

Developing an Inspection System between the Main Employer and the Sub-employers in terms of Occupational Health and Safety: A Case Study

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Abstract

A healthier and safer working environment can be provided through a more proactive approach with the different auditing systems. The relevant laws and regulations must be developed and applied to employer and sub-employers within the frame of an inspection system. The aim of the study is to examine the primary employer and sub-employer relationship established under the roof of large industrial enterprises in terms of occupational health and safety and to create a healthy and safe working environment where legal requirements are fulfilled. In situations where the primary employer and sub-employer relationship is established within the work, the occupational health and safety activities of the sub-employer need to be audited by the primary employer and the matters to be audited have been determined. Four audits to be made by the principal employer at least annually have revealed the situation in occupational health and safety activities with numerical data. Within the scope of the study, the audits conducted in 2017 on the primary employer and five affiliated sub-employers, which were taken as models, have been explained. While the primary employer and sub-employer relationship is continued by many authorities as a matter of debate, this study sets forth a model about the creation of legal responsibility and safe working environment. The audits must be made sustainable.

Keywords: Sub-employer, Inspection systems, Main employer, Occupational health and safety

1. Introduction

Sub-employer is a concept which is regulated in the Labor Act numbered 4857 and continues to be implemented. In accordance with the conditions stated in the law, a second employer was able to provide services in workplaces and confirmed conclusively in the Labor Act of Turkey in 2003 (LA, 2003). Sub-employer refers to the body that takes over work and employs insures for this work in an assignment or a part or extensions of an assignment related to the production of goods and services executed by the employer in workplace. Sub-employer can be a natural person as well as a legal person (company, cooperative, partnership etc.). In the primary employer and sub-employer relationship, the primary employer is responsible together with the sub-employer in the Labor Act for the liabilities resulting from the labor agreement or the collective labor agreement to which the sub-employer accedes against the employees of the sub-employer regarding that workplace. The necessary elements to mention about the sub-employer are as follows:

- Presence of the primary employer who employs workers in the workplace
- Fulfilment of the work in the workplace of the primary employer

- Relation of the work with the good and service production in the workplace
- Work requirement for expertise due to technological reasons related to the enterprise and primary work
- Employment of workers only in the workplace of the primary employer (LA, 2003).

Paragraph 2 of Article 23 of the Labor Act states “coordination for occupational health and safety is provided by the administration in places such as enterprise centers, commercial buildings, industrial zones or sites, which include more than one workplace (LA, 2003)”. When the provision of law is reviewed, it is seen that the term of sub-employer is not directly stated. However, these regulations must be applied for workplaces which are shared by primary employers with sub-employers because the places where sub-employers work are also counted as separate workplaces, even though an express coordination liability is put forward for sub-employers.

In the workplaces where the primary employer and sub-employer relationship is established in line with the legislation, it is a legal obligation to provide occupational health and safety services for each employer considering the hazard class of the workplace. Hazard classes can be

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different when the registration numbers of the primary employer and the sub-employer are taken into account. Thus, the primary employer must select and guide his sub-employers according to the work to be done and the hazard class. Risk assessment activities, emergency plans, occupational safety trainings etc. must be conducted in compliance with the hazard classes. Primary employer and sub-employer must carry out these activities in work areas with harmony, because a risk in their areas may affect the employees of both employers. As a consequence of the aforementioned provision, the duty of coordination must belong to the primary employer.

When the implementations of the Supreme Court related to occupational health and safety provisions are reviewed, it cannot be said that the Supreme Court has reached a consensus on this matter yet. However, the Supreme Court held the primary employer responsible together with the sub-employer for some cases in the past. This was experienced in the decision of the Supreme Court Assembly of Civil Chambers dated 02.02.2011 regarding the responsibility of the primary employer for work accident providing that cleaning work is given by means of tender (GASCV, 2011). It was decided that the primary employer would be conjointly responsible together with the sub-employer for this case and similar cases.

The aim of this study is to examine the primary employer and sub-employer relationship established under the roof of large industrial enterprises in terms of occupational health and safety and to create a healthy and safe working environment where legal requirements are fulfilled.

2. Material and Methods

In this study, a primary employer, which was determined as the model, and five sub-employers working under it were discussed. Four audits conducted by the primary employer in 2017 were reviewed (LA, 2003; OHSL, 2012). The number of employees of the firms and their financial status were not considered as criteria while creating this model (Kasap, 2019). Only the sub-employers' areas of expertise were taken into account during the selection of the audit topics.

TYT, considered as the Primary Employer in this study, is a motorcycle firm with factories in Turkey and Europe. TYT, manufactured the C, V, and TCHR model motorcycles, was founded in 1984. A big part of the production is exported to approximately 110 countries worldwide. With an investment of 2.9 billion dollars in total, TYT Turkey employs more than 6000 people. TYT is one of the biggest production enterprises of the firm with its production capacity increasing up to 490.000 per year.

SDX, which is a sub-employer of TYT, is employed to meet TYT's catering needs. Its responsibility is to

provide catering service for the employees of TYT for three shifts and seven days of the week in dining halls located at four different spots. With 160 employees in total, SDX has been performing catering job within the company since 2010. Güven4S is another sub-employer of TYT, which is employed to render security services. This firm provides TYT with security service for 24/7 base while working at 7 spots with and without guns. With 60 employees in total, this firm has been performing this service since 2010.

TRW is a sub-employer of TYT which deals with the services of cleaning, technical cleaning, gardening, and technical maintenance. With 250 employees in total, the firm has been performing this service since 2009.

Another sub-employer of TYT is SU, providing TYT with potable water and water dispenser services. With 10 employees in total, the firm has been performing this service since 2015. Besides, MTA is another sub-employer of TYT delivering wood processing and furniture repairing services. With 8 employees in total, the firm has been SU is this service since 2015.

