

# IMPORTANT NOTICE for Turkey!

## for contractors on construction site of BERTSCH Energy GmbH & Co KG

BERTSCHservice

BERTSCHlaska

BERTSCHfoodtec

BERTSCHenergy

BERTSCHgroup

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## Introduction

Ladies and Gentlemen,

Bertsch Enerji Tesisleri Ticaret Limited Şirketi (hereinafter Bertsch Turkey) shall set up a plant in Kula, Manisa/Turkey with the cooperation of sub-contractors, as and to the extent required.

Hence, This Important Notice ("Notice") has been prepared to state and introduce the main responsibilities and obligations which shall be carried out by Contractors regarding the Turkish Labor Law.

Sole purpose of this Notice is to call the attention of the Contractors about the frame of their legal obligations. This Notice has neither been drafted by assertion of completeness nor delivered to discharge Contractors from any obligations arising from the law, legislation and contracts.

## 1. Status of Contractors

The relation between Bertsch Turkey and the subcontractors is a Contractor-Subcontractor relation by means of Commercial Law and a Principal Employer – Sub-Contractor relation by means of Labor Law.

Subcontractors undertake to carry out auxiliary tasks related to the production of goods and services or to realize certain part/s of the main activity due to operational requirements or for reasons of technological expertise in the workplace of the principal employer and who engage employees recruited for this purpose exclusively in the workplace of the principal employer.

With this regard, Bertsch Turkey is the principal employer and the contractors engaged by the principal employer are subcontractors without prejudice to the liability that solely and/or exclusively belong to sub-contractors, arising from employment relationship by and between the sub-contractors and their employees or from the collective labor agreement, which the sub-contractors are a party to.

## 2. Terms and Conditions of Employment Regarding Labor Law numbered 4857

According to Turkish Labor Law and relevant regulations, sub-contractors shall comply with the rules by ensuring the necessary conditions included but not limited to below mentioned:

- (i) To assign only their own employees to the undertaken task/work.
- (ii) To appoint adequate number of employees for the undertaken task/work.
- (iii) To engage qualified employees who have necessary skill and profession for the undertaken task/work.
- (iv) To comply with working hours limits and especially to ensure the conditions for night work.
- (v) To pay the employees at least the minimum wage stipulated by the laws and regulations (Minimum wage for the year of 2020 is 2.324,70 TL).
- (vi) To apply protected measures with regard to the terms and conditions of employment of female employees, disabled employees and other vulnerable employees, if any.
- (vii) To ensure health, safety and hygiene at work and adopt COVID-19 measures published by the government and/or local administrations.
- (viii) To engage a work safety specialist and workplace doctor
- (ix) To comply with the environmental safety measurements.
- (x) To give the rights of the employees completely and in full including any and all material rights such as wage, annual pay leave, seniority payments, etc. and fringe benefits if provided by employment contracts and/or collective labor agreements.
- (xi) To pay the social security premiums of the employees in full.

Sub-contractors acknowledge that they are obligated to provide any and all documents and information that show they fulfill the above-mentioned obligations arising from the laws and regulations that are in force immediately, when requested by Bertsch Turkey.

## 3. Operational Obligations

### 3.1 Information Obligation

Sub-contractors must deliver any and all documents and information regarding the below matters immediately, when requested by Bertsch Turkey.

Monthly information obligation shall apply for the following:

To verify/prove that the social premium, wage (not less than minimum wage) agreed by employment contracts and/or collective labor agreement and other material rights have been paid in a timely manner as required by the laws and regulations.

To verify/prove that the legally mandatory occupational health and safety training has been provided and the necessary documentation has been kept.

Immediate information obligation shall apply for followings:

When an environmental, work or technical accident occur

When an employee has an accident regardless whether it causes an injury or not

When an officer visits the project site

When a legal permit or certificate obtained by the sub-contractors abolish or expire

### 3.2 Appointment of a Contact Person

Each of the sub-contractors shall appoint a contact person for the undertaken task/work, who has full capacity to act on behalf of the relevant sub-contractor. Physical and e-mail addresses and mobile phone number of the contact person shall be provided to the principal employer.

Bertsch Turkey is entitled to refuse to be informed or contacted by a person other than the contact person.

Sub-contractors shall ensure the availability of the contact person to answer the questions of Bertsch Turkey and provide assistance whenever requested by Bertsch Turkey.

