

## Artículo de revisión

# Vulnerable groups in working life: disabled workers in Turkey

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## RESUMEN

En la presentación de los servicios de salud en el trabajo, los grupos vulnerables que pueden ser más afectados por los riesgos de la vida de los negocios tienen un lugar importante. Estos grupos son: trabajadores estacionales agrícolas, niños, mujeres, ancianos y personas con discapacidad. La tasa de empleo de las personas con discapacidad que son capaces de trabajar en Turquía es baja (14.3%). Hay modificaciones legislativas para el empleo de los trabajadores con discapacidad, pero también hay problemas en los estudios, como el desempleo, las diferentes políticas salariales, del medio físico es desfavorable, que trabajan en las obras inadecuadas, las actitudes negativas de los administradores. Se requieren medidas adicionales para la creación de un ambiente de trabajo seguro en los procesos de negocio de los empleados discapacitados. Hay importantes responsabilidades del empleador para las prácticas de seguridad y salud ocupacional de los trabajadores con discapacidad. Sin embargo, la tasa de conocimiento de la legislación para los trabajadores con discapacidad por parte de los empleadores 72.6%. Además, se observa que las medidas no se toman para las personas con discapacidad en la vida empresarial a participar en la vida empresarial activamente como permitir ser igual a los demás empleados. Los miembros del equipo de salud ocupacional cumplen las prácticas para la protección de la salud de las personas con discapacidad, desarrollando y mejorando. Los servicios que se proporcionan en este contexto son: evaluación de riesgos, adecuación del trabajo, las regulaciones ambientales, para agentes físicos, reclutamiento y evaluaciones periódicas, la educación sanitaria y el asesoramiento, seguimiento y rehabilitación.

El médico y la enfermera del trabajo y los expertos en seguridad tienen un papel importante en la protección y la mejora de la salud de los trabajadores con discapacidad.

El propósito de este trabajo es dar a conocer los servicios de salud laboral y las disposiciones de la legislación para los empleados con discapacidad en Turquía y para discutir los servicios de salud en el trabajo que se preste.

**Palabras clave:** Empleados discapacitados, Turquía, Discapacitado, Prácticas de salud ocupacional.

## ABSTRACT

In occupational health services, there are some vulnerable groups that might be effected by risks they encounter in their working life. They are seasonal agricultural workers, children, women, elderly workers, as well as disabled individuals. The rate of disabled workers is 14.3 per cent in Turkey. However, even though there are legislative regulations for employees who are disabled, studies show that those individuals face many problems such as unemployment, different payment policies, inappropriate physical environmental conditions, negative attitude of managers and different work tasks for their qualifications. In business, the creation of a safe working environment and additional measures are needed for disabled employees. Employers have the responsibility to include occupational health and safety practices for disabled employees. In the literature, it is shown that employers' awareness level about the legislations for disabled employees was 72.6 per cent. In addition, there are limited preventive mechanisms for disabled people for working on equal terms with other employees and participa-

ting actively to working life.

Occupational health team members initiate protection of the employees' health and they serve as an agent to promote health by developing and improving workers' abilities and opportunities. Risk assessment, appropriate job placement, physical environmental regulations, initial physical examinations, periodic and return to work examinations, health education and counseling, follow-up and rehabilitation should be done by the occupational health team. Occupational physicians, occupational nurses and occupational safety specialists have important roles in protecting and promoting disabled workers' health. This review is aimed at giving information about legislative regulations and occupational health services in Turkey and discussing occupational health services that could be organized.

**Keywords:** Disabled workers, Turkey, disability, occupational health services

## Introduction

Issues related to the health of individuals within the working population are in the scope of occupational health services. For a healthy society, the health of the working population is a significant segment of society. There are vulnerable groups who need special arrangements in the working population such as women workers, child labor, older workers (which will take place in the future), and disabled workers.

According to the World Health Organization data, disabilities constitute 15 per cent of the world's population<sup>1</sup>. It is necessary to enhance disabled individuals participation in society by supporting them to increase their qualifications so they can meet their own needs. There are many international and national regulations related to disabled workers. However, there are some problems in the application of the present regulations. This review is aimed at giving information about legislative regulations and occupational health services in Turkey and discussing occupational health services that could be organized.

## Handicapped or disabled?

There are some differences between being handicapped and disabled. Handicapped is identified as "having inadequate or no function of any organ or body part". In other words, handicapped individuals are people who do not have or have lost their physical, mental and spiritual ability to work at least 40 per cent of the time<sup>2</sup>.

Disability is a limitation in the individual functions in social and work areas which are caused by the handicap or any physical condition<sup>3</sup>. Although there is no perma-

nent physical problem, individuals may be considered as disabled because they are unable to fulfill their role due to the current state of their health conditions ie. having temporary injuries, pregnancy and other reasons. The Disability Law (No. 5378) use the word "handicapped" and the Occupational Health and Safety Law (No. 6331) use the word "disabled". The working lives of disabled people will be discussed in this review and the word "disabled" will be used as it is defined in the Occupational Health and Safety Law.

