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Occupational Risks Insurance in **TURKEY**

Organization and 2004-2011 Statistical Data

Foreword

This document presents a descriptive overview of the occupational risks insurance of Turkey. It deals with structures and operating mode. The document is completed by a statistical chapter detailing accidents at work and occupational diseases data.

The statistical chapter comes from the use by EUROGIP of the data mainly issued from the SGK official publications and presented according to the EUROGIP's knowledge of the Turkish insurance system. These data have not been reprocessed by EUROGIP. For any confirmation, one has to refer to the source which is systematically given.

Financial data given in Euro are calculated with an exchange rate of (10/11/2012) 1 TRY = EUR 0.4268.

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1. Main characteristics of the Turkish occupational risks insurance system

1.1 Social system and occupational risks insurance

In the field of health and safety at work, the intention to legislate dates back to the period of the Ottoman Empire and materializes itself with the advent of the Turkish Republic in the early 20th century. Generally, Article 60 of the Constitution of the Turkish Republic provides for the right of every citizen to Social Security.

The first labour law was enacted in 1936 to be since regularly updated. The first law on compensation of occupational accidents was enacted in 1945.

The current legislation has its roots in the establishment of a social insurance in 1965. In 1984, the social insurance of employees in agriculture was established. Then, with Act No. 5502 was created in 2006 the Social Security institution, SGK (*Sosyal Güvenlik Kurumu*) that merged regimes (*SSK for employees of the private and public sectors, Emekli Sandığı – retirement fund and Bağ-Kur – for self-employed workers*) in a single institution. This institution covers more than 80% of the population. Finally, the 2006 Law No. 5510 established a universal social insurance which came into force in October 2008. It homogenized the action of various previously independent systems.

Occupational health and safety legislation

This legislation mainly depends on the Labour Law No. 4857 and on Law No. 5510. They define the main provisions for the protection of workers, particularly the Chapter 5 of the Law No. 4857 dealing with health and safety at work. Its article 77 specifies the obligations of the employer and the worker.

Law No. 4857 covers all employees under contract of the private and public sectors; it also covers apprentices, students and prisoners during their working shifts. Part-time homeworkers are not covered as well as civil servants, agricultural workers, police and civilian personnel of the defence sector. Obligations mainly focus on companies with more than 50 workers thus leaving aside the SMEs / VSEs which constitute the largest share of economic fabric. Nevertheless, these groups of workers will progressively be covered according to the terms of the new Workers Health and Safety Law No. 6331.

Indeed, the legislation is being harmonized with the EU legislation through a major transposition's work of the European directives. In June 2012, the Turkish Parliament approved the new Law n° 6331 to align national legislation with the terms of Framework Directive 89/391/EEC. It means that the employer shall take the necessary measures to ensure the health and safety of employees, to provide the necessary equipment for this purpose, to train and inform staff on this topic. Finally, the law states that the employer must report occupational injuries claims. For his part, the employee has to respect and implement these provisions.

Two programs to upgrade infrastructure and legislation have been developed. The current program which runs from 2009 to 2013, provides a 20% reduction in the number of accidents at work and the establishment of a new system of occupational diseases diagnosis. Besides the aim of covering all employees and make health and safety at work more effective, it is expected to increase by 20% the public institutions' means.

Occupational risks insurance

The insurance covers accidents at work occurring in the workplace and during work. The definition of accident includes all circumstances or situations causing to the insured person an immediate or subsequent physical or psychologically work disability:

- at the workplace,
- under the authority of the employer,
- when the employee is sent by his employer to another workplace, during transportation organized by the employer to go to another workplace.

Commuting accidents are not covered except the commuting accidents occurring to a group of workers with a vehicle provided by the employer.

By occupational disease, one must understand cases of temporary or permanent illness, disability or mental disorders suffered by the insured person, whose source may be found in repeated situations in the working conditions. Occupational diseases are gathered in a list dating back to 1985. The list is very complete and it is divided into 5 groups. The first group deals with physical agents whose exposure generates an occupational disease and the other four groups gather pathologies. The list also includes minimum exposure time limits. If a disease having a professional cause is not listed, a committee will assess the case and decide upon its possible recognition. Considered as obsolete, this list is currently being updated (October 2012).

