

## Assessment of Occupational Safety and Health Law in Turkish Industrial Relations

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### Abstract

*Occupational health and safety law is one of the most important developments in recent years in Turkish Industrial Relations System. The aim of this law is to introduce measures to encourage improvements in the safety and health of workers at work. Up to this law, there was no separate law on occupational health and safety. Occupational health and safety is being applied due to different laws. Therefore, it was not effective and led to confusion. Occupational health and safety law was established with the effect of the EU integration process in Turkey. There is a negative picture in terms of accidents at work and occupational diseases in Turkey. Therefore, whether the success or not of this law is an important issue. Although the law entered into force June 30 in 2012, it is difficult to say that businesses life prepared for this. In this context, the effects of the law are wondering what will happen. In this respect, it is important evaluation of the law. This study will consist of three main sections. The first section consists of occupational health and safety reasons. For this reason, the accidents at work and occupational disease rates will be examined in the world, EU and Turkey. Second, the arguments will be examined in the text of the law and parliamentary proceedings. Third, the effects of the law will be considered employees and employer in the Turkish Industrial Relations.*

### 1. Introduction

Occupational Health and Safety is one of the most important issues discussed in social and political areas today. In the capitalist system where most of the society is working as wageworker, occupational health and safety is not an individual issue only but it deals with social aspects. Globally 317 million work accidents occur annually and 160 million people become victim of a work related disease. The cost of this issue is 4 % of Global GDP (ILO, 2013). In Turkey for the year 2011 70 thousand active worker suffered work accidents and 700 of them suffered occupational disease. Among these people 2216 of them became permanently incapacity and 1710 of them lost their lives (SGK, 2011). When we consider the reasons for work accidents and occupational diseases 98% of the reasons are avoidable. When we look from the scope side 57 % of these work accidents occur in work places having less than 50 workers are working (ASO, 2012).

Occupational Health and Safety has not been regulated separately in Turkey until the law no 6331. Previously this issue was regulated via Labor Law, Social Security and General Health Law, Code of Obligations and Criminal Code. Occupational Health and Safety has been acknowledged as an area required to be regulated by social state in the Turkish Constitution. According to these articles Occupational Health and Safety is an issue of public law and taking necessary measures is among the main duties of the state. This concept has been preserved also in the new Constitution Draft (NTVMSNBC, 2013). The issue has a lot of international aspects. Because while the Occupational Health and safety issue is being regulated within Turkish legislation, the Universal Declaration of Human Rights, ILO Contracts, European Social Charter and European Social Security Charters have been referenced.

This study is aiming to examine Occupational Health and Safety Law. There are some questions need to be directed in order to expand the research. First of all it will be examined why a new law is needed to be legislated separately for Occupational Health and Safety and also the critics towards the law draft will be examined in the base of the records of the assembly. Secondly the Occupational Health and Safety regulations inside the law test will be touched on. Lastly the discussions and conclusions will be mentioned regarding the evaluation of the law by means of Turkish Industrial Relations.

## 2. Why a new law is needed?

The most important justification of this law is that Occupational Health and safety is a constitutional right. In article 49 of the Constitution, taking necessary measures in order to improve the life standard of the workers, to improve working life and to protect the unemployed and to provide labor reconciliation is counted as among the duties of the state. Again in article 56 it is stated that everybody has right to live in a healthy and balanced environment. In continuing it says improving the environment, protecting environmental health and preventing the environmental pollution are mentioned as duties of the citizens and the state. Article 60 stipulates social security as a right to be entitled for all the citizens. It will be the state to provide social security and to take necessary measures.

Another reason of the issue lies within the international aspect thereof. Our obligations rising from the documents such as Universal Declaration of Human Rights (1948), United Nations Economic, Social and Cultural Rights Charter of 1976, Contracts no 155 and 161 of International Labor Organization on Occupational Health and Safety and Working Environment, European Social Charter and Council Directive no 89/391/EEC on promoting the improved measures for health and safety of the labor while working are among the reasons of this legislation. These obligations are shortly listed as:

- Rights of everybody for working, selecting the occupation and work under fair and proper working conditions
- That these conditions meet the health and safety requirements,
- Removing the disadvantages of disadvantaged groups of women, children and youth,
- Removing the gender discrimination, providing equal opportunities for workers, right to information, providing consulting right,
- Emphasising to provide Occupational Health and security services without discriminating the public and private sector.

