

## 6331 Within The Framework Employer Obligations and An Example of Risk Assessment In Shopping Malls

## 6331 Çerçevesinde Alışveriş Merkezlerinde İşveren Yükümlülükleri ve Bir Risk Değerlendirmesi Örneği

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### Abstract

*Shopping malls (SM), which are shared as working and private life environment at the same time, with a number increasing every day, have substantial contribution to economy and employment. At the end of 2013, the total number of SMs in Turkey is expected to reach 333, the number of those employed in is expected to reach 400 thousand, and the number of visitors is expected to reach 1.6 billion. The SM market in Turkey has been developing very fast, increasing 18 percent on average every year since the early 2000s. SMs provide a working environment for the employees, meantime providing many aspects for the visitors, such as shopping or cultural values. In this context, SMs set centres in which both visitor and personnel health and safety are equally important.*

*In this study, within the framework of No. 6331 Occupational Health and Safety Law (İSGK), SM management, store owners and subcontractors are evaluated as separate employers and each group of employers' obligations originated from this law to its employees, customers and visitors is examined. Because of the law adopting a proactive approach and risk assessment being the main principal of this approach, a study on the risk analysis and evaluation in a SM is also given as an example. The study is completed with some suggestions relating to effective implementation of occupational health and safety (OHS) in SMs.*

**Keywords:** Occupational Health and Safety, Shopping malls, Risk assessment, Employer obligations

## Özet

*Aynı anda hem çalışma yaşamı hem de özel yaşam olarak paylaşılan Alışveriş Merkezleri(AVM) her geçen gün artan sayısı ile ekonomiye ve istihdama ciddi katkılarda bulunmaktadır. 2013 yıl sonu itibarıyla Türkiye'deki toplam AVM sayısının 333, istihdam edilenlerin sayısının 400 bin ve ziyaretçi sayısının 1,6 milyara ulaşması beklenmektedir. Türkiye'de AVM piyasası 2000'lerin başından bu yana her yıl ortalama yüzde 18 büyüyerek çok hızlı bir gelişim göstermektedir. AVM'ler orada çalışanlar için bir işyeri niteliği taşıırken ziyaretçiler açısından alışverişten kültürel faaliyetlere kadar bir çok nedenle gidilen bir mekan özelliğine sahiptir. Bu bağlamda AVM'ler, çalışan sağlığı ve güvenliğinin sağlanmasının yanı sıra ziyaretçi sağlığı ve güvenliğinin de aynı derecede önemli olduğu merkezleri oluşturmaktadır.*

*Bu çalışmada 6331 sayılı İş Sağlığı ve Güvenliği Kanunu(İSGK) çerçevesinde AVM yönetimi, mağaza sahipleri ve alt işverenler ayrı birer işveren olarak değerlendirilmiş ve her bir grup işverenin çalışanlarına, müşterilerine ve ziyaretçilerine karşı bu kanundan kaynaklanan yükümlülükleri incelenmiştir. Kanunun proaktif bir yaklaşımı esas alması ve bu yaklaşımın temelini risk değerlendirmesinin oluşturması nedeniyle AVM'de risk analizi ve değerlendirmesine yönelik bir çalışma da örnek olarak verilmiştir. İş sağlığı ve güvenliği(İSG)nin AVM'lerde etkin bir şekilde uygulanabilmesine yönelik bazı önerilerle çalışma tamamlanmıştır.*

**Anahtar Kelimeler:** *İş sağlığı ve güvenliği, Alışveriş merkezleri, Risk değerlendirmesi, İşveren yükümlülükleri*

## INTRODUCTION

Protection of health and ensuring safety set the basis of the right to life. Both in working life and private life, individuals' maintenance of their physical existence is secured by several laws particularly by the Constitution. With the legal regulations mentioned, related parties are assigned with obligations in different areas of life and a framework of responsibilities is tried to be formed.

SMs are among the places where individuals lead both their private lives and working lives. SMs, which have become more and more attractive with the strong effect of the consumption culture on societies, have increased rapidly in number, their visitor densities have gone up and the times visitors spend in SMs have become longer. Beyond being retail complexes which meet the needs of consumption easily, SMs have become life centers where people spend time together, have rests, enjoy themselves and do many other activities. Catching attention with a number increasing every day and with their magnificence, SMs are places of employment where millions make a living in addition to being home to visitors as centers of attraction. Due to the long working hours, dangerous working environments and unfavorable working conditions, SM employees face significant risks concerning OHS (Occupational Health and Safety). However, OHS problems of SM employees have not been able to set an important agenda both because of ineffective implementation of the Law and the lack of studies on the topic in the related literature.

OHSL No. 6331, the first special law concerning OHS in Turkey, has brought about direct or indirect arrangements for OHS in almost all work places as well as SMs. It is only possible to put these regulations into practice effectively by increasing the number of related studies and raising necessary awareness of

parties (employers, visitors and employees) about OHS.

In this study, before given the concept of business at OHSC No.6331, each business had individually addresses and considered as a separate business. In this context SMs management, store owners and subcontractors are treated as a separate employer. OHSC No.6331 regulating the obligations of employers to their employees as well as to their clients and visitors because of SMs' being public places. While People are not able to enter to a factory or quarrying of non – business, every day thousands of people visit the SMs. Therefore in such places, OHS practices regarding not only employees, in consideration of everyone who uses these areas and the creation of a more secure living space is important. However, analyzing the relevant legislation show us special arrangements for customers and visitors is noteworthy that almost completely absent. The study include an example of risk assessment because of many accidents taking place in shopping malls and principles of the law due to take a proactive approach. Thus, both employees and visitors having a more healthy and safe environment can also be achieved with some measures to be taken, has been explained. The study is completed by bringing up again the model recommendations which put forward in the past with thought to ensure more effective implementation of OHS legislation in shopping malls.

### I.RETAIL INDUSTRY AND SMs

#### A. Historical Background of SMs in the World and in our Country

In the history of the retail industry, it is noticeable that the market started to develop as of the second half of the 19<sup>th</sup> century. In the early 20<sup>th</sup> century, chain stores began to appear; supermarkets which started to open in the 1930s in the USA, the center of the industry, continuously went up in number and goods they offered in the following years.

Changes occurring in the family structure, life styles and consumption habits of societies played a significant role in the development of the industry. Increased urbanization rates and the resulting differentiations seen in economic structures changed and increased consumption habits (Cengiz ve Özden, 2002: 65).

The formation of organizations similar to the modern SMs started in 1930s in the USA while the first European examples were seen in Sweden in the second half of the 1950s. In the 1960s and 1970s, they showed a fast increase in the whole of Europe, particularly in England and France. Particularly as of the 1970s, beyond being places where textile goods met the customers, SMs have become complexes that contain stores selling a variety of product groups and offer opportunities of cinemas, food, sports and many other activities (Cengiz ve Özden, 2002: 28).

The first SM in the world is said to be the Grand Bazaar (Kapalicarsi) built by Fatih Sultan Mehmet in the 15<sup>th</sup> century within the scope of the rehabilitation project of Istanbul. It also set the foundations for the activities of store mix of today's modern understanding. Having a rich collection of goods like carpets, jewelry and leather products and enriching Istanbul with its great history, this Bazaar is still the center of attraction for foreign tourists today<sup>1</sup>.

"Yeni Karamürsel" in the 1970s and "Çarşı" in 1981 were the first establishments started as chain stores (Cengiz ve Özden, 2002: 66). "Galleria Shopping Mall", which was inspired by "The Galeria" shopping mall in Houston and opened in Istanbul Ataköy in 1988 is accepted as the first SM in Turkey. Following this, other shopping malls opened in Istanbul such as "Nova Baran", "Atrium, Capitol", "Carrefour", "Akmerkez" and in Ankara such as "Atakule" and "Karum" (V. Arslan, 2009: 153). Although the early initiatives of SMs that have become life and attraction centers were focused in big cities like Istanbul and Ankara, with their rapidly

increasing numbers today they are present in other cities and even in towns (V. Arslan, 2009: 147-148).

## B. Contributions of SMs to Economy and Employment

According to the information at the end of 2013 by the Council of Shopping Centers (CSC), the total number of SMs in Turkey is expected to reach 333, the total size of leasable land is expected to reach 9,2 million square meters and the total endorsement expected to reach 60 billion <sup>2</sup>. As a matter of fact, some of the SMs in Istanbul proudly welcome guests from many foreign countries and help foreign currency inflow considerably in Turkey.