2.1. Sub-Employer Audit Topics

While determining the audit subjects, the fields of activity of the main employer and sub-employers were examined and the subjects were determined within the framework of the relevant legal requirements.

2.1.1. Occupational Safety Expert

Occupational safety expert refers to the technical personnel who work in the field of occupational health and occupational safety, are authorized by the ministry and have the certificate of expertise (Table 1). Enterprises have been obliged to have an occupational safety expert due to the related law since 2012 (OHSL, 2012). The primary employer must check whether its sub-employers, who are subject to the law, fulfil this liability. The number of experts to be assigned must be determined according to the number of the present employees and they must be appointed over the system specified by the ministry. The sub-employer must share the agreement of the assigned occupational safety expert with the primary employer.

Table 1. Questions and point distribution for the occupational safety expert

Points	Questions
0	If no occupational safety experts have been assigned
1	- If an occupational safety expert has been assigned, - If an agreement was signed
2	In addition to 1 point, if the working hours of the occupational safety expert are sufficient
3	In addition to 2 points, if the control system is sufficient
4	In addition to 3 points, if the primary employer has been notified of the agreement

2.1.2. Workplace Doctor

Workplace doctor refers to the doctors who work in the field of occupational health and occupational safety, are authorized by the ministry and have the certificate for workplace practice (Table 2). Enterprises have been obliged to have a workplace doctor due to the related law since 2012 (OHSL, 2012). The primary employer must check whether its sub-employers, who are subject to the law, fulfil this liability. The sub-employer must share the agreement of the assigned workplace doctor with the primary employer.

Table 2. Questions and point distribution for workplace doctor

Points	Questions
0	If no workplace doctors have been assigned and no agreements have been signed
1	- If a workplace doctor has been assigned - If an agreement was signed
2	In addition to 1 point, if the working hours of the workplace doctor are sufficient
3	In addition to 2 points, if the control system is sufficient
4	In addition to 3 points, if the primary employer has been notified of the agreement

2.1.3. Basic Occupational Safety Training

Employers enable training for their employees in matters including work and workplace hazards and risks and measures for protection against them before they start working (Table 3). Trainings are also given in respect to risks which may emerge in case of a change in the work area or the job, in the work instrument, application of new technology etc (RPPOHS, 2013). These trainings are planned as eight hours in three years for a less -hazardous enterprise, 12 hours in two years for a hazardous enterprise and 16 hours per year for a highly-hazardous enterprise according to the workplace hazard class (RPPOHS, 2013). Primary employers must check whether these trainings, which are legal obligation, are given to the employees by the sub-employers.

Table 3. Questions and point distribution for occupational safety training

Points	Questions
0	If the personnel did not receive basic occupational health and safety training before starting working
1	- If the personnel received basic occupational health and safety training before starting working - If duty-based certifications were not executed and firms do not have annual training plans
2	- In addition to 1 point, if the firms with duty-based certification have an annual training plan, but no training is given in certain periods according to hazard classes
3	In addition to 2 points, if trainings are given in certain periods and control system is available
4	In addition to 3 points, if the primary employer has been notified

2.1.4. Heavy Machinery Operator Controls

Workers whose duty is to use equipment such as machines and tools utilized during work are called operators. A great deal of equipment like forklifts, cranes, and manlifts can be used in the workplaces depending on the work quality. Operators who are assigned for using this equipment need to have the certificate of operatorship (Table 4). Certificate of operatorship; "experts" who fulfil the provisions of Private Educational Institutions Regulations of the Ministry of National Education published under the Law numbered 5580 (20/3/2012) can obtained the certificate of operatorship from private courses opened independently such as "Course of Heavy Equipment and Operatorship" or official and free courses within the scope of the Vocational Education Law numbered 3308 and Non-Formal Education Regulations of the Ministry of National Education. Work equipment cannot be used by anyone other than the operators assigned to use that equipment.

Table 4. Questions and point distribution for the heavy machinery operator control

Points	Questions
0	If the personnel who will use heavy machinery such as Manlifts and Forklifts have not been trained
1	If the personnel who will use heavy machines such as Manlifts and Forklifts have been determined
2	In addition to 1 point, the primary employer has been notified
3	In addition to 2 points, if irrelevant personnel have been stopped from using heavy machines such as forklifts and manlifts
4	In addition to 3 points, if control system is available and has continuity

2.1.5. Heavy Machinery Periodic Controls

Periodic controls of work equipment must be carried out at certain intervals and in criteria specified within the relevant standards and considering the data of the manufacturer. Work equipment is maintained within the knowledge of the employer in daily, weekly, monthly, or annual periods as defined by the relevant standards or the manufacturer (Table 5). Before every operation, the employer must ensure that heavy machines are subjected to controls by operators. Hence, situations posing a risk such as cracks, loosened connections, deformation in pieces, abrasion, corrosion etc. on the equipment can be prevented. Pressured vessels and installations, lifting, and transmissive equipment are subject to periodic control (RHSCWE, 2013) pursuant to the regulations related to installations and benches. Periodic controls of work equipment whose periodic control interval and criteria have not been defined with standards are executed at the intervals and in criteria foreseen by the manufacturer if available. The employer must ensure that the equipment is subjected to periodic control. Similarly, the sub-employer must follow the execution of the periodic controls of the equipment used.

Table 5. Questions and point distribution for heavy machinery periodic controls

Points	Questions
0	If the heavy machines are not listed, no plans and no periodic control sheets are available
1	- If Equipment is listed - If plan has been made but is not practiced, periodic control sheets are lacking
2	In addition to 1 point, if periodic control sheets are complete
3	In addition to 2 points, if the control system is complete and functions correctly
4	In addition to 3 points, if the primary employer has fully been notified of the periodic control sheets of heavy machines

2.1.6. Occupational Accidents, Counter Measures and Reporting

Occupational accident is the case that occurs during work and in conditions stated in the relevant legislation, injures the employee or causes death. Notification must be done within 3 work days after the occurrence of the occupational accident (Kasap, 2019). If occupational accidents happen without notification, the employer can be penalized. The accident is reported after its occurrence and its reason is researched (Table 6). The same accident is prevented with the counter measures to be taken. The employee who had an accident must be subjected to health examination and occupational safety training after returning to work.