Aktay (2012) has stated that a healthy and safe working environment may not only be provided with good will of the parties. Supervising the working life to provide such environment is an important issue. However supervision shall not be perceived as a sole duty for the state. Participation of some NGO's and institutional social structures will improve the efficiency of the supervision. International body participation along with the internal law will provide improvement of the supervision of Occupational Health and Safety.

Until the law no 6331 the Occupational Health and Safety issue had been regulated within several laws. It is seen that Occupational Health and Safety is regulated in the section five of "Labor Law no 4857". The restriction of 50 workers and industrial works were against the international contracts those were accepted by us. The Law no 5510 on "Social Insurances and General Health Insurance" is trying to assure the people by means of social insurances and general insurance policy and regulate the finance by benefitting method (Article 76). Turkish Code of Obligations no 6098 regulated this issue under the title of "protection of the personality of the worker. Again Turkish Penal Code no 5237 regulated the punitive responsibilities of responsible persons. This multi structured system was making difficulties. Identifying the power and responsibilities and extension of the process was making compensation of the losses harder. When we look from this perspective it was a necessity to regulate the Occupational Health and safety which is a basic issue in the working life under a single law.

**Table 1:** Work accident, occupational diseases, permanent incapacity and numbers of mortality per years

Years	Number of Work Accidence	Number of Occupational Disease	Number of Permanent Disability	Number of Death
2011	69.227	697	2.216	1.710
2010	62.903	533	2.085	1.454
2009	64.316	429	1.885	1.171
2008	72.963	539	1.694	866
2007	80.602	1.208	1.956	1.044
2006	79.027	574	2.267	1.601
2005	73.923	519	1.639	1.096
2004	83.830	384	1.693	843
2003	76.668	440	1.596	811
2002	72.344	601	2.087	878
2001	72.367	883	2.183	1.008
<b>Total</b>	<b>808.170</b>	<b>6.807</b>	<b>21.301</b>	<b>12.482</b>

**Source:** These has been compiled from the annuals of SCCI, SSI transferred data and TII data.

According to the researches it is claimed that 98 % of the working accidents and 100 % work accidents are avoidable (Milliyet, 2012; Zaman, 2012). Besides the results show that 50 % of the work accidents are easily avoidable, 48 % of the avoidable via a systematic study and 2 % of them are avoidable (Domac, 2012). The mortality figure in Turkey for 1999-2011 due to work accidents and occupational diseases is approximately 12,5 thousand. These figures only cover the insured workers. In reality the mortality and occupational diseases are a lot more than that. One of the most important justifications of this law is that at least 98 % of this mortality is avoidable (Aydinonat, 2012). The global cost of work accidents and occupational diseases and the death due to them is approximately between 600 billions of USD and 2,4 trillions of USD. For Turkey this figure is 3,6 billions of USD. Other than that occupational health and safety is very important for the reputation of the enterprises. This issue can directly effect on the product quality and market conditions (Celik, 2012).

The flexible working conditions in the working life have been increased via Labor Law no 4857. The justifications of the employers for the flexible working are the changing social-economic conditions, technology and compatibility to increasing competition. Although some sort of a freedom in the nature of determining the working time in their own discretion in against this, it still has an additional negative meaning. Some new implementations such as increase in non-typical employment, flexing the working times, working more than one employer, and outsource employment have brought some negative aspects together.

This issue was brought in the agenda of the parliament under the titles of "Draft Law on Occupational Health and Safety" and "Proposal on Law of Occupational Diseases and Occupational Health". However the draft and the proposal have been integrated and the draft has taken as base. When the commission report is examined the following items are highlighted in the justification of the draft (TGNA, 2012):

- The Occupational Health and safety is not an individual issue but it has social aspects. The issue shall be taken at hand in international level and conformity shall be established for international charters and EU legislation. The discrimination of public and private sector shall be removed other than the exceptions. It shall cover not only the workers but all employees with a new regulation on all employees.
- It shall be extended to SMEs and some supporting services shall be provided
- It is necessary to have workplace doctor and work place expert and with the participation of the work places having less than fifty workers the practise field and nature of the Occupational Health and safety services shall be expanded.
- Emergency policies, reporting and notifications shall be made obligatory under the frame of Occupational Health and safety prevention and measures.
- Permanent health monitoring for the employee in order to prevent the occupational diseases and work accidents.
- The information and consultancy process shall be improved in order to create a health and safety culture among the employee.
- The "National Occupational Health and Safety Council" which is established to create a social dialogue in making the Occupational Health and Safety policy and strategies all around the world shall have legal ground.
- In the workplaces where there is more than one employer and sub employer relation the coordination between employers shall be provided. While this is being provided it shall be avoided to go for manipulative ways in establishing the "board of Occupational Health and safety" between the original employer and the sub employer.
- The principles regarding the classification of the work places for danger classes and work stopping.

