine the compliance of the questions, Cronbach's Alpha values were calculated for each question and item, and the evaluation design was updated by determining the questions that disturbed the compliance of the questionnaire. The calculation details and results for measuring the consistency of questions are explained in the Annex.

### *Sample Details*

The extent and accuracy of the information obtained from field data is significantly influenced by the nature of the sample previously determined. Therefore, it is determined in this section which characteristics should be possessed by participants to be used during the research. Random sample selection algorithms include cluster sample selection, layer sample selection or random sample selection methods. For each method to be used, the lowest number of samples was determined by statistical calculations. The number of samples was determined so that the sample to be used within the scope of the research could be controlled in a pilot study, with or without a target kit, which would be appropriate for the research topic and content, and could give unbiased results in 95% confidence interval. Since there was no site cost in the online survey applications, it was envisaged to go beyond the lowest number of samples to be determined by planning to reach as many participants as possible participants within the target group selected by the institution.

According to information received from the MOLSS through the database ISGKATIP, there were a total of 128.607 OSH professionals in Turkey by the end of 2016. With a largest acceptable error margin of 3%, the expected rate of 0.5% was accepted and a sample of 896 persons was sufficient for a population of 128.607. (The detailed calculations for minimum sample size are explained in the Annex.) Based on a participation rate of

4333, statistical calculations were made in the correct sample size at the 95% confidence interval and the smallest sample size was achieved. In addition, 5,601 unique users reached the survey questionnaire on the system so that 4333 participants who completed and submitted the questionnaire could be formed. So, 77% of the participants completed the question form on the system. In addition, the duration of the investigation, which is another indicator of system reliability, was calculated by the system. The calculated average completion time of 4333 participants was measured at 19 minutes 58 seconds. This also indicates that participants spent a considerable time for filling the questionnaire which meet the average time calculated during the pilot study.

### *Statistical Analyses*

Statistical analyses were made on the variables related to the research questions described in the online questionnaire to make the raw data suitable for reporting. The statistical fit of all distributions, cross tables and model outputs obtained on the results was done with the aid of hypothesis tests. The results with low significance level in the conformity analysis are not included in the final report.

Frequency and distribution analyses were performed for the analysis of the single-choice questions included in the questionnaire forms, and the distributions of the answers of each research question in this form are shown in the general sample. For the multi-choice questions, density calculations in the sample were performed and the most and least observed response options were determined. For the Likert scale, which is another form of questionnaire, the sample averages were calculated and the participants' opinions on each item were summarized. In addition, analyses of gender, age and region breakdowns were performed from the participant demographic information of each research question. Whether the relationship between the objective variable (research question) and the fracture variant was statistically significant was measured by hypothesis testing. Using the p-value (p-value) output of the hypothesis tests performed, a confidence interval of 95% and above was reported. In this respect, insignificant outputs originating from inadequate sources or from random distributions have not been used in this process.

## **2.2 Qualitative Studies**

### *Face-to-Face In-Depth Interviews*

In-depth interviews with judges were conducted as part of the ILO survey on the implementation of OSH services in Turkey. Interview questions consisting of 15 open ended questions were prepared by the ILO Office for Turkey, the MOLSS, experts from the Statistics and Sociology Departments of the Middle East Technical University (METU). The questions addressed to the judges concerned awareness of the OSH Law; any difficulties in the implementation of articles 4, 8 and 13 of the OSH Law; any procedural and practical difficulties encountered as

regards trials of OSH cases; the roles and responsibilities of the parties involved in such trials; and finally, how to address the problems related to the length of the litigation processes. The formulation of these questions was finalized in consultation with the ILO Office (HQ, Geneva).

The judges selected for an interview were nine judges with whom the ILO Office for Turkey already was in contact with. The interview questions were shared with the judges before the interview. The studies were conducted with the judges by the researchers from GAUSS, whom attended by the Justice Academy and the Court of Appeals. In face-to-face interviews with eight judges, interviews lasted from 40 minutes to 1 hour. The notes were edited and Ms. F. Umut Beşpınar - Associate Professor at the Department of Sociology of the METU - analysed the interviews and structured them thematically.

### *Focus Group Studies*

The interviews with the employers and the workers were organized in the form of group discussions focussed on specifically developed fictitious cases designed to illustrate the relevant issues. These case studies were developed in consultation with the MOLSS, the Department of Statistics and the Department of Sociology of the METU and experts from the ILO both at the Office for Turkey and in Geneva.

The focus group discussions with employers and workers in the five provinces of Ankara, Gaziantep, Manisa, Bursa and Istanbul, were conducted between September 23 and October 21, 2016 with a focus group executive and one or two focus group assistants. With the participants' agreement and knowledge their statements were recorded. While the focus group facilitator was asking questions, the focus group assistants noted the participant's names and any other relevant information (occupation, experience, gender, etc.) as well as any other observations that could not be reflected in the voice recording.

The employers were contacted by the ILO Office for Turkey through official correspondence with the General Secretariat of the Union of Chambers and Commodity Exchanges of Turkey (TOBB). The meetings with the Employers took place in the premises of the TOBB in Ankara, Gaziantep and Manisa. The greatest challenge in the interactions with the Employers was that this group was heterogeneous. Many employers chose to be represented by persons with different functions in the enterprises at issue. Thus, in addition to the Employers in decision-making positions, this group included employer representatives from departments of Human Resources, OSEs, General Managers of common OSH units, Business Executives and Administrative Managers. Some of the high-ranking Employers found this to be inappropriate and a demonstration of lack of respect.

The participants in the workers' focus groups were reached through the Confederation of Turkish Trade Unions (TÜRK İŞ), the Confederation of Turkish Real Trade Unions (HAK-İŞ) and the Confederation of Progressive Trade Unions of Turkey (DISK) and meetings were held in Bursa, Istanbul and Manisa in a place independent from the three confederations to ensure that the research company would be perceived neutral. It proved impossible to ensure representation from all three confederations' in each of the group meetings which complicated the

understanding of agreements and differences among the workers of these three confederations. The employers and the workers groups comprised of six to 18 participants and the discussions with both the employers and the workers groups lasted around three hours. After the focus groups discussions had been concluded, the recordings were transcribed and edited by GAUSS. A sociologist from METU – Ms. F. Umut Beşpınar- structured the outcome thematically and analysed it.



# 3. ANALYSIS



In the following section, the information collected from the different groups is presented and analysed.

### 3.1. Questionnaires

The information that was collected from the OSH professionals and the media representatives through online surveys and questionnaires, was analysed using quantitative methods. The quantitative methods used in this context were the following:

- For single-choice questions: Frequency (number of persons) and percentages of the respondents.
- For multiple-choice questions: Density calculations in the sample sorting of answers.
- For the Likert scale: Calculation of sample averages and summary of the participants' opinions on each item.

Additionally, analyses of gender, age and regional breakdowns were performed based on the participants' demographic information. Insignificant outputs originating from inadequate sources or from random distributions were not considered.

#### 3.1.1. Occupational Safety Experts (OSEs)

##### *Demographic Questions*

Three quarters of the OSEs participating in the study were men, while one third of them were women. Half of the OSEs were between the ages of 25-34. The smallest OSE age group was over 55 years. Most of the OSEs participating in the study were from the Marmara Region, while the fewest number of participants were from the South-Eastern and Eastern Anatolia Regions. In summary, most of the participants were young men from economically developed and industrialized regions of Turkey<sup>1</sup>.

##### *Training*

Most of the participants in the survey (64%) indicated they received their training from private institutions. A large group (30%) had been trained at universities while a small percentage (6%) had been trained by the Center for Labour and Social Security (ÇASGEM). Most of the participants indicated that the OSH training could be improved. While approximately one-fifth of the participants (22%) were satisfied with the adequacy of their OSE training, 34% believed it was insufficient. With respect to the demographic information on age, gender and region only age appeared to be relevant. A larger percentage of the older participants (40%) found the content

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<sup>1</sup> Data retrieved from TÜİK (2001), *Number of establishments, employment and payments of manufacturing statistics: Share of annual average number of persons engaged in Turkey (%)*.

of their training to be sufficient, whereas only 18% of the OSEs in the age group between 25 and 29 were satisfied with the content of their training. This could be interpreted to mean that younger OSEs had higher expectations from the training than their older peers. It could also be understood to mean that younger OSEs were more aware of the training they needed to be able to execute of their tasks properly.

Responses to questions about the level of knowledge of the trainers, almost half of the OSEs (48%) stated that the trainers knowledge was “neither sufficient nor insufficient,” while a third (29%) responded that their knowledge was sufficient. Almost (59%) of the OSE’s considered the duration of the training programs delivered to OSEs to be “short.”

### *Training Methods*

The queries about the OSEs preferences for training methods revealed that most of the participants (61%) preferred face-to-face training over distance learning. However, as age increased, there was a declining trend regarding the preference for face-to-face training. While almost three quarters of the OSE’s in the 20-24 age group, preferred face-to-face training, it was preferred by less than half of the OSE’s in the 55-59 age group. A possible explanation could be that the younger OSE’s may be more willing or able to allocate resources (time, money etc.) to training as compared to older OSEs.

In reponse to questions on how OSH training could be improved the point highlighted the most was the need to increase the opportunities to apply in practice the training curricula. Almost three quarters of the survey participants indicated a need for application in practice of the training provided and a quarter of the participants pointed out that the training curricula’s practical knowledge should be improved. It should also be noted that three quarters of the OSEs stated that they had and would prefer to update the knowledge they acquired from the OSE training programs through individual research rather than to seek further trainings offered.

### *Views about the Profession of OSE and Related Legislation*

Eighty percent of the survey participants described the role and responsibilities of OSEs as being that of “an inspector and provider of guidance and consultancy at the workplace”. Most of the participants therefore appeared to have a holistic perception of their role and responsibilities. The negative aspects of the occupation reported by participants included: “a lack of interest among the parties about the subject”, “difficulties to apply the legislation”, “limited or no professional independence”, “inadequacy of wages”, “difficulties in the legal processes”, “lack of job security”, and “stressful working environment”. The view that the occupation was “open to social pressures” was mentioned with the least frequency. Positive aspects of the profession, were reported by more than half of the OSEs to be the “moral satisfaction with social responsibility”. Only a very small proportion of the OSEs reported “high social status” and “financial satisfaction.” as a positive aspect of their profession.

Based on their responses, OSEs appear to feel primarily responsible for the worker(s) when carrying out their occupational safety services. Nearly three out of five participants gave that response while at the same time more than half of the participants also felt responsible towards the Employer. (Multiple selections were possible to this question.)

In response to the survey question about how the efficiency of the roles and the responsibilities of OSEs could be improved, 54% of respondents selected “to increase their authority” while 22% suggested that “the awareness of related partners should be increased”. Seventeen percent indicated that “the professional association of OSH specialists should be strengthened”.

The questions to the OSEs regarding OSH law and practice yielded a lot of information. Almost half (45%) of OSEs stated that OSH legislation was “insufficient” while a similar proportion (40%) remained neutral finding the OSH legislation as “neither sufficient nor insufficient”. Only 15% of the participants found the OSH legislation to be sufficient. When the actual cause for this insufficiency was further explored, 96% of all the participants believed that “the legislation was not properly used and applied in practice”. These responses would seem to indicate that there are the obstacles to the application of the legislation in practice. Questions about difficulties encountered while accessing the sources of information about legislative changes, 52% of all OSEs thought that “they had not encountered any difficulties when accessing sources of information about legislative changes” while 48% reported they had encountered difficulties. Fifty-five percent of the participants replied ‘no’ to the question whether “the duration between changes of legislation and its application was too short” while 45% answered “yes” to the question. Related to this, it should be also noted that participants mostly agreed with the statement in response to further inquiries that “legislation was updated or revised too frequently which made it difficult to follow and apply”. These inconsistent responses would seem to indicate that survey participants are not entirely clear about this issue. It should be noted that 81% of the OSEs also considered that “there were not enough codes of practices for the application of legislation”. Ninety percent expressed that “there were not enough examples of how to apply OSH legislation in practice,” and 72% replied that “examples on how to apply OSH legislation in practice were difficult to access.” These various responses would seem to indicate that significant challenges for OSEs include not only information and training on the practical application of national legislation but also the availability of practical examples. To further appreciate the context for these views, it should be noted that 95% of the OSEs expressed that “a full implementation of national OSH legislation was considered to be costly for the Employers”. A great majority of the participants (88%) also stated that “there was not sufficient monitoring of the implementation of legislation through audits/inspections.” In this respect 73% held that “further legislation was needed.”

Among the OSEs, 11% found the “working time for OSH professionals indicated in the legislation” to be “long” while 40% considered it to be “short”. Almost half of the OSEs (48%) are neutral saying it was “neither long nor short.

Of particular note, the responding OSEs mostly agreed the following statements:

- In the legislative drafting process, stakeholders were not sufficiently involved and their suggestions were not sufficiently taken into account.
- The legal responsibilities of the OSEs exceeded their legal authority to act.
- In the OSH legislation, account should also be taken of factors such as work type, work size, sector, etc.
- As the OSH Law applied generally, there was a need for more detailed regulation in the form of regulations, communiques, etc.
- Current OSH legislation was not consistent with legislation in other areas and the consistency of national legislation needed to be improved.
- Legislation was updated or revised too frequently which made it difficult to follow and apply.

The OSEs neither agreed nor disagreed to the following statement:

- The wording in the legislation is not clear or is too complex. It should be clarified and simplified.

They clearly disagreement with the following, however:

- The role and responsibilities of the Employers and OSH professionals are well defined and differentiated in the legislation.

### *Cooperation between Stakeholders and How They Saw Each Other*

When the cooperation between stakeholders was examined, the OSEs indicated that it was important to highlight the following issues as they affected the functioning of the OSH committees:

- The level of communication between the OSH professionals and all relevant parties
- The distribution of OSH related responsibilities in a positive way
- A positive level of communication between the OSH professionals and the employer
- The implementation of safety and health improvements should be carried out in a positive way

In the context of another question, OSEs considered the Employers and the Workers to be “the most efficient party in contributing to OSH studies”.

In responses to survey question about the level of interference by the employer, OSEs identified the areas of greatest interference were: “the OSH training process of Workers”; “the process of OSH notebook writing”; “improper (or non-) use of proper personal protective equipment (PPE)”; “assignment of work-areas for Workers”, “workplace measurements”.

When the relationship between the Workers and the OSEs was examined, 71% of the OSEs stated that “the relationship between the Workers and the OSH professionals was not efficient from the perspective of enabling a safe and healthy workplace”. When this lack of efficiency in the relationship between the Workers and the OSH professionals was further examined, the following points were often emphasized:

- The Employers consider investments in OSH to be an additional and unnecessary cost.
- For risk assessments, Employers are more concerned about fulfilling legal requirements than carrying out (and implement conclusions of) risk assessments.
- For OSH training of Workers, Employers are more concerned about fulfilling legal requirements than providing high quality training.
- Workers are negligent regarding the application of prescribed OSH measures.

### *Legal Obligations and the Judiciary*

When participants were asked what they would do if they were faced with a life-threatening occurrence at their workplace, 42% of the participants stated that they personally would take appropriate action, while 30% stated that they would notify the Employer, and 25% indicated that they would report it. Notifying MOLSS was considered an appropriate action only by 4%. The number of respondents who chose this response decreased with increasing age of the respondents.

Bringing occupational accidents to court for meting out possible sanctions was thought “to have a deterrent effect on the occurrence of occupational accidents/diseases” by more than the half of the OSEs. Many also considered to be a means to “contribute to raising the awareness among stakeholders regarding OSH and occupational accidents/diseases”, and “to contribute to raising the awareness among public in general about OSH and occupational accidents/diseases”.

As concerns the difficulties OSH professionals may be faced within in the judicial process, the participants emphasized the following:

- Insufficient awareness and knowledge of OSH among the personnel in the judicial bodies (judges, lawyers, prosecutors, etc.)
- Unavailability of sufficiently experienced court experts

It is noteworthy that the most preferred choices were: lack of awareness; information; and experience.

### *Perception of Professional Independence*

To better understand how the OSEs perceived their professional independence, the participants were asked to select a series of different factors. Each participant could choose several factors and the percentages indicate percentages of the whole responding population.

“Ability effectively to impose decisions on the Employer” was indicated as the most important factor, and “flexible working hours” as the least important. Fifty-three percent of the responding OSEs stated that the employer had the greatest influence on their decisions, and while 45% responded that the Workers had the greatest influence.

Fifty-nine percent of the participants indicated that “being paid by a source other than the Employer” was the most important way to achieve professional independence, while 33% indicated that “independence regarding technical assessments and decisions” was the most important one. Economic dependence, and dependence on the decision makers were crucial problems. Some 64% of the respondents considered themselves to be either “completely dependent” or “dependent”. More specifically, when the question was asked regarding the impact of “being paid by the Employer”, 90% of the OSEs stated this situation had a negative impact. As a way to improve their independence, 67% of the participants proposed that their salary should be paid “by the government”, while 33% suggested that it should be paid “by a common fund”.

### *Information of Hazards and Risks*

With respect to the hazards and risks at the workplace, 59% of the OSEs stated that it was only “sometimes” that they were informed when there was a dangerous situation at workplace, while 34% said that they were informed. More than half of all the OSEs indicated that they would become aware of dangerous situations at the workplace either through their own observations or after having been notified by the workers. It is worth noting, first, that inspection results and other reports were not mentioned by the survey participants and, second, that 50% of the OSEs either “absolutely agreed” or “agreed” that “risk assessments at the workplace was an effective means to prevent occupational accidents and occupational diseases.” The OSEs indicated in their responses that “the Employers did not attribute sufficient importance to the outcomes of risk assessments” and this was one of the main factors that affected the effectiveness of risk assessments in preventing occupational accidents and diseases. The preventive effectiveness of risk assessments was also affected by “risk assessment teams carrying out risk assessments ineffectively”, and that “the Workers’ did not attribute sufficient importance to the outcomes of risk assessments”. The respondents further indicated that the workers’ representatives would be the most effective persons in the risk assessment process followed by OSEs and the Workers.

### 3.1.2. Media Representatives

#### *Procedure*

The questionnaire created for media representatives was placed on an online platform. The link to this platform was mailed to the representatives using the contact information provided by the ILO Office for Turkey. The platform was then open for 25 days. In this period, a total of 21 representatives completed the online survey. To seek an increased sample, the questionnaire was re-transmitted by direct e-mail to the previously contacted persons as well as to an additional number of media representatives. When the survey was closed 30 days later, a total of 36 responses had been received.

#### *Demographic Questions*

The gender balance was equal among the 36 media representatives who participated in the study. Most of the participants (81%) worked in the private sector. All participants were aware of OSH and the sources where they heard the term OSH were mainly newspapers, television, social media and conferences. In the opinion of about half of the participants, OSH was not considered to be important in Turkey, while one third (28%) held the opposite view. Virtually all respondents (35) were aware of the concepts of OSEs and OPHs.

#### *Efforts to Increase Awareness of OSH*

Half of the media representatives indicated that they had acted to increase the awareness of OSH and relevant rights and responsibilities among their target audience. Eighty-three percent of the participants stated that they were informed about the rights and responsibilities in the relevant OSH legislation. They had acted to increase the awareness of OSH of their target audience most often through “television news”, “printed press”, “television debates” and “daily programs” (in order of frequency). When preparing news and programs about OSH, the type of sources used regarding the rights and responsibilities of the Employers, the Workers, the OSEs and the OPHs were - in order of priority - “ask for expert advice in the related field”, “ask the academic community”, “consult with the relevant public institutions” and “read and follow the relevant legislation”. As can be seen, expert opinion consultation was preferred to participatory research. It is noteworthy that five of the participants did not conduct any research in such situations.

#### *Sources of Information Used*

Most of the experts the media representatives had used as sources of information while preparing news, programmes on occupational accidents/diseases were OSH professionals, followed by academicians, legal

practitioners, trade union representatives, NGO representatives and others. When preparing statistical data oriented news about OSH, they used statistical data from relevant institutions and organizations, NGOs, relevant public institutions and the press respectively. In response to questions regarding the reliability of the information used, 64% of the media representatives who participated in the study stated that they were confident that their news was reliable because they had contacted the relevant parties while preparing the OSH news, while 14% were partially confident about the reliability of their news because they might not have had a chance to consult either statistical data or relevant parties. 42% of the respondents stated that the public had been given "much" or "very much" content to increase their awareness of the issue, but 19% stated that they had been given "little" or "very little".

### *Perceptions of how OSH was Covered in the Media*

Among the respondents, 61% found the messages given about OSH in the media to be inadequate and 28% did not find it sufficient or insufficient. Another noteworthy point is that none of the respondents considered the information in the media to be sufficient. While 72% of the respondents was not satisfied about the way how press evaluates the news about the occupational accidents, 25% found it satisfactory. The media representatives suggested that more attention to the issue of OSH could be drawn by the media by establishing an effective communication network between the relevant public organization and the media; organizing training, seminars and conferences for media representatives; and by encouraging news on OSH with rewards and other incentives respectively.