Table 6. Questions and point distribution for occupational accidents, counter measure and reporting

Points	Questions
0	If occupational accidents are not investigated and reported
1	- If occupational accidents are investigated on the spot and a statement is taken down - If SSI (Social Security Institution) is notified as per the legal legislation
2	In addition to 1 point, if counter measures are sufficient
3	In addition to 2 points, if training is given to the personnel who had an accident and recorded before starting to work
4	In addition to 3 points, if the primary employer is notified of the monthly number of the accidents and practices

2.1.7. Environmental Measurements

Employers are liable to execute the necessary measurements and controls for determining the risks to which employees are exposed in their environment in terms of occupational health and safety, and to take counter measures for negative situations (DFG, 2013). They must specify the situations and conditions such as environmental noise measurement-noise map, individual noise exposure measurement, hand-arm, whole body

vibration measurement, organic and inorganic gas measurement, individual gas exposure measurement, environmental dust measurement, individual dust exposure measurement, illumination measurement, thermal comfort (temperature, humidity, air flow velocity etc.), and take counter measures after the necessary evaluations (Table 7). For instance, if the measurement value of an area subjected to noise measurement is found above the legal limit (IRPENR, 2013), the employer must discover the source of the noise and conduct counter measure activities to eliminate the risk.

Table 7. Questions and point distribution for environmental measurements

Points	Questions
0	If no environmental measurements were done
1	If environmental measurements were done
2	In addition to 1 point, if occupational diseases, which might occur as a result of environmental measurements, were detected
3	In addition to 2 points, if necessary measures have been taken as a result of environmental measurements and they are repeated periodically
4	In addition to 3 points, if the primary employer is notified of these activities

2.1.8. Chemical Management

The fact that we do not have adequate knowledge and equipment related to chemicals used is one of the most important problems we work on. There are material safety data sheets (MSDS) explaining the properties and content of chemicals in terms of health and safety (Table 8). Thanks to these sheets, we can access to information such as the definition of the chemical, its components if it is a mixture (boiling point, smell etc.), its effects on health and protection methods, vulnerability levels (TLV, MAC, STEL etc.), emergency and first aid. Employers must follow up the chemicals they use and perform practices for counter measures if they have negative effects (IRHSMWCS, 2013). Sub-employers in the workplace must also follow up the chemicals they use.

Table 8. Questions and point distribution for chemical management

Points	Questions
0	Non-availability of MSDSs of the chemicals used in the field. Untrained personnel
1	If MSDSs are available and Turkish, the personnel are trained
2	In addition to 1 point, if additional measures have been taken regarding the use of the chemicals
3	In addition to 2 points, if new and used MSDSs are controlled systematically
4	In addition to 3 points, if the primary employer has been notified of training records and practices

2.1.9. Selection and use of Personal Protective Equipment

Personal protective equipment is defined as the device, tool or material that protects the employees against the dangers present in the work area. If technical systems, organizational change and engineering methods cannot prevent the risks or decrease the risk level in workplaces, personal protective equipment is involved (Table 9). In workplaces, the priority in protection is collective protection. In cases where this is not provided or insufficient, personal protection practices should be carried out. The use of personal protective equipment is one of them. Work clothes, equipment of rescue services, equipment worn and used by public security forces, sports equipment etc. does not fall under the category of personal protective equipment (IRPREW, 2013).

Personal protective equipment must provide full protection against the relevant risk, and comply with the health and ergonomic requirements of the employee. Personal protective equipment must be marked with "CE" and have Turkish user's manual. Employers are obliged to provide their employees with this equipment free of charge. Primary employers must check the personal protective equipment preferred and used by sub-employers in their work areas.

Table 9. Questions and points distribution for personal protective equipment selection and use

Points	Questions
0	If no personal protective equipment maps are available and PPE was given incompletely
1	- If personal protective equipment was given - If a map was created
2	In addition to 1 point, if personal protective equipment has been recorded with debit reports
3	In addition to 2 points, if changing periods have been determined
4	In addition to 3 points, if personal protective equipment is controlled at certain intervals and if these practices are shared with the primary employer

2.1.10. Risk Analysis

Risk analysis is the process of determining the risks that may cause harm for the employee as a result of the work performed, calculating, evaluating and interpreting them within the probabilities. Risks are determined, the sources that cause risks are classified and the problems that may arise are transferred to the employer with the probability distribution. The employer is liable to ensure and sustain the health and safety of its employees. Therefore, it is a legal liability for employers to carry out risk analysis in their work areas (Kasap, 2019). However, conducting a risk analysis does not eliminate the employer's liability.

In workplaces whose risk analysis was not conducted after their establishment, the priority is to create a risk analysis (Table 10). Risk analysis must be renewed in any subsequent changes. Again, risk analysis must be renewed in dangerous workplaces in very hazardous workplaces every two years, in hazardous workplaces every four years and in less hazardous workplaces every six years (OHSRAR, 2012).

Risk assessment work must be carried out with a team in workplaces (OHSRAR, 2012). Team members consist of the employer or his/her representative, occupational safety expert, workplace doctor, employee representative and support member in the workplace. Primary employers must supervise that sub-employers are conducting a risk assessment study in their work areas and must be informed of the identified risks. In addition, the primary employer must inform his sub-employer about the department, work and activities concerning the sub-employer in his risk assessment study for his fields.