### 3. Minority Report against the Law Draft

The "Occupational Health and Safety Law Draft" was discussed and voted in Sessions 120 and 121 of the assembly on the dates of 14th and 19th of July respectively. The political parties have criticised during this period. We will try to examine these critics shortly.

The opposition emphasized that the name of the draft shall be "employee health and safety" instead of "Occupational Health and Safety". They stressed that the current draft is giving priority to the "business" which is the capital. The government stated that this concept is used as it covers all the employees working in workplaces and as it is written so in the international definitions (TGNA, 2012; Celik, 2012).

The opposition stated that the draft is not shared with all stakeholders of society and it is prepared with an approach to serve the riches. Again they emphasized that the main problem lies behind the neo-liberal policies and that it

cannot be solved without preventing deunionization, outsourcing, flexible and without assurance working (Baluken, 2012).

The other criticism is that the Occupational Health and Safety services to be marketed. It is stated that purchasing the Occupational Health and Safety services from common health safety unit, taking the workplace doctor and Occupational Safety expert out of the workplace shall reduce the nature and quality of these services and shall cause the works to halt (Yüceer, 2012).

Besides it shall be stated that a regulation to cover the work accidents occurring in the training, operation, exercises and similar practices of Turkish Armed Forces, Law Enforcers, and National Intelligence Service shall be prepared (Baluken, 2012).

What has to be done regarding the Occupational Health and safety has been summarized as below (TGNA, 2012: 99-101):

- Usage of outsourcing and flexible working shall be prevented.
- The supervisions shall publicised and increased in frequency
- All the regulations regarding this area shall be taken at hand as Occupational Health instead of work health.
- The opinions of opposition and relevant occupational associations shall be taken with regards to the policies to be implemented in this area.
- The expert reports regarding the work accidents shall be prepared together with the relevant occupational associations and scientific boards.

With the new law it is claimed that 4 thousand new work place doctors and 2500 Occupational Safety experts shall be required. It can be problematic of how these experts shall be arranged. Besides it is stated that the accidents and deaths increase in the areas where most regulations are made. For example it is mentioned that the accidents and deaths increase in "urban transformation" process of construction sector. The main reason of this is the lack of number and quality of experts and lack of Occupational Health and safety culture. The lack of the supervision mechanism is also another problem. It is stated that there are many work accidents occurring however only some of them are investigated. The child labor issue is also debatable. The child labor are not registered therefore their work accidents and occupational diseases are unknown (Demirel, 2012).

The unrecorded employment has been 36,8% for March of 2013 (TUIK, 2013). It is stated that the work accidents and occupational diseases cannot be overcome without preventing the unrecorded worker are recorded. For example although the sector has developed a lot in Tuzla shipyards, however the number of the workers has not improved accordingly. This shows us that the workers have been worked more. Which means that the development of the profit is supported with reduction of the worker costs and using more outsourcing (Odman, 2008). The main reason of the deaths and injuries incurred in Tuzla shipyards are flexible production, unrecorded working, usage of outsourcing and seeing Occupational Safety expenditures as an obstacle for profit maximization (Yirmibesoglu, 2009: 408).

The validity period of the law also caused debates. Because the law shall be enforced for the wok places having less than 50 workers and being labelled as less dangerously classified two years after the enactment. For workplaces having more than 50 workers and being classified as dangerous or highly dangerous this time is six months. Such a practice will mean that the deaths will continue (Celebi, 2012).