1.2 Relevant organizations

Safety and health at work is governed by the Ministry of Labour and Social Security¹ together with other ministries and social partners. Five other major players are active. They tackle topics related to health and safety at work within the ministry. These organizations are:

- The General Directorate for Health and Safety at Work² in charge of the legislation, it develops strategies and oversees the clearance of the persons, institutions and organizations involved in health and safety at work. It is also responsible for information and awareness actions.
- The Occupational Health and Safety Centre, **İSGÜM**³, founded in 1968, is an affiliate of the General Directorate for Health and Safety at Work. This governmental agency is the only one empowered to take samples and measurements of exposure at the workplace and to the analyses that go with them. It participates in the development of standards. İSGÜM intervenes either at the request of companies or as part of a global project for training or for conducting risk assessments. In 2012, İSGÜM established its own personal protective equipment testing laboratory.
- The Occupational Safety and Social Research and Training Centre⁴, **ÇASGEM**, manages the training of professionals and other persons associated with the occupational health and safety at work target groups, in addition to other courses related to professional life.
- The Social Security Institution⁵, **SGK**, collects and analyses data on occupational life, it provides professional statistics and compensation in case of an occupational injury. SGK

¹ <http://www.csqb.gov.tr/csqbPortal/csqb.portal>

² <http://www.csqb.gov.tr/csqbPortal/isgum.portal>

³ <http://isgum.gov.it>

⁴ <http://www.casgem.gov.tr/YaziDetay.aspx?YaziID=389#>

⁵ <http://www.sgk.gov.tr/>

groups the SSK employees' scheme, the *Emekli Sandigi* pension plan and the *Bağ-Kur* self-employed scheme.

← The Labour Inspectorate Council⁶, which monitors compliance with the regulations in the workplace. To do this, the Labour Inspectorate, founded in 1930, ensures that labour and health and safety laws are implemented. It monitors that the deficiencies identified in the legislation have been remedied and conducts investigations especially in the field of accidents at work and occupational diseases. The approach is proactive and based on the risks and their prevention. The Inspectorate is organized into 10 regional districts. In 2007, the Inspectorate had a staff of over 700 inspectors (340 specialized in health and safety at work and 361 specialized in labour law). The goal was to reach a total of 850 inspectors at the end of 2010. In 2007, 27,500 inspections were conducted of which 6,782 due to an accident at work and 138 due to an occupational disease.

1.3 Funding

The funding of the occupational risks insurance is the sole responsibility of the employer. The contribution rate ranges from 1% to 6.5% of the salary according to the risks present within the company. To this rate is added a complementary contribution of 1% to 3% in case of dangerous occupations. The current average rate is of 2.5%.

For self-employed persons (*Bağ-Kur* scheme), the contribution rate ranges from 1% to 6.5% of the notified monthly earnings according to the risks incurred.

The government covers the insurance cost for apprentices and students of the technical education.

Employers' contributions, including those for occupational risks, are based on the daily wages ranging from a base of TRY 25.35 (EUR 10.82) and a ceiling of 6.5 times the minimum salary, thus TRY 164.77 (EUR 70.32). On the other hand, there is no upper limit for employees' contributions.

On the 1st of January 2012, the minimum monthly gross wage was of TRY 940.50 (EUR 401.41). Indicated contribution rates are those applied on the 1st of January 2012.

1.4 Benefits

No minimal insurance affiliation time is required. The benefits in case of an occupational injury are the following: benefits in kind with no financial participation of the victim, temporary disability daily benefits, permanent disability pension, prostheses, travel costs if the victim has to travel to get treatment or benefits, travel costs in case the medical cure can't be provided in Turkey, burial costs, pensions to widows/widowers/orphans in case of death.

Benefits in kind

The insurance takes care of all expenses related to the medical treatment, surgery, hospital stay, medication, prostheses and transportation.

There is no dateline. The benefits in kind end with the complete recovery of the victim.

⁶ <http://www.csqb.gov.tr/csqbPortal/itkb.portal>

Benefits in cash

Daily benefits are paid from the first temporary disability day. Their amount is calculated as a percentage of the wages' contribution base.

Amounts are of:

- 66% of the wages in case of ambulatory treatment regardless of the fact that the victim may be in charge of dependants,
- 50% of the wages in case of a hospital stay.

Permanent disability⁷

In case of a permanent full or partial disability, a pension is paid to the victim. The pension is granted as soon as the disability rate is at least of 10%. The setting of the rate takes into account the victim's professional group. The pension is in proportion to the disability rate.