Table 10. Questions and point distribution for risk analysis

Points	Questions
0	If no risk assessment is available or up-to-date or any signature is missing
1	If risk assessment is up-to-date and signatures are complete
2	In addition to 1 point, if risk assessment covers the whole process and the responsible have been assigned against the risks
3	In addition to 2 points, if the defined measures and precautions are sufficient
4	In addition to 3 points, if risk assessment is being renewed considering the hazard class and other conditions and the risk assessment has been shared with the primary employer

2.1.11. Establishing an Emergency Plan

Incidents requiring emergency action, first aid or evacuation such as fire, explosion, spread caused by hazardous chemical substances and natural disasters, which may occur in the whole or a part of the workplace are defined as emergency (Table 11). Preparations must be made for possible emergencies in the workplace. Matters like how and in what ways employees will evacuate their work areas in case of an emergency, how the area will be reached in case of fire and injuries of employees, how to intervene, at what intervals practices will be performed etc. must be included in the plan to be established. This relation must be taken into consideration in the workplaces where the primary employer and sub-employer relationship is established. In the plan to be developed, implementations must be carried out considering the status of all employees. Sub-employers must also set up an emergency plan for their own areas and transfer it to the primary employer.

Table 11. Questions and point distribution for establishment of an emergency plan

Points	Questions
0	If the emergency plan is not available or up-to-date or any signature is missing
1	If there is an appropriate number of personnel
2	In addition to 1 point, if homogeneously distributed to the field
3	In addition to 2 points, if periodic trainings are followed
4	In addition to 3 points, if the primary employer has been notified of training records

2.2. Calculation of the Audit Score

The calculation and evaluation of the sub-employer's audit score is carried out following the steps below.

Step 1: All the titles have been divided into points with values between 0-4 within themselves. In a total of 11 titles, success points between 0-4 are given with the audits conducted by means of a list. The total score received by the sub-employer at the end of the audit point at the success over the scale indicated in Table 12. The highest value that the sub-employer can receive is 44 points.

Table 12. Sub-Employer Audit Score and Success Percentage Evaluation Table

Evaluation	Audit Score	Success Percentage
Very Bad	The Value Between 0-11 Points	The Value Between 0% and 25%
Low	The Value Between 12-22 Points	The Value Between 26% and 50%
Good	The Value Between 23-33 Points	The Value Between 51%-75%
Very Good	The Value Between 34-44 Points	76% - 100%

Step 2: Success percentage of the sub-employer is calculated as the audit score. The highest 44 points that the sub-employer can achieve indicate that the success rate is 100%. The success percentage of the audit score between 0 and 44 points is calculated with the simple ratio calculation.

Step 3: A general table and a spider graphic must be formed for the sub-employer whose success score and success percentage are determined, and the result must be presented visually.

There are two important points when calculating the audit score and success percentage.

Highlight 1: If the sub-employer received "0 point" from any topic at the end of the audit, its evaluation results in "Very Bad", because receiving "0 point" from a topic indicates that the minimum legal requirement has not been fulfilled for that topic. Even if "4 points" were obtained from the remaining 10 topics, evaluation results in "Very Bad".

Highlight 2: Some of the audit topics can be evaluated as "irrelevant" due to the affairs of the sub-employer. For example, the topic of "Chemical Management" can be considered irrelevant for the sub-employer who provides "Security" service for the primary employer. In such a case, the evaluation range will need to be changed. The highest value, which is 44 points, is determined as 40 points in this case and divided into 4 equal sections and the evaluation range is determined again according to the audit score ranges (Table 13).

Table 13. Forming a New Evaluation for Irrelevant Topics

Evaluation	Audit Score
Very Bad	The Value Between 0-10 Points
Low	The Value Between 11-20 Points
Good	The Value Between 21-30 Points
Very Good	The Value Between 31-40 Points

When calculating the success percentage, only the denominator value in the formula changes and the percentage values remain the same. If we set out from the given example, it would be enough to change the denominator value from 44 to 40.

3. Results and Discussion

According to the results of the audits conducted for five sub-employers four times in a year in 2017, the average success scores of the year are shown in the Tables 14-19 and Figures 1-6 (Kasap, 2019). The most successful audit of the firms has been the one executed in July, the most unsuccessful audit has been the one in February. Figure 6 shows success scores on a month basis.

Table 14. Audit Results of 2017 for SU

No	Topic	February	April	July	December
1	Occupational Safety Expert	4	3	3	4
2	Workplace Doctor	4	4	4	4
3	Basic Occupational Safety Training	4	4	4	4
4	Heavy Machinery Operator Controls	4	4	4	4
5	Work Equipment Periodic Controls	4	4	4	4
6	Occupational Accidents, Counter Measure and Reporting	4	4	4	4
7	Chemical Management	4	4	4	4
8	PPE Selection and Use	4	4	4	4
9	Risk Analysis	4	4	4	4
10	Establishing an Emergency Plan	1	4	4	4
Success Rate in Percent		93	98	98	100

