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► What is labour inspection and guidance?

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Handbook Series
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**DIRECTORATE OF GUIDANCE
AND INSPECTION**



**International
Labour
Organization**



Contents

What is a labour inspection?	3
Why is labour inspection important?	3
What is an inspection approach based on guidance and prevention?	4
Which institution carries out labour inspection?	5
Who is a labour inspector?	5
How are workplaces to be inspected determined?	6
How does the labour inspection process begin?	7
What should be taken into account for an effective inspection?	8
What are the powers of a labour inspector?	8
What measures should be taken against fake inspectors?	10
What sanctions may be imposed following an inspection?	10
How can I contact labour inspectors?	11

► What is a labour inspection?



► Why is labour inspection important?

Labour inspection is important for the protection of workers' rights, the implementation of legislation concerning employers' obligations, and the ensuring of decent working conditions.

▶ What is an inspection approach based on guidance and prevention?

An inspection approach based on guidance and prevention is a continuously evolving approach that...

-  ▶ prioritizes guidance and awareness-raising
-  ▶ is education-based and open to effective communication
-  ▶ supports cooperation among institutions and stakeholders
-  ▶ enhances processes to become faster and more efficient through digitalization

...in line with the goal of “**decent work**”.

Through an inspection approach based on guidance and prevention, non-compliances with the legislation identified in the workplace are closely monitored, and guidance and information activities are carried out for workers and employers to ensure compliance with the legislation. Thus, the aim is to improve working conditions and the working environment and to establish a sustainable culture of compliance.

► Which institution carries out labour inspection?

Labour inspection is carried out by the Directorate of Guidance and Inspection, under the Ministry of Labour and Social Security, on behalf of the Minister. It is headquartered in Ankara.



"Labour inspection" is carried out by Labour Inspectors working within the Ministry of Labour and Social Security, in accordance with the provisions of ILO Convention No. 81 on Labour Inspection in Industry and Commerce and national legislation.



In our country, the only inspection body whose legal basis derives from an international convention ratified by the Grand National Assembly of Türkiye is the **Directorate of Guidance and Inspection of the Ministry of Labour and Social Security**.

► Who is a labour inspector?

A labour inspector is a public official who inspects, on behalf of the State, the implementation of legislation related to working life. Labour inspectors perform their duties within the Directorate of Guidance and Inspection, directly under the Ministry of Labour and Social Security. More than 900 labour inspectors are employed within the Directorate of Guidance and Inspection.



The Directorate of Guidance and Inspection is composed of labour inspectors with different areas of specialization.

► How are workplaces to be inspected determined?

Scheduled inspection

- Workplaces selected on the basis of risk, area, or sector are included in the schedule.
- It is prevention-oriented.
- Guidance, awareness-raising and communication are prioritized.

Unscheduled inspection

- It is carried out upon an application submitted to the Directorate (such as a notification, complaint, request, etc.).
- It aims to remedy the consequences of non-compliance with the legislation (for example, non-payment of wages, unlawful failure to pay overtime,
- the occurrence of a work accident, etc.) and to prevent their recurrence.



The Directorate of Guidance and Inspection conducts prioritization studies each year to determine the sectors or areas to be inspected in the following year.



Data on occupational accidents and occupational diseases, findings obtained from previous inspections, and the volume of complaints and applications received from that field are taken into account.



Priority is given to the most risky areas, while ensuring that inspections are carried out across all sectors.



The Directorate of Guidance and Inspection aims to achieve the highest level of efficiency by directing its resources to the most high-risk sectors or areas.

► How does the labour inspection process begin?

- As a rule, labour inspection is carried out at the workplace.
- A labour inspector may visit the workplace without prior notice, on any day of the week and at any hour of the day or night during which work is performed.
- The purpose of the labour inspector's visit is to contribute to the improvement of the working environment and conditions, and not to punish the employer or to impose severe sanctions.