### *Objectivity and Balance*

A large majority (83%) of the respondents thought that when reporting on occupational accidents and diseases the media did not report on the different parties in working life in a balanced or objective way. When asked which stakeholders were criticized most often about the news on occupational accidents/diseases an equal percentage of respondents (44%) thought the Employers and the Workers were criticized most often. Six percent of the respondents considered that the OSH professionals were criticized more often than others. Although the number of participants was low, it can be said that most of the participants had a negative view of the how the media reported on OSH news. Those who had negative opinions indicated that: the media did not give enough room to OSH; that the coverage was not satisfactory when coverage was made; and that the media did not hold unbiased views.

### *Views on the Role of Media regarding OSH*

Half of the respondents stated that the media should improve the public awareness of OSH in presentations of OSH related news while 36% considered that the media should call for remedial actions to be taken. Some 11% considered that it was the role of the media to remind the relevant parties of their responsibilities.

## **3.2. In-person Interviews with Representatives of the Judiciary**

### *Knowledge and Awareness of OSH Legislation*

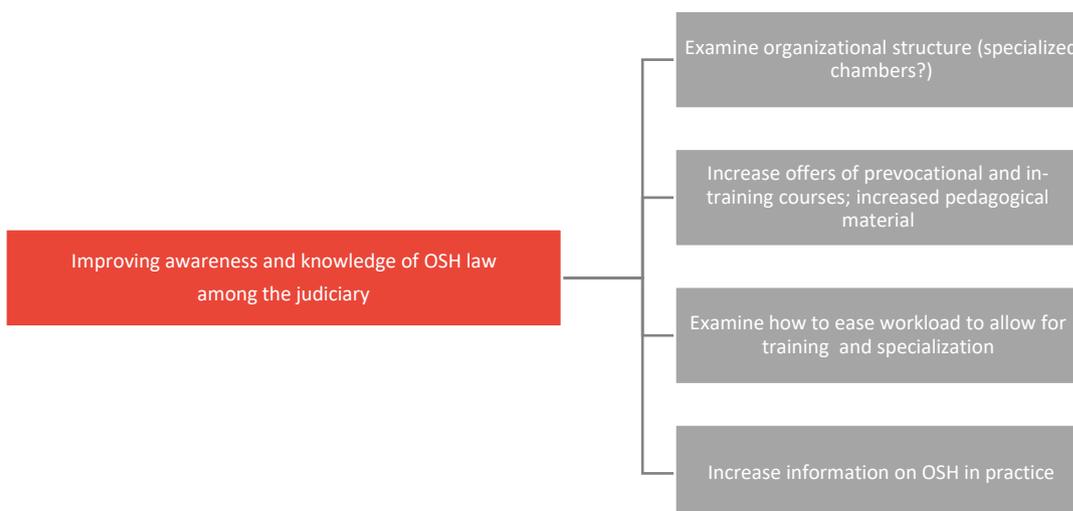
During in-person interviews of judges serving at the Court of Appeal and at the Justice Academy, the initial question was whether the OSH Legislation was sufficiently known by the judges. The common view was that there was a lack of sufficient knowledge of OSH among the judges and a lack of sufficient training on OSH. This was a serious problem. Some judges stated that they had learned about the subject "when a case had been assigned to them." Those who believed they lacked sufficient knowledge as well as those who considered themselves to be reasonably knowledgeable, both indicated that they wanted further information and training on OSH legislation. One interviewee expressed his opinion on this subject as follows:

"When the OSH Law entered into force in 2012, I examined it in depth because it is close to the field of labour law. However, I would like to have more information about OSH and I would like to examine why it is incompletely and inadequately applied in practice."

Another interviewee noted that his knowledge on the subject was due to his personal curiosity about human rights issues. The interviewee stated that he was personally interested in ILO's work which also should be considered in this context. He added that he would like to have more knowledge in this respect.

### *Improving Knowledge and Awareness of OSH legislation*

The interviewees affirmed that insufficient knowledge of the judges also had a negative impact on the process of assessing reports received from experts and that it was important that all parties were knowledgeable about this subject.



One of the reasons for this lack of knowledge and awareness among judges in the appellate courts was that appeals from lower courts could include appeals from specialized courts, and that the responsible judges would have to deal with them in spite of the fact that these appellate judges might not be specifically trained in some of the areas at issue. Judges also lacked time to develop any specialization as they were constantly under pressure to deal with high workloads. The interviewed judges affirmed that such a lack of knowledge and training among the judges could be one of the problems in the process of understanding and assessing expert reports.

This problem should be addressed by offering further training through pre-vocational courses, in-service training and seminars for the judiciary. Training offers should also be extended to the technical experts to improve their capacity to provide adequate technical advice to the courts. Sample case studies could add value on the effectiveness of such training. Some judges recommended that training should be offered to enable specialization following the appointment process. The availability of specifically trained judges could reduce problems in practice. It was also proposed by judges that MOLSS should organize regular information events more frequently on national OSH legislation, specifically addressed to the courts. In addition to training programs and seminars, developing and making available handbooks as well as short, clear and striking visual material could also contribute to raising the awareness of relevant OSH legislation among the judiciary.

Some of the judges emphasized the importance not only of knowledge but also of “empathy with the Workers” exposed to difficult working situations. To remedy this these judges referred, for example, to an on-site visit to a mine organized for them. This visit allowed them to observe the working conditions in a mine in actual practice. This had improved their capacity to empathize with the Workers, had increased their awareness of and interest for OSH and deepened their understanding of the relevance of the OSH legislation. The judges also stated that this practical experience had triggered an increased interest among them to read and research on the subject.

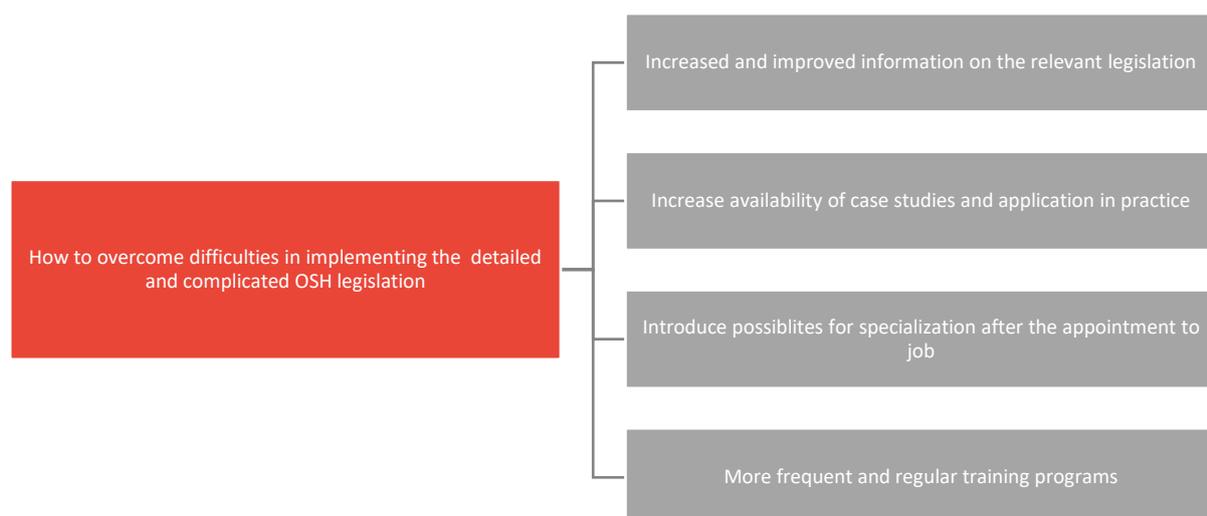
The importance of visual materials in court proceedings was also emphasized. Not only of the working environment, but also the use of visual materials including interviews with the victim was also recommended.

One of the participants stated that providing "emotional visual materials" to trainee judges would help them better to understand the importance of the subject matter.

Some judges, who emphasized that the OSH legislation should be known not only by expert judges and lawyers but also by a broader group, indicated that this legislation was directly related to public welfare. They also emphasized that it was very important that Employers and Workers were aware and were knowledgeable to ensure the application of OSH in practice.

### *Implementing OSH Legislation – Problems and Solutions*

The next topic for discussion concerned the judges' experiences with the implementation the OSH law. The general view was that the OSH legislation was difficult to implement as it was very detailed and complicated. Several suggestions were made on how to overcome these difficulties.



On this issue, one of the interviewed judges stated:

"I once had a chance to practice it directly. It appeared as pecuniary and non-pecuniary compensation related to occupational accident. We examined it as a delegation. We looked at the definition of "occupational accident". We saw what kind of actions that had been taken. We had received information on the institutions for compensation to the relatives of the victim. We investigated what could be done about the negligence report. We finalized the account report. We had a chance to examine the definitions of the law and what those definitions mean. But we need more practical, precise and short results. We

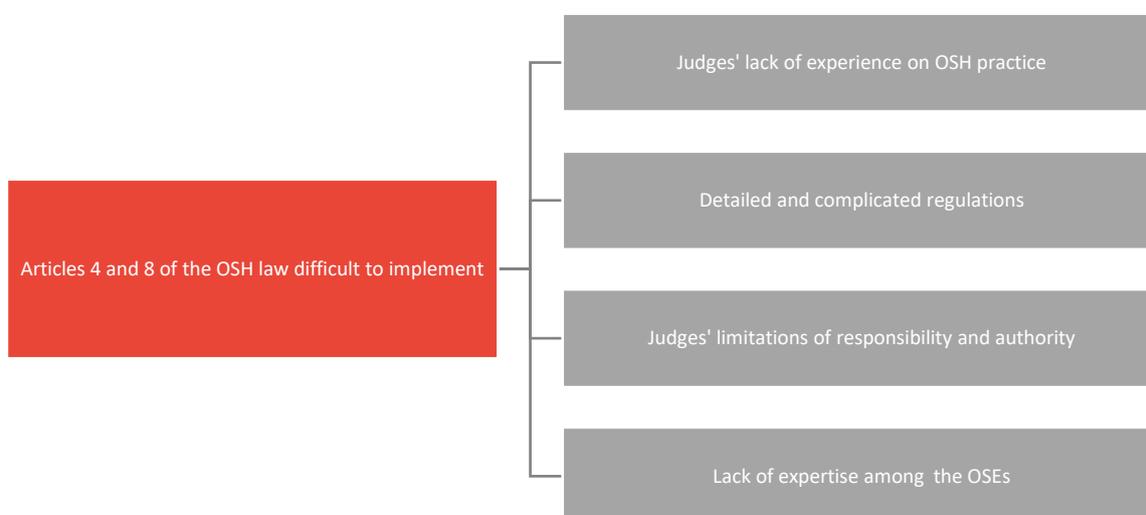
need to be able solve these matters in a shorter time. The required calculations were too detailed, they must be simplified."

Another judge, who had experience in implementing the relevant legislation, stated that the judge's responsibility and authority in the implementation of the OSH Law was limited to "verifying negligence reports". The interviewee - adding that the legislation had deficiencies in this respect - emphasized that judges should be sufficiently knowledgeable about OSH to evaluate expert reports. According to this view, evaluations are almost always done based on documents that often are unclear or incomplete and do not reflect the real situation. In the opinion of another interviewee who had applied the OSH law in practice, the main problem was that the MOLSS inspectors who were responsible for audits and determinations in relevant areas lacked the appropriate expertise and that "it was very difficult to disprove evidence in a report."

A judge who had experience in applying the OSH provisions in the Labour Law before the adoption of the OSH law preferred to give a general answer to the question, stating that: "if the responsibilities of the Employer and the Worker are properly taken into consideration and their responsibilities are taken seriously, it will be easier to enforce the law". Some interviewees say that they have had no practical experience on enforcing the related law. However, judges who had had no experience in this matter also stated that it was important for jurists to be aware of and understand the relevant legislation.

### *Implementing Legislation on Roles and Responsibilities of the Employer and the OSEs*

When asked about their experiences on how to implement, in practice, Articles 4 and 8 of the OSH Law regarding the roles and responsibilities of the Employer and the OSEs and OPHs, the general view was that these provisions were difficult to implement.



Judges with some practical experience in this respect, stated that Articles 4 and 8 constituted a positive development in legislation. Some considered it particularly positive that the OSEs and the OPHs had been given increased responsibilities and that they were obliged to report on risks. Furthermore, the possibility to terminate OSEs or OPHs who did not take the necessary measures was also seen as a very positive development in terms of ensuring the safety of a workplace. However, there were problems in the practical implementation of these provisions. They could also have the (indirect) effect of reducing the Employers' responsibility. Furthermore, while some OSEs appeared - on paper - to be working for the employer, in reality they did not provide any services at the workplaces involved in the case. In addition, it was the opinion of the judges interviewed that the OSEs did not have enough expertise. According to one judge with experience on the subject:

There are deficiencies due to the structuring. Wrong people are assigned to the wrong situations as OSEs. We are talking about the same thing again. The expertise in the field lies on the basis of problems."

The main recommendation by judges on Articles 4 and 8 of the OSH Law was to develop a holistic approach that would consider the roles and responsibilities of *all parties* to create a safe and healthy working environment. It was believed that such a holistic approach - laying down the duties, responsibilities and obligations of the various parties involved in OSH - would be effective in overcoming the difficulties in the implementation due to the current ambiguity of the roles and responsibilities of OSH professionals.

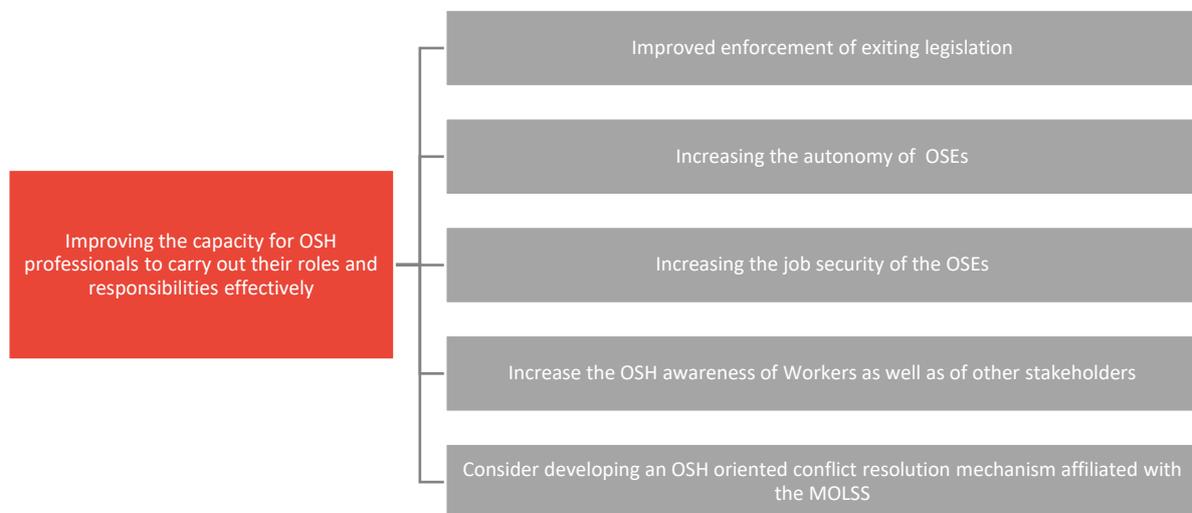
When the judges were asked what they considered should be done in terms of legislation or practice to clarify the roles and responsibilities of the Employer and the OSEs and OPHs, they first suggested that inspections by labour inspectorate should be increased. Another proposed solution was to allow judges specializing in OSH to be able to inspect on their own motion (i.e. without a request from the parties). A judge expressed his opinion on this subject as follows:

"Mandatory provisions must be introduced, and applications must be made obligatory. It should also be supervised whether they are properly applied by judges. Even if the parties do not demand it, the OSH judge must conduct inspections."

It was also proposed to lay down mandatory provisions regarding the frequency of inspections in high risk areas and to increase the criminal sanctions for violations of the law in relevant parts.

### *The Roles and Responsibilities of the OSEs and the OPHs in practice*

A further question to the judges concerned the capacity for the OSEs and the OPHs to carry out their roles and responsibilities effectively.



It was pointed out by the judges that the connection between the OSEs and the OPHs with the enterprise they supervised made it difficult for them to carry out their work. According to some judges, the problems related to the lack of autonomy in the audit process of the workplace where the OSH professionals operated, were caused rather by emotional ties than financial dependency. As expressed by one judge:

"Since we are an emotional nation, there might be an organic link between the occupational physician and the institution he controls. This can threaten the objectivity of an audit."

On the same issue another judge recommended that OSH professionals should work at workplaces on the basis of being assigned by professional chambers; in addition, he emphasized the importance of providing job security to OSEs against threats to be dismissed from the work.

The Workers' ignorance of risks and lack of awareness on OSH matters were stated to be another obstacle in fulfilling the roles and responsibilities of the Employers and OSEs and OPHs. The judges' recommendation on this question was to increase the Workers' awareness and provide information through clear and striking visual materials. It was also emphasized that the awareness and knowledge not only of the Workers but of the whole society should be increased, for example through more public TV spots.

In terms of dispute resolution, it was also proposed to consider the introduction of a mediation mechanism.

### *The Right to Removal in Court Practice (Art. 13 of the OSH Law)*

The judges were queried about their experiences in applying the right to leave the workstation and to abstain from work in the event of serious, imminent and unavoidable danger based on Article 13 of the OSH Law. Most judges stated that they had not had any occasion to apply this provision in practice. The judges interviewed

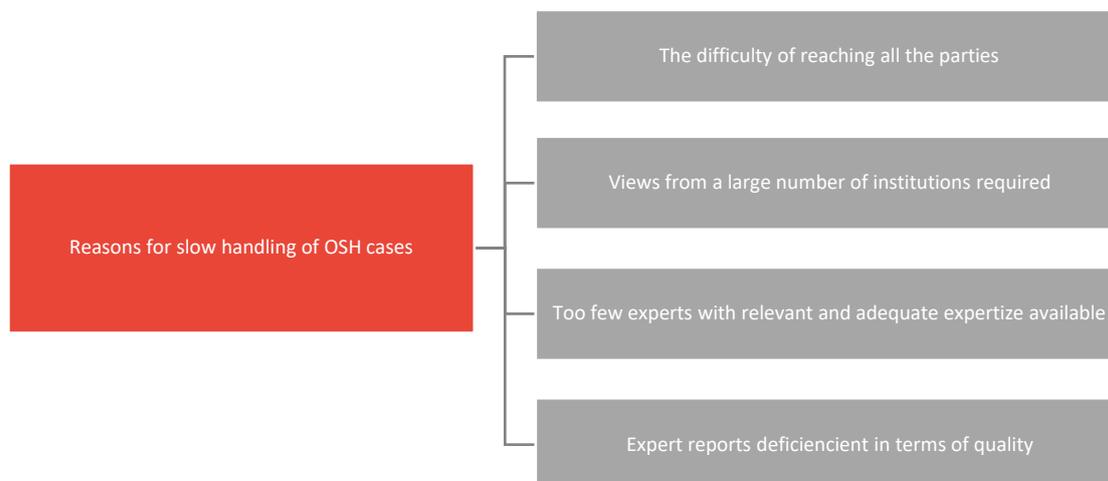


believed that this issue was not brought before the courts as Workers were afraid of being dismissed, coupled with high unemployment rates, a lack of education, a lack of (or inadequate) training on the rights of Workers, the weakness of the trade union movement, and inadequate inspections.

"There is no such practice, unfortunately. Article 34 of the Labour Law provides that unpaid workers may avoid working. But nobody can do that. The main reason for this is that the unemployment rate is so high. Workers, at any cost, do not want to lose their jobs. Lack of education is another reason. Furthermore, in some areas of work, risks are not even visible. The measures are insufficient, the law is not applied. Article 13 refers to serious and imminent danger. Generally danger is invisible. The unions must also be more active. When supervisors audit the workplace, the union representatives must be also there and share their views. Unfortunately, Workers are being kept away from the trade unions."

In order to address the lack of awareness among the workers regarding Article 13, the judges made the following recommendations: Include the implementation of the statutory regulations, legal regulations for this; raise the awareness about the rights of workers through the development of visual materials (billboards in the workplace) and handbooks; involve bar associations and trade unions in the creation of training programs; consider the development of more specific guidance on the role and functions of OSEs in practice; introduce the possibility to impose administrative sanctions on employers; provide for "malpractice compensation by employers" as an additional item for compensation; set up hotlines for complaints and denunciations affiliated to MOLSS; develop mandatory clauses to protect workers from dismissals in cases of use of Art. 13 (and other whistleblower functions); and introduce implementation audits by service providers.