For rates ranging from at least 10% up to 24%, a lump sum may be paid if the victim wishes it or if the insurance considers that the disability rate will not change. For disability rates of 25% and above, the pension's amount is in proportion to the disability rate. In case of a full permanent disability, the victim gets a pension equivalent to 70% of his/her last salary. If the victim needs the permanent presence of a helping person, the pension's amount is raised to 100%.

It is allowed for the victim to draw concurrently the wages of a professional activity with the total amount of a partial permanent disability pension.

The disability pension may be drawn concurrently with another pension: disability, old age, survivors. The victim will perceive the full amount of the highest pension's amount and half of the other one.

Pensions' amounts are indexed two times per year in January and in July.

⁷ Several reforms (law n° 5510) which will be fully implemented in 2016 and which will apply only to the newly hired persons, will have for results that the permanent disability pension will be granted to occupational injuries victims with a rate of at least 60% to those who will have been insured for at least 10 years and who will have paid the disability-old-age-survivors contribution for at least 1,800 days. During the intermediary period, several calculation methods will be implemented according to the hiring data of the victim.

2. Occupational injuries

2.1 Main statistical data

At the end of year 2011, the total population amounted to 74,724,269 persons of whom 50.2% are men and 49.8% women.

The age band from 0 to 14 years represented 25.6% of the population, the age band from 15 to 64 years (working population) 67.2% and the age band of 65 years and more 7.2% of the total population.

Roughly 50% of the population is aged of less than 29.2 years.

The registered work amounted to 48.5% of the population in working age; the employment rate was of 42.9% and the unemployment rate of 11.5 %. The undeclared work concerns 41% of the working population of which 83.3% in the agrarian sector.

The Social Security scheme covers 61,245,014 persons thus 83% of the total population of which 17% do not hold any cover. The working population insured against occupational risks was of 16,190,492 persons in 2011.

2.2 Introduction to occupational injuries data

Till 2001, statistical data for accidents at work and occupational diseases were combined into a single figure. Since 2002, these two kinds of occupational injury are showed separately.

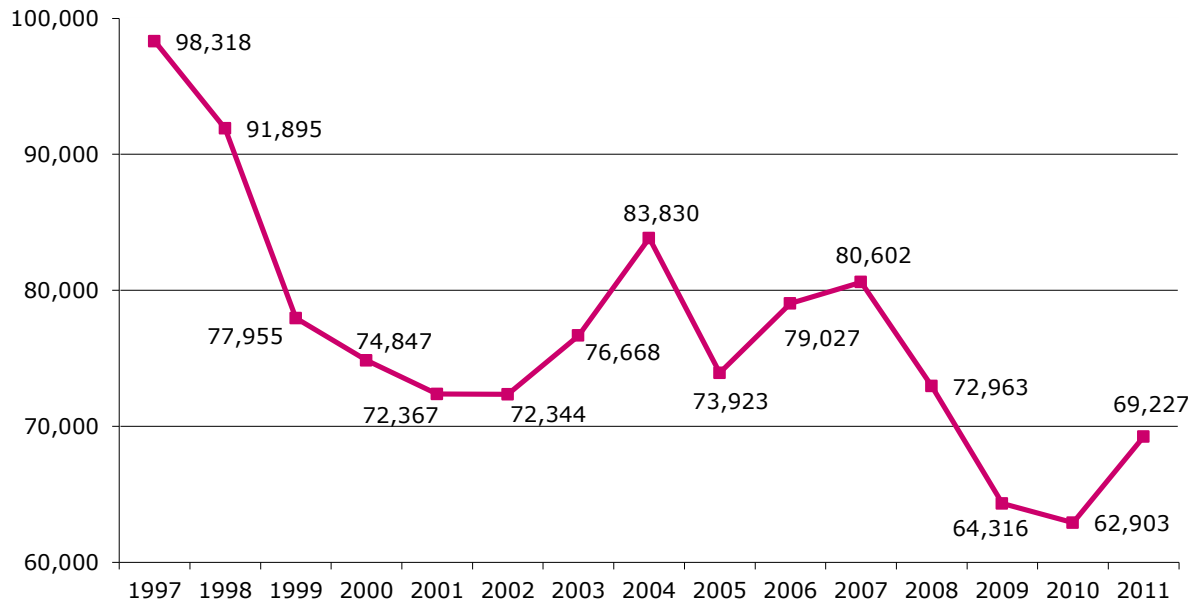
The following statistics do not cover the agrarian sector, craftsmen, wage earners of the public sector and the undeclared workers.