According to the State Institute of Statistics, there are about 9 million 217 thousand people with disabilities living in households in Turkey<sup>4</sup>, which means that 12.29 per cent of people are disabled in the society of Turkey. Disability is defined according to the type of disability: orthopedic, visual, hearing or speech and language, cognitive, mental and individuals who have chronic illnesses. The National Disability Database based on information from disability groups, except chronic diseases, reported that there are 280 thousand people with disabilities who have at least a 20 per cent disability rate<sup>5</sup>.

## Regulations relating to disabled workers

The first regulation about disabled workers is reported in Maritime Labor Law (in 1967), under the title "Injured and Former Convict". Also, topics for people with disabilities are defined in the Constitution<sup>6</sup>. There are regulations at the international level on this subject by the European Union and the International Labor Organization. The most important legislations for disabled employees can be specified as: International Agreement, Handicapped Law No.5378, Labor Law No.4857, and the Occupational Health and Safety Law No.6331.

## According to the International Agreement for the International Disability Rights in 2009;

Under the Agreement for the rights of disabled workers, the issues are defined by saying that all individuals have equal opportunities in all areas. These include; (a) discrimination cannot be made against disabled people, (b) during the development strategies of developing countries people with disabilities should also be taken into consideration, (c) international cooperation is necessary to improve the living conditions of persons with disabilities, (d) the participation of disabled people should be included during the policy-making stage, (e) women with disabilities are considered to be at risk of abuse, and (f) it is necessary to fight against the poverty of people with disabilities and to eliminate the social disadvantages of disability<sup>7</sup>.

### **According to the Handicapped Law No.5378 issued in 2005;**

Handicapped Law concerning the employment of people with disabilities in Article 14:

"On the process of employment; the job selection, application forms, the selection process, technical evaluation, the proposed working hours and conditions in any of the stages up to the discriminatory practices against the disabled cannot be made. To the employees can not cause any consequences against the disabled, cannot treat a disabled person different from other people" is stated in the law<sup>8</sup>. According to the same law, the employer is responsible for making the necessary arrangements for people with disabilities from the beginning of the employment process so that measures to reduce or eliminate hazards or risks can be assessed<sup>8</sup>.

### **According to the Labor Law No. 4857 issued in 2003;**

The minimum employment rate for disabled workers are determined in private and public enterprises. Accordingly, in private companies in which there are fifty or more employees, it is an obligation to hire three per cent of the work force as disabled, and in public enterprises with more than fifty employees, four per cent of disabled or two per cent of ex-convict workers must be assigned. Also, the employees need to be able to operate in their workplaces and positions in accordance with their physical and mental conditions. In order to promote support to provide employment for persons with disabilities, the Council of Ministers offer the employers who hire disabled persons over the contingency of the rate for determined workers a fifty per cent employee insurance premium support from the treasury. They will also receive fifty per cent employee insurance premium support for disabled workers with more than an eighty per cent disability rate<sup>9</sup>.

### **According to the Occupational Health and Safety Law No.6331 issued in 2012;**

Risk assessment, control, measurement and research departments are identified under the "young, elderly, disabled, or pregnant staff as requiring a specific policy ". Risk assessment is carried out in the workplace and then the employer is responsible for the occupational health measures<sup>10</sup>.

In studies, it is found that only 72.6 per cent of employers have knowledge about the legislation for disabled workers<sup>11</sup>.

### **Employment problems of people with disabilities**

In Turkey, according to 2010 data, there are 90,000 employees with disabilities<sup>12</sup>. The unemployment rate among people with disabilities is quite high compared to other individuals within the society. Disabled individuals have 14.3 per cent participation rate of the work force and 69.6 per cent of them are working with insurance<sup>13</sup>. Twenty-eight point seven per cent of individuals who are registered in the National Disability Recording System indicate the need to have increased employment opportunities<sup>5</sup>. While the labor force participation rate of people with disabilities is 40 per cent in the European Union, this rate is 6.5 per cent in Canada<sup>14</sup>.

When the size of the workplace increases, the reasons for employers to hire disabled workers becomes different. The most dominant reason for the employment of people with disabilities is specified as "legal obligation". Subsequently, the "social responsibility" and "being suitable for work" are indicated as reasons for employment of disabled people<sup>5</sup>. It is generally seen as a legal obligation to provide an employment quota of disabled people in large enterprises located in urban areas. Therefore, it is estimated to be higher than the unemployment rate of persons with disabilities in rural areas<sup>15</sup>.

In the studies the problems of people with disabilities who are employed in workplaces are listed as; different payment policies, limited career opportunities, inappropriate physical environment, negative attitudes of colleagues and/or social isolation, negative attitudes and expectations of the manager, problems with transportation, inappropriate employment and problems with their educational status<sup>3,15,12</sup>.