### *The Challenges for Ensuring Rapid and Efficient Handling of OSH Cases*



When queried about the handling of cases involving OSH issues, the judges emphasized the need for a quick and efficient process to prevent workers from becoming victimized. In practice, however, the handling of OSH cases was often a lengthy and laborious process as there were many practical obstacles and procedural requirements to fulfil. Initially Workers were required to inform the SSI (Social Security Institution). Any claim should be substantiated with a detailed account of the accident (or workplace conditions) normally prepared by the employer and the police depending on the type of accident. A determination had to be made whether there was a need to request medical and/or expert reports. In that case, such reports should be requested and took time to obtain. They often had to be requested from different institutions or persons. This often caused serious delays in the proceedings and according to the judges, this was the most significant reason why cases involving occupational accidents and diseases took a long time to handle. One judge described the reasons in the following way:

"In most of the cases, we need an expert report to determine the defect rate. The SSI detection process is long. The occupational disease, work accident court process is long. It takes a long time to diagnose disability, it is going on for years. There were generally objections to SSI decisions. The process continues for years through SSI, forensic medicine, specialised health institutions, universities, and chambers."

These problems were compounded by the limited and unequal access to OSH expertise. In small cities experts were either unavailable or the available experts lacked the required expertise. As a result, time was wasted because files had to be transferred to bigger cities for handling. While there might be a large number of experts in certain provinces because of the presence of a certain industry, in other provinces the number of qualified experts for preparing reports was inadequate. Reference was also made to some unethical practices where the experts also acted as counsel. One judge described the difficulties and made suggestion on how to improve the process as follows:

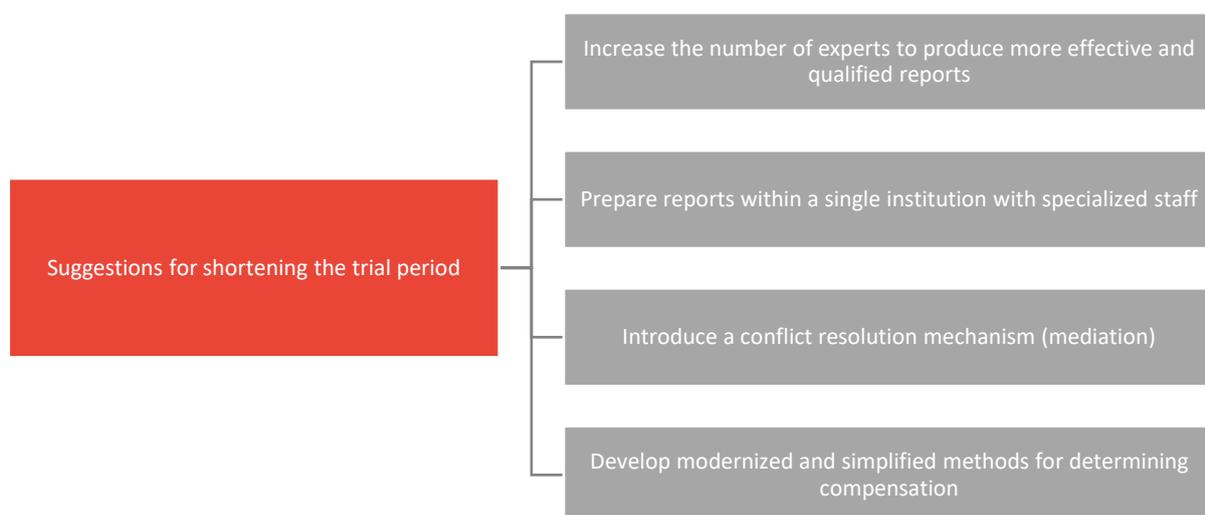
"These cases are based on the accident report. After the case is opened, witnesses are called and heard. Then an expert examines the case. Experts must be well-informed, open-minded, non-technical, and able

to express themselves openly and clearly. If the expert report provided is not appropriate or incomplete, the judge may need to request an additional report. Experts, specialized in relevant fields, were more readily available in big cities than in small cities. In small cities, the cases had to be sent to big cities due to lack of experts. Experts should not do this job as a side assignment, but it should be their main assignment. In addition, these experts should come from the private sector instead of public institutions. I have not been personally involved in a court case, but there are some problems I hear. For example, some experts find their fee inadequate and this also creates an even more difficult situation for the Worker. A strong Employer may put financial or other pressure on the expert. Judges should be informed on the supervision of experts. The number of cases which experts are following should be limited.”

Another judge also expressed the following opinion on the adverse impact of the lack of qualified experts on the proceedings:

“The requirement to be called as an expert is to have a certificate approved by universities or chambers. In OSH cases an OSH professional is one who has an OSH certificate and work experience in the relevant field. Nevertheless certificate holders do not have enough information sometimes. The chambers should increase the quality of the certificates. Sometimes more than one expert report is submitted. If there is not any within the region, the experts are requested from Ankara. This renders the files longer and more complicated. It is important that an expert report complies with the legislation and the expert certificates should be renewed regularly, and the reporting performance should be significant.”

### *How to Address the Challenges for Ensuring a Rapid and Efficient Handling of OSH Cases*



The solutions proposed included the following: requesting reports from a single institution which recruited specialized personnel; increasing the quality of the chambers’ training on expert certificates; establishing a pool of experts considering the level of expertise of the experts; developing legal arrangements regarding the criteria

for and supervision of experts; and issuing regulations which would open the way for judges to have the technical knowledge to provide better evaluation and supervision of expert reports.

According to the judges, OSH cases took a longer time to handle than cases in other areas of law because of the length of the institutional processes. They also referred to difficulties in accessing the relevant parties (in cases of bankruptcy or multiple employers), and in reaching all partners which also prolonged the process. The judges believed that the prolonged court proceedings were also caused by the fact that documents and reports were needed from a multitude of institutions, and because objections and re-evaluations were made on these documents and reports. One solution to this would be to increase the capacity of experts to prepare more competent and qualified reports and the setting up of institutionalized specialized staff to assist in the process. Consideration of the use of an effective mediation mechanism was also suggested. It was explained by the judges that OSH cases could go on for at least two and sometimes up to eleven years. In this regard, a judge stated as follows:

"Delayed justice cannot be justice. It creates problems for the worker, and makes it difficult for the worker to manage his life. SSI can provide salary, but this does not solve all the problems."

It was also said that in this process the workers were seriously disadvantaged, since they did not have the resources to survive and pursue their cases. The prolonged legal processes would eventually discourage the workers from continuing with their case and would cause the workers to reach an agreement with the employer below an amount of compensation which the court would be expected to grant. The judges reported that, due to the lengthy court proceedings, the workers did not file complaints or withdrew cases filed. This had led to the development of a "pay-off" mentality among the Employers. Some judges had serious legal and conscience discomfort in this regard: "Even if a worker could be forced to give up on a case because of his vulnerabilities, the case should continue. There should be certain provisions for such cases."

The judges had different views regarding the impact of the new OSH Law on the number of cases of occupational accidents and occupational diseases. Some of the judges considered that there had been an increase in the number of cases. In their view stated the OSH law contained "more rational" definitions compared to the old law. This was a positive legal development, which also would facilitate the work of the judiciary. Unfortunately, this progress was not reflected in practice, most probably due to a lack of awareness among the parties.

Other judges considered that the number of cases involving work-related accidents and occupational diseases had decreased through the enactment of the OSH Law. In their view the cause of this decrease was an improved supervision in the implementation of the OSH Law. In the view of these judges, the clearer identification and clarification of the rights and obligations of the parties in the new OSH Law had increased their awareness of the issues, which had reduced the number of OSH cases. According to one view, the decrease was due to the increase in technology and education levels that lead to taking measures which in turn reduced the number of cases.

A third group of judges considered that the entry into force of the OSH law had not affected the number of cases. Those who held this view stated that everything stayed on paper and was not reflected in practice. As a solution, they advised to increase the awareness of the parties in this regard. One judge expressed this strikingly:

"The new law does not affect the number of cases. Occupational safety is not important for people; it is only done in terms of formality. Even cardboard helmets are in use. It is necessary to create awareness. Implementation and auditing are very important."

When judges were asked about their views on the calculation system used for establishing compensation for occupational diseases, they noted the following problems: calculations were based on assumptions and should still be done with tables from 1931; the initially required amount of primary compensation became a meaningless amount due to the long delays; the calculation systems were complex; the calculation methods were not standardized; and the criteria to use make the calculations even more complex.

"Arrangements for compensation can be done. There are difficulties in determining the amounts of compensation. There is no consistency in the methods of accountability of the experts. But, nevertheless, I see that progress has been achieved over time."

When judges were asked about proposed solutions to these issues, it was suggested to ensure a regular updating of the calculation tables based on the facts of the social life, education for all related parties and standardized criteria.

"It is essential that all experts should be subject to compulsory education to reduce the difficulties and to ensure that all judges speak a common language in this regard. Projects can be developed to standardize the calculations. Workshops can be organized. It is important to educate the experts. But we have to be careful about this; we need to know that no instructions will be given to the experts. It is essential that the experts are not affected from any situation and they should be impartial!"

Some judges stated that the calculated accounts reflected only the pecuniary compensation, and that non-pecuniary compensation was not included in the calculations. Judges felt uncomfortable about not granting non-pecuniary compensation. There were also judges who argued that a strict adherence to tables restricted the use of the judge's own judgment and that this effect could be problematic.

### *The Impact of the Media on Court Proceedings*

Lastly, judges were asked whether and how, in their view, the media affected ongoing court proceedings. In this regard, judges had different views. While some said that the media did not affect the process as decisions were taken based on material evidence, most of the judges believed, however, that the media did affect the cases - in a positive way - as news on OSH leads to an increased awareness of the issue in society. The perceived need to satisfy the public conscience was also a dimension that was becoming more important for the outcome of a case. In such cases, the media sometimes emphasized that not only the Employer but also other institutions might be responsible. Increased visibility of OSH cases through the media, could impact on the judges' tendency

to impose stiff sanctions although care should be taken to ensure equitable solutions to all cases. Some judges saw the impact caused by the media as a negative influence, mentioning the sensationalist coverage of certain cases. The media should refrain from sensationalism and focus on technical issues and on common sense when reporting.

### 3.3. Focus Group Studies

#### 3.3.1. Workers

The focus group studies with the workers took place in Bursa, Manisa (Soma) and Istanbul. The workers' groups received three fictitious scenarios which then were discussed in the groups. These discussions were recorded, transcribed, organized and analysed. The outcome was as follows:

The first case shared with the workers was the following case situated in a textile factory:



*Ahmet, who is working in a textile mill, consulted a workplace doctor complaining of a heavy cough. Suspecting an occupational disease, the workplace doctor directed Ahmet to an authorized hospital for examination. After the examinations, Ahmet was diagnosed to suffer from occupational asthma. Ahmet got a medical report from the authorized hospital which he brought to the workplace doctor.*

*With reference to the medical report, the workplace doctor wrote a request to the Personnel Department (PD) to transfer Ahmet to another safer workplace. The PD Manager brought the request of the workplace doctor to the Employer and indicated that Ahmet was the most experienced and talented Worker in his workplace.*

The workers indicated that Ahmet's condition was primarily due to a lack of measures to protect workers' health in the workplace. The Workers criticized that no safety measures had been taken until after Ahmet became ill. The Workers, who questioned and debated the responsibilities of the different parties concerned, stated that the OSH Committee should have been involved in the process from the beginning. In this case, the fact that OSH Committee had not made an evaluation of the workplace and not taken the necessary actions was considered as a serious problem. It was also stated that the OSH Committee and the related OSH professional should have reported to the management that the Worker did not want to work in this department. However, during this discussion, some of the workers stated that the OSH professionals were part of the decisions taken in the OSH Committees. In the words of the workers: "The employer handles the situation as he pleases, because the OSH professional is recruited by the employer." That the OSH professionals were dependent on the employers for salaries and work security was considered by the workers to be an obstacle to their fulfilment of their functions and responsibilities. A worker pointed out that "OSEs have no sanctioning power. They only refer to that they have talked to the employer and that messages about what should be done have been conveyed. When nothing happens the OSEs says that he cannot enter into conflict with the employer". This shows the lack of confidence of the workers towards the OSEs.

It was also said that when OSH professionals decided in favour of a worker, it was not applied by the employer. It was stated in all focus groups that "the employer looks at the facts, not at the emotional/moral perspective." Such responses would indicate that workers think an emotional/moral perspective is necessary to fully address OSH issues. A similar view was reflected in the statement "if the manager is compassionate, he will do it". It was interesting that positive OSH measures were described as acts of "goodness", expressions of "compassion", and representing "emotional/moral strength". Despite the measures being requirements with which the Employer had the legal obligation to comply.

Some workers empathized with the Employer and said, "of course the employer did not want to lose money, it was too risky, but his staff was also very valuable". Considering their own experience within this context, they thought that workers stayed quiet for as long as possible in order not to be dismissed from work. Some workers even said that when they had experienced an incident like the fictitious case, the HR Manager had said "Don't cry, you will either work or you will go." They were required to work despite their health problems. Certain Workers disagreed with this and explained that the employer's approach and the worker's situation would vary depending on whether the workplace was in the public or the private sector, whether it was large or small, and whether the Workers were unionized or not. It was generally believed by the workers that it was easier to get a worker moved for health reasons in a public-sector entity than in a private sector entity. Some workers who disagreed considered that the possibilities increased depending on the size of the entity. It would be easier to accomplish in a large-scale and corporate workplace than in a small scale and non-corporate workplace. Unionised workers said that in their experience, being a member of a trade union made sense: "We pressurise delicately and make the employer feel the severity, but when it comes to the more burdensome things in terms of cost, the Employer, of course, does whatever he can." Despite the unwilling attitude of the employers, unionized workers said they continued to struggle.

The workers questioned the role of the Government in all these processes and believed that the rules adopted were not enforced. One worker said that: "Nobody would come to make an inspection when the hotline is used by a worker". However, in very exceptional circumstances, a letter would be sent to the employer. However, in such a letter the name of the denouncing worker would be shared with the employer. The workers added that this process did not inspire confidence.

When asked what they would propose to address these issues, the workers first stated that workers should be obliged to use all personal protective equipment (PPE) and that there should be no compromises on this issue. However, in this context, some workers, in particular those from Soma, said that the PPE provided including masks and earplugs were not only inadequate and did not serve their protective purpose, but they also made it harder to work.

It was emphasized that even if a worker was transferred to another safer workplace the employer would still have the obligation to make the unsafe workplace safe for any newly appointed worker. Another suggestion was that the salaries of OSH professionals should be paid from a fund, not by the employer. Some workers

recommend that this fund should be set up by the Government or the unions. In this way, it was considered that OSH professionals would become independent from the employers.

In hazardous sectors, the workers said that the trade unions did not act as representatives for them. Instead of drawing their power from the workers they drew their power from the employers. When an employer cooperated with the trade union, being unionized would not make any difference in terms of OSH for the worker.

Finally, the importance of all parties' knowing the rights and responsibilities was emphasized. If the workers knew their rights and responsibilities, it was considered that the employers would be able to fulfil their obligations in terms of workers' health and safety.

The second case shared with the workers was the following:



*At a workplace in the metal industry, Mehmet had made a habit of working at a turning lathe while the protector was turned off. One day, while he was working at the turning lathe, a metal piece he was working on jumped over the protector and fell in front of Mehmet's foot. The foreman, who by chance saw this incident, acted like he didn't see it. Mehmet kept on working like nothing had happened.*

*One week later while Mehmet was working at the lathe, again with the protector turned off, a piece connected to the lathe, jumped off the protector and damaged the computer screen of the Computer Numerical Control (CNC) turning machine at the back row. In this occasion, the CNC turning machine was damaged due to user error and production was interrupted. When the employer heard about the situation, he called the foreman and OSE in to get information. The foreman stated that, although the operator was experienced and competent, the problem was due to operator error. The employer got angry and asks the OSE: "Haven't we done risk assessments in this workplace? Didn't you train the workers?" The OSE responds: "Yes we did, Sir, and we explained, but the workers do not obey the rules."*

*The employer ordered the HR Department to dismiss Mehmet and to hire another operator for his duty. Kazım, the newly hired operator, was an unexperienced employee who had never operated this machine before. In order not to interrupt the production, on-the-job training and OSH training was quickly given to this new operator by the foreman and the OSE.*

*Three days later Kazım, the new operator, who, like Mehmet, also worked on the lathe with the protector turned off, lost his balance, puts his arm in the lathe and had an occupational accident with loss of a limb.*

When the workers were discussing this case, they first stated that it was necessary to understand why the worker behaved like this. According to them, the reason was the pressure to meet required production levels. Workers who were expected to reach a certain production level within a certain period changed their priorities and neglected safety. The workers said that the pressure to meet required production levels also stressed them and the stress caused them to lose attention. It was also pointed out that competition among workers to increase production also had this effect. In the words of one worker, "One colleague shone and produced 6000 while we produced 5500 items. Then it was expected that everyone would be able to produce this number." Some

workers said that in some workplaces, well performing workers were awarded pecuniary and non-pecuniary benefits which also increased competition and that such a competitive environment caused OSH to be neglected.

Some of the participants stated that they were not comfortable using PPE and did not use it themselves. There were also workers who said that employers preferred low-cost protective equipment which did not provide needed protection and that such practices resulted in workers lack of trust in provided protective equipment. Some workers said that using such protective equipment depended on the workplace culture. According to the workers, in a workplace where everyone used safety equipment, a worker who just started the work also used the safety equipment without questioning. But a new worker in a workplace where no one used safety equipment did not use safety equipment. In this discussion, it was also stated that the sector level of institutionalization of the company, and the unionization rates of workers determined the application of sanctions within the generally accepted/expected behavior related to OSH in the workplace.

In the focus group in Soma, the workers referred to the right to removal in cases of serious, imminent and unavoidable danger under Article 13 of the OSH Law. Workers were aware of the risks and although they had the right to removal, it was not possible to use it in practice. They emphasized that their supervisors forced them to work even if they wanted to exercise their right to removal.

Based on their own experiences some workers said that there was a need for OSH training to raise the awareness of OSH issues among the workers. In their workplaces, work accidents would occur when the workers had not actually received any training although it seemed so. In addition, in some cases, especially among the experienced workers, OSH measures were not taken seriously. The fact that the foreman did not intervene, although he witnessed the whole process, was also seriously criticized by the workers.

Some workers stated that machines were normally designed to stop when a safety protector would be removed, but machines were modified to speed up the production. The employers were criticized by the workers for dismissing workers not using safe machines, providing a superficial training, and not giving any penalties to workers who used the machines in a wrong way.

Preventing such incidents required that the OSEs would be given increased sanctioning power and be enabled to use these sanctions in their supervisory work. In this context, it was again stated that since the OSEs were paid by the employers, they tended to protect the interests of the employers, which decreased the confidence of the workers had for these experts.

The obligations and responsibilities of the Government in this respect were also discussed. To promote prevention, the Government should impose sanctions against violating employers and apply continuous inspections. The workers stated that an employer who employs a worker without providing the necessary training should be sanctioned. According to the workers, a person who starts the job should initially work in safer position even if he or she had been trained. The workers also stated that the Government should defend

the rights of the workers and enable them to get the highest compensation, and that it was the responsibility of the Government to ensure that a worker like Kazım had a job guarantee for the rest of his life. Workers with personal experiences in this respect said that the delays in resolving court cases concerning occupational accidents deterred the workers from going to court. The employers chose to give a small amount of compensation in such cases. It was generally held that the Government should take steps to shorten the proceedings to prevent such cases.

The third case shared with the workers was the following:



*Following a collapse warning in a mine pit, Mustafa, who was taken to hospital in an ambulance, explained afterwards what had happened to him: “My lungs are poor, but I could not tell this to anyone, because I’m afraid that they will take me out of the mine. The day of the explosion, I was again short of breath, and I had sat down to rest. Suddenly I heard an explosion. As I saw the dust I started to run away. I was about to reach the entrance of the inclined shaft when I realized that I should have been wearing my mask. I tried to put on my mask for 5 minutes. The last time I had been trained on this by an OSE was when the masks had been change. As it was long time ago, I didn’t recall how to put on my mask properly. I did what I could and tried to breathe.” His friend, who listened to Mustafa’s explanation, said: “Brother, you did put on the mask, but you had forgotten to close your nose!*

The initial reaction by the workers when asked about the roles and responsibilities of all the parties in this case, was that the employer should have taken the necessary measures and created working conditions that would have allowed Mustafa to have a healthy working life. The workers said that drills were not done seriously enough, and therefore they were not effective for the participants. They also said that it was the responsibility of the employer to provide sufficient and necessary information to the workers on the hazards to be encountered in the mine. The workers also stated that that another serious safety problem was that the protective equipment workers were required to use was incomplete and/or inappropriate. In the view of the workers it was the negligence on the part of the employer that had caused Mustafa to continue to work while neglecting OSH requirements. It was recognized that in some sectors where the health conditions were poor, it was not possible to move a worker to healthier place of work. OSEs had very limited supervisory authority in such cases, because they were financially dependent on the employers. The workers also asserted that the trade unions should audit the workplaces to defend the rights of workers. They also called upon Government to continuously monitor applications involving safety chambers in the pit mines. According to one worker, the OSE, the trade union and the Government should transparently co-operate and coordinate to ensure a continuous supervision. Some workers indicated that the “daily undeclared rented worker” system had serious consequences since such workers were without any occupational rights and security. The workers stated that this system had fatal results in high-risk sectors.