The Labour Inspection collects accidents at work and occupational diseases data. Nevertheless, statistics from the Ministry of Health and Social Security (SGK) are the most complete.

Employers have to notify occupational injuries to the Ministry. Two specific enquiries undertaken in 2003 and 2007 showed some under-reporting. The identified occupational injuries have been reinserted within the statistical data. This explains the 2003 higher data for occupational accidents and the 2007 higher figures for occupational diseases. Corrective measures are currently being implemented.

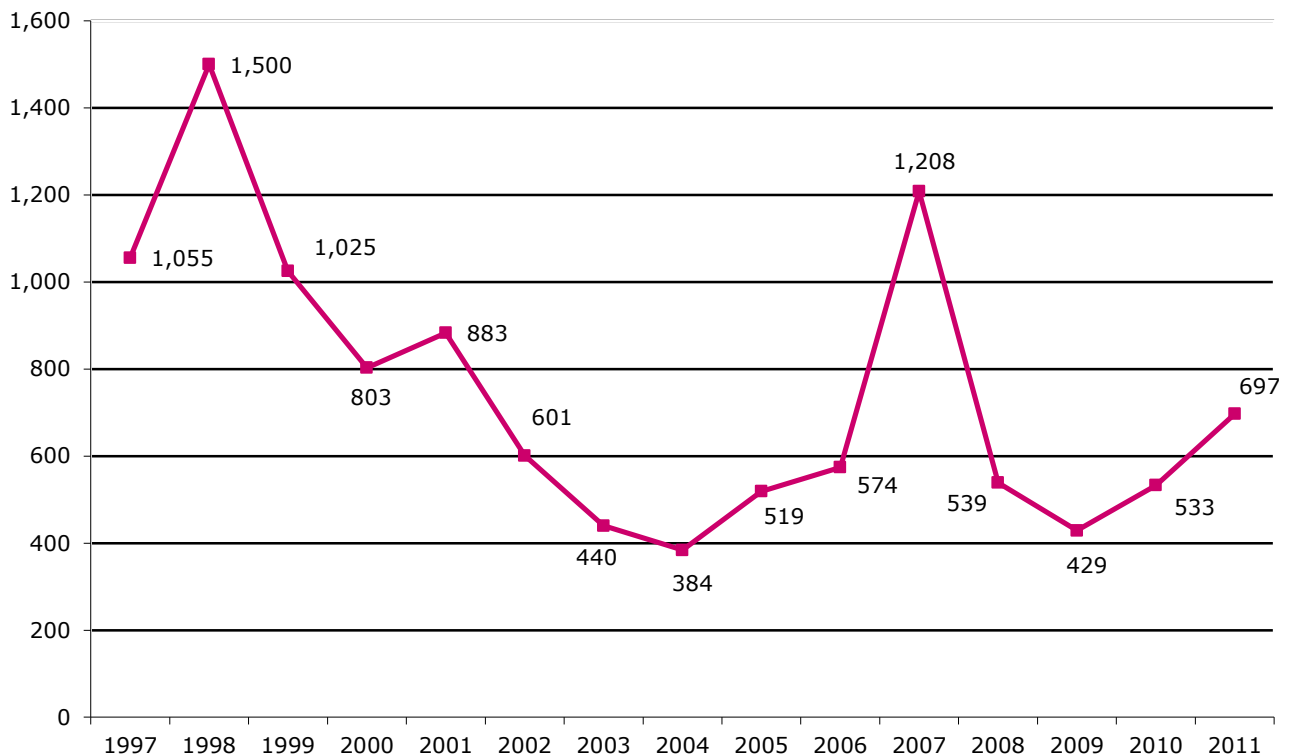
2.3 Long term trends in absolute value

2.3.1 Number of notified accidents at work – men and women



Source: SGK – internet web site

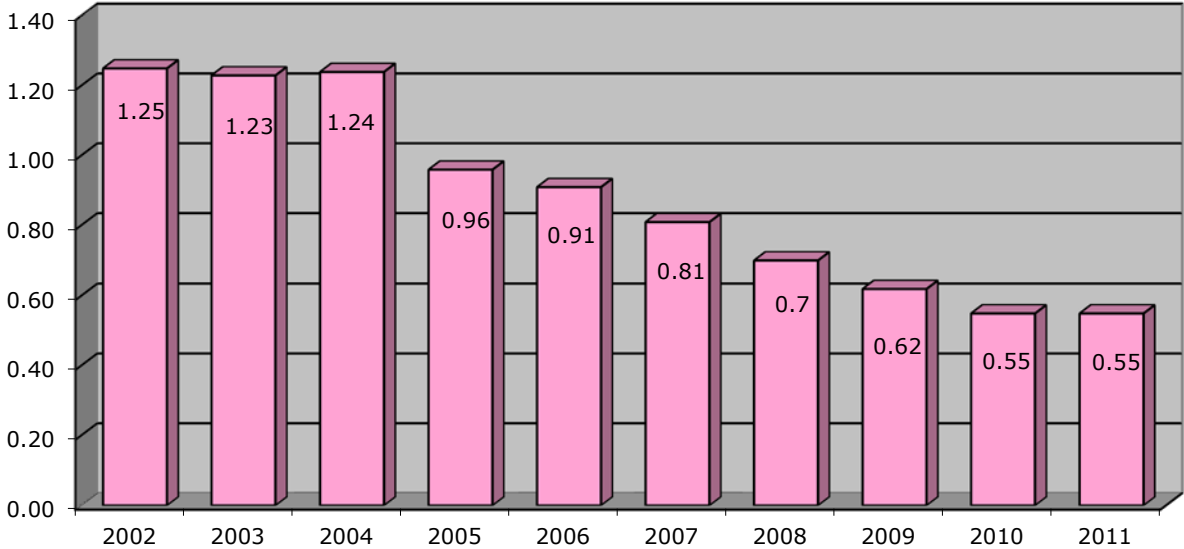
