



26 September 2006

RAP/Cha/CY/IV(2007)

REVISED EUROPEAN SOCIAL CHARTER

Fourth report on the implementation of
the Revised European Social Charter

submitted by

THE GOVERNMENT OF CYPRUS

(for the period 1 January 2003 to 31 December 2004:
Articles 1§4, 2, 3, 9, 10, 15, 24 and 28)

Report registered at the Secretariat on 7 July 2006 and 11 August 2006

GOVERNMENT OF THE REPUBLIC OF CYPRUS

Article 1 of the European Social Charter

THE RIGHT TO WORK

(Reference Period 1/1/2003- 31/12/2004)

Paragraph 4

Measures to provide:

- a) Vocational Guidance
- b) Vocational Training
- c) Vocational Rehabilitation

Significant activities and developments in the field of human resources training and development in the period under review were largely shaped by Cyprus's pre-accession course to the European Union and, from May 2004 onwards, by the obligations of the country arising out of its European Union membership. Activities were also informed by the Strategic Plan of the Human Resource Development Authority of Cyprus (HRDA) for the period 2004 – 2006.

The major objectives of the Strategic Plan were:

- the implementation of the Acquis Communautaire in HRDA's competence fields and the utilization of the possibilities afforded by the Structural Fund/European Social Fund,
- the training of new entrants to the labour market, the unemployed and economically inactive women
- the promotion of lifelong learning,
- the introduction of a new Consultancy Services Scheme for micro-enterprises,

- the introduction of the assessment and certification of training providers
- the introduction and operation of a System of Vocational Qualifications, and
- the conducting of research studies and surveys.

During the same period, a total number of 22 research studies and surveys were conducted by the HRDA.).

The HRDA continued its effort for the implementation of more stringent requirements and criteria for approval, monitoring and subsidisation of training programmes. In 2002, the HRDA reviewed all of its training schemes in order to harmonise them with the provisions of the Public Aid Law.

During the 4-year period under consideration, there was an increase of training courses, trainees and expenditure. The total results for the period are as follows:

TOTAL RESULTS FOR THE YEARS 2002 - 2005

YEAR	PARTICIPANTS	TRAINING PROGRAMMES	TRAINING EXPENDITURE £
2002	33.809	3.236	3.831.097
2003	34.389	3.195	4.783.661
2004	34.737	3.562	5.264.677
2005	54.366	5.143	6.129.688

During 2004 and 2005 the HRDA completed the preparatory work for the implementation of 4 new Schemes, the operation of which will commence as from 2006 with co-funding from the European Social Fund and the HRDA. These Schemes aim at the promotion of the training and employment of young school-leavers, the unemployed and the economically inactive women, as well as at the provision of Consultative, Guidance and Training Services to Micro-enterprises, employing 1-4 persons.

The first three schemes aim at persons who are economically inactive and their participation in training programmes will increase their employability. Priority will be given to less developed economically areas of Cyprus to women and young unemployed who are at risk of social exclusion. It is anticipated that some 2.000 persons will benefit from these three schemes.

The fourth scheme aims at micro-enterprises, employing 1-4 persons. The studies which will be conducted aim to increase the productivity and improve the operation and efficiency of enterprises through the development and better utilisation of their human resources, as well as to solve various other problems they are confronted with. Priority will be given again to less developed economically areas of Cyprus and it is anticipated that 600 micro-enterprises will benefit from the scheme.

Equal access is ensured for all those interested, including nationals of other Contracting Parties to the Charter law resident or working regularly in the territory and disable people by the following laws:

- The Amending Law for the Equal Treatment of Men and Women in Employment and Vocational Training No. 191(I)/2004 came into force in May, 2004. This amendment provides that, in cases of gender discrimination in employment or vocational training, complaints can be submitted to the Commissioner of Administration (Ombudsman).
- The Equal Treatment in employment and Occupation Law No 58(I)/2004, which transposed the Directives 2000/78/EC and 2000/43/EC, came into force in May, 2004. The Law provides for equal treatment in employment irrespective of racial or ethnic origin, religion or belief, age or sexual orientation.