### 3.3 Prohibition of Employment by way of Renting Workers

It is strictly prohibited for the sub-contractors to rent workers from any third party including the private employment offices for the carrying out of the undertaken task/work. Any employees, who are devoted to work at the construction site have to be the permanent employees of the sub-contractors.

## 4. Administrative Obligations

### 4.1 Declaration of Workplace

Sub-contractors acknowledge and accept to fulfill the below obligations:

- (i) To make the declaration of workplace notification to the Regional Directorate of Labor prior to putting his employees to work at the construction site, specifically for the establishment of workplace for the sub-contractor in order to provide the required services in his capacity as subcontractor. Such notification shall include:
  - the name and surname or trade name and address of the sub-contractor
  - the names, surnames and addresses of employer representatives, if there are any.

Sub-contractors shall also submit the written subcontractor agreement and other documents when the notification is made. The sub-contractors agree to follow the other instructions stipulated by relevant regulations especially "Subcontractor Directive" issued by Ministry of Labor and Social Security, published in the official gazette dated 27.09.2008.

Following the notification, sub-contractors shall immediately inform Bertsch Turkey in writing accordingly.

- (ii) To submit the below documents to both Bertsch Turkey and Regional Directorate of Labor
  - List of Equipment
  - Certificate of Completion
  - Certificates of the Operators and Technicians
  - Copy of trade registry gazette indicates the establishment
  - Circular of signatures
- (iii) To submit the below document to Bertsch Turkey:
  - List of Employees
  - Working schedule including, shifts and working days and hours
  - A copy of collective labor agreement, if any

In case of breach of this notification obligation, sub-contractors might be faced with a monetary fine in the amount of 8.829,00 TL.

#### 4.2 Notification Regarding the Employment of Employees

Subcontractors are obligated to notify the below to the Social Security Institution:

- I. employment of a new employee, not later than the date the actual work of the employee starts
- II. dismissal of an employee, not later than ten (10) days following the dismissal

In case of breach of this notification obligation, sub-contractors might be faced with a monetary fine in the amount of 2.943,00 TL/per breach.

#### 4.3 Monthly Payment of Wages

Contractors are obligated to pay material benefits of employees including the wages in full and on time and also:

- (I) are obligated to declare their employees assigned for the undertaken task/work under the Social Security file, which is created for Bertsch Turkey.
- (II) shall deliver the monthly premium and service document to the Social Security Institution on time and pursuant to the legislation by declaring the workplace registry number and sub-contractor code.

#### 4.4 Notification of Work Accident

Sub-contractors are obligated to notify the work accident to the Social Security Institution not later than three (3) days after the occurrence of the accident.

In case of breach of this notification obligation, sub-contractors might be faced with a monetary fine in the amount of minimum 7.032,00 TL/per accident.

### 5. Coordination Among Sub-contractors

Each sub-contractors acknowledge that their works are strictly relevant and depend on each other. With this understanding, sub-contractors shall notify each other, when it is required to take additional precautions regarding the occupational health and safety due to a technical situation.

## 6. Safety instructions and registration

As a supplier of BERTSCH Energy you are responsible for your own as well as our safety on site. In order to integrate your services frictionless, you are required to educate yourself about applicable regulations and rules on our construction sites. This includes the online safety instructions, which are to be completed at least 2 weeks before your employees' arrival on site. These instructions have to be completed by everyone of your employees as well as any sub-suppliers you work with that will enter our site. Upon successful completion you will be issued a certificate. The certificate is to be printed and presented at our construction site, upon which each of your employees you will be issued a personal badge. This badge will allow your employees to enter and exit our site for pre-determined time period.

Please bear in mind: Without a valid certificate your employees will not be allowed to enter the construction site! Any additional costs or claims as well as push-backs in schedules will be borne by you.

You can access the safety instructions with the following link:

<https://www.bertsch.at/de/384-bertschenergy-kompetenz-in-energie#widget-390>

Login Password:

JxxxxxxS	- example	_ eng
(project id)	(project name)	(language de or eng)

### BAUSTELLENSICHERHEIT

Als Partnerunternehmen oder Besucher unserer Baustelle, sind Sie mitverantwortlich für Ihre und unsere Sicherheit und unseren gemeinsamen Erfolg. Damit Ihre Dienstleistung reibungslos in unsere Prozesse integriert werden, sind bestimmte Regeln einzuhalten.

