

**NOTIFICATION**

From the Ministry of Labor and Social Security:

OCCUPATIONAL HEALTH AND SAFETY

QUALIFICATIONS AND SELECTION PROCEDURES

RELATED COMMUNICATION

**Goal**

**ARTICLE 1 -** (1) The purpose of this Communiqué; 20/06/2012 dated and 6331 numbered Occupational Health and Safety Law 20 to determine the qualifications, selection or appointment procedures of the employee representative within the scope of the sub-clause.

**Scope**

**ARTICLE 2 -** (1) This Communiqué; Occupational Health and Safety Law No. 6331 This standard covers the procedures and principles regarding the qualifications, selection or appointment of the employee representative within the scope of the Article.

**Rest**

**ARTICLE 3 -** (1) This Communiqué; Occupational Health and Safety Law No. 6331 with Law No. 3146 on the Organization and Duties of the Ministry of Labor and Social Security and Article 34.

**Employer's obligation**

**ARTICLE 4 -** (1) Employer appoints a sufficient number of employee representatives by appointment in case it is not determined by choice or choice among employees, provided that they pay attention to balanced distribution by taking into account the risks and number of employees in different sections of the work place.

(2) Provides the necessary opportunities for the employer, employee representative or representatives to perform their duties.

(3) The employer shall appoint the trade union representative as the employee representative if there are authorized trade unions or trade unions in the workplace.

(4) All necessary works and procedures related to the selection or appointment of the employee representative shall be performed by the employer.

(5) The employer shall announce the representatives of the employees who are appointed by election or appointment in the workplace.

**Determination of employee representative candidates**

**ARTICLE 5 -** (1) It is essential that the representative of the employee is selected from among the employees if there is no authorized union in the workplace.

(2) If the representative of the employee is elected by election, the representative of the employee shall be notified in the workplace by the employer by giving the employee less than seven days in order to make the application.

(3) In order for the employees to be nominated the substance criteria are essential. This cannot be prevented from being nominated as criteria .

(4) Necessary conditions are provided for the works and procedures related to the election and sufficient number of personnel are assigned by the employer.

(5) The number of candidates may not be more than three times the number of employees employed at the workplace. In case there are more employee representative candidates; educational background, experience and age at work criteria on the basis of the period specified in the second paragraph within 3 days after the end of the period announced by the employer.

**Qualifications of employee representative**

**ARTICLE 6 -** (1) An employee must have the following qualifications in order to become an employee representative:

- a) The full-time permanent employee of the establishment,
- b) have at least 3 years of work experience,
- c) At least a secondary school education.

(2) Sub-paragraphs (a) and (b) in fixed or temporary works, if there are no employees or candidates who do not have 3 years work experience in the workplace, (b) if there is no adequate education level among employees or candidates, the provisions of paragraph (c) shall not apply .

(3) If the authorized representative of the union serves as the employee representative, the qualifications listed in the first paragraph shall not be sought.

**Determination of the number of employee representatives**

**Article 7 -** (1) The number of employee representatives to be assigned at the workplace shall be determined as follows:

- a) Two to fifty employees.
- b) Fifty one to one hundred employees.
- (c) Three hundred and five hundred employees.
- c) Five hundred and one thousand four thousand employees.
- d) Five thousand and two thousand employees.
- (e) Six thousand at workplaces with one and two thousand employees.

**Conditions for election or appointment of employee representatives**

**ARTICLE 8 -** (1) Election shall be made by a vote in which at least half of the employees in the workplace shall participate. Voting is confidential. Candidates or candidates with the highest number of votes shall be declared as employee representatives or their representatives In workplaces where work is done in shifts, the elections are arranged in such a way that employees can also vote in all shifts.

(2) The representative of the employee in case of equality of votes; education level of the candidates, the duration of the workplace is determined on the basis of the employer. The election is valid for five years.

(3) If the employee representative leaves his office for any reason, the next most elected candidate shall be appointed according to the results of the previous election.