GOVERNMENT OF THE REPUBLIC OF CYPRUS

Article 2

THE RIGHT TO JUST CONDITIONS OF WORK

of the Revised European Social Charter

Reference Period 01.01.2003 – 31.12.2004

ARTICLE 2 PARAS 1 to 7

Please indicate, for Article 2 as a whole, the rules applying to workers in atypical employment relationships (fixed term contracts, part-time, replacements, temporaries, etc.)

No change in the situation as reported in the last report of the Government of Cyprus on Article 2 of the Revised European Social Charter.

ARTICLE 2 PARA. 1

Question A

Please indicate what statutory provisions apply in respect of the number of working hours, daily and weekly and the duration of the daily rest period.

Mobile Road Transport Workers

On 6.5.2005 (outside the reference period), the Organisation of Working Time of Persons Performing Road Transport Activities Law No. 47(I)/2005, was put into force. The Law, which transposed E.U. Directive 2002/15/EC on the Organisation of Working Time of Persons Performing Mobile Road Transport Activities, sets minimum health and safety requirements.

The Law applies to mobile workers employed by undertakings in the Republic, participating in road transport activities covered by Regulation (EEC) No. 3820/85 and/or by the A.E.T.R Agreement. In relation to self-employed drivers, the Law will apply from 23.03.2009, in accordance with Directive 2002/15/EC.

In particular the Law regulates the following:

- average and maximum weekly working time
- breaks
- rest periods
- night work

- information and records on behalf of the employers
- appointment of inspectors
- penalties
- derogations

More specifically the aforesaid Law provides the following:

Subject to the provisions of any other Laws or Regulations or collective agreements or otherwise, providing more favourable arrangements for drivers, the average weekly working time must not exceed 48 hours. The maximum weekly working time may be extended to 60 hours, only if, over four months, an average of 48 hours a week is not exceeded (Section 5(1) of the Law).

It is forbidden for a driver to work for more than six consecutive hours without a break. Working time shall be interrupted by a break of at least 30 minutes, if working hours total between six and nine hours, and of at least 45 minutes, if working hours total more than nine hours. Breaks may be subdivided into periods of at least 15 minutes each (Section 6 of the Law).

If night work is performed, the daily working time does not exceed ten hours in each period. Compensation for night work is given to drivers (Section 8 of the Law)

Copy of the aforesaid Law is attached as **Appendix I**.

Question B

Please indicate what rules concerning normal working hours and overtime are usual in collective agreements, and what is the scope of these rules.

No change in the situation as reported in the last report of the Government of Cyprus on Article 2 of the Revised European Social Charter.

Question C

Please indicate the average working hours in practice for each major professional category.

As noted in the Government's previous report, the average number of working hours for each major professional category is not available. However, the average number of normal working hours per week by division of economic activity, for 2004, ranged from 36 hours per week in the "education sector", to 39,8 hours in the "Agriculture, Hunting and Forestry" sector (see Tables 11 and 12 of the Labour Statistics Report 2004, issued by the Statistical Service - enclosed as **Appendices II and III**).

Question D

Please indicate to what extent working hours have been reduced by legislation, by collective agreements, or in practice during the reference period and, in particular, as a result of increased productivity.

No change in the situation as reported in the last report of the Government of Cyprus on Article 2 of the Revised European Social Charter.

Question E

Please describe, where appropriate, any measures permitting derogations from legislation in your country regarding daily and weekly working hours and the duration of the daily rest period (see also Article 2 para. 2, 3, and 5)

Please indicate the reference period to which such measures may be applied.

Please indicate whether any such measures are implemented by legislation or by collective agreement and in the latter case, at what level these agreements are concluded and whether only representative trade unions are entitled to conduct negotiations in this respect.

Mobile Road Transport Workers

In accordance to Section 16 of the Organisation of Working Time of Persons Performing Road Transport Activities Law of 2005 (enacted outside the reference period) derogations are permitted from Sections 5 (average maximum weekly working time of 48 hours) and 8 (night work) of the Law for objective or technical reasons, or due to the conditions concerning the organisation of work, by means of collective agreements, or agreements between employers and employee representatives of the mobile road transport workers (it is stressed that no such agreements have been concluded).