### ZUGANG SICHERHEITSTEST

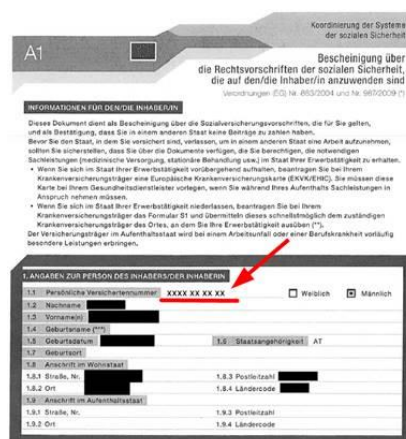
Bitte geben Sie das Passwort für die Sicherheitsschulung ein:

START

Image 1: Login mask for password input

For online registration and access to the safety instructions including the safety test, the following personal information is necessary:

- Name – und last name
- Date of birth
- Job title / function
- Passport photo
- Company name of employer (acc. to company register)
- A1-Form Number



The image shows a sample A1 form titled 'Bescheinigung über die Rechtsvorschriften der sozialen Sicherheit, die auf den/die Inhaber/in anzuwenden sind'. It includes sections for personal data (Name, Vorname, Geburtsdatum, Geburtsort, Staatsangehörigkeit) and contact information (Anschrift im Wohnort, Anschrift im Aufenthaltsort). A red arrow points to the 'A1-Form Number' field, which is marked with 'XXXX XX XX XX'.

Image 2: A1- Form example with A1 number marked



## **7. Summary of General Compliance of Law**

Sub-contractors hereby accept to:

- Comply with the legal obligations arising from Labor Law
- Take any and all precautions regarding the occupational health and safety
- Fulfill the administrative obligations required by the government and local authority
- Deliver any proof, when it is requested, point out their compliance with the regulations
- Follow the instructions published by Bertsch Turkey
- Approve any reduction from their progress payment if and when it is determined that the material benefits of the employees have not been provided completely and in full in order to realize the payment of the missing amount

**Deliver the following documents and information, latest at the mentioned time to Bertsch Energy GmbH & Co KG via E-Mail ([meldewesen@bertsch.at](mailto:meldewesen@bertsch.at))**

### **7.1 Appendix**

### **7.2 Declaration**

Bertsch Turkey submits this Notice to the consideration of recipients and all the points herein are accepted by the sub-contractors. Bertsch Turkey kindly requests the sub-contractors to read this Notice carefully and sign the declaration below.

**DECLARATION for TURKEY**

The undersigned

acting as:

for the company:

Street + No.:

Postcode + City:

Email:

hereby undertakes to comply with all obligations regarding the points mentioned in the document "Important Notice" and to indemnify Bertsch Enerji Tesisleri Ticaret Limited Şirketi with regard to any loss it may suffer as a result of our failure to comply with any statute, legislation, directive or regulation of any kind whatsoever (including but not limited to those referenced in the "Important Notice") applicable to us in the Turkey. Loss means any form of loss, liability, damage, expense, claim of third parties, etc., which Bertsch Enerji Tesisleri Ticaret Limited Şirketi could suffer as a result of an infringement.

We hereby confirm that we do not illegal employ any personnel. We also confirm that we will pay and remunerate our staff on time and in accordance with Turkish Law minimum wage requirements.

Failure on our part to full comply with obligations or to provide Bertsch Enerji Tesisleri Ticaret Limited Şirketi with the information/documents necessary for the various reports/obligations gives Bertsch Enerji Tesisleri Ticaret Limited Şirketi the right to terminate the contract with immediate effect. In the event of an immediate termination of the contract, Bertsch Enerji Tesisleri Ticaret Limited Şirketi reserves the right to claim damages for any loss that Bertsch Enerji Tesisleri Ticaret Limited Şirketi could suffer as a result of non-compliance with the obligations described herein and/or other statutory obligations by us.

Bertsch Enerji Tesisleri Ticaret Limited Şirketi could determine that we have not complied with our obligations, Bertsch Enerji Tesisleri Ticaret Limited Şirketi reserves the right to take contractual and/or legal action for any loss. We acknowledge and agree that Bertsch Enerji Tesisleri Ticaret Limited Şirketi will have the right to suspend payment of our invoices until any failure to comply with our obligations has been remedied or it has been determined by the relevant authority or an unappeasable judgment of a court of component jurisdiction that no failure to comply has occurred. Any amounts so withheld will not yield any interest.

Created in \_\_\_\_\_, on \_\_\_\_\_

(Signature and/or stamp)