The fourth case is shared with the workers as follows:



*In a mining facility, when the OSE Adem received a collapse warning, he rushed to the exit of the mine, agitatedly. When he arrived to the adit, he saw smoke coming out of the inclined shaft, pieces of fortification strewn around and workers who were trying to come out. Adem asked İbrahim - the responsible foreman of the shift - what had happened. İbrahim said: "Probably, firedamp had exploded in the new gallery where we have been carving. Some of our friends are inside and I don't think that they can come out. We have to inform the evacuation team immediately". OSE Adem asks: "How come there was a firedamp explosion? Weren't you measuring it continuously? Besides, I told you to install a suction fan while carving the gallery! We were sending the air we put in with van tube through the suction fans. It should have been impossible for methane to accumulate. How did this explosion happen?" İbrahim, the foreman states: "Sir, actually, we did what you told. We installed a suction fan. But the size-5 fan was broken. As you you may remember, we didn't carry out the periodic control of the size-5 fan as we should have done in the previous months. I installed a size-20 fan instead. I thought that it would clean better as it was more powerful.*

The first reaction of the workers to this case was that they found it very realistic. The workers' comments referred to issues like those addressed in the previous cases. To summarize: The fact that the foreman and the OSE did not take seriously the problems identified and reported by the workers was seen as a serious problem. In addition, parties blamed each other. The workers said that the foreman and the OSE were directly responsible in such cases, but that they only notified the employer after the problem had been solved. The employer was left out of the circle most of the time when it came to communication. The workers also said that there was no way that a worker could go over the OSE and the foreman and convey the problem to the employer directly. According to the workers, the employer was only made aware of the situation when there was a serious problem. Only then would the employer question how the situation had occurred. One worker reported that, in the case of a work accident that he had witnessed, the OSE never went to the scene. He had walked around the factory superficially, taken some notes before the monthly meetings and taken photographs. He had not been in the factory until the next meeting. The workers emphasized the importance of carrying out regular supervision by an OSE, a manager and the employer to combat such situations in a workplace during the production process. According to the workers, trade unions had very important functions to teach workers their rights and to assist them in matters concerning OSH. The workers who took the view that that union support increased the workers' power vis-a-vis the employer indicated that unionisation should be more widespread among the workers. One worker stated: "Even the worst trade union is better than not being unionised." It is believed that events such as those in the case would not have been encountered if the Government had carried out inspections regularly.

In conclusion, several issues appeared to be the focus of the workers. The workers emphasized that the size and institutionalization of the workplace, the unionisation of the workers, and whether the workplace was in the public or in the private sector determined all the processes related to OSH. There were also some sectoral differences. In sectors such as mining, relations among all related parties could develop differently from other

sectors. Workers engaged in the textile sector thought that their trade unions represented and protected their rights, while workers in the mining sector said that in their experience the opposite was the true. Another important point was the need to increase education and awareness among all relevant parties; workers, foremen, OSEs, and employers - all should receive training on OSH. The importance of OSH should be internalized by all parties. Another frequently highlighted point was the importance of audits. Audits should be carried out by OSEs, trade unions and the Government in a transparent and regular way. Based on their own experience, the workers added that the OSH professionals at their workplaces did not perform effective inspections, and that everything stayed on paper. According to the workers the main reason for this was that the OSH professionals were financially dependent on the employers. As a solution to this issue, it was recommended that the salaries of OSEs be paid from a common fund. Another notable point was that OSH was discussed by the workers as a matter which called for spirituality, conscience, goodness and compassion. OSH was discussed in the context of personal expectations rather than as an institutional obligation. This demonstrated that awareness and training on OSH was important.

### 3.3.2. The Employers

Before embarking on the analysis of the employers' focus group meetings, it should be reiterated that the employers were represented by persons with many different functions within the enterprises at issue (see p. 9 above). A positive result of this was that it triggered fruitful discussions from different perspectives. It also meant, however, that it was difficult to identify common employer' views and suggestions. On certain issues there was no consensus among the participants in the groups. Another important point to note is that the participants represented eight different sectors – the chemistry, metal, automotive, textile, packaging, machinery, furniture and food sectors. As noted previously, focus group meetings were held in Ankara, Gaziantep and Manisa (Soma).

The first case shared with the employer group was the following case situated in a textile factory:



*Ahmet, who is working in a textile mill, consulted a workplace doctor complaining of a heavy cough. Suspecting an occupational disease, the workplace doctor directed Ahmet to an authorized hospital for examination. After the examinations, Ahmet was diagnosed to suffer from occupational asthma. Ahmet got a medical report from the authorized hospital which he brought to the workplace doctor.*

*With reference to the medical report, the workplace doctor wrote a request to the Personnel Department (PD) to transfer Ahmet to another safer workplace. The PD Manager brought the request of the workplace doctor to the employer and indicated that Ahmet was the most experienced and talented Worker in his workplace.*

This case caused a heated debate among the participants; some participants indicated that this case reflected

the working conditions of small businesses and that the participants were the employers or employers' representatives of large enterprises. Some of the participants from large-scale workplaces said that they would send Ahmet to a hospital for occupational diseases because they did not trust the diagnosis. Participants continued discussions based on their own experiences stating that physicians working in hospitals authorized to diagnose occupational diseases sometimes made mistakes. It was interesting that even in the discussion of this fictitious case, the reliability of diagnosis was being questioned to this degree. In this regard, the general manager of a common OSH unit who attended the focus group meeting in Gaziantep stated that in that town, there was no hospital that could diagnose occupational diseases. Other participants responded that occupational diseases could be diagnosed at university hospitals. However, it was noted that the participants in three cities did not have clear information about this possibility.

On the other hand, one participant said, "If you got a report from the occupational diseases hospital, that was already instructive. But you had to apply the legislation without discussion if you received a report documenting the situation." Another employer recalled that according to current legislation, workers had the right to be transferred to another workplace if they suffered from an occupational disease.

The participants agreed that the practice in small and large-scale workplaces differed and that Ahmet's experience in the situation in the case would accordingly not have been the same in these two cases. In a large-scale enterprise, it was not possible to continue to employ a worker who had been diagnosed with an occupational disease but such situations could occur in small enterprises. In large enterprises, the process applied when a situation like this happened could be summarized as follows: The working environment of the worker would be changed regardless of how experienced he/she was, and he/she would work in another place for a certain period. There would already be another worker with similar qualifications who could take over the position of the worker and fulfil his responsibilities. The occupational physician would check his/her health again and the worker would not be able to go back to his/her initial work without obtaining the necessary approval. In addition, some participants added that in the case of large and corporate enterprises, such cases were resolved by the practice to require medical examinations upon recruitment and then after at regular intervals. The employer did not need to intervene in this process at all. Furthermore, large scale companies focussed on the export of goods completed their audits according to international standards which the requirements were higher than the national ones. There were fewer problems in these enterprises.

It was stated that PPE should also be used during inspections to prevent diseases from the beginning. In the case of small enterprises, some said that the cheapest and unqualified types of PPEs were provided and that this type of equipment was not only inadequate but also dysfunctional.

A participant who was an employer of a small business in the textile sector stated that this situation was harmful for both sides and that he had personal experience of a similar case:

"I'm producing knitwear. The more experienced worker trained the less experienced one to replace him. After that, we waited until the worker found another job. Afterwards, he voluntarily left the job himself.

We were only speeding up the process a little bit. Because whichever unit we would have transferred him to, his disease would continue. You can reduce dust, but you cannot get rid of it."

An OSE who disagreed with this comment stated:

"In such cases, we needed to do a root analysis. Why did this problem arise? Is the staff frivolity? Is the undisciplined use of PPE? Is it the environment or the lack of medical examinations? 98% of occupational accidents and 100% of occupational diseases can be prevented. In some cases, for men give less attention to OSH issues as they grow more experienced in functions. But if the employer had done his duty in terms of monitoring his Workers and regularly conducted medical examinations every year, they would not have come to this point. This is the joint responsibility of the worker and the employer."

Here the difference in approaches between OSEs and the employers was striking. While the employers argued that some accidents or health problems could not be prevented, the OSEs, especially those who were experienced, thought that they could certainly be prevented. They indicated that the aim of OSH studies was to prevent such situations that might arise in the same way. An employer stated that they were wrongly blamed:

"We train them, we equip them. What else can we do?"

An experienced HR manager stated that:

"I would investigate how I can take this Worker out of the field and use him as a mentor. It would be an enjoyable challenge for me."

Another HR manager indicated having experienced a very similar situation as this case. In that case, the operator in the machinery department with asthma was assigned to be an assistant to the accounting department. This experience increased the confidence and commitment of other workers in the company.

Two points were emphasized in the context of culture. Firstly, it was stated that many workers were transiting from the agricultural sector to the industrial sector. They are thus the first-generation industrial workers in their families. For them, it was difficult to adopt the OSH culture of the industry. Secondly, it is stated that fatalism was a common feature of our culture. When workers were warned, and invited to use protective equipment, they responded that "If it is in my destiny, I can't resist it". As the debate on culture continued, an employer from the metal industry shared that the common approach among the employers was to complain about OSH legislation and workers.

Some of the participants stated that the Government had serious obligations as well. A participant who was a common OSH unit manager stated that he felt very inadequate as an OSE having received a 15-day training. One OSE stated that OSH education should be given already in primary school, not when starting a job, only then both the employers and the workers could understand the seriousness of OSH. Another participant stated that the Government was not sincere about this issue mentioning that relevant developments in the legislation were done in order to comply with EU requirements during the pre-accession period. He also added that there were even discrepancies among the Law No. 6331 and relevant regulations, the durations for OSEs presence at workplaces were shortened, the durations for OSEs training shortened and furthermore the routine audits for

OSEs were not being done. The fact that many institutions and associations were involved in the legislative process (such as Vocational Qualifications Authority (MYK), SSI etc.) was also mentioned as a problem.

It was added that the OPHs and the OSEs had lost their independence because their salary was paid by the employers. It was pointed out how difficult it was for OSEs to be recruited in the same sector in small places if they had written negative reports about a workplace. In this respect, OSEs and occupational physicians applied a self-control mechanism, which had negative consequences for the workers. It was also stated that some MOLSS inspectors were very unexperienced; they did not know what issues they were checking and they lacked field experience. Another comment was that during the evaluation of reports, inspectors attached greater importance to the format of the report than to its content. In this respect, it was underlined that there was a need for government institutions with higher awareness, which were constantly in the field, which knew and supervised the field. Some also underscored that the biggest problem in OSH was the continuously changing legislation.

An employer from Gaziantep stated that:

"This is not Ankara, nor Istanbul. There is no infrastructure to enforce laws and legislation here. OSH is not a policy to be created with the imposition of legislation, but a culture. You cannot create a culture through fines."

The following second case in the metal sector was shared with the employer group:



*At a workplace in the metal industry, Mehmet had made a habit of working at a turning lathe while the protector was turned off. One day, while he was working at the turning lathe, a metal piece he was working on jumped over the protector and fell in front of Mehmet's foot. The foreman, who by chance saw this incident, acted like he didn't see it.*

*Mehmet kept on working like nothing had happened.*

*One week later while Mehmet was working at the lathe, again with the protector turned off, a piece connected to the lathe, jumped off the protector and damaged the computer screen of the Computer Numerical Control (CNC) turning machine at the back row. In this occasion, the CNC turning machine was damaged due to user error and production was interrupted. When the employer heard about the situation, he called the foreman and OSE in to get information. The foreman stated that, although the operator was experienced and competent, the problem was due to operator error. The employer got angry and asks the OSE: "Haven't we done risk assessments in this workplace? Didn't you train the workers?" The OSE responds: "Yes we did, Sir, and we explained, but the workers do not obey the rules."*

*The employer ordered the Human Resources Department to dismiss Mehmet and to hire another operator for his duty. Kazım, the newly hired operator, was an unexperienced employee who had never operated this machine before. In order not to interrupt the production, on-the-job training and OSH training was quickly given to this new operator by the foreman and the OSE.*

*Three days later Kazım, the new operator, who, like Mehmet, also worked on the lathe with the protector turned off, lost his balance, puts his arm in the lathe and has an occupational accident with loss of a limb.*

Although Mehmet knew the seriousness of the work, it was thought that this situation was caused by his desire to work comfortably. A general view was that this case occurred because the foreman had not reported the shortcomings neither to the worker nor to the chief in order not to reduce the production rate, even though he saw the mistake. After this case had been shared, the view was that, while everyone had some responsibility for this accident, the mainly responsible person was the OSE. Furthermore, OSEs as well as the workers should be trained on how to use the machines. Participants who were OSEs also pointed out that the employer was also responsible for the accident. An OSE said that the employer had a shared responsibility because they didn't consider the reports and they pushed for overproduction. An HR manager who approached the question from a with a different point of view, stated that he thought that the second accident was an HR-based accident because Mehmet had not been interviewed before he left his position. He emphasized that if a worker was interviewed and a warning is given to the foreman and the OSE in this process, cases like this could be prevented.

The fact that the employer was not aware of all these processes was mentioned as a problem. A HR manager emphasized the importance of training for the employers. It is not enough to have the required financial resources - employers should know how to supervise and implement the processes. He added that only when the employers were trained, would he be able actively to supervise the workers who were affiliated with him. However, the employers left all the responsibility to the OSEs in such matters.

While discussing this case, unlike the first one, it was mentioned that the Government used only the penalty mechanism related to OSH, instead of using a reward system. For example, rewards could be offered in cases where there had been no occupational accidents for a certain time in "hazardous" and "very hazardous" workplaces. A 2-3% SSI contribution reduction could be used. An OSE working in Gaziantep stated that the Government had introduced such an incentive mechanism if there had been no occupational accidents for three years in "very hazardous" workplaces. However, it was noted that other participants did not have any knowledge nor information on this issue.

The fact that the salaries of OSEs were paid by the employers was also discussed in this case. It was stated that the legislation needed to be reviewed according to the situation in Turkey. An OSE added that in Turkey, OSEs had no chamber, and there were no regulations to defend their rights. On top of that, employer statements such as "So do we need to both pay you and defend you?" had caused tensions between the employers and the OSEs. It was also mentioned that the OSEs had poor working conditions, no job security, and work with low salaries. Furthermore, even if there were no OSEs in Gaziantep, there were people who were working as OSEs with the certificate of another OSE.

There were also some comments made about the supervision by the inspectors'. It was stated that inspections appeared to be based on very arbitrary criteria, not on a specific standard.

The discussions of the third and fourth cases were carried out together because they both related to the mining sector.

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*Following a collapse warning in a mine pit, Mustafa, who was taken to hospital in an ambulance, explained afterwards what had happened to him: “My lungs are poor, but I could tell this to anyone, because I’m afraid that they will take me out of the mine. The day of the explosion, I was again short of breath, and I had sat down to rest. Suddenly I heard an explosion. As I saw the dust I started to run away. I was about to reach the entrance of the inclined shaft when I realized that I should have been wearing my mask. I tried to put on my mask for 5 minutes. The last time I had been trained on this by an OSE was when the masks had been changed. As it was long time ago, I didn’t recall how to put on my mask properly. I did what I could and tried to breathe.” His friend, who listened to Mustafa’s explanation, said: “Brother, you did put on the mask, but you had forgotten to close your nose!”*

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*In a mining facility, when the OSE Adem received a collapse warning, he rushed to the exit of the mine, agitatedly. When he arrived to the adit, he saw smoke coming out of the inclined shaft, pieces of fortification strewn around and workers who were trying to come out. Adem asked İbrahim - the responsible foreman of the shift - what had happened. İbrahim said: “Probably, firedamp had exploded in the new gallery where we have been carving. Some of our friends are inside and I don’t think that they can come out. We have to inform the evacuation team immediately”. OSE Adem asks: “How come there was a firedamp explosion? Weren’t you measuring it continuously? Besides, I told you to install a suction fan while carving the gallery! We were sending the air we put in with van tube through the suction fans. It should have been impossible for methane to accumulate. How did this explosion happen?” İbrahim, the foreman states: “Sir, actually, we did what you told. We installed a suction fan. But the size-5 fan was broken. As you you may remember, we didn’t carry out the periodic control of the size-5 fan as we should have done in the previous months. I installed a size-20 fan instead. I thought that it would clean better as it was more powerful.”*

The employer representative in Soma stated that the case was wrong and the discussion could be carried out after a correction is made as follows:

*"No absorbent fan can be used in any methane environment. When fresh air was blown, polluted air comes out. You cannot pass dirty air through the fan. So let's forget the suction fan in this case, instead let's put a blowing fan, but insufficient fan. Let's discuss it so."*

It was generally stated in the discussions that there was an administrative mistake. The lack of audit was considered to be the responsibility of the Employer, the lack of documentation the responsibility of the OSE, and the lack of signature on the documents the responsibility of the foreman. However, in practice, it is said that the OSE would be held solely responsible.

An OSE working as an engineer in the focus group meeting in Soma noted that similar problems might exist in small businesses, where a mining engineer was often the site manager, where the work was conducted according to his vision, and where some decisions might be contrary to OSH. It was stated that these types of accidents were preventable with investments in infrastructure and equipment, but in the mining sector they were very costly, so, unfortunately, most of them were not implemented. It was also said the employers were ready to invest in all kinds of measures but as regulations changed continuously these investments are wasted.

To address this, the legislator should make an inclusive and realistic regulation from the beginning instead of changing regulation continuously. While discussing this case, it was stated that operating conditions in Soma include risks and dangers which were not common in other sectors. Although it was true that other sectors such as construction has also had numerous and big accidents, these were not as visible as the mining accidents. Everybody focused on mining accidents and this put a lot of pressure on workers and employers in the mining sector.

In conclusion, there were several points to be emphasized when the focus groups assessed case studies with employer and the representative of the employers that could attend. These included; There were differences between institutionalized and generally export-oriented businesses and small-scale workplaces; If OSH would be properly institutionalised, and shaped by the views of the employer and the workers, OSH would become a part of the corporate culture. In many the small companies, most of the OSH work stayed on paper. All participants agreed that positive developments in OSH could only achieved through training and conscious participation of all involved parties. The problem of the financial independence of OSEs and their lack of job security expressed as a problem by all. Structural problems, such as the lack of or functional OSH audits were also noted as well as the fact that the experiences of and difficulties in terms of OSH in various sectors were different; In very hazardous and risky sectors, OSEs had very serious responsibilities, but did not have the adequate level of authority.

While the different points of view from the parties added value to the debate, it was sometimes also a source of tension. The employers expressed a lot of criticism of the Government institutions. The main points in this respect were: the frequent changes of legislation; the fact that legislation was not adapted to the local conditions; the inadequacy of the training of the OSEs; and, the Government's approach to sanctions and penalties. The employers proposed a process with comprehensive studies for the development for laws and regulations to enable the development of legislation which would be valid for long years. Furthermore, the quality of the OSEs' training should be improved to be more comprehensive way and longer lasting. An award system should be introduced good practice examples.



# 4. CONCLUSIONS



The purpose of the present study was to get further insight into the actual practice regarding the functions and responsibilities of OSEs and OPHs among relevant target groups. The surveys and discussions held have provided valuable information in this respect as well as on other aspects of the functioning of the national OSH system as a whole.

### *The Legislative Context*

Most views were positive regarding the current legislative context, but some, including the judges, considered the OSH legislation to be too detailed and complicated. The employers criticized the frequent changes in the area of OSH which had been implemented with short notice and which therefore were difficult to implement. The employers advocated that comprehensive studies should precede any legislative changes to enable the development of legislation which would be valid for long years. Judges also argued that it would be very useful to have informative on-the-job training sessions to be informed about the changes and developments in the legislative context.

### *Awareness OSH Legislation and Application in Practice*

There was a general agreement that the main concern was that current OSH legislation was not properly known, understood, used and applied. Many examples were offered in this respect and the effect of this situation was discussed at length. Measures needed to be developed and implemented – at all levels and for all groups concerned - to facilitate translating current legislation into practice. The judges, for example, expressed a clear interest in improving their knowledge in terms of OSH and proposed that further training possibilities should be offered to them through pre-vocational courses, in-service training and seminars.