We can examine the responds of the government against these critics (Celik, 2012):

- To create awareness and discuss the issue in academic environment one week has been assigned as "Occupational Health and Safety Week" in each year.
- Biennially international conferences are held "19th World Occupational Health and Safety Congress" was held in September 2011. The books and brochures published in this field are being presented to the information of the social stakeholders, academicians and industrial relation parties.
- The law is a preventive one instead of being a normative one. The law comprises all the employee of public and private sector and SME's.
- Despite the house services are out of scope, it is stated that if this sector is taken under record they will included in the scope of the law.
- The law classified the business places as low dangerous, dangerous and highly dangerous. Making the risk assessment in the business places obligatory is an important issue which can go further to halt the works in danger risk work places. Making informing of the work accidents and occupational diseases obligatory will support the solution of the problems regarding the responsible people of these accidents and the relevant recordings.

It is an important draft considering the first draft within the related area. However it is stated that the law can meet the needs of labor world if it is reviewed with the opposition parties, NGO's and relevant professional associations and

necessary regulations are made thereto (TGNA, 2012).

#### 4. Regulations on Occupational Safety and Health Law No:6331

In the law no 6331 the term "employee" is used instead of "worker". Thus the definition is made in the widest meaning without separating but including all the permanent or temporary, or full time or part time employees. Before this law the scope of the Occupational Health and Safety was "all the workplace under scope of the Labor Law no 4857". As it is known there were some exceptions in Labor Law no 4857. However the scope is extended with the new legislation.

Especially the Environment Directive of European Union numbered 89/391/EEC covers the entire employee. This means that it defines all the different status of people such as worker, officer, public servant, seaman, journalist, judge or prosecutor etc. as "employee" and took all of them into the scope. Also in the directive there is an emphasis on that the Occupational Health and Safety shall be applied all the fields of activities of public and private sector (industry, agriculture, commerce, administrative services, service, education, culture, entertainment etc.) With the definition of employee the apprentices and internships who are receiving training in order to learn a profession and the workers of agriculture or forest works are included within the scope of the law (TGNA, 2012). Some sections which are conflicting with the text of the directive have been excluded.

The law did not make a child labor definition. The young worker has been defined as per the Directive of EU numbered 94/33. The workplaces are classified according to the danger levels. The workplaces are classified according to the danger classification. Therefore the definition of dangerous was included. The definitions of the Labor Law such as workplace doctor, workplace safety expert, common health and safety unit and education institutions have been preserved. In addition the technical personnel and support staff definitions have been made.

The employers shall be responsible for providing the health and safety of their employee against the dangers and risks caused from the workplace or the activity. Providing this activity from abroad does not remove the liability of the employer about this. Again the employers have the responsibilities of informing, training, supervising and monitoring about the risks of their works and the measures to be utilized in order to prevent thereof. This means that even they provide this service themselves or acquire it by outsourcing they shall be monitoring the training, informing and implementing in compliance with the taken measures (TGNA, 2012).

The employer shall be responsible all the risks which can be analysed and prevented in the source and to take the necessary measures (Law no 6331, Article 5). This is possible if the risks of the works and the specialities of the people are determined and by taking necessary measures. That said article 16, informing the employee and article 18 taking the opinions of the employee and providing their participation is important in making the work customized to worker. Because the dangers and risks of the work are best known by the people who are doing it. Besides this information and consultancy mechanism will boost the participation culture within the workplaces. Here the legal representatives also become functional. The representatives shall be entitled to provide recommendation for and ask necessary measures to be taken in order to prevent or diminish the risks at source to the employer (Article 20).

With the law no 6331 the employer shall assign the work place safety expert, workplace doctor and other health personnel among other workers. If there is no such personnel among the workers with these qualities then this service can be provided from outside. Besides provided that having these qualities the employer own selves can provide this service (Article 5).

SME's provide 99% of the total enterprise number of Turkey and 77,8% of the employment (TUIK, 2012). Besides the rate of the SME's having the number of workers between 1-9 is 95,6% when compared to all enterprises (KOSGEP, 2011). From this point of view the SME's make important contributions to the economy and employment. As it is known the law no 6331 limits the scope of the Occupational Health and safety with 50 people in many cases. In the Labor Law no 4857, workplaces having 50 or more workers were obliged to establish Occupational Health and Safety board, to assign workplace doctor and work place safety expert engineer or technical personnel (Labor law no 4857, articles 80,81,82). As it stands the preventive and intervening functions of Occupational Health and safety cannot be applied to most of the enterprises of Turkey and their employee. From this aspect, other than the exemptions we mentioned before, this discrimination has been revoked and the wording of "the entire employee" has been brought (Article 2). However one of the key problems of SME's is finance and costs. It is argued that such practices will bring additional load. With the new regulation the enterprises having less than 10 workers and remaining in the dangerous and highly dangerous classes will be supported by the Ministry of Labor and Social Security in order to provide Occupational Health and Safety services. The micro enterprises within the low dangerous class may benefit from such services with the permission of the Cabinet (Article 7).