2.3.2 Number of notified occupational diseases – men and women



Source: SGK – internet web site

2.4 Long term trends in rates

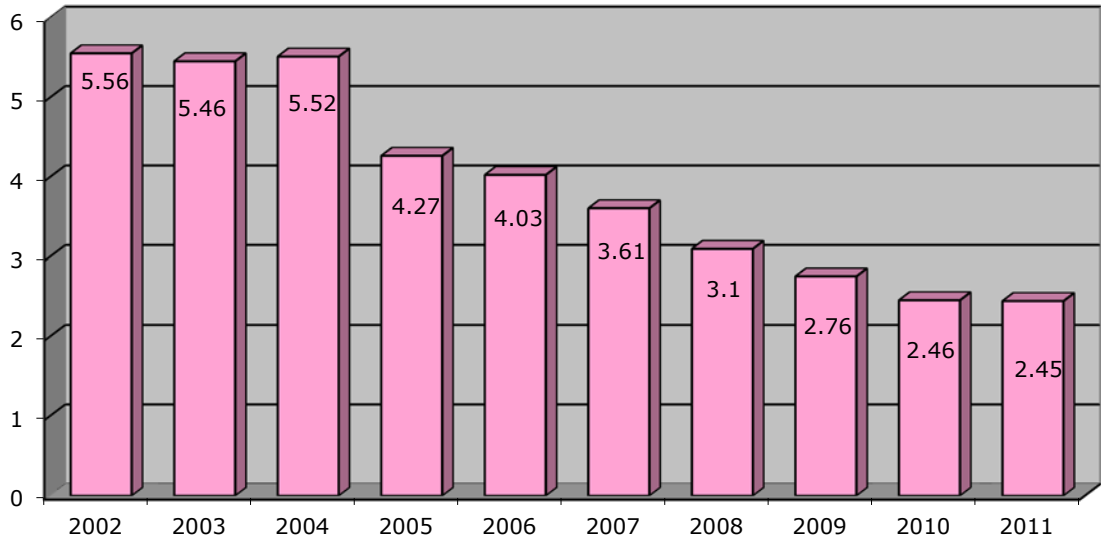
2.4.1 Accidents at work incidence rate



Formula: number of accidents x 100 / number of workers

Source: SGK – internet web site

2.4.2 Accidents at work frequency rate



Formula: number of accidents x 1,000,000 working hours / number of workers

Source: SGK – internet web site

2.5 The five most frequently notified occupational diseases in 2009

Agent or diseases	Men	Women	Total	As a %
Silicosis and silicotuberculosis	196	0	196	45.69
Lead and dust lead	99	0	99	23.08
Occupational bronchial asthma	18	2	20	4.66
Arsenic and its compounds	15	0	15	3.50
Benzene and its by-products	11	0	11	2.56
Others	82	6	88	20.51
Total	421	8	429	100.00