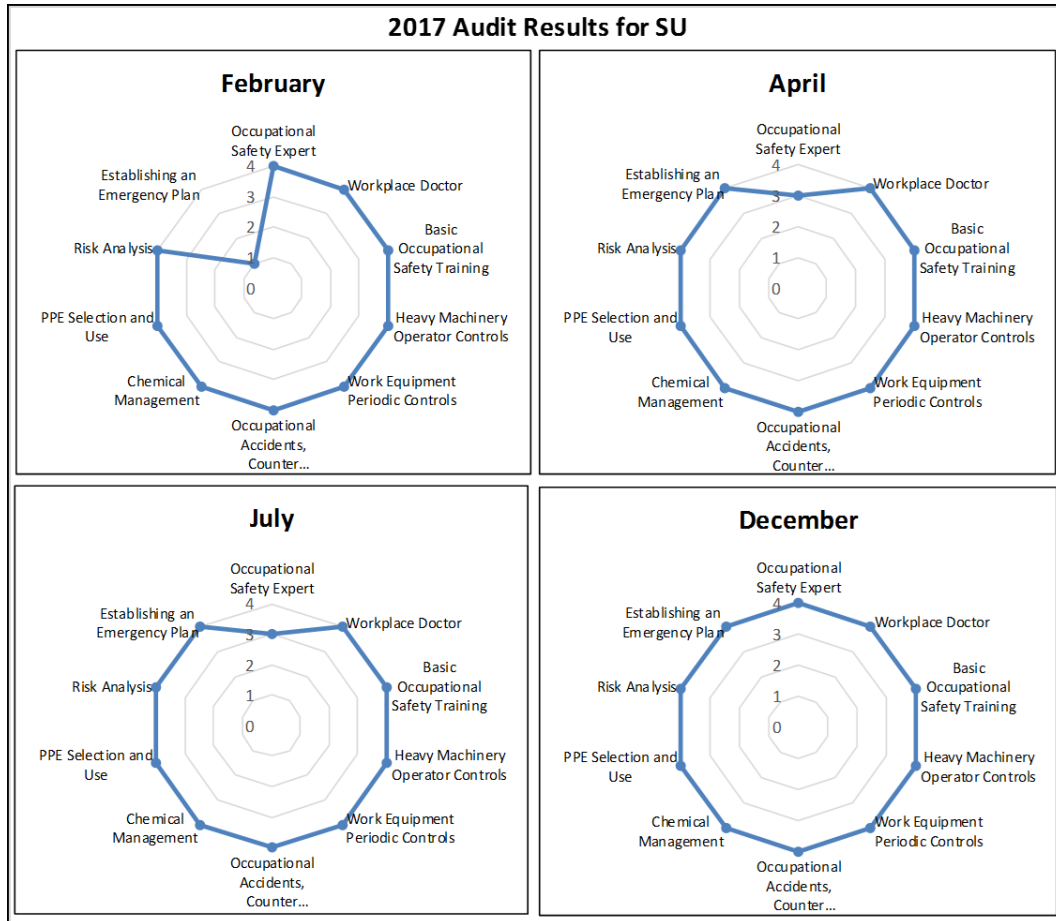


Figure 1. 2017 Evaluation Graphics for SU

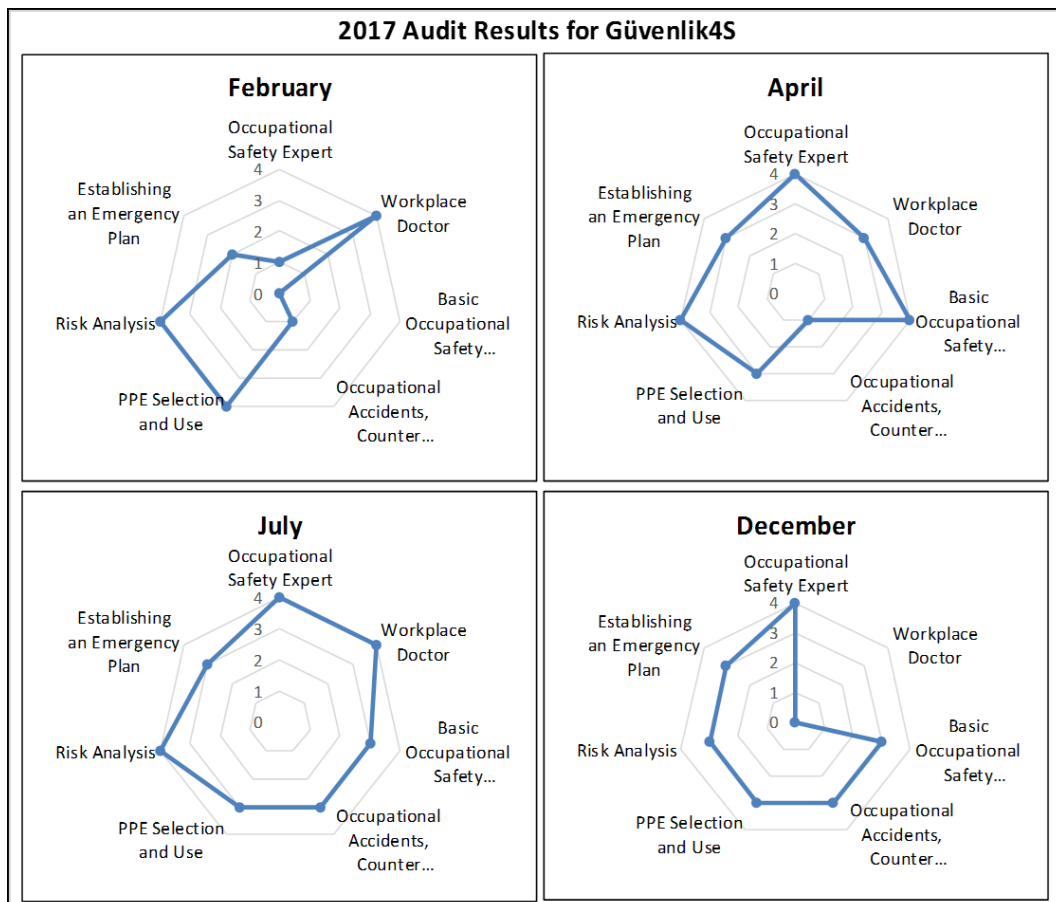


Figure 2. 2017 Evaluation Graphics for Güvenlik4S

Table 15. 2017 Audit Results for Güvenlik4S

No	Topic	February	April	July	December
1	Occupational Safety Expert	1	4	4	4
2	Workplace Doctor	4	3	4	0
3	Basic Occupational Safety Training	0	4	3	3
4	Occupational Accidents, Counter Measure and Reporting	1	1	3	3
5	PPE Selection and Use	4	3	3	3
6	Risk Analysis	4	4	4	3
7	Establishing an Emergency Plan	2	3	3	3
Success Rate in Percent		0	78	86	0