Other than that SME's can benefit from the support provided that at least 5 (five) SME's come together and prepare a project to solve all kinds of common problems and needs regarding Occupational Health and Safety, within the framework of "KOSGEB Support Programs Regulations" and under scope of the Collaboration – Cooperation Support Program (Satir, 2011).

As per the provisions of the Article 9 of the Law no 6331, the workplace danger classes are identified as low dangerous, dangerous and highly dangerous according to the Ministry of Labor and Social Security (OG, 2012b). Other than this the employer shall be responsible to have and perform risk assessment at their workplaces in accordance with article 10. This assessment is performed for determining the Occupational Health and safety measures and the protective equipment and tools to be used for this purpose. Besides according to the article 25, it is stated that non-performance of risk assessment in highly dangerous classified workplace shall cause halt of the works in that workplace. In order to perform the risk assessment in accordance with the current conditions of the workplace and making the control, measuring, examination and research in a regular manner are important for sustainable Occupational Health and Safety.

The employers are asked to predetermine the emergency cases which may arise due to used materials and work equipment, workers or environmental conditions and the measures to be taken. Besides the employer shall provide the evacuation of the workers in serious and unavoidable cases. In such cases the workers shall be entitled to demand assessment and necessary measures by applying to the employer. During such time if the board or employer shall decide in the direction of the workers, then the workers shall be entitled to cease working until the necessary measures are taken. Besides in cases when a severe and close danger is unavoidable the workers shall be entitled to evacuate the workplace without applying to the board or the employer. In such cases it is ruled that the rights rising from the provisions of the labor contract shall not forfeit (Article 11,12,13).

The law impose the obligation to record and inform the work accidents and occupational diseases for the employer. It will be beneficial for the exploring the source of the work accident and occupational diseases when the necessary examinations are performed and relevant reports are prepared. Besides they are also imposed to inform the work accidents and diagnosed occupational diseases to the public or private health institutions. In this way the work accidents and occupational diseases of the unrecorded workers shall be properly identified (Article 14, TGNA, 2012).

Sustainable Occupational Health and safety to the workers require a regular health monitoring. The health monitoring shall be performed especially in the first employment, work changes, for the personnel who return to back to the work who had left due to work accident or occupational disease and in the regular intervals to be determined by the ministry as per the nature and danger class of the work place (Article 15). Besides, another important issue regarding the sustainability at the responsibility of the employer is training of the employee. Occupational Health and Safety trainings and informing of the workers shall provide support in establishing safety culture in the workplace. The employer shall be obliged to provide Occupational Health and Safety training to the employee before starting the employment, in workplace or environment change, in work equipment or technological changes. These trainings shall be of general, health and technical topics. The trainings are envisaged to be repetitive as per the changing conditions. Besides the employee working in dangerous and highly dangerous class workplaces shall not be permitted to work in such workplaces unless they produce the documents of the training that they took regarding the health and safety issues they will face in the workplace they will work (Article 17).

It is the responsibility of the workers to act in compliance with the training and instructions of Occupational Health and Safety. The workers shall use the production tools as per these trainings and instructions. Besides they shall use the personal protective equipment properly abiding these rules shall provide safety to the related worker and also to others (Article 19). According to the conducted researches a direct relation between the work accidents and the training. According to the results of a research showing the relation of the work accidents happened in Tuzla shipyards and the education level of the workers showed that the workers who are exposed to the accidents are generally primary school graduate workers. Therefore in the recruit of the employee the occupational proficiency and education status shall be considered and the worker shall be given a proper training regarding the work he/she will be working on (Dizdar and Toprak, 2012).