Measures should be taken to increase awareness, improve the knowledgebase, monitor application through regular audits etc., and improve supervision of application through inspections. A significant point made both by the employers and the workers group was the need to develop measures and adapt action by sector and type of enterprise, taking particular attention to the different situations in small and large-scale workplaces. In other terms, while the OSH law applied generally, its practical application in different contexts needed to be explained and exemplified in order to be properly implemented. The need to involve the trade unions in this work was emphasized by the workers.

### *Employers' Roles and Responsibilities*

While nobody disputed the employers' legal responsibility for OSH, the employers themselves recognized that it was problematic that many employers were not sufficiently aware of relevant OSH legislation and processes.

## CONCLUSIONS

Employers should thus be a specific target for training on OSH. Some employers considered this lack of awareness – at least to some extent – could be attributed to the continuously changing legislation which also made the employers too dependent on the OSH professionals. The OSEs for their part considered that employers were not sufficiently engaged in OSH matters and seemed to see investments in OSH to be an additional and often unnecessary cost. According to OSEs, the lack of employers' commitment to the OSH matters and processes lead to a corresponding decrease in the interest and involvement of workers. In their view, the employers' involvement in OSH issues such as training of workers, risk assessment and the proper (and improper) use of PPE, appeared mainly to be driven by concerns formally to fulfil legal requirements.

The employers' role in developing a safety culture was raised and the employers made the point that if OSH would be properly institutionalised, and shaped by the views of the employer and the workers, OSH would become a part of the corporate culture. The employers also recognized that particular attention should be given to needs of first-generation industrial workers transiting from the agricultural sector where fortuitism was most prevalent to adapt to an OSH culture in the industrial sector based on prevention. The workers emphasized that the use of PPE was often an issue of workplace culture where top down leadership was important. The lack of quality of PPE provided by the employers and the absence of the maintenance as well as continuous inspection of PPE were also issues underlined by OSEs and the workers. Some workers, in particular those from Soma, mentioned that the PPE provided were not only inadequate and did not serve their protective purpose, but they also made it harder to work.

In workplaces where everyone used PPE, newly employed workers used work safety equipment without questioning. The workers also referred to the responsibilities of the employers to limit pressure towards overproduction which caused stress and tended to trigger competition among the workers. This was an important problem particularly for the small-size enterprises and was a significant risk factor as it caused OSH concerns to be neglected.

### *OSE's Roles and Responsibilities*

The OSE's considered that their roles and responsibilities and those of the employers respectively were not sufficiently well defined and differentiated in legislation. The OSE's also referred to the discouraging climate at the workplaces in which the OSEs operated. Their role was limited to audits which remained on paper than really being able truly to monitor how rules and regulations were followed. There was, however, a common agreement that there was also a need to improve the level of knowledge among the OSEs to be able to fulfil their prescribed functions in workplaces. The provision of hands-on experience and knowledge about how to carry out audits and risk assessments was particularly emphasized. Calls were made, for example, for the development of practical guides on how to implement the requirements for risk assessments and audits in different types of enterprises. More generally, the OSEs considered that available OSH training should be improved, prolonged

and be more focused on practical implementation of legal requirements through face-to-face training rather than through distance learning.

The second aspect of the OSE's roles and responsibilities concerned their authority and capacity to ensure that appropriate action would be taken. The judges considered that although the relevant articles were seen as positive developments in the legal sense regarding the roles and responsibilities of the OSE's and of the employers in the OSH Law, it was stated that there were some difficulties and problems in the practical implementation of these provisions. The common view was that the OSEs were too dependent on the employers and that the OSEs capacity to take action was restricted by their limited ability to influence the employers in an effective way. The OSEs emphasized the positive impact of OSH committees as work in these committees improved communication between the OSEs, the employer and other relevant parties. The OSE's considered that OSH committees contributed to a proper distribution of OSH-related responsibilities and to a more effective implementation of OSH improvements. With reference to the legal provisions in the OSH Law, the judges considered that the possibility to terminate the contracts of OSEs or OPHs who did not take the necessary measures was a very positive development in terms of ensuring the safety of a workplace. However, the judges were also concerned that this could also have the effect of reducing the employers' responsibility. The ties between the OSEs and the employers with the enterprise they supervised made it difficult for the OSEs to carry out their work. According to some judges, these ties were not only financial but also emotional and were based on a perceived sense of loyalty towards the employer. Such ties could, *inter alia*, threaten the objectivity of the OSEs in the auditing process. The employers for their part emphasized the need to improve the training of the OSEs, but also recognized that - in the event of OSEs participated the focus group meetings on behalf of employers - OSEs had poor working conditions, no job security, worked with low salaries; and that in some sectors, an OSEs who had written negative report about a workplace risked not to be able to be recruited in the same sector. It was thus essential to increase the authority and independence of the OSEs. The OSEs suggested that this should be done by ensuring that the OSE's would be paid by a source other than the employer. Most OSEs proposed funding by the Government while others - including the workers - suggested funding through a common fund.

In the discussion with the judges it became clear that the OSEs had another important function as they were an indispensable part of the process of adjudication of OSH claims. The judiciary had limited technical knowledge on OSH and the adjudication of OSH cases always required them to solicit information from other institutions and - notably - from court experts. As regards cases involving OSH, the need to rely on expert reports was a concern in practice because it complicated and prolonged the judicial proceedings. It was difficult to find competent and efficient court experts who were specialized in OSH, and expert reports were often inadequate. Due to their lack of knowledge on OSH, it was also difficult for the judges to evaluate the experts' reports. These difficulties were significant as they restricted the judiciary in the proper exercise of their authority. It was thus essential to increase the number and the capacity of the experts, improve their capacity to produce effective and qualified reports. It should be added that the OSEs for their part considered that their difficulties in the

## CONCLUSIONS

judicial processes were mainly due to insufficient awareness and knowledge of OSH among judges, lawyers, prosecutors, etc.

### *Risk Assessments and Audits*

More specifically regarding risk assessments and audits, the OSE's considered on the one hand that they were often not properly carried out and on the other that sufficient importance was not attributed to the implementation of their outcomes. According to the workers ineffective auditing and inspections was an important cause for a poor level of implementation of OSH requirements. Measures should be taken to increase the attention among employers as well as among OSEs on the importance of audits and to the implementation of their outcomes. Measures should thus be taken to ensure that regular audits were carried out by OSEs, trade unions and the government in a transparent way.

### *The Judicial Process*

In addition to the problems related to the unavailability of court experts who were specialized in OSH, the judges expressed concerns regarding the calculation system used for establishing compensation for occupational diseases. These calculations were based on outdated assumptions and tables and the calculation systems were complex. Furthermore, the lack of standardized calculation methods made the calculations were even more complex. The judges suggested to ensure a regular updating of the calculation tables based on the facts of the social life and provide training for their use for all related parties. It was also suggested to develop certain standardized criteria to simplify the calculation of compensation to be awarded. In terms of procedure, the judges also proposed to introduce a right for judges specializing in OSH to be able to carry out inspection on their own motion (i.e. without a request from the parties). The judges emphasized that the delays in the court proceedings had serious implications for the worker claimants as they often lacked the resources necessary for them to maintain their claims for a prolonged period of time. The prolonged legal processes risked discouraging workers to maintain their claims and might cause them to settle their claims with the employer at an amount of compensation below that which the court would be expected to grant. The judges also reported that, the lengthy court proceedings, caused workers not apply to the courts at all. The workers urged the Government to take steps to shorten the court proceedings.

### *Right to Removal*

Regarding the specific question of the application in practice of article 13 of the OSH Law, most of the judges were not aware any court cases involving the exercise of the workers' rights in this respect. While this could be

explained by a fear from dismissal in a context of high unemployment, other factors influencing the exercise of this right included lack of education, a lack of (or inadequate) training on the rights of workers, the weakness of the trade union movement, and inadequate inspections. In order to address these problems, the judges suggested the following measures: developing dedicated visual materials and handbooks; involving bar associations and trade unions in the creation of training programs; considering the development of more specific guidance on the role and responsibilities of OSEs in practice; introducing the possibility to impose administrative sanctions on employers; introducing an additional item for compensation for "malpractice by employers"; setting up hotlines for complaints and denunciations to MOLSS; and developing mandatory clauses to protect workers from dismissals in cases of use of article 13.

### *The Media*

The media representatives considered they were aware of OSH and relevant rights and responsibilities of the parties. When preparing televised or printed news on OSH, they most often consulted OSEs or the academic community. They were fairly confident that their resulting reporting was reliable, but were more critical of the general reliability of the news coverage on OSH. While most media reports were considered to be biased one way or the other, they did not consider this bias to be against any particular party in the working life. Very few considered that OSH professionals were criticized more often than others. Most considered that the media should seek to improve public awareness of OSH, for others the role of the media should be call for remedial actions to be taken. The judges noted that while the media could contribute to an increasing awareness about OSH issues and to ensuring a proper pursuit of those responsible, the media should, however, refrain from sensationalism and focus on technical issues and on common sense when reporting. Another expectation of all parts from media is to increase the awareness and knowledge about relevant rights and legislative changes on OSH through informative news coverage.

# 5. ANNEX



## A. Methodology of Quantitative Studies

### *Measuring the Consistency of Questions*

Questions were applied to a pilot group in order to identify discrepancies, deficiencies and mistakes in the questions. In order to be able to see the accuracy of the scales used in the evaluation design for different scenarios, tests were performed under different strata. In addition, Cronbach's Alpha and Kappa tests were applied on the pilot data in order to obtain accurate statistical results. The necessary structure has been set up to carry out these tests. In order to determine the compliance of the questions, Cronbach's Alpha values were calculated for each question and item and the evaluation design was updated by determining the questions which disordered the compliance of the questionnaire.

Validity and reliability of the scale used in the research are important in terms of the research results. A scale should be tested for reliability and validity before use. The reliability of a scale indicates the extent to which it gives the same results when the scale is sampled at different times. Reliability in this sense is an indicator of how promptly the questions asked to measure a variable are deliberately answered. In this study, Cronbach's Alpha model was used for reliability analysis. Cronbach's alpha is the compliance value due to correlations between questions. Cronbach's alpha indicates the total reliability level of the questions under the factor. When Cronbach's Alpha value is 0.70 or greater, your scale is considered to be reliable (DeVellis, R.F. 2012). However, when the number of questions is small, this limit can be accepted as 0.60 or more. The Alpha coefficient calculated to test the internal consistency of the questions on the likert scale in the question form is calculated using the formula given below.

#### *Cronbach's Alpha Coefficient*

$$\alpha = \frac{k}{k-1} \left( 1 - \frac{\sum V_i}{V_{test}} \right)$$

$\alpha$ : Alpha coefficient

$k$ : Question number

$V_i$ : Variance of questions in each question

$V_{test}$ : Total variance of questions across the test

Each item in question C.26 in the questionnaire prepared for occupational health and safety professionals is measured in likert scale. In order to measure the consistency of these items, Cronbach's Alpha coefficient was calculated. According to the test results, Cronbach's Alpha value was calculated as 0.89. Therefore, this question seems to have a high degree of reliability in terms of internal consistency.

### Sample Details

The extent and accuracy of information obtained from field data is significantly influenced by the nature of the sampling previously determined. Therefore, the properties of participants which the data to be used would be obtained during the research were determined in this section. Random sample selection algorithms include cluster sample selection, stratified sample selection or random sample selection methods. For each method to be used, in particular the lowest number of samples was determined by statistical calculations. The number of samples was determined so that the sample to be used within the scope of the research would be controlled with a target kit that will be appropriate to the research topic and content, and pilot studies will be conducted to ensure unbiased results in the 95% confidence interval. Since there is no field cost in the online survey applications, it is envisaged to go beyond the lowest number of samples to be determined by planning to reach the participants as much as possible within the target group selected by the institution.

As is known in statistical research techniques, the reliability of the results is directly proportional to the sample size. In this context, it is necessary to calculate the minimum sample size ( $n$ ) required to achieve the desired results at the target reliability level. In order to determine the sampling methodology, the smallest sample size required throughout the study was calculated using the formula below.

$$n = \frac{n_0 N}{n_0 + (N - 1)}$$

$$n_0 = \frac{(z_{\alpha/2})^2 [p(1 - p)]}{(MRE)^2}$$

$n$ : Minimum sample size required

$n_0$ : Uncorrected sample size

$N$  : Population size

$z_{\alpha/2}$ : Z-score for the confidence interval of %  $(1 - \alpha)$  (95% confidence interval selected)

$p$  : Percentage of expected rate (determined as  $p = 0.5$ )

$MRE$ : Maximum acceptable error margin (%) ( $MRE = 0.25$ )

*Smallest Sample Size*

Population Size	$\alpha = 0.05$					
	0.03 (MRE)			0.05 (MRE)		
p	$p=0.8$ $q=0.2$	$p=0.3$ $q=0.7$	$p=0.5$ $q=0.5$	$p=0.8$ $q=0.2$	$p=0.3$ $q=0.7$	$p=0.5$ $q=0.5$
1000	516	406	473	278	198	244
10000	964	639	823	370	240	313
100000	1056	678	888	383	245	322
<b>1 Million</b>	1066	682	<b>896</b>	384	246	323

## B. Tables of Quantitative Studies

### B.1. Occupational Safety Experts

#### *Demographic Questions*

	FREQUENCY	PERCENT (%)
Male	<b>3062</b>	<b>74.1</b>
Female	<b>1069</b>	<b>25.9</b>

**Table 1.1.** Gender

	FREQUENCY	PERCENT (%)
20-24	<b>262</b>	<b>6.3</b>
25-29	<b>1112</b>	<b>26.8</b>
30-34	<b>1064</b>	<b>25.7</b>
35-39	<b>727</b>	<b>17.6</b>
40-44	<b>434</b>	<b>10.5</b>
45-49	<b>242</b>	<b>5.8</b>
50-54	<b>162</b>	<b>3.9</b>
55-59	<b>70</b>	<b>1.7</b>
60+	<b>68</b>	<b>1.7</b>

**Table 1.2.** Participant age distribution

	FREQUENCY	PERCENT (%)
Marmara Region	1865	45.2
Central Anatolia Region	675	16.4
Aegean Region	591	14.3
Mediterranean Region	427	10.4
Black Sea Region	268	6.5
South-Eastern Anatolia Region	160	3.9
Eastern Anatolia Region	134	3.3

**Table 1.3.** Participant region distribution on the basis of where they work

### *Educational Information*

	FREQUENCY	PERCENT (%)
ÇASGEM	253	6.1
Private educational institution	2659	64.5
University	1214	29.4

**Table 1.4.** Category of the organization through which participants got their training

	FREQUENCY	PERCENT (%)
Sufficient	915	22.2
Neither sufficient nor insufficient	1808	44.0
Insufficient	1391	33.8

**Table 1.5.** How do you evaluate the adequacy of the training about OSE?

	FREQUENCY	PERCENT (%)
Sufficient	1202	29.3
Neither sufficient nor insufficient	1975	48.1
Insufficient	928	22.6

**Table 1.6.** How do you evaluate the level of knowledge of the trainers?

	FREQUENCY	PERCENT (%)
Short	<b>2442</b>	<b>59.3</b>
Neither long nor short	<b>1493</b>	<b>36.3</b>
Long	<b>182</b>	<b>4.4</b>

**Table 1.7.** What do you think about the duration of the training programs (OSE)?

	FREQUENCY	PERCENT (%)
Only distance learning	<b>116</b>	<b>2.8</b>
Only face to face training	<b>2532</b>	<b>61.3</b>
Face-to-face and distance learning together	<b>1481</b>	<b>35.9</b>

**Table 1.8.** Which type of OSE or OPH training programs do you prefer?

	FREQUENCY
Application	<b>3051</b>
Practical knowledge	<b>2187</b>
Training material	<b>1262</b>
Quality	<b>1166</b>

**Table 1.9.** What are the aspects of training which you have found insufficient or in need of improvement?

	FREQUENCY
By individual research	<b>3211</b>
Through training activities oriented to certain sectors, risks or areas of legislation	<b>1469</b>
By attending meetings, symposia, congresses etc.	<b>937</b>
Through other training activities organized by MOLSS	<b>291</b>
I cannot update/I don't update	<b>274</b>
Through refreshment training	<b>192</b>
My knowledge is enough	<b>122</b>

**Table 1.10.** How do you update the knowledge you got from specialist training programs?

### Views about the Occupation and Legislation

	FREQUENCY	PERCENT (%)
Supervision and provider of guidance and consultancy at workplace	<b>3215</b>	<b>79.8</b>
Provider of guidance and consultancy at workplace	<b>719</b>	<b>17.8</b>
Inspector of workplace	<b>96</b>	<b>2.4</b>

**Table 1.11.** How would you describe your role as an occupational safety expert?

	FREQUENCY
Lack of interest of parties about the subject	<b>2625</b>
Difficulty in application of legislation	<b>2594</b>
Weakness or lack of professional independence	<b>2313</b>
Inadequacy of wages	<b>2313</b>
Difficulty in application of legislation	<b>2148</b>
Lack of job security	<b>1838</b>
Stressful working environment	<b>1771</b>
Open to social pressures	<b>1367</b>

**Table 1.12.** What are the negative aspects of your occupation?

	FREQUENCY
Moral satisfaction with social responsibility	<b>2255</b>
Field experience	<b>1727</b>
Additional employment opportunities	<b>1003</b>
Flexible working conditions	<b>872</b>
Job satisfaction	<b>482</b>
High social statue	<b>273</b>
Financial satisfaction	<b>182</b>

**Table 1.13.** What are the positive aspects of your job?

	FREQUENCY
The employee(s)	2600
The employer	2110
The ministry	1633
Society	1495
The owner of CHSU	1046

**Table 1.14.** Who do you feel responsible to while providing OSH services?

	FREQUENCY	PERCENT (%)
By increasing their authority	2234	54.3
By increasing awareness of related partners	883	21.5
By strengthening of professional association of OSH specialists	687	16.7
By decreasing their responsibilities	267	6.5
By increasing their responsibilities	30	0.7
By decreasing their authority	16	0.3

**Table 1.15.** How can the role and the responsibilities of OSH specialists become more efficient?

	FREQUENCY	PERCENT (%)
Sufficient	616	15.0
Neither sufficient nor insufficient	1644	39.9
Insufficient	1856	45.1

**Table 1.16.** How do you evaluate current OSH legislation?

	FREQUENCY	PERCENT (%)
Yes	151	3.7
No	3960	96.3

**Table 1.17.** Do you think that legislation is properly used and applied in practice?

	FREQUENCY	PERCENT (%)
Yes	<b>1896</b>	<b>47.9</b>
No	<b>2063</b>	<b>52.1</b>

**Table 1.18.** Are there any difficulties encountered while accessing sources of information about legislative changes?

	FREQUENCY	PERCENT (%)
Yes	<b>1759</b>	<b>44.5</b>
No	<b>2196</b>	<b>55.5</b>

**Table 1.19.** Is the duration between changes of legislation and its application too short?

	FREQUENCY	PERCENT (%)
Yes	<b>765</b>	<b>19.3</b>
No	<b>3191</b>	<b>80.7</b>

**Table 1.20.** Is there enough code of practices for the application of legislation?

	FREQUENCY	PERCENT (%)
Yes	<b>387</b>	<b>9.8</b>
No	<b>3569</b>	<b>90.2</b>

**Table 1.21.** Is there enough examples on how to apply OSH legislation in practice?

	FREQUENCY	PERCENT (%)
Yes	<b>2840</b>	<b>71.8</b>
No	<b>1113</b>	<b>28.2</b>

**Table 1.22.** Are examples on how to apply OSH legislation in practice difficult to access?

	FREQUENCY	PERCENT (%)
Yes	<b>3780</b>	<b>95.4</b>
No	<b>184</b>	<b>4.6</b>

**Table 1.23.** Is a full implementation of national OSH legislation considered to be costly for employers?

	FREQUENCY	PERCENT (%)
Yes	<b>481</b>	<b>12.1</b>
No	<b>3181</b>	<b>87.9</b>

**Table 1.24.** Is there sufficient monitoring of the implementation of legislation through audits/inspections?

	FREQUENCY	PERCENT (%)
Yes	<b>2914</b>	<b>73.5</b>
No	<b>1048</b>	<b>26.5</b>

**Table 1.25.** Is further legislation needed?

	FREQUENCY	PERCENT (%)
Short	<b>1654</b>	<b>40.1</b>
Neither Long nor Short	<b>1994</b>	<b>48.4</b>
Long	<b>473</b>	<b>11.5</b>

**Table 1.26.** What Do You Think About Working Time for OSH Professionals Indicated in The Legislation?

Absolutely disagree (1)		Absolutely agree (5)
	AVERAGE	SCORE
In the process of drafting legislation, stakeholders' suggestions are not sufficiently taken into account.	4.5	
Stakeholders have not been sufficiently involved in the legislative preparative process.	4.5	
The legal responsibilities of OSH professionals exceed their legal authority to act.	4.4	
Account should be taken of factors such as business type, business size, sector, etc. in national OSH legislation.	4.4	
Due to general statements in the legislation, there is a need for sub regulations such as regulations, communiques, etc.	4.3	
Since OSH legislation is not consistent with legislation in other areas, consistency of national legislation needs to be improved.	4.2	
Legislation is updated or revised too frequently. This makes it difficult to follow it and apply it.	4.1	
The wording in the legislation is not clear or is too complex. It should be clarified and simplified.	3.5	
The role and responsibilities of Employers and OSH professionals are well defined and differentiated in the legislation.	2.8	

**Table 1.27.** Specify your evaluations about following statements?

### Cooperation between Stakeholders and How They See Each Other

	FREQUENCY
Affect the communication between the OSH professionals and all related parties.	2176
Affect the distribution of OSH related responsibilities in a positive way.	2131
Affect the communication between the OSH professionals and the employer in a positive way.	1938
Affect the adaptation process for safety and health improvements in a positive way.	1621
Contribute to making OSH professionals more effective in their work.	1276
Contribute to making OSH professionals less effective in their work.	293
Affect the definition of responsibilities in a negative or positive way.	292
Affect the adaptation process for safety and health improvements in a negative way.	289
Affect the communication between the OSH professionals and the Employer in negative way.	175
Affect the distribution of OSH related responsibilities in a negative way.	145

**Table 1.28.** How do you think that the setup of an OSH committee affects OSH professionals?

	FREQUENCY
Employees	1503
Employer	1282
Judicial system	532
Trade Unions	248
Media	238
Civil society organizations	187

**Table 1.29.** Which party is the most efficient one in contributing to OSH studies?

	FREQUENCY
OSH Training process of employees	2496
The process of OSH notebook's writing	2322
Improper (or non-) use of proper personal protective equipment (PPE)	1929
Assignment of work-areas for employees	1824
Workplace measurements	1564
Medical checks	904

**Table 1.30.** What are the areas most vulnerable for interference by employers?

	FREQUENCY	PERCENT (%)
Yes	<b>1196</b>	<b>29.1</b>
No	<b>2907</b>	<b>70.9</b>

**Table 1.31.** From the perspective of enabling a safe and healthy workplace, do you think the relationship between employees and OSH professionals is efficient?