Table 17. 2017 Audit Results for SDX

No	Topic	February	April	July	December
1	Occupational Safety Expert	4	4	4	4
2	Workplace Doctor	4	3	4	4
3	Basic Occupational Safety Training	0	4	3	2
4	Occupational Accidents, Counter Measure and Reporting	2	3	4	4
5	Chemical Management	4	4	4	4
6	PPE Selection and Use	3	4	4	4
7	Risk Analysis	1	3	4	4
8	Establishing an Emergency Plan	1	1	3	4
Success Rate in Percent		0	81	93	93

Table 16. 2017 Audit Results for MTA

No	Topic	February	April	July	December
1	Occupational Safety Expert	2	4	4	4
2	Workplace Doctor	1	2	3	1
3	Basic Occupational Safety Training	4	4	4	4
4	Heavy Machinery Operator Controls	4	4	4	4
5	Occupational Accidents, Counter Measure and Reporting	4	4	4	4
6	Chemical Management	1	4	4	4
7	PPE Selection and Use	2	2	4	4
8	Risk Analysis	1	1	3	3
9	Establishing an Emergency Plan	0	0	3	4
Success Rate in Percent		0	0	91	89

Table 18. 2017 Audit Results for TRW

No	Topic	February	April	July	December
1	Occupational Safety Expert	2	4	4	4
2	Workplace Doctor	4	4	4	4
3	Basic Occupational Safety Training	3	3	3	3
4	Heavy Machinery Operator Controls	4	4	4	4
5	Occupational Accidents, Counter Measure and Reporting	4	3	3	3
6	Chemical Management	4	4	4	4
7	PPE Selection and Use	3	3	3	4
8	Risk Analysis	1	2	3	3
9	Establishing an Emergency Plan	0	1	2	4
Success Rate in Percent		0	78	83	92