In studies, evaluating the jobs that disabled workers perform "jobs that do not require any qualifications" are in the first rank<sup>11</sup>. In the results of a national study to investigate disability discrimination, disabled individuals compared to other members of the society are said to suffer more discrimination. When analyzed according to disability groups, respectively, a maximum of three disability groups suffered discrimination; mental disabilities, hearing or visual impaired and people with multiple disabilities are most discriminated in the employment field<sup>12</sup>.

In a study examining the employment opportunities of disabled groups, mental-emotional disability groups are found to be the most disadvantaged for employment preference, and the rates of "not being preferred" reached up to 70 per cent in the group of mental disability. A similar situation is seen in the selection of people with multiple disabilities. In addition to this, the most preferred

groups for employment were found to be the orthopedic disabled<sup>12</sup>.

The main reason for people with disabilities to leave their most recent work is "inability to continue to work because of health problems"<sup>5,12</sup>.

According to the Problems and Expectations of Disabled People study data, 55.7 per cent of disabled people indicated that they looked for work which does not require heavy physical work. The same individuals indicated that they need work that requires only physical basics. When working conditions are evaluated, 33.3 per cent need to use short breaks due to health problems. Moreover, 27.6 per cent of disabled people are considering a part-time job<sup>5</sup>.

Being employed promotes the sense of usefulness for people with disabilities. Unemployment of disabled people leads to an increase in general unemployment rates. And this situation causes an economic burden for the family and the society they live in<sup>5,11,13</sup>. According to the organization "American's with Disabilities Act" it is indicated that the employment of disabled people may provide a decrease in rates of social isolation and economic burden in society<sup>3,16</sup>.

In studies, it is found that disabled employees are more successful in their jobs compared to other employees because their work absenteeism rates are lower, they come to work on time, and are seen to be involved in positive behavior, such as being diligent<sup>17</sup>. Also, the studies show that when business scale enhances, it is stated that a positive attitude to the disabled employees is changing in the same proportion. In other words, when an institution increases the rate of employees with disabilities, positive attitudes towards disabled people also increase<sup>11</sup>.

### **Occupational Health Services for Disabled Workers**

As with all employees who are offered health services, disabled people should receive specialized occupational health services provided by the occupational health team. Occupational health services are carried out as a team approach. Their applications should determine whether it is appropriate for the needs of disabled employees. Also, employee-centered programs should be developed and their participation should be ensured. In accordance with the requirements of the planned program, being cost and time effective will increase the level of applicability<sup>18</sup>.

According to the international standards, it is obligatory for employers to provide the necessary equipment in the workplace in order to fulfill the physical capabilities of disabled employees. It is also an obligation to provide

additional insurance for health checks of disabled workers<sup>3,16</sup>. In Turkey, there are also similar legislations for disabled employees based on international requirements.

There is a need for additional measures in the work processes to provide a safe working environment for disabled employees. For example, there should be special warning alarms in case of a fire. Disabled employees should have audio-visual equipment and identification software should be similar to other computer equipment. Providing special ergonomic equipment is also required<sup>3,16,17</sup>.

In the studies, mostly in the orthopedic disability group, it is reported that disabled people requested modifications in the physical environment and opportunities in their workplace<sup>5</sup>. The services to be provided for disabled workers are described and grouped below as follows:

#### **1. Assessing the health of disabled people**

Periodic examinations are evaluated by considering the following questions:<sup>3,19-20</sup>

- What type of disability limits their life activities for the individual?
- The level of physical or mental disability, how much?
- Is there more than one disability?
- Does it effect at least one or more of the conditions for carrying out activities of daily living?

In addition, a health examination should be completed before starting work to check their abilities so they can be placed in the appropriate workplace.

#### **2. The arrangements for the work environment**

Arrangements are made about considering the answers of the following questions:<sup>3,20</sup>

- What are the hazards that may affect the health of the individual?
- Have potential hazards been identified objectively and recorded?
- Can existing risks associated with the hazards be reduced?
- What are the standards for this?
- What equipment is available for disabled workers?
- How can appropriate equipment be applied to support the basic functions of the individual?
- Are there any individualized arrangements?
- Can equipment based simulation applications be made in advance?
- At which level does the health care team members have their advocacy role for disabled workers?

#### **3. Health education and counseling practices to improve the health of disabled people**

#### **4. Follow-up for disabled people and rehabilitation**



An important issue that should be addressed is to increase the awareness of employee health on specified applications. The occupational health and safety team are working to protect disabled workers from hazards arising from the work environment, discrimination and social isolation<sup>3,19-21</sup>.

## Conclusion

Disabled employees have problems regarding the employment process. Although there are appropriate adjustments in the legislation to prevent these, the problems continue in practice. Employment of disabled people should be changed from being a must-based quota so that employers can be encouraged to make new arrangements in different ways. The awareness of the community should be increased about the regulations related to disabled workers and their problems. The occupational health and safety teams located in the workplace are there to protect and promote the health of disabled workers and should be in cooperation with other disciplines.

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