Retail Industry has a very important share in the structuring and development of regional and national economies. For instance, the total endorsement of the retail industry in Europe in 2006 was 2.17 trillion. The share of SMs in this endorsement was 500 billion Euros and this amount is targeted to reach 700 billion Euros by the year 2017 (ESCT&ICSC , 2008: 6-8). Studies show that retail industry was the 4<sup>th</sup> fastest growing industry between 2000 and 2005 and emphasize that this was due to its most important actor, SMs (ESCT&ICSC , 2008: 8).

Retail Industry is also noticeable for the employment it creates. For example, the data relating 2008 show that 19 million people worked in the retail industry in Europe and point out that it was 8% of the total employment in Europe. In line with the data, it is clear that the role of the retail industry in employment is much bigger than areas like finance, public management, education, transportation, communication and construction (ESCT&ICSC , 2008: 69).

SMs which are among the most important actors of retail industry also contribute to employment considerably. For example, an average SM directly employs approximately 1.500-2.000 people. Considering the indirect employment it creates, this

<sup>1</sup> <http://www.gazeteavm.com/yazarlarmz/31-turkiyedealisverismerkezlerininkisatarihi> (01/07/2013)

<sup>2</sup> <http://www.ayd.org.tr/TR/DataBank.aspx> (29/04/2013)

number may go up to 10.000 (Varinli, 2013: 17). The number of people employed in the SMs in Europe in 2008 was reported as 4 million (ESCT&ICSC, 2008: 8; Cengiz ve Özden, 2002: 8). As for Turkey, the number of SM employees was around 350 thousand in 2010 and it is estimated that today the number has reached 400 thousand. It is targeted to reach 500 thousand employees working in SMs by the year 2015<sup>3</sup>.

### C. Working Conditions of SM Employees

SMs get attention with their tough working conditions and long working hours. It is possible to say that showing many examples of flexible working conditions, SMs have a high employee cycle with the stressful atmosphere and busy working environment. Particularly long working hours is seen as a major problem by employees.

In addition to long working hours, busy schedules are also among the greatest problems of employees. Due to standing at work for long hours, SM employees face many health problems.

Moreover, employees serving hundreds of people a day for absolute customer satisfaction and friendly dialogue as a necessity of working in the service industry build up their own misery and suffer from many stress-related diseases at these luxurious places where people consume to get rid of stress and come to have fun.

Another problem is that sexual harassment of women is a frequent incident in SMs where the number of female employees is quite high. The fact that female employees are exposed to sexual harassment especially by customers and managers can be found in the studies carried out on the topic (Şahin vd., 2012: 76).

In addition, these differences include many risk factors for both employees and

visitors in SMs which contain stores for clothes, technology, electronics, house and garden design, entertainment places like cinemas and food and drink sections.

## II. OHS and SMs

### A. Importance of OHS in SMs

"The aim of occupational health and safety measures, the most basic is to provide social and personal peace and happiness" (Bayram, 2008: 11; Demirbilek, 2005: 15-23; Yılmaz, 2011: 10-20; Arıcı, 1999: 1-22; Baloğlu, 2013: 15-17; Süzek, 2005: 661-663). To ensure this, which is recognized to everyone living, working and protecting the right to health, legal, technical and medical measures are needed. But the legislation is shaped upon arrangements regarding protection of employees' health and safety. However, as such places are public places, in addition to their primary responsibility to their employees, they are also responsible to customers, visitors, public officers (inspectors, supervisors etc.) or other people going to these places just as citizens. For instance, in addition to ensuring the safety of a visitor who parks his/her car at the SM car park, shops in the stores or takes his/her child to the playground; it is also of great importance to provide emergency health services for a person who has a heart attack while eating, faints in the bank queue or whose blood pressure increases while paying his/her taxes.

Outsiders must not often be allowed into at places like factories, shipyards, construction sites and manufacturing plants and precautions for health and safety have to be developed for employees. However, considering accidents and deaths of visitors<sup>4</sup> at such public places like SMs that are now in the position of life centers where more than one workplace operates, very different customer groups from different sectors come together

<sup>3</sup> <http://www.syk.com.tr/sectorler-perakende.html>  
(29/04/2013)

<sup>4</sup> For more information see, Chapter 3: The Importance of Risk Assessment Process at SMs

for various purposes and host thousands of people; the importance of transforming these places into safer areas becomes apparent.

Although the third parties sharing the environment often benefit indirectly from the healthy and safe environments created for employees, it is necessary to project for precautions that would cover everybody at some situations. However, only one regulation<sup>5</sup> in OHS legislation uses the concepts of “customer-visitor” while in all other arrangements, employers’ liabilities for their employees are presented.

### **B. Regulations Relating SMs in the OHS Law No. 6331**

Until 30/06/2012, it was the Labor law no 4857 that guided the solutions for problems caused by working conditions and working environments of SM employees. Although it was known that the related provisions of Labor law no 4857 had to be implemented especially on issues concerning drawing up labor contracts, wages, working and resting times and termination of the contract, in the audits it was seen to be neglected frequently<sup>6</sup>. The Law also regulated the obligations of employers for ensuring that employees worked in a healthy and safe environment. However, OHS was considered to involve industrial workers only and the necessary importance was not attached to this area. Moreover, employing few numbers of employees in the businesses operating in SMs caused these businesses to be out of the scope in terms of workplace organization.

Since working conditions are closely related to the field of operation of a business, the risks that may be faced by SM employees at the workplace (office) are lower in comparison to industrial workers. However, this does not justify not taking OHS measurements in the service industry. Each work place has risks either small or big and all employees deserve working with good physical and psychological health together.

Even though studies have been conducted on ensuring safety and security in SMs, these have rather focused on issues relating factors threatening work place security such as fires, earthquakes, floods, theft, terror, pick pocketing etc. Measurements of health and safety have been inadequate for employees to perform their work in physical and psychological well being.

In an SM structure where the same working environment is shared by more than one employer, there are generally three groups of employers. These are the SM management, owners or managers of businesses like stores/cinemas/bank branches/restaurants and subcontractors. According to OHS legislation, each employer has got obligations for their employees as well as for customers. SM management is also responsible for the arrangement of common-use areas and maintenance of the coordination among employers. In addition to these, SM management’s obligations resulting from their relationship with other employers (main employers-subcontractors) from whom they get services like cleaning/security should not be forgotten. In such a working environment where more than one employer is involved in activities it is not easy to determine who is responsible for ensuring OHS, in which issues and to what extent, to follow this and to maintain coordination. The general principles of the aforementioned obligations within the framework of OHSL no 6331 and related regulations can be listed as follows.

<sup>5</sup> Regulation on Emergencies at the Workplace (R.G.18/06/2013) art.10

<sup>6</sup> Planned inspections were carried out by Turkish Labor Inspection Board in 2013 in some cities on themed Improving Working Conditions of SM Employees, especially upon complaints about working hours, breaks and overtime (700 hours a year).  
<http://www.csgb.gov.tr/csgbPortal/itkb.portal?page=haber&id=haber35>  
<http://www.konuthaberleri.com/mufettisler-avmlerde-calisma-kosullarini-denetleyecek-30071.html>  
<http://rthaber.com/avm-lere-denetim-geliyor-183303.html>



## 1. Obligations of Employers in the Implementation of OHS Services:

In order to ensure their employees' health and safety, employers are mainly obliged to;

- ✓ Determine occupational risks through risk assessment and avoid them,
- ✓ Establish OHS organization and set-up,
- ✓ Ensure participation of employees in OHS activities,
- ✓ Take all precautions including supplying protective equipment, training and information for employees,
- ✓ Carry out work on health supervision,
- ✓ Supervise and ensure compliance with the OHS precautions taken at the workplace
- ✓ Work continuously in order to improve the current state

The steps to be followed to fulfill these obligations are given in detail below.

### a. Obligations Relating the Assignment of the OHS Service Team:

More than one person must be assigned to specify, implement and supervise the implementation of the health and safety measurements to be taken at a work place, to provide first aid, emergency treatment, protective health and safety services and a suitable place is required for the implementation of these services. In other words, OHS activities require a team consisting of adequate number of qualified individuals. According to OHSL and related regulations, the number of individuals to be assigned to the duty varies by the number of employees, hazard class and the date of implementation; however, each employer is obliged to assign;

- ✓ An occupational safety specialist,
- ✓ On-site doctor

- ✓ Other medical personnel
- ✓ Supporting staff
- ✓ Employee representative
- ✓ First aider and
- ✓ To secure a first aid and emergency treatment room.