(4) In the case of the presence of an authorized union in the workplace, trade union representatives shall be appointed as employee representatives. In case the number of the union representatives is less than the number of obligatory employees, the other employee representative or representatives shall be appointed by the employer provided that they pay attention to the balanced distribution. n case the number of the union representatives is more than the number of obligatory employees, the representatives of the employees are appointed by the employer in accordance with the proposal of the authorized union.

(5) If there are more than one authorized trade union members in the workplace under the different status law;

- a) If an employee representative is to be appointed, the authorized union representative with the highest number of members shall be appointed as the employee representative.
- b) If more than one employee representative is to be appointed, the representative of the employee shall be assigned by calculating as in the example below.
- c) According to the calculation method given in the example, when there is equality in the number of members, the last employee representative is determined by applying the lottery method.

e) In the calculation method given in Example 2, the delegate is assigned according to the exact numbers, and the other method for the other delegate who is to be appointed is consulted.

**Example 1:**

Total number of employees: 2000

22/5/2003 dated and numbered 4857 Labor Law and other (employment contract / employment contract etc. ) number of employees: 1100

Number of other (statutory) employees: 900

Number of employee representatives to be assigned: 5

Number of authorized trade unions: 2

Formula:

Number of employee representatives = ( 22/5/2003 Number of Labor Law numbered 4857 and other (employment contract / employment contract etc. ) number of employees or Other (Number of employees working under the status law) / Number of employees \* Number of employee representatives to be assigned

Calculation:

A Union (Authorized by Law No. 6356) for the number of employees working;

2.75 Çalışan 3 Employee Representative

For the number of representatives working in the Union B (authorized according to Law No. 4688);

$(900/2000) * 5 = 2,25$  2 Employee Representative

**Example 2**

Total number of employees: 800

A union member 500, B union members 300 employees

Number of employee representatives to be assigned: 4

(If determined according to the calculation method in Example 1)

A union  $(500/800) * 4 = 2.5$  (2 Employee representative)

B union  $(300/800) * 4 = 1.5$  (1 employee representative)

The remaining 1 representative is determined by the lottery method.

(6) In case of lack of authorized union in the workplace or if there is no candidate among the employees, the employer takes care of a balanced distribution among the employees. makes the appointment among the employees in accordance with the qualifications in the first paragraph of the article Employers who are not employed in accordance with these qualifications shall ensure that a sufficient number of employees are employed among the employees.

(7) In case of presence of more than one employee representative, the chief representative shall be determined by the election to be made between the representatives of the employees. In case of equality of votes, the lead representative is determined by the method of lottery.

(8) In the event that the authorized union in the workplace loses jurisdiction or another union is declared as an authorized union, the employer shall ensure that the representative or the representatives of the employee shall work in accordance with the procedures set forth in this Article within thirty days.

**The authority and obligation of the employee representative**

**ARTICLE 9 -** (1) Employee representative to participate in work related to occupational health and safety, to monitor the work, to eliminate the source of danger or to take measures to reduce the risk arising from the danger, to make proposals and to represent the employees on similar issues.

(2) The rights of the employee representative cannot be restricted due to the execution of his / her duties.

(3) Employee representative is obliged to keep confidential information about the employees and the employees that he / she sees and learns with the professional secrets of the employer or the workplace.

**Record**

**ARTICLE 10 -** (1) As a result of the selection of the representative or the representative of the employee, a record shall be issued on the number of votes for which the candidate won the election. The minutes must be signed by the employer or his / her representative and by the employees assigned to the election. The signed list of the participants with the minutes shall be kept in the workplace until the next election.

**Training of employee representative**

**ARTICLE 11 -** (1) Employee representatives According to the Regulation on the Procedures and Principles of Occupational Health and Safety Training of Employees, published in the Official Gazette dated 28648 and numbered 28648, they are specially trained in occupational health and safety issues.

(2) Special training on occupational health and safety issues can be ensured in the workplaces where occupational health and safety is installed by the employees' representatives.

**Validity of current selection or appointments**

**PROVISIONAL ARTICLE 1** - (1) Employee representative elections or appointments made before  
**Force**

**ARTICLE 12** - This Notification publication it takes effect thirty days after its date.

**Executive**

**ARTICLE 13** - (1) The provisions of this Communiqué are executed by the Minister of Labor and Social Security.