Source: SGK – internet web site

2.6 Main occupational injuries data – 2004 – 2011

Detail about the notified occupational injuries

	2004	2005	2006	2007	2008	2009	2010	2011
Notified accidents at work								
Men	79,503	70,589	75,288	80,602	69,369	60,754	59,011	65,059
Women	4,327	3,334	3,739	4,121	3,594	3,562	3,892	4,168
Total	83,830	73,923	79,027	80,602	72,963	64,316	62,903	69,227
Notified occupational diseases								
Men	380	513	571	1 197	525	421	514	687
Women	4	6	3	11	14	8	19	10
Total	384	519	574	1,208	539	429	533	697
Total								
Men	79,883	71,102	75,859	81,799	69,894	61,175	59,525	65,746
Women	4,331	3,340	3,742	4,132	3,608	3,570	3,911	4,178
Total	84,214	74,442	79,601	85,931	73,502	64,745	63,436	69,924

Detail about the number of days spent in hospitals

	2004	2005	2006	2007	2008	2009	2010	2011
After an accident at work								
Men	52,322	47,773	51,205	57,046	58,992	50,288	10,173	53,947
Women	1,898	1,292	1,648	1,410	1,942	1,255	418	1,547
Total	54,220	49,065	52,853	58,456	60,934	51,543	10,591	55,494
After an occupational disease								
Men	5,251	3,115	3,448	1,689	1,828	3,753	2,461	3,873
Women	105	121	24	25	8	71	101	45
Total	5,356	3,236	3,372	1,714	1,839	3,824	2,562	3,918
Total								
Men	57,573	50,888	54,553	58,735	60,820	54,041	12,634	57,820
Women	2,003	1,413	1,672	1,435	1,950	1,326	519	1,592
Total	59,576	52,301	56,225	60,170	62,770	55,367	13,153	59,412

Detail about the permanent incapacity

	2004	2005	2006	2007	2008	2009	2010	2011
After an accident								
Men	1,372	1,327	1,898	1,509	1,411	1,620	1,912	2,023
Women	49	47	55	41	41	48	64	70
Total	1,421	1,374	1,953	1,550	1,452	1,668	1,976	2,093
After a disease								
Men	272	265	312	402	240	217	104	120
Women	0	0	2	4	2	0	5	3
Total	272	265	314	406	242	217	109	123
Total								
Men	1,644	1,592	2,210	1,911	1,651	1,837	1,976	2,143
Women	49	47	57	45	43	48	109	73
Total	1,693	1,639	2,267	1,956	1,694	1,885	2,085	2,216

Detail about the fatal cases

	2004	2005	2006	2007	2008	2009	2010	2011
Fatal accidents at work								
Men	830	1,057	1,578	1,029	850	1,147	1,421	1,668
Women	11	15	14	14	15	24	23	32
Total	841	1,072	1,592	1,043	865	1,171	1,444	1,700
Deaths caused by an occupational disease								
Men	2	24	9	1	1	0	10	10
Women	0	0	0	0	0	0	0	0
Total	2	24	9	1	1	0	10	10
Total number of fatal occupational injuries								
Men	832	1,081	1,587	1,030	851	1,147	1,431	1,678
Women	11	15	14	14	15	24	23	32
Total	843	1,096	1,601	1,044	866	1,171	1,454	1,710

Insured working population and total population

Year	Insured working population	Total population
2002	12,008,358	66,439,596
2003	12,289,808	67,302,123
2004	12,553,265	68,156,681
2005	13,156,439	69,000,225
2006	14,124,935	69,837,252
2007	14,763,075	70,586,256
2008	15,041,268	71,517,100
2009	15,096,728	72,561,312
2010	16,196,304	73,722,988
2011	16,190,492	74,724,269

3. Pensions

A pension is granted as soon as the disability rate is of at least 10%. From 10% to 24%, the victim may choose between a lump sum payment and a pension. Above 25% the pension is mandatory.