It is estimated that fewer than 50 employees are employed in SM managements and many workplaces such as stores, cinemas, restaurants, dry cleaners' where low/medium or high hazard tasks are performed. The obligation to have *occupational safety specialists and on-site doctors* at these workplaces will be imposed as of 01/07/2016 for those in the low hazard class and of 01/01/2014 for the medium and high hazard classes<sup>7</sup>.

The legislation divides the working times of occupational safety specialists and on-site doctors into two as *low hazard class work places having fewer than 10 employees* and *others*<sup>8</sup>. Many stores in SMs are observed to be in the low hazard class and have fewer than 10 employees. Under these circumstances, occupational safety specialist will be obliged to serve for 5 minutes<sup>9</sup> a month and the on-site doctors for 2 minutes<sup>10</sup> per employee. Due to this short length of working times and since there are almost no workplaces which employ staff with these qualifications, employers will have to buy this service from outside sources on part-time contracts.

*Other medical personnel* refers to persons having certificates as nurses, medical assistants, emergency medical technicians and environmental health technicians assigned to

<sup>7</sup> Law no 6945 on Changes in Some Laws and Decree Laws / art.56

<sup>8</sup> Regulation on the Duties, Authorities, Responsibilities and Training of Occupational Safety Specialists (R.G.29/12/2012) art. 12; Regulation on the Duties, Authorities, Responsibilities and Training of On-site Doctors and other Medical Personnel (R.G.20/07/2013) / art.12

<sup>9</sup> Varies between 6 and 12 minutes at other workplaces. Regulation on Changes in the Regulation on the Duties, Authorities, Responsibilities and Training of Occupational Safety Specialists (R.G.11/10/2013) art. 6

<sup>10</sup> Varies between 4 and 8 minutes at other workplaces

help on-site doctors with OHS activities<sup>11</sup>. Employers are obliged to employ other medical personnel along with the on-site doctors. Working time for these persons is at least 3 minutes per employee a month at the workplaces that have fewer than 10 employees or are in the low hazard class.<sup>12</sup>

*Supporting staff* are the persons who have necessary qualifications and training and have been assigned to OHS related tasks such as prevention, protection, evacuation, fire fighting, first aid etc. in addition to their fundamental duty<sup>13</sup>. Depending on the hazard class of the workplace and the number of employees<sup>14</sup> considering the fact that there are usually fewer than 10 employees in SMs, each employer must have at least two of the employees get necessary training and assign them to the task of the supporting staff. If the number of employees is over 10, the number of supporting staff that the employer shall assign rises to at least three.

*Employee representative* is the person who asks the employer to take necessary precautions and gives advice for the specification and prevention of risks at the workplace on behalf of the employees. Within the framework of the legislation which requires assigning one person at a workplace with two to fifty employees, each employer at SMs is obliged to appoint one of the employees as the staff representative.

Considering the number of employees of SM employers, the aforementioned obligations are evaluated at the lowest level for each position. On condition that a workplace has more employees than the given numbers, more than one employee is to be assigned to each position.

The arrangement introduced with the aim of ensuring a healthy and safe workplace for employees is undoubtedly incisive. However, at small workplaces employing 2-3 people, the obligation of each employer to assign people with necessary qualifications and training for at least six different positions may cause distress. In this respect, it seems possible for an employee to be assigned to more than one of the positions as long as s/he meets necessary conditions.

OHSL does not quite allow for arrangements that facilitate the improvement of health and safety conditions at shared working spaces. However, at such workplaces, many reasons like difficulties resulting from financial structures, employers' lack of knowledge of the legislation and their indifference, problems in the employment of qualified staff, training and organization of the team that will provide OHS services are currently causing employers to keep away from OHS activities. Therefore, at workplaces such as SMs, Office Blocks and Business Centers where there is more than one office with few numbers of employees, it is important to present encouraging methods that will help include employers in the process of OHS.

Another obligation of employers in the implementation of OHS services is providing a place that will serve as *the first aid and emergency treatment room* at a workplace. For most employers in an SM organization, there is usually no space to be separated as a first-aid and emergency treatment room. The best solution for the workplaces within an SM organization is to arrange a place for common use. Thus, with a relevant arrangement, the Law leaves it for the SM management to provide coordination and the required place in this respect. The conditions to be met are different when the number of employees to be served at the area created is under and over 50.

Health and safety issues of employees have not been given sufficient importance until today. However, in SMs where many people are employed and thousands visit for different purposes, numerous trivial or serious health

<sup>11</sup> Regulation on the Duties, Authorities, Responsibilities and Training of On-site Doctors and other Medical Personnel (R.G. 20/07/2013) / art.4

<sup>12</sup> Varies between 6 and 12 minutes at other workplaces

<sup>13</sup> OHSL no 6331 /art.3

<sup>14</sup> One person for up to 30 employees at high hazard class workplaces, 40 employees at medium hazard class workplaces and 50 employees at low hazard class workplaces

problems such as an employee having a heart attack or a visitor falling down are and may be experienced. Although the related regulation is included in the legislation, it is seen that there is a significant gap in providing a first aid room and first aid team<sup>15</sup>.

#### b. Obligations Relating OSH Organization:

It is envisaged to form workplace organizations in order to specify and implement OHS precautions at the workplace, supervise their implementation, work for the prevention of occupational accidents and occupational diseases and provide first aid and protective health services.

The organizations envisaged to be formed at the workplace by the OHSL no 6331 are the Workplace Health and Safety Unit and Occupational Health and Safety Board. The obligation to form these organizations is projected for workplaces of certain qualities.

The obligation to form a *Workplace Health and Safety Unit (WHSU)* was reduced in comparison to the past<sup>16</sup> and it was rearranged depending on the hazard class the workplace falls into and the number of employees. The employer is obliged to form a WHSU when an on-site doctor and occupational safety specialist have to be appointed full time<sup>17</sup>. As the workplaces within SM organizations usually fall into the low hazard class, there have to be at least 2000 employees at the workplace for the assignment of a full time on-site doctor and occupational safety specialist.<sup>18</sup>

<sup>15</sup>(<http://www.perakende.org/teknoloji-marketleri/haberler/avmlere-ilk-yardim-1334902896h.html>)

<sup>16</sup> In Regulation on Workplace Health and Safety Units and Common Health and Safety Units (R.G.18/08/2009) art.5 "Employers are obliged to ...form a workplace health and safety unit ... where they permanently employ at least 50 employees."

<sup>17</sup> OHSL no 6331 art.8

<sup>18</sup> Regulation on Changes in the Regulation on the Duties, Authorities, Responsibilities and Training of Occupational Safety Specialists (R.G.11/10/2013) art. 6; Regulation on the Duties, Authorities, Responsibilities and Training of On-site Doctors and Other Medical Personnel (R.G.20/07/2013) art.12

*Occupational Health and Safety Board* was projected for the workplaces that are in the scope of Law no 6331, employ fifty or more employees and where operations of over than six months are conducted. At these workplaces, each employer is obliged to form the Occupational Health and Safety Unit for OHS activities and to implement the decisions made by the board in compliance with the legislation<sup>19</sup>. Within the scope of this provision, many employers at SMs will not have the obligation to form a board excluding those of stores where relatively higher numbers of people are employed such as electronic shops, gross food markets or DIY stores. If the employees working in services for shared areas like cleaning and security are employed within the SM body, the SM management may have to form the board.

The trend to leave the services like cleaning and security considered as tasks of supporting quality in business life to sub-contractors can also be seen in SMs. On such an occasion, if the relationship of services between the SM management and the subcontractors continues for more than six months, it is decreed that the parties shall form separate boards depending on the employee numbers or that the party not forming the board shall assign a representative vicariously to the board formed by the other party in order to maintain coordination and cooperation or they shall form the board together.<sup>20</sup>

Such organizations have an accelerating effect on the generation of occupational health and safety culture in employees, prevention of occupational accidents and diseases, increasing the effectiveness of precautions relating occupational safety and establishing and adopting a common policy at the workplace.

Therefore, bringing arrangements that can help creation of "common organizations" where the same working area is used by more than one employee would increase the benefit expected from OHSL.

<sup>19</sup> OHSL no 6331 art.22

<sup>20</sup> OHSL no 6331 art.22; Regulation on Occupational Health and Safety (R.G. 18/03/2013) art. 4

c. **Obligations of Training and Informing Employees, Receiving their Opinions and Ensuring Participation**

Notwithstanding the number of employees and the quality of the work carried out, all employers are obliged to train and inform their employees on OHS and ensure their participation in the OHS process by receiving their opinions.

Considering the importance of *training* for the establishment of safety culture and achieving behavior change<sup>21</sup>, the obligation of training is arranged in detail with three individual regulations. These are; OHS training regulation, hygiene training regulation and vocational training regulation.