	FREQUENCY
Employers view OSH investments as an additional and unnecessary cost.	<b>2203</b>
As regards risk assessments: employers are more concerned about fulfilling legal requirements than carrying out (and implement conclusions of) risk assessments.	<b>1927</b>
As regards OSH training of employees: employers are more concerned about fulfilling legal requirements than providing high quality training.	<b>1915</b>
Employees are negligent regarding the application of prescribed OSH measures.	<b>1905</b>
Employers often exert undue pressure on OSH professionals regarding their appreciation of the OSH situation.	<b>1681</b>
Employees do not attach sufficient importance to OSH training.	<b>1604</b>
Employees do not use personal protective equipment (PPE) as required.	<b>1538</b>
OSH measures are carried out and implemented most frequently during audit periods.	<b>1511</b>

**Table 1.32.** From the perspective of enabling a safe and healthy workplace, in your opinion what are the reason(s) for the lack of efficiency in the relationship between employees and OSH professionals?

### *Legal Obligations and the Judiciary*

	FREQUENCY	PERCENT (%)
If it a life threatening occurrence, I personally take appropriate action.	<b>1714</b>	<b>41.7</b>
I notify the employer.	<b>1216</b>	<b>29.6</b>
I report it.	<b>1018</b>	<b>24.8</b>
I notify the ministry.	<b>153</b>	<b>3.7</b>
I ignore it.	<b>5</b>	<b>0.2</b>

**Table 1.33.** What do you do when you are faced with an occurrence that may lead to an occupational accident at your workplace?

	FREQUENCY
Involving sanctions have a deterrent effect on the occurrence of occupational accidents/diseases	2396
Contribute to raising the awareness among stakeholders regarding OSH and occupational accidents/diseases	1584
Contribute to raising the awareness among public in general about OSH and occupational accidents/diseases	1310
Have a preventive effect on the occurrence of occupational accidents/diseases	805
Strengthen the sense of justice regarding OSH among relevant stakeholders	563

**Table 1.34.** What do you think about the decisions in court cases in relation to occupational accidents?

	FREQUENCY
Insufficient awareness and knowledge of OSH among the personnel in the judicial bodies (judges, lawyers, prosecutors, etc.)	2766
Unavailability of sufficiently experienced court experts	2389
Insufficient support and protection by unionization for OSH professionals	1788
Undue interference by employers	1659
Slow judicial process	1327
Undue interference by political authorities	1154
Being awarded harsher punishments than could or should be expected	1080
Undue interference by expectations from the public in court decisions	874

**Table 1.35.** What are the main difficulties OSH professionals are faced with in the judicial process?

### *Perception of Professional Independence*

	FREQUENCY
Ability effectively to impose decisions on the employer	3127
Ability to carry out work independently and to take related decisions	2409
Adequate level of salary	2056
Regular payment of salary	1994
Appropriate interaction with employees at the workplace	1915
Flexible working hours	1110

**Table 1.36.** Which of the following factors are important for you at a workplace?

	FREQUENCY	PERCENT (%)
Employers	<b>2160</b>	<b>53.3</b>
Employees	<b>1845</b>	<b>45.5</b>
Trade Unions	<b>46</b>	<b>1.2</b>

**Table 1.37.** Which group(s) tend to have the greatest influence on your decisions?

	FREQUENCY	PERCENT (%)
Being paid by a source other than the employer at issue.	<b>2389</b>	<b>58.6</b>
Independence regarding technical assessments and decisions	<b>1326</b>	<b>32.5</b>
A secure job position	<b>364</b>	<b>8.9</b>

**Table 1.38.** Which would be most important for you to achieve professional independence?

	FREQUENCY	PERCENT (%)
Completely dependent	<b>1292</b>	<b>31.5</b>
Dependent	<b>1324</b>	<b>32.3</b>
Neither independent nor dependent	<b>1188</b>	<b>29.0</b>
Independent	<b>214</b>	<b>5.2</b>
Completely independent	<b>81</b>	<b>2.0</b>

**Table 1.39.** Where do you see yourself in terms of professional independence?

	FREQUENCY	PERCENT (%)
It affects me positively	<b>34</b>	<b>0.8</b>
It has no effect	<b>393</b>	<b>9.6</b>
It affects me negatively	<b>3669</b>	<b>89.6</b>

**Table 1.40.** How does being paid by employer affect your work?

	FREQUENCY	PERCENT (%)
From the government	<b>2453</b>	<b>67.2</b>
A common fund	<b>1196</b>	<b>32.8</b>

**Table 1.41.** From which source should your salary be paid in order to improve your independence?

*Hazard and Risk*

	FREQUENCY	PERCENT (%)
Yes	<b>1389</b>	<b>33.9</b>
Sometimes	<b>2404</b>	<b>58.8</b>
No	<b>299</b>	<b>7.3</b>

**Table 1.42.** Are you informed when there is a dangerous situation at workplace?

	FREQUENCY
My observations	<b>2707</b>
Warning from employee	<b>2684</b>
Inspection results	<b>1875</b>
Near-misses or their reports	<b>1207</b>
Warning from employer	<b>744</b>
Urgency and warning systems	<b>420</b>

**Table 1.43.** When faced with dangerous situation at workplace, how are you made aware of this situation?

	FREQUENCY	PERCENT (%)
Absolutely agree	<b>891</b>	<b>21.7</b>
Agree	<b>1168</b>	<b>28.4</b>
Neither agree nor disagree	<b>789</b>	<b>19.2</b>
Disagree	<b>825</b>	<b>20.1</b>
Absolutely disagree	<b>433</b>	<b>10.6</b>

**Table 1.44.** Do you think that risk assessments at the workplace is an effective means to prevent occupational accidents and occupational diseases?

	FREQUENCY
Employers do not attribute sufficient importance to the outcomes of risk assessments	<b>1094</b>
The risk assessment teams carrying out risk assessments ineffectively	<b>841</b>
Employees' do not attribute sufficient importance to the outcomes of risk assessments	<b>683</b>
Production pressure makes it less likely that prevention based risk assessment can be implemented	<b>577</b>
Technical aspects of the prescribed risk assessments	<b>342</b>

**Table 1.45.** What factors could diminish the effectiveness of risk assessments in preventing occupational accidents/diseases?

	FREQUENCY
Workers' representatives	<b>1703</b>
Occupational safety experts	<b>1513</b>
Employees	<b>1404</b>
Occupational physicians	<b>1011</b>
Employer or employer representative	<b>991</b>
Support staff	<b>810</b>
Organizations or individuals outside workplace	<b>103</b>

**Table 1.46.** Mark person/people from risk assessment team (three at most) who participates to the process effectively except you.

## B.2. Occupational Physicians

### *Demographic Questions*

	FREQUENCY	PERCENT (%)
Male	<b>159</b>	<b>83.2</b>
Female	<b>32</b>	<b>16.7</b>

**Table 2.1.** Gender

	FREQUENCY	PERCENT (%)
20-24	<b>1</b>	<b>0.5</b>
25-29	<b>8</b>	<b>4.1</b>
30-34	<b>14</b>	<b>7.2</b>
35-39	<b>26</b>	<b>13.5</b>
40-44	<b>19</b>	<b>9.9</b>
45-49	<b>47</b>	<b>24.4</b>
50-54	<b>35</b>	<b>18.2</b>
55-59	<b>20</b>	<b>10.4</b>
60+	<b>22</b>	<b>11.4</b>

**Table 2.2.** Participant age distribution

	FREQUENCY	PERCENT (%)
Marmara Region	83	43.23
Central Anatolia Region	24	12.50
Aegean Region	35	18.23
Mediterranean Region	22	11.46
Black Sea Region	20	10.42
South-Eastern Anatolia Region	4	2.08
Eastern Anatolia Region	4	2.08

**Table 2.3.** Participant region distribution on the basis of where they work

### *Educational Information*

	FREQUENCY	PERCENT (%)
ÇASGEM	8	4.2
Private educational institution	93	49.2
University	88	46.5

**Table 2.4.** Category of the organization through which participants got their training

	FREQUENCY	PERCENT (%)
Sufficient	82	43.3
Neither sufficient nor insufficient	71	37.5
Insufficient	36	19.0

**Table 2.5.** How do you evaluate the adequacy of the training about OPH?

	FREQUENCY	PERCENT (%)
Sufficient	82	43.8
Neither sufficient nor insufficient	80	42.7
Insufficient	25	13.3

**Table 2.6.** How do you evaluate the level of knowledge of the trainers?

	FREQUENCY	PERCENT (%)
Short	68	35.6
Neither long nor short	105	54.9
Long	18	9.4

**Table 2.7.** What do you think about the duration of the training programs (OSE)?

	FREQUENCY	PERCENT (%)
Only distance learning	15	7.8
Only face to face training	86	45.0
Face-to-face and distance learning together	90	47.1

**Table 2.8.** Which type of OSE or OPH training programs do you prefer?

	FREQUENCY
Practical knowledge	136
Application	108
Quality	71
Training material	62

**Table 2.9.** What are the aspects of training which you have found insufficient or in need of improvement?

	FREQUENCY
By individual research	122
Through training activities oriented to certain sectors, risks or areas of legislation	71
By attending meetings, symposia, congresses etc.	51
Through other training activities organized by MOLSS	29
I cannot update/I don't update	23
Through refreshment training	22
My knowledge is enough	15

**Table 2.10.** How do you update the knowledge you got from specialist training programs?

### *Views about the Occupation and Legislation*

	FREQUENCY	PERCENT (%)
Provider of preventive medicine and polyclinic services	88	47.0
Provider of preventive medicine	95	50.8
Provider of polyclinic services	4	2.1

**Table 2.11.** How would you describe your role as an occupational physician?

	FREQUENCY
Lack of interest of parties about the subject	124
Difficulty in application of legislation	120
Weakness or lack of professional independence	89
Lack of job security	82
Inadequacy of wages	68
Open to social pressures	60
Stressful working environment	57
Difficulty in judicial process	54

**Table 2.12.** What are the negative aspects of your occupation?

	FREQUENCY
Flexible working conditions	87
Moral satisfaction with social responsibility	84
Field experience	82
Additional employment opportunities	53
Job satisfaction	46
Financial satisfaction	30
High social statue	14

**Table 2.13.** What are the positive aspects of your job?

	FREQUENCY
The employee(s)	150
The employer	97
The ministry	85
Society	81
The owner of CHSU	45

**Table 2.14.** Who do you feel responsible to while providing OSH services?

	FREQUENCY	PERCENT (%)
By increasing their responsibilities	5	2.6
By decreasing their responsibilities	5	2.6
By increasing their authority	82	43.1
By decreasing their authority	1	0.5
By strengthening of professional association of OSH specialists	28	14.7
By increasing awareness of related partners	69	36.3

**Table 2.15.** How can the role and the responsibilities of OSH specialists become more efficient?

	FREQUENCY	PERCENT (%)
Sufficient	32	16.9
Neither sufficient nor insufficient	82	43.3
Insufficient	75	39.6

**Table 2.16.** How do you evaluate current OSH legislation?

	FREQUENCY	PERCENT (%)
Yes	18	9.5
No	170	90.4

**Table 2.17.** Do you think that legislation is properly used and applied in practice?

	FREQUENCY	PERCENT (%)
Yes	72	42.1
No	99	57.8

**Table 2.18.** Are there any difficulties encountered while accessing sources of information about legislative changes?

	FREQUENCY	PERCENT (%)
Yes	80	47.34
No	89	52.66

**Table 2.19.** Is the duration between changes of legislation and its application too short?

	FREQUENCY	PERCENT (%)
Yes	139	82.2
No	30	17.7

**Table 2.20.** Is there enough code of practices for the application of legislation?

	FREQUENCY	PERCENT (%)
Yes	156	91.7
No	14	8.2

**Table 2.21.** Is there enough examples of how to apply OSH legislation in practice?

	FREQUENCY	PERCENT (%)
Yes	33	19.4
No	137	80.5

**Table 2.22.** Are examples on how to apply OSH legislation in practice difficult to access?

	FREQUENCY	PERCENT (%)
Yes	6	3.4
No	168	96.5

**Table 2.23.** Is a full implementation of national OSH legislation considered to be costly for employers?

	FREQUENCY	PERCENT (%)
Yes	146	84.3
No	27	15.6

**Table 2.24.** Is there sufficient monitoring of the implementation of legislation through audits/inspections?

	FREQUENCY	PERCENT (%)
Yes	56	32.3
No	117	67.6

**Table 2.25.** Is further legislation needed?

	FREQUENCY	PERCENT (%)
Short	62	32.2
Neither Long nor Short	103	53.6
Long	27	14.0

**Table 2.26.** What Do You Think About Working Time for OSH Professionals Indicated in The Legislation?

	AVERAGE	SCORE
In the process of drafting legislation, stakeholders' suggestions are not sufficiently taken into account.	4.6	
Stakeholders have not been sufficiently involved in the legislative preparative process.	4.5	
The legal responsibilities of OSH professionals exceed their legal authority to act.	4.4	
Account should be taken of factors such as business type, business size, sector, etc. in national OSH legislation.	4.4	
Due to general statements in the legislation, there is a need for sub regulations such as regulations, communiques, etc.	4.3	
Since OSH legislation is not consistent with legislation in other areas, consistency of national legislation needs to be improved.	4.2	
Legislation is updated or revised too frequently. This makes it difficult to follow it and apply it.	4.2	
The wording in the legislation is not clear or is too complex. It should be clarified and simplified.	3.3	
The role and responsibilities of Employers and OSH professionals are well defined and differentiated in the legislation.	3.2	

**Table 2.27.** Specify your evaluations about following statements?

### Cooperation between Stakeholders and How They See Each Other

	FREQUENCY
Affect the communication between the OSH professionals and all related parties.	114
Affect the distribution of OSH related responsibilities in a positive way.	108
Affect the communication between the OSH professionals and the Employer in a positive way.	107
Affect the adaptation process for safety and health improvements in a positive way.	86
Contribute to making OSH professionals more effective in their work.	82
Affect the definition of responsibilities in a negative or positive way.	11
Contribute to making OSH professionals less effective in their work.	7
Affect the adaptation process for safety and health improvements in a negative way.	6
Affect the communication between the OSH professionals and the Employer in negative way.	5
Affect the distribution of OSH related responsibilities in a negative way.	4

**Table 2.28.** How do you think that the setup of an OSH committee affects OSH professionals?

	FREQUENCY
Employer	79
Employees	59
Trade Unions	18
Judicial system	15
Media	9
Civil society organizations	8

**Table 2.29.** Which party is the most efficient one in contributing to OSH studies?

	FREQUENCY
OSH Training process of employees	105
Assignment of work-areas for employees	94
The process of OSH notebook's writing	88
Workplace measurements	81
Improper (or non-) use of proper personal protective equipment (PPE)	79
Medical checks	51

**Table 2.30.** What are the areas most vulnerable for interference by employers?

	FREQUENCY	PERCENT (%)
Yes	53	27.6
No	139	72.4

**Table 2.31.** From the perspective of enabling a safe and healthy workplace, do you think the relationship between employees and OSH professionals is efficient?

	FREQUENCY
Employers view OSH investments as an additional and unnecessary cost.	108
As regards OSH training of employees: employers are more concerned about fulfilling legal requirements than providing high quality training.	101
As regards risk assessments: employers are more concerned about fulfilling legal requirements than carrying out (and implement conclusions of) risk assessments.	97
Employees are negligent regarding the application of prescribed OSH measures.	97
Employees do not attach sufficient importance to OSH training.	82
Employees do not use personal protective equipment (PPE) as required.	81
Employers often exert undue pressure on OSH professionals regarding their appreciation of the OSH situation.	71
OSH measures are carried out and implemented most frequently during audit periods.	71

**Table 2.32.** From the perspective of enabling a safe and healthy workplace, in your opinion what are the reason(s) for the lack of efficiency in the relationship between employees and OSH professionals?

### *Legal Obligations and the Judiciary*

	FREQUENCY	PERCENT (%)
If it a life threatening occurrence, I personally take appropriate action.	65	33.8
I notify the employer.	63	32.8
I report it.	61	31.7
I notify the ministry.	3	1.5
I ignore it.	0	0

**Table 2.33.** What do you do when you are faced with an occurrence that may lead to an occupational accident at your workplace?

	FREQUENCY
Involving sanctions have a deterrent effect on the occurrence of occupational accidents/diseases	<b>110</b>
Contribute to raising the awareness among stakeholders regarding OSH and occupational accidents/diseases	<b>99</b>
Contribute to raising the awareness among public in general about OSH and occupational accidents/diseases	<b>67</b>
Have a preventive effect on the occurrence of occupational accidents/diseases	<b>47</b>
Strengthen the sense of justice regarding OSH among relevant stakeholders	<b>30</b>

**Table 2.34.** What do you think about the decisions in court cases in relation to occupational accidents?

	FREQUENCY
Insufficient awareness and knowledge of OSH among the personnel in the judicial bodies (judges, lawyers, prosecutors, etc.)	<b>131</b>
Unavailability of sufficiently experienced court experts	<b>120</b>
Slow judicial process	<b>80</b>
Undue interference by political authorities	<b>65</b>
Insufficient support and protection by unionization for OSH professionals	<b>55</b>
Undue interference by employers	<b>52</b>
Undue interference by expectations from the public in court decisions	<b>50</b>
Being awarded harsher punishments than could or should be expected	<b>43</b>

**Table 2.35.** What are the main difficulties OSH professionals are faced with in the judicial process?

### Perception of Professional Independence

	FREQUENCY
Ability to carry out work independently and to take related decisions	<b>143</b>
Ability effectively to impose decisions on the employer	<b>137</b>
Regular payment of salary	<b>107</b>
Appropriate interaction with employees at the workplace	<b>99</b>
Adequate level of salary	<b>90</b>
Flexible working hours	<b>77</b>

**Table 2.36.** Which of the following factors are important for you at a workplace?

	FREQUENCY	PERCENT (%)
Employers	<b>63</b>	<b>33.9</b>
Employees	<b>121</b>	<b>65.0</b>
Trade Unions	<b>2</b>	<b>1.1</b>

**Table 2.37.** Which group(s) tend to have the greatest influence on your decisions?

	FREQUENCY	PERCENT (%)
Being paid by a source other than the employer at issue.	<b>62</b>	<b>32.8</b>
Independence regarding technical assessments and decisions	<b>111</b>	<b>58.7</b>
A secure job position	<b>16</b>	<b>8.4</b>

**Table 2.38.** Which would be most important for you to achieve professional independence?

	FREQUENCY	PERCENT (%)
Completely dependent	<b>15</b>	<b>7.8</b>
Dependent	<b>36</b>	<b>18.7</b>
Neither independent nor dependent	<b>82</b>	<b>42.7</b>
Independent	<b>46</b>	<b>18.7</b>
Completely independent	<b>13</b>	<b>6.7</b>

**Table 2.39.** Where do you see yourself in terms of professional independence?

	FREQUENCY	PERCENT (%)
It affects me positively	6	3.1
It has no effect	69	36.1
It affects me negatively	116	60.7

**Table 2.40.** How does being paid by employer affect your work?

	FREQUENCY	PERCENT (%)
From the government	53	47.7
A common fund	58	52.2

**Table 2.41.** From which source should your salary be paid in order to improve your independence?

### *Hazard and Risk*

	FREQUENCY	PERCENT (%)
Yes	68	35.6
Sometimes	115	60.2
No	8	4.1

**Table 2.42.** Are you informed when there is a dangerous situation at workplace?

	FREQUENCY
Warning from employee	128
My observations	127
Near-misses or their reports	82
Inspection results	78
Warning from employer	37
Urgency and warning systems	36

**Table 2.43.** When faced with dangerous situation at workplace, how are you made aware of this situation?

	FREQUENCY	PERCENT (%)
Absolutely agree	78	40.6
Agree	53	27.6
Neither agree nor disagree	26	13.5
Disagree	31	16.1
Absolutely disagree	4	2.0

**Table 2.44.** Do you think that risk assessments at the workplace is an effective means to prevent occupational accidents and occupational diseases?