From the moment the labour inspector begins the inspection, they aim to:

- carry out examinations within the scope of the inspection at the workplace and identify non-compliance with the legislation
- prioritize guidance and awareness-raising in ensuring that the workplace becomes compliant with the legislation
- provide guidance in establishing a safe and decent working environment in workplaces
- contribute to the improvement of labour relations and industrial peace in the workplace

► What should be taken into account for an effective inspection?¹

- Enabling the labour inspector to meet, without delay, with the senior authorized person at the workplace (employer, chairperson of the board, general manager, operations manager, etc.), depending on the subject of the inspection,
- Accompanying the labour inspector, upon request, during visits to the workplace and its auxiliary buildings, and providing information on the matters requested,
- Providing the labour inspector with a suitable working environment, in line with the requirements of the inspection profession and the principle of confidentiality, to enable the proper conduct of the inspection,
- Providing, as far as possible, the equipment and materials the labour inspector may require, such as a printer, paper, etc.,
- Submitting the requested records and documents without delay, and ensuring that the labour inspector is able to meet with the persons from whom information is sought,



Establishing effective communication with the labour inspector, benefiting from the inspector's guidance and experience, and making efforts to implement the measures indicated in order to prevent more serious consequences in the future would be the appropriate course of action.

► What are the powers of a labour inspector?

- A labour inspector has the authority to enter the workplace without prior notice, on any day of the week and at any time during day or night working hours,

¹ Labour Law No. 4857, Article 92

- ▶ require closed workplaces to be opened by the employer or the employer's representative, provided that there is no legal impediment, and to carry out the necessary examination,
- ▶ enter the workplace premises and its auxiliary buildings without waiting for any authorized person, if deemed necessary,
- ▶ examine all records and documents that are required to be kept under the legislation,
- ▶ carry out the inspection with the assistance of law enforcement authorities, if deemed necessary,
- ▶ inspect machinery, equipment, tools, raw materials, and processed materials present at the workplace, and to examine and investigate whether they are harmful, hazardous, and compliant with the legislation; to conduct or have conducted analyses and examinations of raw materials as well as air, smoke, vapor, dust and similar substances.
- ▶ A labour inspector may examine records and documents at the workplace or may continue the inspection at another location deemed appropriate.



A labour inspector has the authority to hear workers, the employer, the employer's representative, and other relevant persons, both at the workplace and outside it; to ask questions, request the necessary information, and obtain their signed statements.

If the labour inspector is obstructed from performing their duties during the inspection, **an administrative fine** shall be imposed.

The employer's inducement of workers to give **false statements**, the **failure to submit the requested records and documents**, or workers' engaging the inspector in unnecessary procedures through **false declarations** shall also be considered within this scope.

► What measures should be taken against fake inspectors?

To prevent individuals posing as public officials from victimizing citizens through various fraudulent methods, it should be requested that labour inspectors visiting the workplace present their identification document signed by the Minister; in cases of suspicion based on the person's conduct or behavior, the relevant law enforcement authorities or the Directorate of Guidance and Inspection should be contacted to obtain information.

► What sanctions may be imposed following an inspection?



Labour inspectors have the authority to propose and/or impose the listed sanctions and measures.

- Administrative fine
- Preventing workers, who are employed in work that is prohibited, from working
- Suspension of work in part of or throughout the workplace

It should be emphasized that, in a workplace,

it is the **employer's responsibility** to ensure working conditions in compliance with the law (such as paying wages in full and on time, not requiring unlawful overtime, and observing daily, weekly, and annual rest periods, etc.), and to prevent occupational accidents and diseases by taking the necessary occupational safety and health measures.

The **duty of the labour inspector** is to supervise, during the inspection, whether these conditions are provided in accordance with the legislation and whether the necessary measures have been taken.

► How can I contact labour inspectors?

For information on the activities of our Directorate and to follow its publications, you may visit www.csgeb.gov.tr/rtb.

For all questions, suggestions, criticisms, notifications, complaints, applications and requests related to working life and social security, you may contact the Ministry of Labour and Social Security Communication Centre "ALO 170" 24 hours a day, 7 days a week.



You may establish contact by applying to the Provincial Directorate of Labour and Employment Agency in your province.

You may submit all information requests within the scope of the Right to Information Law, as well as your complaints, notifications, and suggestions related to working life within the scope of the Law on the Exercise of the Right to Petition, to our Ministry through the Presidential Communication Centre (CİMER).



Outside these channels, you may direct any questions related to working life to labour inspectors during the inspection.

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