*OHS training regulation*<sup>22</sup> covers all workplaces within the scope of OHSL and the employees working at these places. It is noticeable that the training obligation varies within itself in the legislation. The topics covered by training include technical issues such as the legal rights and responsibilities of employees, causes of occupational diseases and ways of protection, risk factors at the workplace, use of work equipment and personal protectors, electricity hazards, evacuation and rescue etc. Training courses will be provided before employees start working, in the event of work/workplace/equipment changes, before starting to work after being away due to occupational accidents or diseases or in the case of breaks for any reason. Also, obligations are included to provide special training for groups requiring special policies such as young, disabled and elderly employees and for supporting staff and employee representatives. The periods, periodical renewals and other issues are specified in the regulation.

*Hygiene training regulation*<sup>23</sup> covers workplaces operating in certain lines of business and their employees. As for the workplaces operating in SMs; places like barbers', hairdressers', tattoo and piercing saloons, massage and beauty centers etc.; food production places and restaurants defined as retail shops and those offering other food services are included within this scope. According to the related regulation, employers are obliged to employ those who certify receiving hygiene training at these workplaces. Depending on the business line, the training includes topics such as hygiene, principle of cleaning, infections that may occur if hygiene principles are not pursued, transmission ways, disease symptoms and ways of protection etc. Considering the preparation period, the employers are given a year before (until 05/07/2014) fulfilling their obligation.

*Vocational training regulation*<sup>24</sup> covers employees working at hazard and high hazard classes of work. A table on the jobs requiring vocational training is attached in the appendix of the regulation. This table shows the details of the type of documents to be presented by those that will be employed at the specified positions in order to show that they have received appropriate training to the task they will perform. According to this, on condition that there are imaging centers or printing houses that perform any type of printing operations in SMs for example, the employers of these workplaces have to provide vocational training for those to be employed at the specified tasks before they are hired.

As a result of the new understanding that is attached considerable importance in international arrangements and also adopted by the Law no 6331, the obligation of *informing employees, receiving their opinions and ensuring participation* is included in almost all regulations.<sup>25</sup> Projected for all

<sup>21</sup> For detailed information see İlknur Kılış-Seçil Demir, "An Examination on the Employer's Obligation to Provide Training on Occupational Health and Safety" *Çalışma İlişkileri Dergisi*, C.3, S.1, 2012

<sup>22</sup> Regulation on the Procedures and Principles of Occupational Health and Safety of Employees (R.G.15/05/2013)

<sup>23</sup> Regulation of Hygiene Training (R.G.05/07/2013)

<sup>24</sup> Regulation of Vocational Training of Employees that will be hired for Medium and High Hazard Class Tasks (R.G.13/07/2013)

<sup>25</sup> For example, Regulation on Health and Safety Measurements to be taken at Office Buildings and

employers notwithstanding the number of employees and the quality of the work carried out, this obligation also applies to the SM management, subcontractors and shop owners/managers.

The overall framework (core) of the obligation *to receive employees' opinions and ensure their participation* can be summarized as follows. Depending on the matter covered by the related regulation, the employer has to ensure that

- ✓ risk assessment is done at the workplace and precautions are specified,
- ✓ the protective equipment to be used is chosen,
- ✓ new technologies are utilized,
- ✓ employees/ employee representatives and supporting staff express opinions and make suggestions on issues that affect the health and safety of the working environment.

#### d. Obligation of Emergency Plans, Fire Fighting, First Aid and Evacuation:

The basis of the obligation is to generate a system that can enable to transfer employees, and others like customers/visitors to a safe place in case of an unexpected and dangerous

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Extensions (R.G.17/07/2013)art. 6-7Occupational Health and Safety Risk Assessment Regulation (R.G. 29/12/2012) art. 16; Regulation of Use of Personal Protection Equipment at Workplaces (R.G. 02/07/2013) art. 9-10; Regulation on Health and Safety Measurements for Work with Carcinogen and Mutagen Substances (R.G.06/08/2013) art. 13,15; Regulation on Health and Safety Measurements for Work with Chemical Substances (R.G. 12/08/2013) art. 9; Occupational Health and Safety Services Regulation (R.G. 31/01/2013) art.6; Manual Handling Regulation (R.G. 24/07/2013) art.8-9; Regulation on the Duties, Authorities, Responsibilities and Training of Occupational Safety Specialists (R.G. 29/12/2012) art.5; Regulation on the Duties, Authorities, Responsibilities and Training of On-site Doctors and other Medical Personnel (R.G.20/07/2013) art.6; Regulation on Health and Safety Conditions for the Use of Work Equipment (R.G. 25/04/2013) art.10-11-12  
Regulation on Emergencies at the Workplace (R.G.18/06/2013) art.15; Regulation on Protection of Employees from Noise Related Risks (R.G.28/07/2013) art.11-12; Regulation on Prevention of Risks of Exposure to Biological Factors (R.G.15/06/2013) art.11, art.12, art.14

event such as a possible fire, explosion, sabotage or natural disaster at the working environment. To this end, employers should;

- ✓ specify emergency situations that may occur considering the working environment, materials used and the environmental conditions,
- ✓ take preventive and protective measurements and
- ✓ assign enough numbers of employees for such occasions.

While designing the emergency treatment and evacuation methods especially at SMs, it is necessary that, in addition to employees, customers and visitors are taken into consideration and informed about emergencies.<sup>26</sup>

Due to sharing the same working area with others, employers need to consider not only the activities carried out at their own workplaces but also those performed by other employers and develop plans in cooperation while working on emergency plans at SMs. The coordination of plans should be conducted by the SM management.<sup>27</sup> For instance, while fire hazard is a small risk for a bijouterie shop, allowing LPG-fueled vehicles into the closed car park, cooking over open flame at the Chinese restaurants on food courts and propane cylinder explosions constitute great risks. In such situations, the risk of being exposed to hazard arises for other stores too. Therefore, while developing emergency plans for SMs, points like events that may cause emergencies, emergency exits, meeting points in case of emergencies etc. should be jointly considered and planned by employers and therefore everybody should be informed.

In particular, following points are included within the scope of this obligation;

- ✓ keeping the map developed within the emergency plan for customers

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<sup>26</sup> Regulation on Emergencies at the Workplace (R.G.18/06/2013) art.5, art.10

<sup>27</sup> Regulation on Emergencies at the Workplace (R.G.18/06/2013) art.17

and visitors at a distinctly visible spot in the building<sup>28</sup>,

- ✓ keeping the emergency exits unlocked,
- ✓ clearing doorsteps off any materials that may block exits,
- ✓ using guiding boards and signs,
- ✓ choosing the emergency meeting points form easily accessible and safe spots.

In the case of subcontractor-main employer relationships, the SM management is responsible for the developments of plans for the whole of the workplace while subcontractors' responsibility is limited to their own working area.<sup>29</sup>

**e. Obligation of Health Supervision, Recording and Notification of Occupational Accidents and Diseases:**

Employers are obliged to consider the health and safety risks their employees may encounter and to keep their states of health under supervision continuously. Employees have to go through medical examinations at intervals specified by the legislation depending on;

- ✓ when they start work,
- ✓ when they change work,
- ✓ after being out of work for a long time due to health problems and
- ✓ the quality of work/workplace.

For example, doing hearing tests to check especially occupational hearing loss for those working at noisy environments, vision tests for those working with screen devices, balance tests for those responsible for cleaning the outside of the building, respiratory function tests/ x-rays of lungs for those working at environments where they inhale dust and toxic substances etc.

Law no.6331 brings about the obligation to the employer *to keep records of occupational accidents and diseases, organize necessary documents and report to the SSI*

<sup>28</sup> Regulation on Emergencies at the Workplace (R.G.18/06/2013) art.12

<sup>29</sup> Regulation on Emergencies at the Workplace (R.G.18/06/2013) art.18

(Social Security Institution). Even if an accident at the workplace does not cause injuries or death, it has to be examined and reported properly. It is known that occupational accidents that do not lead to injuries are usually ignored at small workplaces while those causing injuries are dealt with through negotiations between the related parties without any notification to the institution. Henceforth, with this obligation brought for employers, possible accidents that may take place at all workplaces can be prevented and the probable negative outcomes can be reduced.