	FREQUENCY
Employers do not attribute sufficient importance to the outcomes of risk assessments	30
Employees' do not attribute sufficient importance to the outcomes of risk assessments	23
The risk assessment teams carrying out risk assessments ineffectively	21
Production pressure makes it less likely that prevention based risk assessment can be implemented	17
Technical aspects of the prescribed risk assessments	17

**Table 2.45.** What factors could diminish the effectiveness of risk assessments in preventing occupational accidents/diseases?

	FREQUENCY
Occupational safety experts	181
Workers' representatives	89
Employer or employer representative	68
Occupational physicians	49
Employees	45
Support staff	29
Organizations or individuals outside workplace	4
None of them	3

**Table 2.46.** Mark person/people from risk assessment team (three at most) who participates to the process effectively except you.

### B.3. Media Representatives

#### *Demographic Questions*

	FREQUENCY	PERCENT (%)
Male	<b>18</b>	<b>50.0</b>
Female	<b>18</b>	<b>50.0</b>

**Table 3.1.** Gender

	FREQUENCY	PERCENT (%)
Public	<b>5</b>	<b>13.8</b>
Private Sector	<b>29</b>	<b>80.5</b>

**Table 3.2.** Type of Employment

#### *On Occupational Health and Safety*

	FREQUENCY
Newspaper	<b>21</b>
Television	<b>15</b>
Social media	<b>16</b>
Workshop/conference etc.	<b>14</b>
Radio	<b>9</b>
Training	<b>9</b>
Magazine/article etc.	<b>9</b>
Occupational accidents happened earlier	<b>8</b>
Employer	<b>6</b>

**Table 3.3.** Have you heard of the term “Occupational Health and Safety” (OSH)? How did you hear about it?

	FREQUENCY	PERCENT (%)
Important	<b>10</b>	<b>27.7</b>
Neither important, nor of no importance	<b>5</b>	<b>13.8</b>
No importance	<b>18</b>	<b>50.0</b>

**Table 3.4.** How do you evaluate the importance of OSH in our country?

	FREQUENCY	PERCENT (%)
Yes, I did	<b>35</b>	<b>97.2</b>
No, I didn't	<b>0</b>	<b>0.0</b>

**Table 3.5.** Did you hear about the concepts of occupational safety expert (OSE) and/or occupational physician (OPE)?

	FREQUENCY	PERCENT (%)
Yes	<b>18</b>	<b>50.0</b>
No	<b>16</b>	<b>44.4</b>

**Table 3.6.** As a member of press, have you done any studies to increase the awareness of OSH of your target audience?

	FREQUENCY	PERCENT (%)
Yes	<b>15</b>	<b>83.3</b>
No	<b>3</b>	<b>8.3</b>

**Table 3.7.** Are you informed about the rights and responsibilities in relevant OSH legislation?

	FREQUENCY
Television news	<b>8</b>
Printed press (newspaper, magazine)	<b>7</b>
Television debate	<b>6</b>
Daily shows/programmes	<b>4</b>
Reality shows	<b>0</b>
TV Spots	<b>0</b>
Cartoon film	<b>0</b>
TV Series	<b>0</b>
Movie	<b>0</b>
Animation	<b>0</b>

**Table 3.8.** If your answer is "yes", what type of studies did you do to increase the awareness of OSH of your target audience?

	FREQUENCY
I ask for expert advice in the related field	17
I ask for academic advice	14
I consult the related public institution	13
I read and follow legislation	7
I don't do any research.	5

**Table 3.9.** What type of sources do you use regarding the rights and responsibilities of employers, employees, occupational safety experts and occupational physicians while preparing news and programs about OSH?

	FREQUENCY
Occupational safety expert and occupational physician	20
Academic	18
Legal practitioner	11
Trade Union Representatives	10
NGO Representatives	8
Court Experts	5
The Press	4
Bureaucrats	3
Employer	1
Politician	0

**Table 3.10.** While preparing OSH related news, programs, etc., who do you refer to most frequently for expert advice?

	FREQUENCY
Statistical data of related institutions and organizations	20
NGOs	15
Related public institutions	12
The Press	8

**Table 3.11.** While preparing statistical data oriented news about OSH, which sources do you consult?

	FREQUENCY	PERCENT (%)
I would be confident, because I would consult relevant and related parties and statistics	<b>23</b>	<b>63.8</b>
I would partially confident, because I might not have a chance to consult either statistical data or related parties.	<b>5</b>	<b>13.8</b>
Even if I am not confident, I would consult to the other press and prepare the news	<b>1</b>	<b>2.7</b>

**Table 3.12.** While preparing an OSH news item how confident are you about the reliability of your news item?

	FREQUENCY	PERCENT (%)
Very much	<b>9</b>	<b>25.0</b>
Much	<b>6</b>	<b>16.6</b>
Neither much nor less	<b>12</b>	<b>33.3</b>
Less	<b>4</b>	<b>11.1</b>
Very less	<b>3</b>	<b>8.3</b>

**Table 3.13.** How much do you place items which aim to make public aware about Occupational Health and Safety, when preparing news, broadcasts, programs, etc.?

	FREQUENCY	PERCENT (%)
Sufficient	<b>0</b>	<b>0.0</b>
Neither sufficient nor insufficient	<b>10</b>	<b>27.7</b>
Insufficient	<b>22</b>	<b>61.0</b>

**Table 3.14.** To what extent do you personally consider the information in the press related to OSH is sufficient?

	FREQUENCY	PERCENT (%)
Not satisfied	<b>26</b>	<b>72.2</b>
Satisfied	<b>9</b>	<b>25.0</b>

**Table 3.15.** Are you satisfied about the way how press evaluates news about occupational accidents?

	FREQUENCY
Establishing an effective communication network between the related public institution and press	<b>17</b>
Organizing training/seminar/conference for members of press	<b>12</b>
Supporting these type of publications (through incentives, rewards, etc.)	<b>11</b>

**Table 3.16.** In order to ensure that OSH is given more attention in the press which of the following actions do you consider would be important?

	FREQUENCY	PERCENT (%)
Yes	<b>5</b>	<b>13.8</b>
No	<b>30</b>	<b>83.3</b>

**Table 3.17.** Do you think media are equally objective towards the different parties of working life while making news about occupational accidents/diseases?

	FREQUENCY	PERCENT (%)
Employees	<b>16</b>	<b>44.4</b>
Employers	<b>16</b>	<b>44.4</b>
Occupational health and safety professionals	<b>2</b>	<b>5.5</b>

**Table 3.18.** Regarding the news on occupational accident and disease, is there any of these groups which are criticized more often than other groups?

	FREQUENCY	PERCENT (%)
To create public awareness about the topic	<b>18</b>	<b>50.0</b>
To call for remedial actions to be taken	<b>13</b>	<b>36.1</b>
To remind related parties of their responsibilities	<b>4</b>	<b>11.1</b>

**Table 3.19.** What role do you think the press should have in the presentation of OSH related news?

## C. Abbreviations

**ÇASGEM:** Center for Labour and Social Security Training and Research

**CHSU:** Common Health and Safety Unit

**DGOSH:** Directorate General of Occupational Safety and Health

**DISK:** Confederation of Progressive Trade Unions of Turkey

**EU:** European Union

**HAK-IS:** Confederation of Turkish Real Trade Unions

**ILO:** International Labour Organization

**ISG KATIP:** Occupational Health and Safety Registry, Tracking and Monitoring Programme

**KESK:** Confederation of Public Employees' Trade Union

**METU:** Middle East Technical University

**MOLSS:** Ministry of Labour and Social Security

**OPH:** Occupational physician

**OSE:** Occupational safety expert

**OSH:** Occupational safety and health

**TISK:** Turkish Confederation of Employers' Associations

**TOBB:** Union of Chambers and Commodity Exchanges

**TURK-IS:** Confederation of Turkish Trade Unions

## D. Questionnaires & Cases

### *Online Questionnaires for OSH Professionals*

ILO RESEARCH ON THE APPLICATION OF OCCUPATIONAL HEALTH AND SAFETY IN TURKEY

Dear participants,

This survey is organized and carried out by the International Labour Organization (ILO), in collaboration with the Ministry of Labour and Social Security (MOLSS). It aims to map certain aspects of how the national system for occupational health and safety is applied in practice. The data and statistical analyses resulting from this survey will serve to inform discussions on how to improve the national system. Your answers are therefore of vital importance. Your personal information and answers will be kept confidential and will not be shared with any institution, foundation, employer or employee auditor (inspector, etc.) Please answer all the questions. We thank you for your participation.

#### A. DEMOGRAPHIC QUESTIONS

1. Gender?

Female Male

2. Year of Birth?

3. Area of Specialization?

Occupational Safety Expert (OSE) (A-B-C)                      Occupational Physician (OPH)

4. Occupation?

#### B. EDUCATIONAL INFORMATION

1. Mark the category of the organization through which you got your training.

ÇASGEM                      University                      Private Educational Institution

2. How do you evaluate the adequacy of the training about OSE or OPH?

Sufficient                      Neither sufficient nor insufficient                      Insufficient

3. How do you evaluate the level of knowledge of the trainers?

Sufficient                      Neither sufficient nor insufficient                      Insufficient

4. What do you think about the duration of the training programs (OSE or OPH)?

Long    Neither long nor short    Short

5. Which type of OSE or OPH training programs do you prefer?

Only face to face training    Face to face and distance learning together    Only distance learning

6. What are the aspects of training which you have found insufficient or in need of improvement?

(You can mark multiple options)

Training material    Quality    Practical knowledge    Application

7. How do you update the knowledge you got from specialist training programs?

(You can mark the multiple options)

I cannot update/ I don't update

Through refreshment training

Through other training activities organised by MOLSS

By attending meetings, symposia, congresses etc.

Through training activities oriented to certain sectors, risks or areas of legislation

By individual research

My knowledge is enough

### C. VIEWS ABOUT THE OCCUPATION AND LEGISLATION

If you are OSE, go to Question 9

8. How would you describe your role as an occupational safety expert?

a) Inspector of workplace

b) Provider of guidance and consultancy at workplace

c) Inspector and provider of guidance and consultancy at workplace

d) Alternative (Explain): .....

Go to Question 10.

9. How would you describe your role as an Occupational Physician?

a) Provider of preventive physician services

b) Provider of policlinic services

c) Provider of both preventive physician and policlinic service

d) Alternative (Explain): .....

**10. What are the positive aspects of your job?**

(You can mark multiple options)

Flexible working conditions

Financial satisfaction

Job satisfaction

Additional employment opportunities

Field experience

High social status

Moral satisfaction with social responsibility

Alternative (Explain) .....

**11. What are the negative aspects of your occupation?**

(You can mark multiple options)

Lack of job security

Weakness or lack of professional independence

Lack of interest of parties about the subject

Difficulty in application of legislation

Problems encountered during judicial process

Open to social pressures

Stressful working environment

Inadequacy of wages

Alternative (Explain) .....

**12. Who do you feel responsible to while providing OSH services?**

(You can mark multiple options)

a) The employer

b) The employee(s)

c) The owner of CHSU

d) The Ministry

e) Society

f) Other (Explain) .....

**13.** How can the role and the responsibilities of OSH specialists become more efficient?

a) By increasing their authority

b) By decreasing their authority

c) By increasing their responsibilities

d) By decreasing their responsibilities

e) By increasing awareness of related partners

f) By strengthening of professional association of OSH specialists

**14.** How do you evaluate current OSH legislation?

Sufficient

Neither sufficient nor insufficient

Insufficient

**15.** Do you think that legislation is properly used and applied in practice?

Yes No

If your answer is “Yes”, please go to Question 25.

**16.** Are there any difficulties encountered while accessing sources of information about legislative changes?

a) Yes b) No

**17.** Is the duration between changes of legislation and its application too short?

a) Yes b) No

**18.** Is there enough code of practices for the application of legislation?

a) Yes b) No

**19.** Is there enough examples of how to apply OSH legislation in practice?

a) Yes b) No

**20.** Are examples on how to apply OSH legislation in practice difficult to access?

a) Yes b) No

**21.** Is a full implementation of national OSH legislation considered to be costly for employers?

a) Yes b) No

**22.** Is there sufficient monitoring of the implementation of legislation through audits/inspections?

a) Yes b) No

**23.** Is further legislation needed?

a) Yes b) No

If your answer is “No”, please go to Question 25

**24.** If further legislation is needed, please specify in which areas.

**25.** What do you think about working time for OSH professionals indicated in the legislation?

Long      Neither long or short      Short

**26.** Specify your evaluations about following statements.

Absolutely agree; 5,

Agree; 4,

Neither agree nor disagree; 3,

Disagree; 2,

Absolutely disagree; 1,

No idea; 0,

- The role and responsibilities of Employers and OSH professionals are well defined and differentiated in the legislation.
- The legal responsibilities of OSH professionals exceeds their legal authority to act ..
- Stakeholders have not been sufficiently involved in the legislative preparative process.
- Due to general statements in the legislation, there is a need for sub regulations such as regulations, communiques, etc.
- The wording in the legislation is not clear or is too complex. It should be clarified and simplified.
- Since OSH legislation is not consistent with legislation in other areas, consistency of national legislation needs to be improved.
- In the process of drafting legislation, stakeholders’ suggestions are not sufficiently taken into account.

- o Account should be taken of factors such as business type, business size, sector, etc. in national OSH legislation.
- o Legislation is updated or revised too frequently. This makes it difficult to follow it and apply it.

#### **D. COOPERATION BETWEEN STAKEHOLDERS AND HOW THEY SEE EACH OTHER**

**27.** How do you think that the set up of an OSH committee affects OSH professionals?

(You can mark multiple options) Does it:

Contribute to making OHS professionals more or less effective in their work?

Affect the communication between the OHS professionals and the Employer in a positive or negative way?

Affect the adaptation process for safety and health improvements in a positive or negative way?

Affect the communication between the OHS professionals and all related parties?

Affect the distribution of OHS related responsibilities in a negative or positive way?

Affect the definition of responsibilities in a negative or positive way.

**28.** Which party is the most efficient one in contributing to OSH studies?

- a) Employer
- b) Employees
- c) Trade Unions
- d) Judicial system
- e) Media
- f) Civil society organizations

**29.** What are the areas most vulnerable for interference by employers?

(You can mark multiple options)

The process of OSH notebook's writing

Workplace measurements

Medical checks

Assignment of work-areas for employees

OSH Training process of employees

Improper (or non-) use of proper personal protective equipment (PPE)

Other

**30.** From the perspective of enabling a safe and healthy workplace, do you think the relationship between employees and OSH professionals is efficient?

Yes                      No

If your answer is 'Yes', go to Question 32.

**31.** From the perspective of enabling a safe and healthy workplace, in your opinion what are the reason(s) for the lack of efficiency in the relationship between employees and OSH professionals?

(You can mark multiple options)

Employers often exert undue pressure on OSH professionals regarding their appreciation of the OSH situation

Employers view OSH investments as an additional and unnecessary cost.

As regards OSH training of employees: employers are more concerned about fulfilling legal requirements than providing high quality training.

As regards risk assessments: employers are more concerned about fulfilling legal requirements than carrying out (and implement conclusions of) risk assessments.

OHS measures are carried out and implemented most frequently during audit periods.

Employees do not use personal protective equipment (PPE) as required.

Employees do not attach sufficient importance to OSH training

Employees are negligent regarding the application of prescribed OSH measures.

## **E. LEGAL OBLIGATIONS AND THE JUDICIARY**

**32.** What do you do when you are faced with an occurrence that may lead to an occupational accident at your workplace?

- a) I notify the employer.
- b) If it a life threatening occurrence, I personally take appropriate action.
- c) I ignore it.
- d) I notify the Ministry.
- e) I report it.

**33.** What do you think about the decisions in court cases in relation to occupational accidents?

(You can mark multiple options) Decisions (including, inter alia, judgements) by the judiciary:

Have a preventive effect on the occurrence of occupational accidents/diseases

Contribute to raising the awareness among stakeholders regarding OSH and occupational accidents/diseases

Contribute to raising the awareness among public in general about OSH and occupational accidents/diseases

Involving sanctions have a deterrent effect on the occurrence of occupational accidents/diseases

Strengthen the sense of justice regarding OSH among relevant stakeholders

**34.** What are the main difficulties OSH professionals are faced with in the judicial process?

(You can mark multiple options)

Slow judicial process

Being awarded harsher punishments than could or should be expected

Unavailability of sufficiently experienced court experts

Insufficient awareness and knowledge of OSH among the personnel in the judicial bodies (judges, lawyers, prosecutors, etc.)

Undue interference by expectations from the public in court decisions

Undue interference by employers

Undue interference by political authorities

Insufficient support and protection by unionization for OSH professionals

Other

#### **F. PERCEPTION OF PROFESSIONAL INDEPENDENCE**

**35.** Which of the following factors are important for you at a workplace? Rank the choices in their order of importance.

Flexible working hours

Adequate level of salary

Regular payment of salary

Ability to carry out work independently and to take related decisions

Appropriate interaction with employees at the workplace

Ability effectively to impose decisions on the employer

**36.** Which group(s) tend to have the greatest influence on your decisions?

Employers

Trade Unions

Employees

Other OSH professionals at the workplace

**37.** Which would be most important for you to achieve professional independence?

a) Independence regarding technical assessments and decisions

b) Being paid by a source other than the employer at issue.

c) A secure job position



**44.** What factors could diminish the effectiveness of risk assessments in preventing occupational accidents/diseases?

(You can mark the multiple options)

Technical aspects of the prescribed risk assessments

The risk assessment teams carrying out risk assessments ineffectively

Employers do not attribute sufficient importance to the outcomes of risk assessments

Employees' do not attribute sufficient importance to the outcomes of risk assessments

Production pressure makes it less likely that prevention based risk assessment can be implemented.

**45.** Mark person/people from risk assessment team (three at most) who participates to the process effectively except you.

(You can mark multiple options)

Employer/employer representative

Occupational safety experts

Occupational physicians

Workers' representatives

Support staff

Employees

Organizations or individuals outside workplace

None

### *Questionnaires for Judges*

#### ILO RESEARCH ON THE APPLICATION OF OCCUPATIONAL HEALTH AND SAFETY IN TURKEY

Dear participant(s),

This survey is organized and carried out by the International Labour Organization (ILO), in collaboration with the Ministry of Labour and Social Security (MOLSS). It aims to map certain aspects of how the national system for occupational health and safety is applied in practice. The data and statistical analyses resulting from this survey will serve to inform discussions on how to improve the national system. Your answers are therefore of vital importance. Your personal information and answers will be kept confidential and will not be shared with any institution, foundation, employer or employee auditor (inspector, etc.) Please answer all the questions. We thank you for your participation.

