

COVID-19 Measures at Construction Sites

10 April 2020

Background

Keeping human interaction at minimum is regarded as one of the most effective ways to control and prevent spread of COVID-19. Although isolation is suggested in theory, its application is not that simple in most cases due to the nature of the works in certain sectors. One of those sectors is construction works, which still relies heavily on manpower and human interaction cannot be avoided. In this respect, the General Directorate of Occupational Health and Safety (the **Directorate**) under the Ministry of Family, Labour and Social Services (the **Ministry**) issued an information document (the **Information Document**) on 6 April 2020 setting out 19 different measures that must be taken into account in construction sites. The Information Document can be accessed from the following link: https://www.ailevecalisma.gov.tr/media/41584/insa-19-adim-06_04_2020_00_03.pdf.

What are the measures?

The measures under the Information Document are derived from the following publications of the Directorate and adapted to the construction works:

- (a) the measures to be taken by occupational health and safety professionals within the scope of the new coronavirus outbreak, published on 25 March 2020; and
- (b) the measures to be taken against coronavirus (COVID-19) at workplaces, published on 20 March 2020.

According to the Information Document, the measures to be implemented at construction sites include, among other things, the following precautions:

- (a) Division of large working groups into smaller units and ensuring that employees comply with social distancing rules.
- (b) Preparing a work plan to maintain operations at the construction site with as few employees as possible (eg applying shifts) and ensuring that employees have minimal interaction with each other during the working hours.
- (c) Measuring the body temperature of the employees in the mornings, upon the arrival to the workplace and after lunch breaks, and directing the workers with high fever to the workplace doctor.

Who should comply with the measures?

According to the Law No. 6331 on Occupational Health and Safety (the **Law**), the employers are obliged to assess the risks concerning health and safety and take necessary steps to make sure that the measures introduced to enhance the occupational health and safety are taken at the workplace. Additionally, the employees have to oversee the implementation of these measures. Parallel to these provisions, the Information Document requests the employees to work in coordination to make sure that the measures introduced under the Information Document are implemented within their workplace.

In a subcontracted construction work, we would recommend that the employer or the main contractor monitors the compliance of its sub-contractors with the requirements under the Information Documents as well as under the other publications of the Directorate mentioned above.

What are the consequences if you do not comply with the measures?

Although no specific penalties are explicitly introduced under the Information Document, the responsible parties' failure to implement the necessary measures may result in the imposition of administrative fines according to the provisions under the Law. Therefore the measures under the Information Document can be regarded as precautions to be implemented in order to avoid breaching the Law during the COVID-19 outbreak.

Conclusion

The Information Document introduces sector-specific measures to ensure the uninterrupted continuation of the operations at the construction sites during the COVID-19 pandemic and we would recommend that these measures are taken into account by the employers and main contractors. The employers and contractors should, however, also note that implementation of some of the measures may have negative impacts on the project costs and completion times, which also require careful review of their construction contracts and discussion with their counterparties and sub-contractors, if any.

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