**f. Obligation of Risk Assessment, Control, Measurement and Research:**

The aim or risk assessment underlying proactive approach is to evaluate workplace specific health and safety conditions and to specify the precautions to be taken accordingly. As of January 2013, *risk assessment* has been obligatory for all workplaces. Carrying out risk assessment at SMs is a legal obligation. Each employer is obliged to detect and eliminate risks existing at the workplace, likely to come from outside or associated with the work employees perform; and to take them under control if elimination is not possible. Risk assessment shall be repeated at particular intervals depending on the hazard class of the workplace or in case of occurrence of the situations specified by the related regulation. For instance, SM management has to repeat risk assessment every six years at the latest as it is included in the low hazard class whereas the owner of a shop offering dry cleaning services within the SM is obliged to renew it every two years as the business is in the high hazard class<sup>30</sup>.

In addition to the major risks like theft, pick pocketing, fire, sabotage, terror at SMs, each workplace has its own risks originating from the field of activities. Although there are employers operating in the same fields at SMs,

<sup>30</sup> Occupational Health and Safety Risk Assessment Regulation (R.G. 29/12/2012) art.12

each of them has to conduct individual risk assessment and consider the activities that other employers are engaged in addition to those performed in their own workplaces. Due to sharing a common place, some of the risks detected may influence each other. Therefore, each employer is responsible for explaining the possible risks of their business and the precautions they take to other employers and informing employee representatives as well. It is the responsibility of the SM management to coordinate individual risk assessment activities, to warn employers to take necessary measurements in terms of OHS and to notify the Ministry about those who do not comply with the warnings. The management is also responsible for observing and supervising risk assessment activities of employers with which it has subcontractor relationships and for correcting inconveniences<sup>31</sup>. The steps of the process are given in detailed in the Occupational Health and Safety Risk Assessment Regulation issued basing on OHSL.

In addition, depending on the risk assessment conducted, employers are obliged to have *measurements, tests, analyses and assessments* regarding personal exposures at the workplace or physical (noise, vibration, lighting etc), chemical (dust, gas, vapor etc) and biological (virus, bacteria, fungi etc) factors carried out by a laboratory with a certificate of competency.<sup>32</sup>

### III. RISK ASSESSMENT PROCESS AT SMs AND AN EXAMPLE PRACTICE

#### A. Risk Assessment Process

In order to understand the risk assessment process well, it should first be presented that the two important concepts of the process, hazard and risk, which are

frequently confused in daily speech, refer to different things.

Hazard is defined in the OHSL no 6331 as: "the potential harm or damage existing at the workplace or possible to come from outside which may affect the employees or the workplace" while risk is defined as: "The possibility of losses, injuries or other negative outcomes that is caused by hazard" .

As one can understand from the definitions, the concept of hazard defines a situation or event that has a potential of damage whereas risk explains the result of exposure that may be caused by this situation or event. For example, noise is a hazard for man. Exposure to noise and hearing loss due to this exposure, however, is defined as a risk. Risk assessment process starts with identifying hazards and continues with risk analyses, interpretation and specifying what to do. The better the hazards are identified in this process, the healthier the risk assessment will be.

Methods that can be used while doing risk analyses in risk assessment can be divided into two as Qualitative and Quantitative methods (Table 1) (Küçük, 2007: 6-7).

In qualitative methods, the assessor's viewpoint generally stands out. That is, the assessor's viewpoint and experiences are determinant while ranking the risk. In quantitative methods, on the other hand, usually a fixed methodology is used and the assessor's viewpoint has either only little or no effect. Sometimes, assessments are carried out using both methods together. As different factors will be decisive while deciding on the risk assessment method, a method unique to each study can be chosen. There is no restriction concerning the choice in the OHS legislation. No matter what method is chosen, it would be beneficial to apply a course parallel to the scheme below: (Figure 1)

#### B. The Importance of Risk Assessment Process at SMs

SMs are places of rather busy human and business traffic in terms of both their

<sup>31</sup> Occupational Health and Safety Risk Assessment Regulation (R.G. 29/12/2012) art.14-15

<sup>32</sup> Regulation on Laboratories conducting Workplace Hygiene Measurements, Tests and Analyses (R.G. 20/08/2013) art.5

employees and those visiting every day. Due to their increasing number in particular and the fact that today's society has made it a life style to spend time in SMs, SMs have become places posing great levels of hazards and the risks resulting from them. It is a really difficult task to manage OHS activities in such places where thousands of people visit every day. Considering the fact that not only the employees' but also the visitors' safety has to

be ensured, this difficulty becomes more distinct at SMs. Since keeping records of occupational accidents is problematic in our country, it is not quite possible to obtain information concerning occupational accidents that take place at SMs. However, only the part of the visitors' accidents reflected in the media shows how important visitor safety is as well (Table2).

**Table 1: Risk Analysis Methods**

Qualitative	Quantitative
Preliminary Hazard Analysis	HAZOP (Hazard and Operability)
What-if Method	FMEA (Failure Mode and Effect Analysis)
What-if Checklist Method	FTA (Fault Tree Analysis)

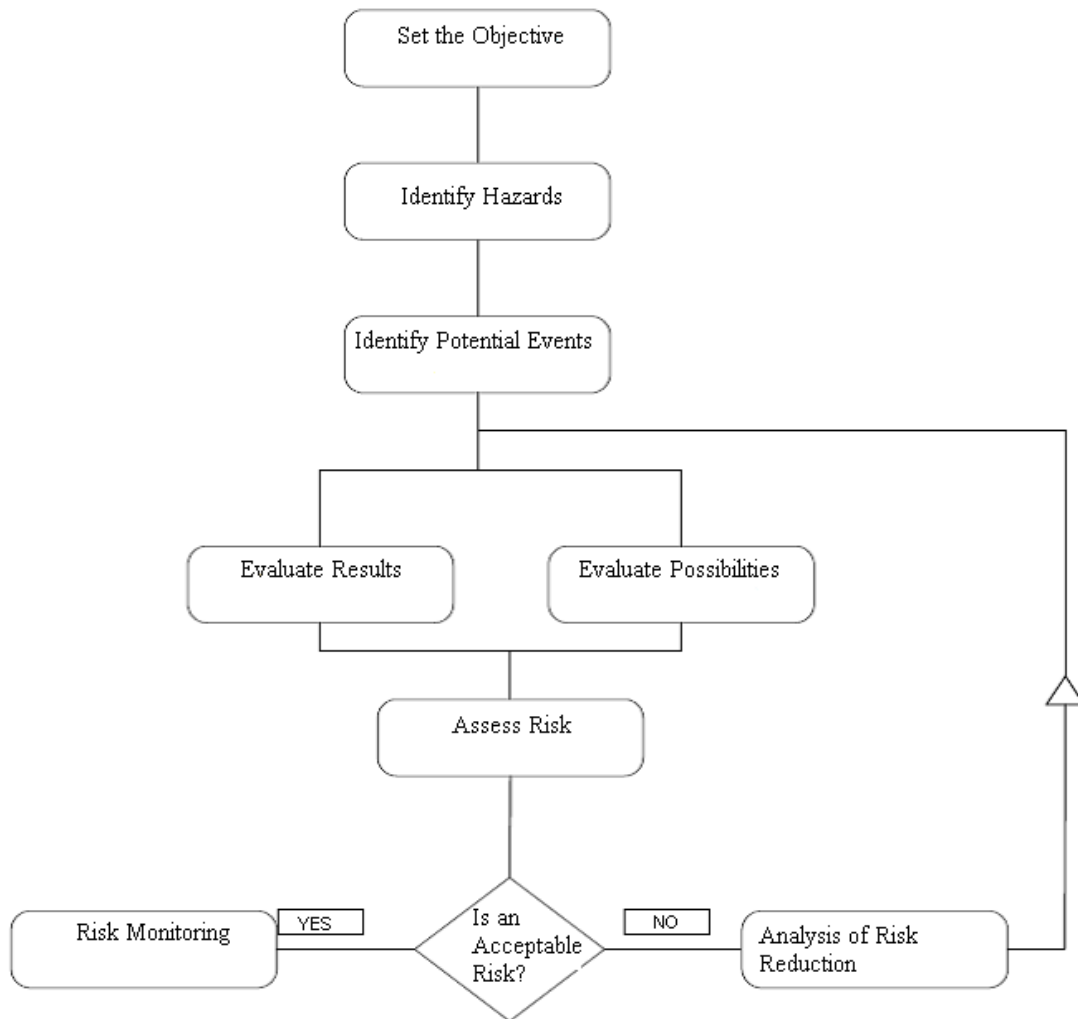


Figure 1: Risk Assessment Process (Reference: S. Küçük, " Principles of Managing Dangerous Chemicals at Industrial Plants", Küçük, S., IV. Work Health and Safety Congress, Adana, 2007, s.6-7)