1. Occupational safety and health is presently regulated by Law No. 6331 of 2012 and related regulations. In your experience, do you consider that the knowledge of Act 6331 of 2012 is adequate among the legal professionals you encounter in your work? If not, what could be done to improve their knowledge?
2. As regards you personally, do consider that you have adequate knowledge about OSH Law No. 6331? If yes, how did you acquire this knowledge? Do you feel a need to improve your knowledge?
3. Have you had occasion to apply OSH Law No. 6331 in practice (Explanation: In court cases) in your work? Have you experienced any particular difficulties in doing so? If so, please indicate a) what are those difficulties were; and b) what you consider could be done to eliminate those difficulties.
4. In your profession, have your been called upon to make an evaluation/determination of the respective roles and responsibilities provided for in Article 4 and 8 of Act 6331 of employers on the one hand and of the occupational health and occupational safety experts on the other?
5. Have you experienced any difficulties in making an evaluation/determination in practice of the respective roles and responsibilities provided for in Article 4 and 8 of Act 6331 of employers on the one hand and of the occupational health and occupational safety experts on the other? If yes, what kind of difficulties?
6. What do you suggest could be done to improve the situation in law and in practice to clarify the roles and responsibilities provided for in Articles 4 and 8 of Act 6331 of employers on the one hand and of the occupational health and occupational safety experts on the other?
7. Article 13 in Act 6331 concerns the right of workers to leave their workstation when exposed to serious and imminent danger. To the extent you have had occasion to apply this provision, have you experienced any difficulties in applying it? If so what kind of difficulties? (Discussion is to be promoted by recalling the risk for employees to loose their jobs)
8. Is there anything you may suggest to improve the implementation in practice of Article 13 in Act 6331 concerning the right of workers to leave their workstation when exposed to serious and imminent danger.?
9. Could you describe the judicial proceedings in cases involving OSH, occupational accidents and occupational diseases? In which situations do the courts need outside technical experts?
  - a) What establishments, organisations or authorities are requested to the assist the court with their views on relevant issues during such cases?
  - b) What are the criteria for selecting technical experts? How do you assess the competency of the technical experts available?
  - c) In your experience, have you had any problems regarding technical experts during the court cases? If yes, what are these problems? What do you consider could be done to address these problems?
10. As far as you can determine, has the entry into force of OSH Law No. 6331 affected the number of court cases on occupational accidents and diseases in any way? If yes, what kind of affect has it had? Which of the following are the reasons for the decrease or increase in the number of cases?
  - a) Definitions are more clear / definitions are more ambiguous
  - b) Increased awareness of related partners
  - c) Rights and responsibilities are more clear
  - d) Increase for the penalties
  - e) Other

11. In your experience, and in comparison with court cases in other areas of law, are there any particular problems regarding the duration of court cases involving OSH issues? If yes, what are these?

12. In your view, how does protracted court cases affect the parties?

13. Do you consider that significant delays in legal proceedings may act as a deterrent to seek justice through the court system? If so, what do you think could be done to improve the situation?

14. A significant part of the judicial process in OSH cases is to determine and provide for compensation for the injured party. Do you think the current regime for calculating compensation for occupational accidents and occupational diseases (including compensation for employees for mental anguish) is adequate and fair? If not, is there anything you could suggest that might improve the system in this regard?

15. In your experience, how do media affect the handling of ongoing court cases? Are you aware of any cases when you think the media has had an impact on the outcome of a case? In that case, what was that impact?

### *Online Questionnaires for Media Representatives*

#### ILO RESEARCH ON THE APPLICATION OF OCCUPATIONAL HEALTH AND SAFETY IN TURKEY

Dear participants,

This survey is organized and carried out by the International Labour Organization (ILO), in collaboration with the Ministry of Labour and Social Security (MOLSS). It aims to map certain aspects of how the national system for occupational health and safety is applied in practice. The data and statistical analyses resulting from this survey will serve to inform discussions on how to improve the national system. Your answers are therefore of vital importance. Your personal information and answers will be kept confidential and will not be shared with any institution, foundation, employer or employee auditor (inspector, etc.) Please answer all the questions. We thank you for your participation.

#### **A. DEMOGRAPHIC QUESTIONS**

1. Gender:

Female Male

2. Year of birth:

3. Occupation:

4. Type of employment:

Public Private Sector

5. Title:

#### **B. ON OCCUPATIONAL HEALTH AND SAFETY**

1. Have you heard of the term “Occupational Health and Safety” (OHS)?

Yes, I did. No, I didn't. (Please skip to Question 3)

**2. If your answer is “Yes”, how did you hear about it?**

(You can mark more than one answer(s))

Social media

Television

Newspaper

Radio

Training

Magazine/Article etc.

Workshop/Conference etc.

Employer

Occupational Accidents happened earlier

**3. How do you evaluate the importance of OHS in our country?**

Important          Neither important, nor of no importance          No importance

**4. Did you hear about the concepts of occupational safety expert (OSE) and/or occupational physician (OP)?**

Yes, I did.          No, I didn't.

**5. As a member of press, have you done any studies to increase the awareness of OHS of your target audience?**

Yes          No (Please skip to Question 7)

**6. If your answer is “Yes”, what type of studies did you do to increase the awareness of OHS of your target audience?**

(You can mark more than one answer(s))

Television news

Television debate

Daily shows/programmes

Reality shows

TV Spots

Cartoon film

TV Series

Movie

Printed press (Newspaper, magazine)

Animation

**7. Are you informed about the rights and responsibilities in relevant OHS legislation?**

Yes          No

**8.** What type of sources do you use regarding the rights and responsibilities of employers, employees, occupational safety experts and occupational physicians while preparing news and programs about OHS.?

(You can mark more than one answer(s))

I consult the related public institution.

I ask for expert advice in the related field.

I read and follow legislation.

I ask for academic advice.

I don't do any research.

**9.** While preparing OHS related news, programs, etc., who do you refer to most frequently for expert advice?

(You can mark more than one answer(s))

Occupational safety expert and occupational physician

Employer

Academic

Legal practitioner

Politician

Bureaucrats

Trade Union Representatives

Court Experts

NGO Representatives

The Press

**10.** While preparing statistical data oriented news about OHS, which sources do you consult? (You can mark more than one answer(s))

Statistical data of related institutions and organizations

Related public institutions

NGOs

The Press

**11.** While preparing an OHS news item how confident are you about the reliability of your news item?

a) I would be confident, because I would consult relevant and related parties and statistics.

b) I would partially confident, because I might not have a chance to consult either statistical data or related parties.

c) Even if I am not confident, I would consult to the other press and prepare the news.

**12.** How much do you place items which aim to make public aware about Occupational Health and Safety, when preparing news, broadcasts, programs, etc.?

Very much

Much

Neither much nor less

Less

Very less

13. To what extent do you personally consider the information in the press related to OHS is sufficient?

Sufficient          Neither sufficient nor insufficient          Insufficient

14. Are you satisfied about the way how press evaluates news about occupational accidents?

Satisfied          Not satisfied

15. In order to ensure that OHS is given more attention in the press which of the following actions do you consider would be important? (You can mark more than one answer(s))

Supporting these type of publications (through incentives, rewards, etc.)

Organizing training/seminar/conference for members of press

Establishing an effective communication network between the related public institution and press

Other

16. Do you think media are equally objective towards the different parties of working life while making news about occupational accidents/diseases?

Yes          No

17. Regarding the news on occupational accident and disease, is there any of these groups which are criticized more often than other groups?

a) Employers

b) Occupational Health and Safety professionals

c) Employees

18. What role do you think the press should have in the presentation of OHS related news?

a) To ensure that the events are perceived as dramatically as possible

b) To call for remedial actions to be taken

c) To create public awareness about the topic

d) To remind related parties of their responsibilities

### *Cases for Employees*

#### EXAMPLE CASES FOR EMPLOYEES

##### **CASE – 1**

Ahmet, who is working in a textile mill, consults a workplace doctor with a complaint of coughing heavily. With a suspicion of occupational disease, workplace doctor directs Ahmet to an authorized hospital for related examinations. After examinations, Ahmet's illness is diagnosed as occupational asthma. Ahmet goes to workplace doctor with the medical report, which he took from the authorized hospital. Referring to the medical report, workplace doctor writes a notice to Personnel Department (PD) to change Ahmet's workplace environment. PD Manager takes the notice and goes to the employer. PD Manager tells the employer that Ahmet is the most experienced and talented employee in his workplace, while narrating the request of the workplace doctor.

**QUESTIONS TO BE DISCUSSED**

What do you think about this situation?

What are the reasons behind this case?

What can be the possible solutions of this case?

- For the workplace environment (safety, working rights issues...)
- For the well-being of the worker?
- For the employer?

What would you do if you were in place of Ahmet?

What type of rights does Ahmet have in this situation?

What do you think could be done for a person in place of Ahmet? What should be done?

What would you do if you were the employer?

In order to ensure occupational health and safety in workplace, what kind of responsibilities do the following have?

- Employer
- Personnel Department Manager
- Ahmet

**CASE – 2**

At a workplace working in the field of metal industry, Mehmet made a habit of working at turning lathe while the protector is turned-off. One day, while he was working at turning lathe, a metal piece he is working on jumps over the protector and falls in front of Mehmet's foot. The foreman, who by chance sees this incident, acts like he didn't see it. Mehmet keeps on working like nothing happened.

One week later while Mehmet is working at lathe, with the protector turned off again, a piece connected to lathe, jumps off the protector and damages the computer screen of CNC turning machine at the back raw. In this occasion, CNC turning machine is damaged due to user error and production is interrupted. When the employer hears the situation, he calls the foreman and occupational safety expert and gets information. Foreman states that, although the operator is experienced and competent, the problem is due to operator error. The employer who gets angry asks to occupational safety expert: "Haven't we done risk assessment in this workplace? Didn't you train the employees?". In reply, occupational safety expert states: "Sir, we explained, but the employees do not obey the rules."

The employer orders Personnel Department to dismiss Mehmet and hire another operator for his duty. Kazım, the newly hired operator, was an unexperienced employee who has never operated this machine before. In order not to interrupt the production, on-the-job training and occupational health and safety training is given to this new operator by foreman and occupational safety expert, quickly.

Three days later Kazım, the new operator, who is also working on the lathe, like Mehmet, with the protector turned off, loses his balance, puts his arm in the lathe and has an occupational accident with loss of a limb.

**QUESTIONS TO BE DISCUSSED**

What do you think about this situation?

What are the reasons behind this case?

What is the reason for Mehmet to act like the way he did? What's your opinion?

What can be the possible solutions of this case?

- For the workplace environment (safety, working rights issues...)
- For the well-being of the worker?
- For the employer?

In this accident, which party/parties do you consider to be responsible?

- Mehmet
- Occupational Safety Expert
- Employer
- Kazım
- Other...

What are the liabilities of the employer in this accident? What should he do?

What are the liabilities of the foreman?

What are the liabilities of the occupational safety expert?

What are the liabilities of the employee?

Is employees' participation being encouraged in risk assessment process?

Are there enough safety measures taken according to risk assessment results?

In your opinion, in order to ensure occupational health and safety in workplace, what are the liabilities of:

- Employer
- Occupational Health and Safety Professionals
- Foreman
- Mehmet?

What are the liabilities of Kazım?

In your opinion, what would be done for an accident like this not to be experienced? To prevent an accident like this, which party has what type of responsibilities?

- Mehmet
- Occupational Safety Expert
- Employer
- Kazım
- Is on-the-job training and occupational health and safety training, which Kazım had, enough?
- Other...

**CASE– 3 (MINE 1)**

Following the collapse warning in a mine pit, Mustafa, who was carried to hospital with an ambulance, explains what happened to him after his treatment: “My lungs are poor, but I cannot tell this to anyone because I fear that they take me out of the mine. The day explosion happened, I was short of breath once again, I sat down and was resting. Suddenly I heard the sound of an explosion. I started running away after I saw the dust. I was about to reach the entrance of the inclined shaft when I realized that I should have been wearing my mask. I tried to put on my mask for 5 minutes. Last time I got the related training about this from an occupational safety expert was when the masks were changed years ago. As it was long time ago, I couldn’t recall how to put on my mask, but I hardly put it on my mouth and tried to breath.”. His friend, who listens to Mustafa’s explanation, said: “Brother, you put on the mask, but you forgot to seal your nose!”.

### QUESTIONS TO BE DISCUSSED

What do you think about this situation?

What are the reasons behind this case?

What can be the possible solutions of this case?

- For the workplace environment (safety, working rights issues...)
- For the well-being of the worker?
- For the employer?

Which part do you find responsible in this incident?

- Employer
- Occupational Safety Expert
- Workplace Doctor
- Mustafa
- Other...

What do you think might be done for this incident not to happen? To prevent an accident like this, which party has what type of responsibilities in the workplace?

- Employer
- Occupational Safety Expert
- Workplace Doctor
- Mustafa
- Other...

If you were in place of Mustafa, what would you do in the process? (Note: not only after the accident, but since he has been working)

Is it right that Mustafa hides his lung disease? If you were in this situation, what would you do? What is the role of workplace doctor in this procedure?

### CASE– 3 (MINE 2)

In a mining facility, when occupational safety expert Adem receives a collapse warning, he rushes to the exit of the mine, agitatedly. When he arrives to adit, he sees that there is smoke coming out of inclined shaft, pieces of fortification are all around and workers were trying to come out. Adem asks to İbrahim, who is shift’s responsible

foreman, what happened. İbrahim, the foreman, says: “Probably, firedamp exploded in the new gallery, where we have been carving. Some of our friends are inside and I don’t think that they can come out. We have to inform evacuation team immediately”. Occupational safety expert Adem asks: “How does firedamp explode? Weren’t you always measuring it? Besides, while carving the gallery, I told you to put a suction fan. We were sending the air we put in with van tube through suction fans. It is impossible for methane to accumulate. How does this explosion happen?” İbrahim, the foreman states: “Sir, actually, we did what you told. We placed the suction fan. But size-5 fan was broken. If you remember, we didn’t carry out its periodic control which we should have done in previous months. I installed a size-20 fan instead. I thought that it would clean better as it is more powerful.”

### QUESTIONS TO BE DISCUSSED

What do you think about this situation?

What are the reasons behind this case?

What can be the possible solutions of this case?

- For the workplace environment (safety, working rights issues...)
- For the well-being of the worker?
- For the employer?

In this incident, which party/parties do you think to be responsible?

- Employer
- Occupational Safety Expert Adem
- Foreman İbrahim
- Other...

What should have been done for this incident not to happen? To prevent an accident like this, which party has what type of responsibilities in the workplace?

- Employer
- Occupational Safety Expert
- Foreman İbrahim
- Occupational safety expert Adem
- Other...

Which responsibilities and authorities should the employer carry out to prevent such an incident?

### *Cases for Employers*

#### EXAMPLE CASES FOR EMPLOYERS

##### **CASE – 1**

Ahmet, who is working in a textile mill, consults a workplace doctor with a complaint of coughing heavily. With a suspicion of occupational disease, workplace doctor directs Ahmet to an authorized hospital for related

examinations. After examinations, Ahmet's illness is diagnosed as occupational asthma. Ahmet goes to workplace doctor with the medical report, which he took from the authorized hospital. Referring to the medical report, workplace doctor writes a notice to Personnel Department (PD) to change Ahmet's workplace environment. PD Manager takes the notice and goes to the employer. PD Manager tells the employer that Ahmet is the most experienced and talented employee in his workplace, while conveying the request of the workplace doctor. What would you do if you were the employer?

### QUESTIONS TO BE DISCUSSED

What do you think about this situation?

What are the reasons behind this case?

What can be the possible solutions of this case?

- For the workplace environment (safety, working rights issues...)
- For the well-being of the worker?
- For the employer?

What would you do if you were in the employer's place?

In order to ensure occupational health and safety in workplace, what kind of responsibilities do the following have?

- Employer
- Personnel Department Manager
- Ahmet

### CASE – 2

At a workplace working in the field of metal industry, Mehmet made a habit of working at turning lathe while the protector is turned-off. One day, while he was working at turning lathe, a metal piece he is working on jumps over the protector and falls in front of Mehmet's foot. The foreman, who by chance sees this incident, acts like he didn't see it. Mehmet keeps on working like nothing happened.

One week later while Mehmet is working at lathe, with the protector turned off again, a piece connected to lathe, jumps off the protector and damages the computer screen of CNC turning machine at the back raw. In this occasion, CNC turning machine is damaged due to user error and production is interrupted. When the employer hears the situation, he calls the foreman and occupational safety expert and gets information. Foreman states that, although the operator is experienced and competent, the problem is due to operator error. The employer who gets angry asks to occupational safety expert: "Haven't we done risk assessment in this workplace? Didn't you train the employees?" In reply, occupational safety expert states: "Sir, we explained, but the employees do not obey the rules."

The employer orders Personnel Department to dismiss Mehmet and hire another operator for his duty. Kazım, the newly hired operator, was an unexperienced employee who has never operated this machine before. In order not to interrupt the production, on-the-job training and occupational health and safety training is given to this new operator by foreman and occupational safety expert, quickly.

Three days later Kazım, the new operator, who is also working on the lathe, like Mehmet, with the protector turned off, loses his balance, puts his arm in the lathe and has an occupational accident with loss of a limb.

**QUESTIONS TO BE DISCUSSED**

What do you think about this situation?

What are the reasons behind this case?

What is the reason for Mehmet to act like the way he did? What's your opinion?

What can be the possible solutions of this case?

- For the workplace environment (safety, working rights issues...)
- For the well-being of the worker?
- For the employer?

In this accident, which party/parties do you consider to be responsible?

- Mehmet
- Occupational Safety Expert
- Employer
- Kazım
- Other...

What are the liabilities of the employer in this accident?

What are the liabilities of the foreman?

What are the liabilities of the occupational safety expert?

What are the liabilities of the employee?

Is employees' participation being encouraged in risk assessment process?

Are there enough safety measures taken according to risk assessment results?

In your opinion, in order to ensure occupational health and safety in workplace, what are the liabilities of:

- Employer
- Occupational Health and Safety Professionals
- Foreman
- Mehmet?

What are the liabilities of Kazım?

In your opinion, what would be done for an accident like this not to be experienced? To prevent an accident like this, which party has what type of responsibilities?

- Mehmet
- Occupational Safety Expert
- Employer
- Kazım
- Is on-the-job training and occupational health and safety training, which Kazım had, enough?
- Other...

**CASE– 3 (MINE 1)**

Following the collapse warning in a mine pit, Mustafa, who was carried to hospital with an ambulance, explains what happened to him after his treatment: “My lungs are poor, but I cannot tell this to anyone because I fear that they take me out of the mine. The day explosion happened, I was short of breath once again, I sat down and was resting. Suddenly I heard the sound of an explosion. I started running away after I saw the dust. I was about to reach the entrance of the inclined shaft when I realized that I should have been wearing my mask. I tried to put on my mask for 5 minutes. Last time we got the related training about this from an occupational safety expert was when the masks were changed years ago. As it was long time ago, I couldn’t recall how to put on my mask, but I hardly put it on my mouth and tried to breath.”. His friend, who listens to Mustafa’s explanation, said: “Brother, you put on the mask, but you forgot to seal your nose!”.

**QUESTIONS TO BE DISCUSSED**

What do you think about this situation?

What are the reasons behind this case?

What can be the possible solutions of this case?

- For the workplace environment (safety, working rights issues...)
- For the well-being of the worker?
- For the employer?

Which parties do you consider to be responsible in this incident?

- Employer
- Occupational Safety Expert
- Workplace Doctor
- Mustafa
- Other...

What should have been done for this incident not to happen? In order to prevent an accident like this, which party has what type of responsibilities in the workplace?

- Employer
- Occupational Safety Expert
- Workplace Doctor
- Mustafa
- Other...

If you were Mustafa, what would you do during the process? (Note: not only after the accident, but since he has been working)

Is it right that Mustafa hides his lung disease? If you were in this situation, what would you do? What is the role of workplace doctor in this process?

**CASE– 3 (MINE 2)**

In a mining facility, when occupational safety expert Adem receives a collapse warning, he rushes to the exit of the mine, agitatedly. When he arrives to exit, he sees that there is smoke coming out of inclined shaft, pieces of fortification are all around and workers were trying to come out. Adem asks to İbrahim, who is shift’s responsible foreman, what happened. İbrahim, the foreman, says: “Probably, firedamp exploded in the new gallery, where

we have been carving. Some of our friends are inside and I don't think that they can come out. We have to inform evacuation team immediately". Occupational safety expert Adem asks: "How does firedamp explode? Weren't you always measuring it? Besides, while carving the gallery, I told you to put a suction fan. We were sending the air we put in with van tube through suction fans. It is impossible for methane to accumulate. How does this explosion happen?" İbrahim, the foreman states: "Sir, actually, we did what you told. We placed the suction fan. But size-5 fan was broken. If you remember, we didn't carry out its periodic control which we should have done in previous months. I installed a size-20 fan instead. I thought that it would clean better as it is more powerful."

What do you think about this situation?

What are the reasons behind this case?

What can be the possible solutions of this case?

- For the workplace environment (safety, working rights issues...)
- For the well-being of the worker?
- For the employer?

In this incident, which party/parties do you consider to be responsible?

- Employer
- Occupational Safety Expert Adem
- Foreman İbrahim
- Other...

What should have been done for this incident not to happen? To prevent an accident like this, which party has what type of responsibilities in the workplace?

- Employer
- Occupational Safety Expert
- Foreman İbrahim
- Occupational safety expert Adem
- Other...

Which responsibilities and authorities should the employer carry out to prevent such an incident?