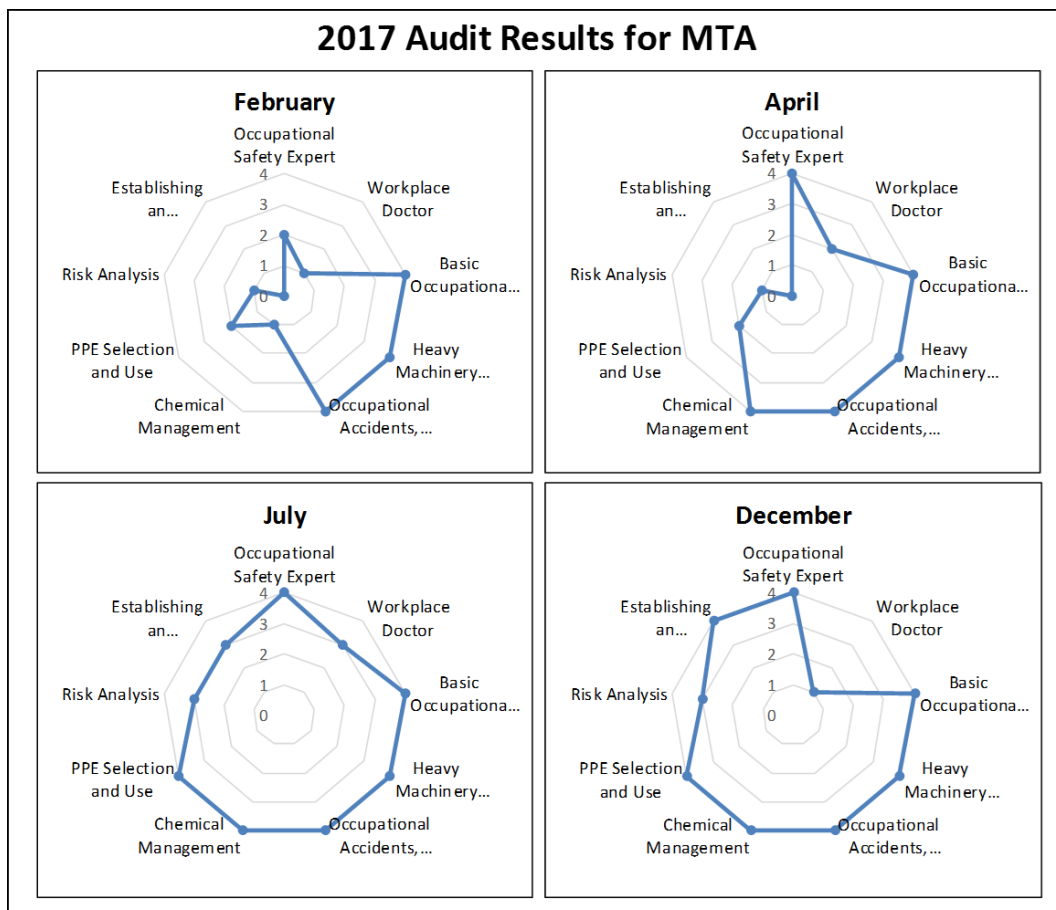


Figure 3. 2017 Evaluation Graphics for MTA

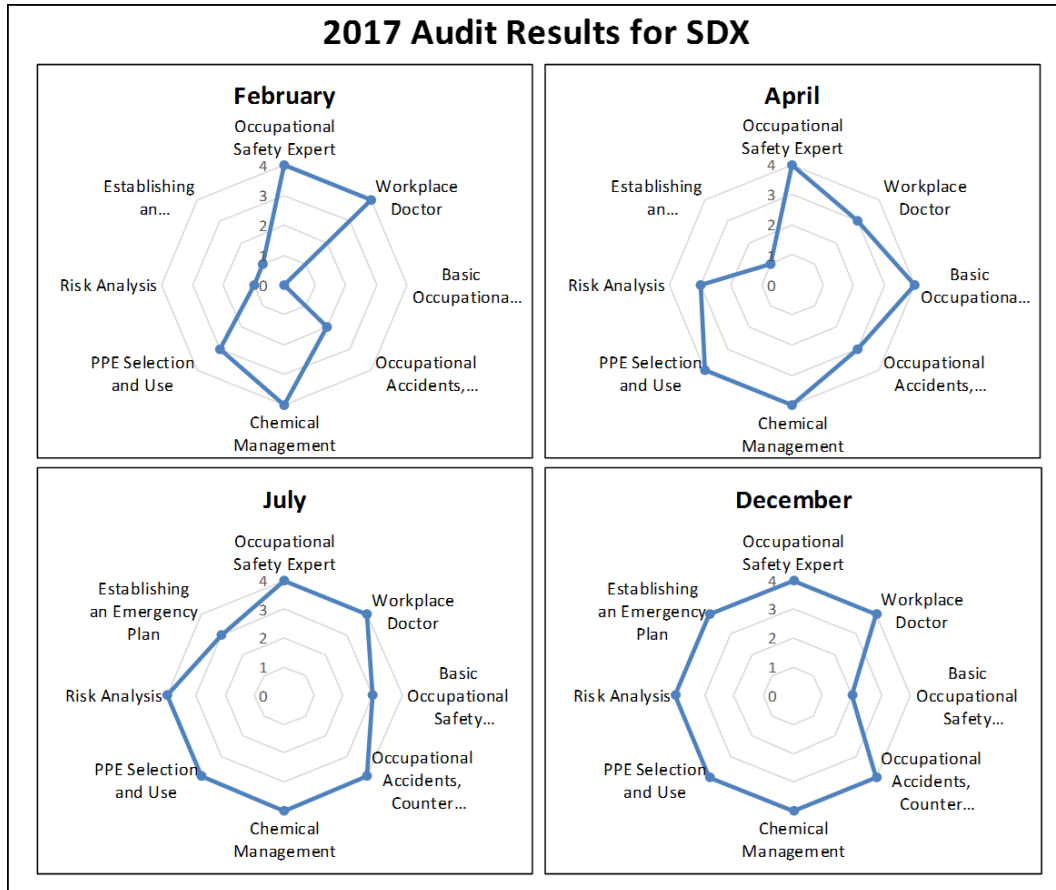


Figure 4. 2017 Evaluation Graphics for SDX

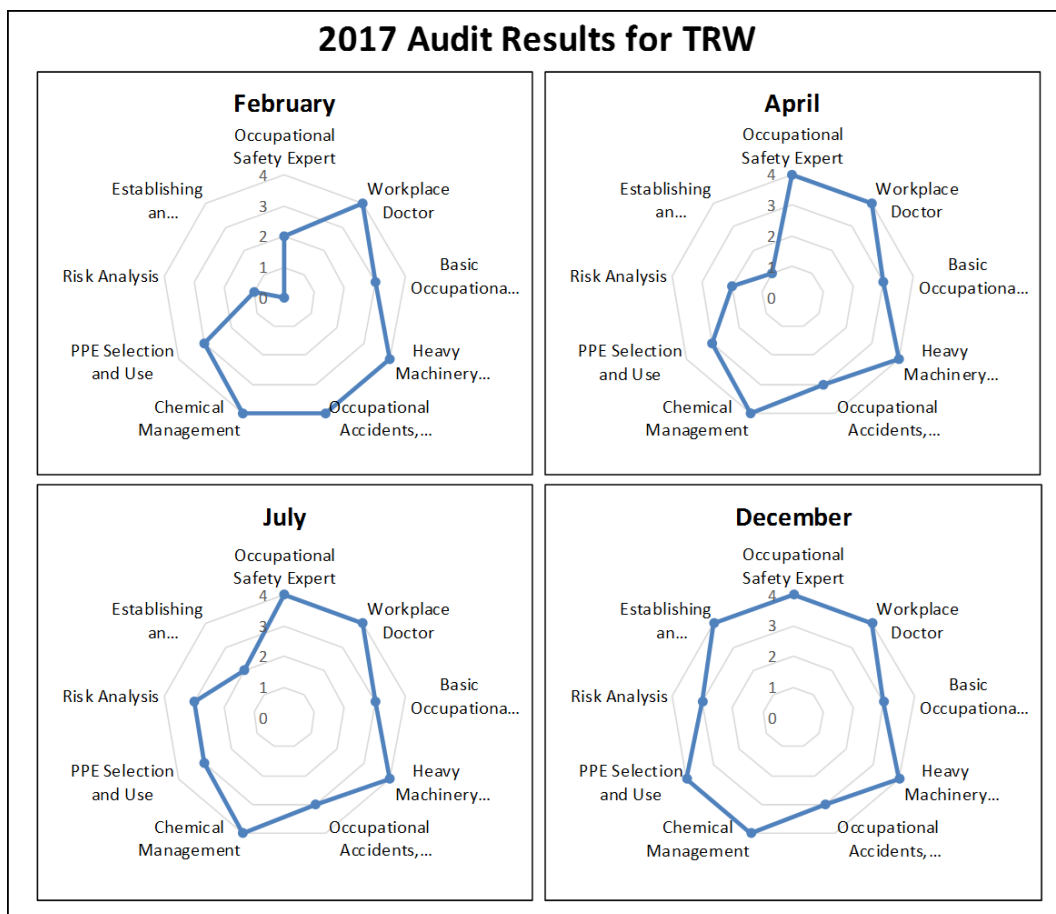


Figure 5. 2017 Evaluation Graphics for TRW

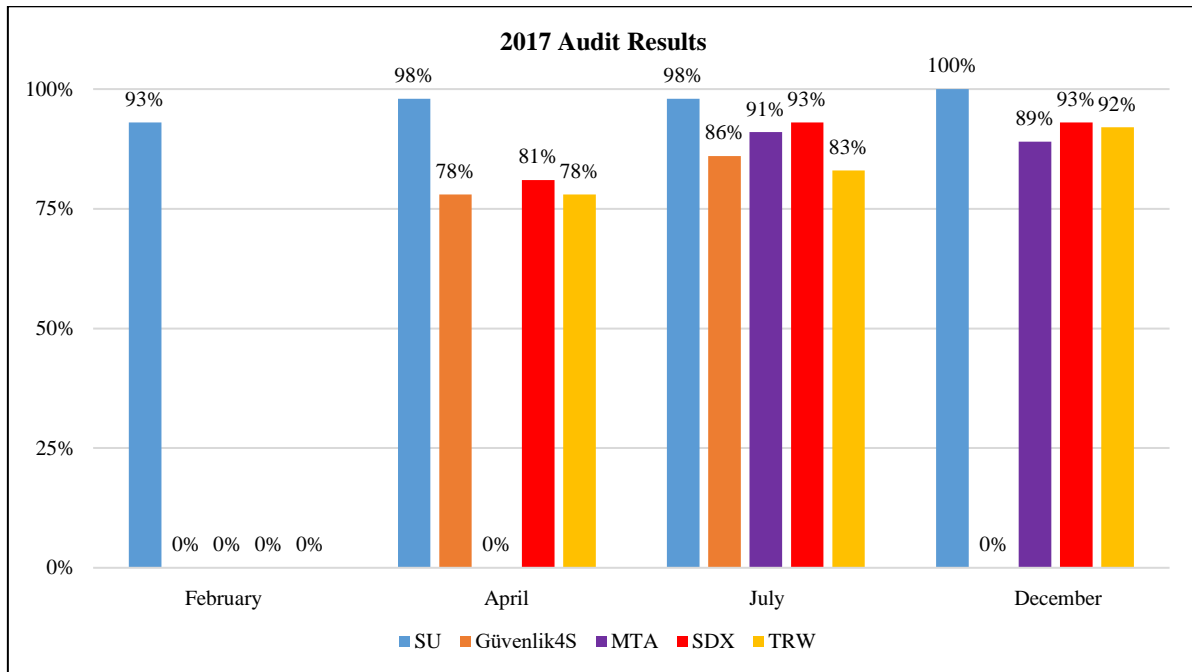


Figure 6. 2017 Success Rates on a Monthly Basis (Kasap, 2019)

Table 19. 2017 Success Chart (Kasap, 2019)

Entity	Yearly Success in Percent	Evaluation
SU	97%	Very Good
Güvenlik4S	41%	Low
MTA	45%	Low
SDX	67%	Good
TRW	63%	Good

In large industrial enterprises, primary employers use sub-employer formula for non-production activities such as general cleaning, technical cleaning, food and security services in the enterprise in order to reduce expenses and conduct production-focused work. Although sub-employer is an employer independent from primary employer, its responsibility is to perform the work it undertakes in the workplace and enterprise organization of the primary employer. At this point, the problem of determining who is responsible for the occupational health and safety measures in primary employer and sub-employer relationship emerges.

Despite of being seen as a matter of debate by many authorities, a differentiation cannot be made in terms of field applications since they are under the roof of the same enterprise. Legally, the matter is still on the grey area (Bozkurt, 2008; Yılmaz, 2009). Many enterprises do not turn the audits conducted on their sub-employers into digital data and determine the points to be improved by conducting analysis on the subject (Gençtarıh, 2009). This situation causes the sub-employer to follow an unconscious policy with a thought of doing the work superficially as well as not contributing to the occupational health and safety activities.

In enterprises, primary employers do not establish a systematic audit system on sub-employers most of the time and do not conduct audits for the responsibilities

they are a party to (Gençtarıh, 2009). In our country, many occupational accidents are experienced according to the statistics of SSGHI and the number of occupational disease diagnosis is also high (SSGHI, 2006). Based on this reality, not having an occupational health and safety audit system or an inadequate audit system in enterprises for primary employer and sub-employer relationship cannot be accepted.

Audits that will be conducted during the year will reveal the real situation in terms of establishing a safe working environment. The number of audits may vary depending on the field of activity, size and risks of the enterprise. However, there must be the requirement of conducting at least four audits to put forward healthy work.