Table 2: Examples of Accidents at SMs in Turkey and Around the World

Incident	Reference
A retiree from Göztepe State Hospital, Şadan Yazıcı, goes to a shopping mall in Kadikoy on November 14, 2006 with his wife and walking in the section of detergents, steps on the liquid detergent previously split on the floor, falls down on his back.	<a href="http://www.milliyet.com.tr/alisveris-merkezinde-kaza-geciren-musteriye-8-bin-275-lira-tazminat/turkiye/sondakikaarsiv/05.09.2010/1283226/default.htm">http://www.milliyet.com.tr/alisveris-merkezinde-kaza-geciren-musteriye-8-bin-275-lira-tazminat/turkiye/sondakikaarsiv/05.09.2010/1283226/default.htm</a>
Westfield Stratford shopping mall in London, capital of England, a strange accident takes place. A man strolling on the third floor of the mall falls down onto another man walking on the ground floor.	<a href="http://www.posta.com.tr/3Sayfa/HaberDetay/Alisveris-merkezinde-korkunc-kaza.htm?ArticleID=161410">http://www.posta.com.tr/3Sayfa/HaberDetay/Alisveris-merkezinde-korkunc-kaza.htm?ArticleID=161410</a>
42 rescued from the wrecked edge of shopping mall collapsed in Ghana : 4 dies	<a href="http://www.haberinkalbi.com/dunya-haberleri/coken-alisveris-merkezinden-42-kisi-sag-kurtarildi_99374.html">http://www.haberinkalbi.com/dunya-haberleri/coken-alisveris-merkezinden-42-kisi-sag-kurtarildi_99374.html</a>
In an accident that takes place at a on the go-kart circuit at a shopping mall in Ozanlar Street, Adapazarı, Tuğba Erdoğan, 3 <sup>rd</sup> grade student of environmental engineering at Sakarya University, starts touring on the circuit on the car she rents with her two friends. Bumping into the car driven by her friend in front of her round the bend, Erdoğan's head was chopped off her body.	<a href="http://www.ih.com.tr/go-kart-pistinde-korkunc-kaza-262348-haber">http://www.ih.com.tr/go-kart-pistinde-korkunc-kaza-262348-haber</a>
On the escalators of one of Istanbul's most modern and biggest shopping malls, two dies in the accidents that have taken place in the last two weeks	<a href="http://www.samanyoluhaber.com/gundem/Cevahirde-ikinci-kaza/155842/">http://www.samanyoluhaber.com/gundem/Cevahirde-ikinci-kaza/155842/</a>
Shopping mall has been evacuated upon the fire in a clothes shop in Düzce	<a href="http://www.aa.com.tr/tr/turkiye/133564--duzcede-avmde-yangin">http://www.aa.com.tr/tr/turkiye/133564--duzcede-avmde-yangin</a>
One dies falling off the railings in Cevahir Shopping Mall, Istanbul.. previously at the same spot, 3,5 year-old Ayşenur Özbaş and Burak Hacıkasımoğlu (16) died walking around the mall with their mother.	<a href="http://haber.ekolay.net/haber/Cevahirde-3--%C3%B6l%C3%BCm/2705/1014308.aspx">http://haber.ekolay.net/haber/Cevahirde-3--%C3%B6l%C3%BCm/2705/1014308.aspx</a>

In this study, in addition to addressing  
the points concerning visitor safety, health and

safety of employees is also focused on.

### C. Working Environment at SMs and a Look at Hazards

As the first step of risk assessment process is identifying hazards and the things done, it is useful to put what is done in an order at SMs. From this point, there are many different kinds of workplaces such as stores of clothes etc., markets, game parks / playgrounds, car parks, cinemas and restaurants / cafes at each SM. Considering the tasks fulfilled at these workplaces and the whole of the SMs, employees can be listed as: security guards, car park attendants, shop assistants, cashiers, store attendants, administrative staff, cleaning staff, chefs, bussers and waiters. When evaluating the working environments of these employees, the risk factors should be considered as psychosocial, physical, biological and chemical risk factors.

Working hours are usually between 10.00 and 22.00 at SMs. However, it is known that employees keep working inside the stores to organize goods, sort them out, close the stores, and clean the SM etc. before and after the shifts. Considering that the daily working time is 8 hours, it is possible to talk about long working hours in this respect. While sometimes these tasks are fulfilled by full time employees, sometimes they are conducted by part time workers. Moreover, as SM employees deal with thousands of people every day, there occurs excessive busyness. On the other hand, the stress arising from this busyness due to dealing with too many people and problems is one of the most probable health problems for employees. Another factor that may result from working on busy schedules is health problems occurring due to irregular eating and poor diet.

Since SM employees have to deal with customers continuously, they have to work standing for long hours. This is true for many of the aforementioned occupation groups. Vascular diseases and musculoskeletal system disorders caused by standing for a long time are highly possible health problems that can be seen in employees.

In addition, some health problems may occur as the store conditions such as noise,

lighting, ventilation, heat etc. do not meet ergonomic requirements. Sounds like music etc. that can be defined as noise especially at music and electronic shops, lighting by spotlights, the ambient temperature over acceptable values along with poor ventilation and heat problems due to crowds of people are hazards that may affect employee health.

Also, biological risk factors that may result from large crowds of people must be taken into consideration. The fact that too many people are at the same place at the same time creates an environment open to epidemic diseases.

Employees' lifting heavy goods especially in the storerooms and stepping on high shelves are other factors that may cause accidents and diseases.

Injuries are also possible because of incidents of flopping, falling, breaking etc. resulting from unsafe situations and equipment such as decorations, stands, shelf designs, mirrors and glasses etc. that are often used for aesthetic purposes.

Physical injuries that may be caused by the slippery ground within the SM must also be taken into account in this respect.

As there are various stores in SMs and especially electronic shops are high in number, electric shocks and fires that could be caused by a problem with the electric wiring pose important risks.

Chemicals both sold and used for cleaning etc. purposes in SMs are also sources of hazard which need to be taken into consideration. In order to prevent incidents like injuries and fires that may be caused by chemicals, necessary precautions must be taken for storage, transport and use of chemicals.

It is highly important to assure that employees and visitors are evacuated safely from the SM in the event of a possible emergency. Employees' and visitors' not knowing what to do at an emergency, the absence of an emergency plan, lack of guidance, emergency escapes and exits' being closed may cause injuries and deaths in case of

emergencies. Furthermore, it is extremely important to determine the teams that can perform the first treatment in the case of an emergency and to supply necessary treatment equipment at such a place with many employees and visitors. Keeping an ambulance for injuries and diseases would also have a life saving effect.

Another aspect to be taken into account at SMs must be ensuring safety against external effects. Also, necessary measurements have to be taken against external attacks for such a place of this much flow of people and money.

All the aforementioned hazards must be listed and the risks they may pose must be identified; choosing a suitable method, risks can be ranked if required and solutions should be offered benefitting from both legal conditions and widely accepted implementations. After offering solutions, the things to do must not be left unattended; those responsible for each task and deadlines have to be specified so that the targets are to be reached.

#### D.

##### **An Example Study of Risk Assessment**

In this section, an example study of risk assessment is provided setting off the common hazards that could be encountered in an SM. It is aimed to help those that will conduct risk assessments at SMs.

##### **1. Risk Assessment Method**

Within the scope of the risk assessment study, Kinney Method<sup>33</sup> was used for the assessment of risks resulting from incidents, matters and elements that can bring about emergency situations. According to Kinney

method, the possibility of an incident to occur and its effects on the system elements or people when it occurs are different states. For example, in the maintenance works carried out every 3 months, the risk of accidents is low while the frequency of the hazard is once in 3 months. To illustrate it with a weaving machine, as long as the weaving loom is working, an operator has to be attending by it. Under this circumstance, the operator has the potential of being exposed to any negative effects that may be caused by the machine. While the possibility of the operator's arm to be caught in the machine is low, when the possibility turns into reality, the operator's exposure will be inevitable. On this condition, the incident has low possibility but high frequency (Arme, 2011: 271-273).

According to Kinney method, risk is a magnitude defined as;

**Risk** = Chance x Frequency x Severity

In this equation;

**Chance** : Probability of an incident to occur

**Frequency** : The degree of exposure to an incident for a certain period of time

**Severity** : Loss, damage occurring as a result of the incident

<sup>33</sup> Kinney Method was developed in 1976 for the American Navy by G.F.Kinney and A.D.Wiruth as a result of their study called 'Practical Risk Analysis for Safety Management'. The method suggests three dimensions in risk analysis and differs from two-dimension matrix methods. The third dimension included by the method is "frequency".