In the year 2005 the "National Occupational Health and Safety Council" was established by the Ministry of Labor and Social Securities with the participation of social stakeholders, universities, NGO's and other relevant institutions and corporations in order to determine policy and strategy. This council is provided with a legal ground via this Law no 6331 (TGNA, 2012). The objective of the council is to improve the current conditions regarding the Occupational Health and Safety and to expand the safety culture in all around the country. For this purpose it involves the social stakeholders to the policy developing process regarding Occupational Health and safety (O.G., 2013a).

The new law has conditioned the establishment of "Occupational Health and Safety Board" with employment of at

least 50 workers like in the Labor Law no 4857 (O.G. 2013b). However in Turkey most of the work accidents happen in the works delegated to the subcontractors. It is seen that in order to avoid establishing a board they delegate the work to the subcontractors (TGNA, 2012). The new law imposes to establish a board by the employer and the subcontractor together. Which means that if the number of total workers in the original employer and subcontractor workers is 50 or more, the original employer shall be obliged to establish a board in coordination with the original employer (Law no 6331, article 22 (2) paragraph ç).

The law determined the general framework. Other than that the Occupational Health and safety issue can be supported via some applications. For instance when the sectors which are necessary to take measures regarding the Occupational Health and Safety common projects can be developed in cooperation with the employer organizations and unions within those sectors. The content of those projects may cover the aim of preventing the work accidents and occupational diseases or improving the working environment and image of the sector via consultancy. This means that establishing the Occupational Health and Safety unique to the sector is essential. The consultants mentioned here shall be the expert persons to be selected from the employer organizations and unions (Celik et al., 2011).

The conducted researches emphasise the importance of increasing the efficiency of the Occupational Health and Safety trainings. Because the current trainings are only performed as they are legal obligations. The conformance trainings are performed as providing the worker with the OSH regulations, booklets and brochures or sending slides through e-mails. The trainings are performed in crowded groups. The conformity trainings are not beyond a few hours of work site visit the trainings of OSH shall be prepared by discussing with the health and safety personnel and shall be reviewed from time to time. In SME's employer's observing the training obligation is a problematic issue. Here the training shall not be seen as a cost item but an investment (Kilkis and Demir, 2012).

Aytac (2011) indicate that the human resource is an important source affecting the enterprise efficiency. According to him the most effective tool of providing this source to work in a more safe and motivated manner is to provide safety culture. Therefore the management shall see the safety issue within the organization culture. Even the state, enterprises and unions act willingly to perform their duties, the support of the workers are most important. It is vital that the workers have the awareness of safety. Therefore effort shall be given to create occupational health and safety management system both on the basis of the country and the enterprise.

Akin (2012) draws the attention that the unions may have important roles in forming of the occupational health and safety organizations and increasing awareness in the society regarding thereof, and in solving the problems within the workplaces. The unions can undertake the functions of training and supervising the health and safety in workplaces in order to commence the occupational health and safety culture in the workplace level.

Other than that the SME's can opt for an e-learning application for basic occupational health and safety as a more practical and cost saving training solution. Later they can go for varying the trainings (Celik et al., 2009).

## 5. Conclusion

The occupational health and safety has not only individual but also social aspects. In many EU countries it is regulated as a separate law. The laws can only be problem solver as they are deterrent. However drafting law will not solve the occupational health and safety issues singlehandedly. Raising social awareness is very essential. Which means workers, employers, and other social stakeholders shall act with consciousness regarding occupational health and safety issue.

The occupational health and safety culture in Turkey is a problematic. We need to mention some of the facts affecting this in a negative manner. The common problems of working life such as discrimination, unrecorded working, regular practice of working without security, flexible working, outsourcing and unemployment draws the attention from the issue of occupational health and safety. As a matter of fact the law has attracted critics while being drafted. These critics are; that it serves for the riches, that the business is prior to worker, and that it is not shared with wide range of society.

It has some positive aspects also when compared with the previous regulations. These are; to involve the entire employee, to remove the sectorial discrimination, to include the SME's, to perform risk assessments of the workplaces according to the danger classes, to take measures to make the work conforming to the worker and the worker conforming to the work. And again in order to succeed all of these the applications of workplace doctor, workplace safety expert and workplace health and safety boards have been regulated.

The efficiency of the law cannot be measured in a short time properly. However it is a reality that the law forms a basis. Improving occupational health and culture on this basis with the participation of all the stakeholders will increase the efficiency of the law.

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<sup>1</sup> (Most of the Turkish references' original title have been translated into English for the sake of clarity)



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