Audit subjects can be created with a deeper model in subtitles. For example, the subject of risk assessment can be separately modeled such as the machine safety-related risks and unsafe behaviors-related risks. A healthier and safer working environment can be provided through a more proactive approach with the system discussed in the study and other systems. More details must be added in the relevant laws and regulations so that legal responsibilities of the parties in the primary employer and sub-employer relationship regarding occupational health and safety can be more clear and evident.

4. Conclusion and Recommendations

With the system mentioned within the scope of this study, occupational health and safety audit system can be established in primary employer and sub-employer relationship. This system can show the status of the sub-employer regarding occupational health and safety with digital data and its progress about this issue can be observed with the periodic implementation of this system.

More details must be added in the relevant laws and regulations so that legal responsibilities of the parties in the primary employer and sub-employer relationship regarding occupational health and safety can be more clear and evident. Thanks to the audits made with the system, the next year objectives can be put forward as determinant for the situations such as budget planning and training planning of enterprises. For example, in an enterprise which could not get four scores in the risk analysis audit, it will include budget planning among its objectives for counter measure by conducting periodical analysis. A similar situation will be valid for the preparation and renewal of health reports. The objective is to ensure the employers to prepare their annual plans and budgets in this regard. Conducting more than one audit in a year enables the follow-up of certain situations such as the progress or regression of the subjects or which subject has not been worked through. For this reason, the primary employer should conduct audits with a model regarding occupational health and safety at least four times a year on the sub-employers working in its enterprise.

All these activities will play an effective role in providing a healthy and safe working environment and detecting the risks existing in the working environment in advance or in time. In work life, where human health is of top priority with legal obligations, an occupational health and safety audit system must be established for the sub-employer who has work partners and a safe working environment must be provided with periodic audits.

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