### a. Probability Rating

**Table 3 : Probability Rating (Reference: Arme Akademi Class Occupational Safety Specialist Training Notes, Chapter 12, Risk Management and Assessment, 2011, s.271 – 273; G. F. Kinney, A. D. Wiruth, Practical Risk Analysis for Safety Management, 1976, Naval Weapons Center, s. 8 – 10)**

Probability	Score
Occurrence of Hazard almost certain	10
High chance of occurrence. Quite probable	6
Probable occurrence	3
Probable occurrence but low chance	1
Occurrence not expected but probable	0,5
Occurrence not expected, almost imposable	0,2

### b. Frequency Rating

**Table 4 . Frequency Rating (Reference: Arme Akademi Class Occupational Safety Specialist Training Notes, Chapter 12, Risk Management and Assessment, 2011, s.271 – 273; G. F. Kinney, A. D. Wiruth, Practical Risk Analysis for Safety Management, 1976, Naval Weapons Center, s. 8 – 10)**

Frequency of Exposure	Score
Continous. A few times an hour	10
Frequent Approximately once or more times a day	6
Sometimes Once or more times a week	3
Not often Once or more times a month	2
Rarely A few times a year	1
Very Rarely Once or less a year	0,5

### c. Severity Rating

**Table 5 : Severity Rating** (Reference: Arme Akademi Class Occupational Safety Specialist Training Notes, Chapter 12, Risk Management and Assessment, 2011, s.271 – 273; G. F. Kinney, A. D. Wiruth, Practical Risk Analysis for Safety Management, 1976, Naval Weapons Center, s. 8 – 10)

Severity			Score
People	Environment	Material Loss	
Catastrophe Large number of deaths.	Great environmental pollution	More than 1.000.000 USD loss	100
Fatal accident	Significant environmental pollution	500.000 – 1.000.000 USD material loss	40
Permanent damage. Injury. Loss of limb	Complaint from the immediate environment	Labor loss. 100.000 USD – 500.000 USD material loss	15
Significant damage. Injury. External first aid.	Environmental damage carried outside borders	Labor loss. 1.000 USD – 100.000 USD material loss	7
Small damage. Injury. Internal first aid.	Small environmental effect	Less than 1.000 USD loss	3
Mild. Harmless or trivial.	No environmental pollution	Acceptable loss	1

### d. Risk Rating

**Table 6 : Risk Rating** (Reference: Arme Akademi Class Occupational Safety Specialist Training Notes, Chapter 12, Risk Management and Assessment, 2011, s.271 – 273; G. F. Kinney, A. D. Wiruth, Practical Risk Analysis for Safety Management, 1976, Naval Weapons Center, s. 8 – 10)

Risk Score	Explanation
R > 400	Unacceptable risk. Stop work. Not start until precautions are taken.
200 < R < 400	High Risk Should be improved in the short term. ( A few months)
70 < R < 200	Important Risk Should be improved in the long term. ( In a year)
20 < R < 70	Possible Risk Operation should be taken under control and be carried out so.
R < 20	Acceptable Risk. May not require immediate precautions

## 2. An Example Study of Risk Assessment

**Table 7: Risk Assessment**

No	Department	Hazard	Cause	Effect	Risk				Precaution	Due Date	Person in
					Chance	Frequen cy	Severity	Score			
1.	General	Long Working Hours	Fatigue	Injury	6	3	15	270	Weekly workin hours and feasible overtime are specified by the Labor Law. Compliance with these times must be assured as any work other than these may affect employee health adversely .		
2.	General	Employees' working in the same position (especially standing) for a long time or under physically stringent conditions	Fatigue	Disease, injury	6	3	15	270	Breaks must be taken at suitable intervals during work.		
3.	General	Lifting heavy goods manually	Negative impact on musculoskeletal system	Disease, injury	6	3	15	270	Weights should not exceed 25 kg, automotic lifting systems must be used.		
4.	General	Work environment conditions(v entilation, temperature , lighting) not meeting ergonomic requirements	Exposure to unfavorable conditions	Disease	6	3	15	270	Necessary environment measurements have to be taken and the conditions of the work environment have to be kept within limit values. .		
5.	General	Negative	Physical	Injury, death	6	3	40	720	Employees must		

		behavior employees may be exposed to (threat, insult etc.)	and psychological damage						be trained to protect themselves against Çalışanlara physical and psychological assault, security has to be ready for such situations.		
6.	General	Employees' examinations not done at the start of work and periodically	Not detecting negative outcomes in advance and danger for other employees	Disease, injury, death	3	3	40	360	Employees' examinations at the start of work have to be carried out reliably, an employee must be allowed to start work as long as s/he is appropriate for the task.		
7.	General	Not checking ventilation regularly	Spread of possible pollution	Disease	6	3	15	270	Ventilation must be checked regularly; it must be assured that the filters are clean.		
8.	General	Noisy environment	Exposure to Noise	Hearing Loss	6	6	15	540	Noise measurements of the environment must be taken, noise must be kept within the limit values.		
9.	General	Devices emitting harmful beams, high frequency and radiation	Exposure	Disease, injury, death	3	3	40	360	Devices emitting harmful beams, high frequency and radiation have to be measured and checked periodically, user instructions must be kept at a visible point for the correct use of the devices, the devices have to be used by authorized people within the framework of related legislation and standards.		
10.	General	Absence of grounding	Electric leakage	Electric shock, fire	6	3	40	720	Grounding system must be		



		of the devices and equipment all over the SM and not doing periodical checks							provided for all the devices and equipment in the shole of the SM in accordance with the related regulation and standards and they must be checked periodically.		
11.	General	Absence Residual current relay	Electric leakage	Electric shock, fire	6	3	40	720	A residual current relay must be installed.		
12.	General	No regular maintenance of fixed installations and fittings by authorities.	Not noticing the abrasion of the wiring	Electric shock, fire	3	1	100	300	Maintenance services for fixed installations and fittings must be carried out by authorized persons regularly. All electrical fuses must be kept under protection, electric/fuse boxes must be locked and inaccessible to unauthorized persons. Cables mustn't be exposed and plugs must be checked regularly.		
13.	General	Cabled devices used SM-wide.	Tripping, Falling	Injury, death	3	3	40	360	Cabled devices used SM-wide must be designed to avoid tripping and falling.		
14.	General	Keeping inflammable materials such as paper etc. close to devices/equipment/objects that may spark.	Fire	Injury, death ,material damage	3	1	40	120	Inflammable materials such as paper etc. must be kept away from devices/equipment/objects that may spark.		
15.	General	Shelves, decorations, stands or other materials	Flopping , falling	Injury, death	3	1	40	120	Shelves, decorations, stands or other materials fitted on walls must be		

		fitted on walls not fixed in the SM							fixed in the SM so that they would not fall onto employees.		
16.	General	Cracked or broken glass surfaces	Falling , cuts	Injury, death	3	1	40	120	Glass surfaces have to be mounted properly, they mustn't be cracked or broken.		
17.	General	Improper stairs, no railings at stairs and open areas	Falling	Injury, death	3	1	40	120	The width of stairs and tread depth must be appropriate. There must be railings along the stairs, poles at suitable distances on railings or closed blocks to prevent falling. Open areas at high points must be surrounded by railings.		
18.	General	Not storing chemicals appropriately and no safety information forms.	Flopping , spilling over	Injury, fire	3	1	40	120	All chemicals within the SM have to be stored and labeled appropriately; safety information forms must be available. Employees must be informed about the dangers of the chemicals in use and proper personal protection equipment must be supplied.		
19.	General	Wet floors at the areas being cleaned and in kitchens	Slipping, falling	Injury, death	3	1	40	120	Floors at the areas being cleaned and in kitchens mustn't be left wet and warning signs should be put.		
20.	General	No or not an updated emergency plan present	Not being prepared for emergencies	Injury, death	3	0.5	100	150	There must be emergency plans, they must be updated and employees and visitors must be		

									informed in accordance with the plan through practical applications		
21.	General	Materials at fire escape doors, emergency exits and all the way preventing escape, keeping emergency exit doors locked.	Evacuation difficulty at emergency	Injury, death	3	0.5	100	150	No materials must be kept at fire escape doors, emergency exits and all the way preventing escape, emergency exit doors must not be locked.		
22.	General	Insufficiency of emergency guidance and lighting	Evacuation difficulty at emergency	Injury, death	3	0.5	100	150	Emergency guidance and lighting have to be sufficient and in compliance with the legislation.		
23.	General	Not carrying out maintenance of fire extinguisher cabinets and tubes, automatic detection and extinguishing system	Not being able to respond in case of a fire	Injury, death, material damage	3	0.5	100	150	Maintenance of fire extinguisher cabinets and tubes, automatic detection and extinguishing system must be done regularly.		
24.	General	Periodical checks of lifts are not done regularly	Falling or break down of lift	Injury, death	3	0.5	100	150	Lifts have to be checked regularly and periodical maintenance has to be supplied. Lighting of the inside and the front of the lift has to be sufficient. Unauthorized persons must not be allowed into the lift engine room.		
25.	General	No work permit system	Unconfident working	Injury, death	3	1	100	300	Work permit system has to be developed for works to be carried out by contractors (new		