3.1 Number of permanent disability status granted in 2010 and 2011 per gender and per age

Disability rate	2010			2011		
	Men	Women	Total	Men	Women	Total
Less than 10%	0	0	0	0	0	0
From 10 to 19%	650	21	671	719	26	745
From 20 to 29%	383	12	395	417	11	428
From 30 to 39%	413	14	427	380	17	397
From 40 to 49%	244	14	258	284	12	296
From 50 to 100%	329	8	337	343	7	350
Total	2,019	69	2,088	2,143	73	2,216

3.2 Number of disabled persons per gender and per rate

Disability rate	2010			2011		
	Men	Women	Total	Men	Women	Total
Less than 10%	17	0	17	41	1	42
From 10 to 19%	20,985	584	21,569	20,931	601	21,532
From 20 to 29%	12,185	335	12,520	12,166	340	12,506
From 30 to 39%	9,861	239	10,100	10,021	250	10,271
From 40 to 49%	6,306	172	6,478	6,478	180	6,658
From 50 to 100%	7,631	181	7,812	7,773	184	7,957
Total	56,985	1,511	58,496	57,410	1,556	58,966

3.3 Total number of disabled persons

Year	Men	Women	Total
2002	50,236	1,195	51,431
2003	50,729	1,230	51,959
2004	51,793	1,270	53,063
2005	52,281	1,303	53,584
2006	53,508	1,349	54,857
2007	54,719	1,386	56,105
2008	55,250	1,418	56,668
2009	55,969	1,453	57,422
2010	56,985	1,511	58,410
2011	57,410	1,556	58,966

4. Eurostat data

Structural indicators are available only for accidents at work.

4.1 Serious accidents at work index

Index of the number of serious accidents at work per 100,000 persons in employment with a base 100 in 1998

Serious accidents – Total	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
EU (27 countries)	:	:	:	:	100	96	88	84	80	78	76
EU (25 countries)	:	:	100	100	99	95	87	82	79	77	75
EU (15 countries)	103	100	100	100	98	94	86	81	78	76	74
Turkey	94	107	100	84	85	90	84	83	82	65	:

(:) Data is not available

4.2 Fatal accident at work index

Index of the number of fatal accidents at work per 100,000 persons in employment with a base 100 in 1998. Fatal road and transportation accidents occurring while working are excluded.

Fatal accidents at work	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
EU (27 countries)	:	:	:	:	100	97	91	90	88	86	81
EU (25 countries)	:	:	100	88	87	85	80	78	75	72	72
EU (15 countries)	113	106	100	91	88	85	80	78	75	74	73 ^(p)
Turkey	121	120	100	104	68 ^(r)	92	75	64	64	70	:

(:) Data is not available; (p) Provisory data; (r) Break in series

These indexes show the evolution of the incidence rate of serious and fatal accidents at work in comparison to 1998 (= 100). The incidence rate = (number of accidents with more than three days' absence from work or number of fatal accidents at work that occurred during the year/number of persons in employment in the reference population) x 100,000. An accident at work is a discrete occurrence in the course of work that leads to physical or mental harm. This includes accidents in the course of work outside the premises of one's business, even if caused by a third party, and cases of acute poisoning. It excludes accidents on the way to or from work, occurrences having only a medical origin, and occupational diseases. Fatal road traffic accidents and other transport accidents in the course of work are also excluded.

EU-15: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and United Kingdom

EU-25: EU-15 + Cyprus (without the northern part of the island), Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia

EU-27: EU-25 + Bulgaria and Romania.

5. Sources

5.1 Statistical sources

For Turkey

The National Statistics Institution Turkstat publishes data some of which are available in English: www.tuik.gov.tr

More specifically, occupational injuries are available in English at the following web address: http://www.turkstat.gov.tr/VeriBilgi.do?alt_id=3

For Eurostat

Structural indicators on health and safety at work in Europe are available only for fatal accidents at work and accidents at work with more than three days of absence from work. These data are available at the following web address: http://epp.eurostat.ec.europa.eu/portal/page/portal/health/health_safety_work

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www.eurogip.fr



Founded in 1991, EUROGIP is a French organization, whose activities are organized around five areas: enquiries, projects, information-communication, standardization and coordination of notified bodies. All have in common European aspects of the insurance or the prevention of accidents at work and occupational diseases.

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