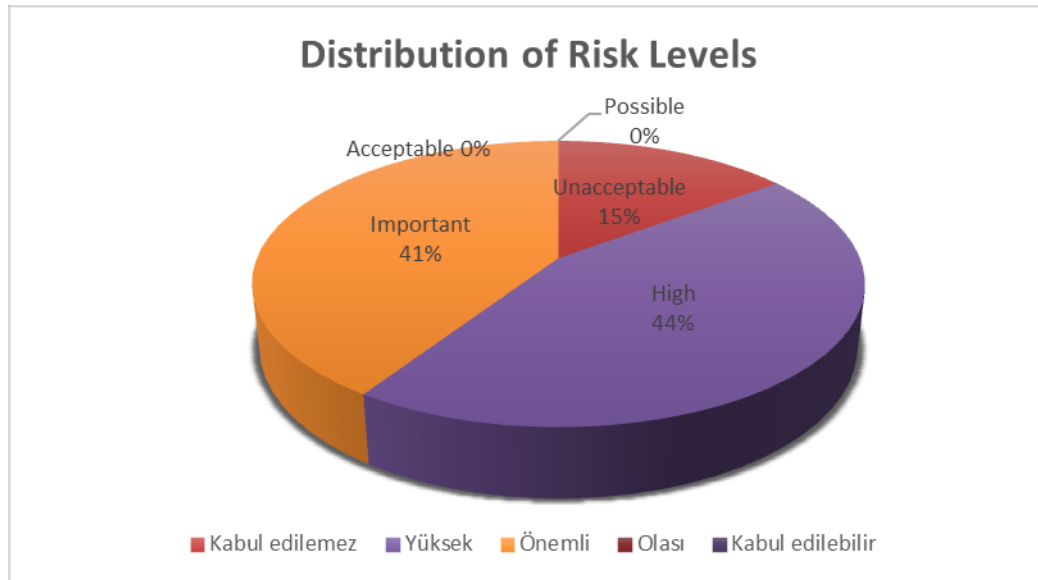
									construction, renovation, repair, maintenance, security, cleaning etc.) and work permit must be given upon verification of compatibility of the working area and the people		
26.	General	Employees not having received OHS training	Not being informed of hazards	Injury, death	3	1	100	300	It must be ensured that all employees receive training on OHS, fire, emergency.		
27.	General	No procedure on waste management	Scattering slopping wastes	Disease, injury	3	1	100	300	Wastes should be stored and disposed properly. A procedure should be developed on this		

**Table 8: Risk Levels**

Risk Category	Number of Risks Detected	%
Unacceptable	4	15
High	12	44
Important	11	41
Possible	-	0
Acceptable	-	0

As a result of examining the risk assessment above and a brief analysis of it, risk levels occurring for SMs and their distributions are as

follows and; 15% of the detected risks fall into the "unacceptable" category, 44% in "high" and 11% in the "important" risk categories.



## CONCLUSION AND SUGGESTIONS

In the first place, it is necessary to point out that the OHS legislation does not include sufficient provisions to encourage organizing at occasions when the same work place such as SMs, plazas (business centers), hotels/holiday resorts is shared by more than one employer and that it does not bring adequate protective measurements for the third parties. This is also

true for institutions like tax offices and municipalities offering public services.

However, it is known that not enough importance is attached to health and safety conditions for most of the workplaces operating in areas like SMs, plazas, hotels because of their financial structure, number of employees, employee qualifications, interest and information in OHS. The presence of certain hazards and risks in the industry sector

increases the significance of OHS whereas in service industry OHS precautions of employees are ignored since services are supplied rather than products in this sector. In addition, most workplaces do not employ technical staff and the legislation is too complicated for employees working at these places to understand. Moreover, the fact that many workplaces are not obliged to employ full time on-site doctors and occupational safety specialists, form a WHSU of create an OHS Board is another reason triggering the current state. Therefore, it is important to present more straightforward methods to improve and develop health and safety conditions of employees working at such places.

Work environments where the same working area is used by more than one employer and usually the entrance and exit are the same can be defined as “*common workplaces*”<sup>34</sup>. This study suggests that the organization model<sup>35</sup>, which was initiated as “Fişek Modeli” in the 1980s for workplaces employing fewer than 50 workers at small Industrial Sites under the name of “common workplace health and safety unit” and “common occupational health and safety rules” and tried to be developed, is applied to SMs today. Giving a chance to the two workplace organizations as “**Common workplace health and safety unit**” and “**Common workplace health and safety unit**” based on volunteer basis would both increase the functionality of OHS and provide employees and visitors with healthier and safer environments. If the aforementioned organization models are allowed, more benefits of it could be observed. The essentials and benefits of the suggested model for SMs can be summarized as follows:

\* The organization of this unit to be formed under the name of “**Common workplace health and safety unit**” should be conducted by the SM management.

Considering the number of employers (store managers/SM management and subcontractors) and of employees in an SM, a full time on-site doctor and an occupational safety specialist must be employed within the SM body. Working times of OHS professionals have to be specified depending on the number of employees and more than one professional must be assigned if required. As for the funding of the professionals and any OHS services, the SM management must include this cost within the monthly contribution fees estimated for common expenses. If there are workplaces with fewer than 10 employees falling into the medium and high hazard class, the employers of these work places can obtain the OHS cost they pay by means of state financing.

\* Parallel with the arrangement that allows for the common establishment of the OSH Board by main employer and subcontractor, a similar structure under the name of “**Common workplace health and safety board**” in SMs. The organization of this board to be established must be carried out by the SM management as well. Each workplace in SMs must be represented in the OHS Board by the employee representative or the employer. However, not all employers and employee representatives must be obliged to attend the ordinary board meetings each time. The high number of board members may be an obstacle to the effectiveness of the meeting. Therefore, workplaces operating in similar activities should choose their representatives and the employer and representative of each sector must attend the meetings alternately.

The benefits expected from the establishment of common workplace health and safety board and common workplace health and safety unit may be summarized as follows.

To get rid of each employer at the SM the trouble of signing separate contracts with OHS professionals even for part time employment, carrying out health examinations of employees and providing their health reports by the same on-site doctor will avoid workforce loss. It will assure that all SM employees get the same training in the common training center (maybe at a

<sup>34</sup> Mustafa Taşyürek, “In the same field within the different workplaces Health, Safety, Environment” <http://www.isguvenligi.net/ayni-saha-icindeki-farkli-isyerlerinde-saglik-guvenlik-cevre/>

<sup>35</sup> <http://www.isguvenligi.net/fisekin-is-sagligi-guvenligi-calismalari/ortak-is-sagligi-guvenligi-kurulu/>

conference hall within the SM via the organization of the management) for very low costs and decrease time loss.

The opportunity of OHS professionals to work at the workplace (at the SM) full time and together will enable to get more efficient results in issues like specification of risks, their possible effects on health, risk prevention ways etc. Otherwise, perhaps these people whose working periods are 20-30 minutes a month will not get a chance to meet and deal with the problems together. At the same time, it will assure a real risk assessment for each workplace. Risk assessment, it is not very possible to meet the expected outcomes form the risk assessments carried out by employers working in very different fields as it requires technical information.

Working with one single OHS professional for all workplaces will lighten the burden of the SM management in terms of OHS activities and increase the effectiveness of internal supervision. As well as, centralization of the implementation of OHS activities will

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pave the way for the adoption of OHS culture. As the obligations in OHS require both time and money, it is generally considered as just performing a task and the main purpose is ignored.

Making co-decisions at the board regarding the specification of guiding steps for employees about OHS, planning the training courses, determination of the precautions concerning incidents like fires and natural disasters, planning maintenance and repair works and safety precautions to be carried out at workplaces operating in similar fields will not only accelerate related processes but it will also increase the functionality of the decisions by ensuring auto control. At the same time, development of OHS internal regulations to be prepared at the workplace in a common board by a team of professionals will provide unity in the rules to be applied at workplace. And finally, such an organization administrative fines resulting from lack of information of employers concerning the legislation will decrease at small workplaces.

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