It is further noted that derogations from Section 5 cannot result in a reference period for calculating weekly working hours, that exceeds 6 months.

Question F

If some workers are not covered by provisions of this nature, whether contained in legislation, collective agreements or other measures, please state what proportion of all workers is not so covered (see Article I of the revised Social Charter).

No change in the situation as reported in the last report of the Government of Cyprus on Article 2 of the Revised European Social Charter.

Reply of the Government of Cyprus to the Conclusions 2005 of the European Committee of Social Rights

With regards to the Committee's request for information on any rules applicable to the armed forces, the police force and seafarers, the following should be noted:

- According to the Police Force Regulations (P.I 255/98), the weekly working time of the members of the police force are set at 40 hours (or 2085 hours per year) (copy attached as **Appendix IV**).
- With regards to seafarers relevant rules have been encompassed in the Merchant Shipping (Organisation of Working Time of Seafarers Law of 2003 (Law No. 79(I)/2003) (copy attached as **Appendix V**)
- Finally, with regards to the armed forces existing rules are based on internal regulations of the General Command of the National Guard, consequently no details are currently available since any General Command regulations are considered confidential.

With reference to the Committee's request regarding the derogations provided for in Article 16 of the Organisation of Working Time Act, it should be noted that, to date, no such agreements have been concluded between employers and representatives of workers, and no such provisions have been included in any collective agreements. Consequently, no examples of derogations exist.

With regards to the Committee's request concerning the Shop Assistants Act No. 75(I)/2001, it should be clarified that the normal working hours do not vary from 38 to 39,5 hours per week. As noted in our previous report, as of 01.01.2004 normal weekly working hours for shop assistants are fixed at 38 hours per week. With regards to the maximum limits on daily working time and overtime, according to the Shop Assistants (Working Hours) Regulation (P.I 180/90) (copy attached as **Appendix VI**), normal daily working hours are set at 8 hours with the possibility of working daily, for a maximum of 2 hours overtime (which on a weekly basis cannot exceed 8 hours). Taking note of the above, it is clear that the weekly maximum limit of working hours for shop assistants, is set at 46 hours (which is less than the maximum limit provided for by the Organisation of Working Time Act).

As far as the inconsistency referred to by the Committee of Experts regarding the Drivers Driving Time Act No. 131(I)/2002, it should be noted that Act 137(I)/2004 (copy attached as **Appendix VII**), which replaced Act 131(I)/2002, has not introduced any changes regarding daily and weekly driving time. It is further

noted that the new Act adopts E.U Regulation 3820/85, which is expected to be replaced, thus repealing the inconsistency mentioned.

With regards to the question whether it is possible that drivers work up to 60 hours or more in one week, provided that the average of 90 hours per two weeks is not exceeded, it is noted that according to the new Regulation which will replace Regulation 3820/85, the maximum driving hours per week will not be allowed to exceed 56 hours.

As far as derogations from the statutory rules are concerned, such derogations are granted to drivers of vehicles covered by Article 4 of Regulation 3820/85. Finally, it is noted that the provisions of Act 137(I)/2004 cover approximately 3000 drivers.

Regarding the reference to the Catering Employees Act No. 65(I)/2002, it is noted that no derogation from the statutory provisions of the maximum weekly working hours (48 hours) is permitted. It should be clarified that Law. No 65(I)/2002 specifies that the normal daily working hours for catering staff is set at 8 hours. Consequently, a catering employee may work for more than 8 hours a day (with an overtime rate), assuming that the provisions of Law. No. 63(I)/2002 on the Organisation of Working Time, regarding the minimum periods of daily rest (11 hours per 24 hour period), are adhered to.

ARTICLE 2 PARA. 2

Question A

Please indicate the number of public holidays with pay laid down by legislation, stipulated by collective agreement or established by practice during the last calendar year.

In addition to the information provided in the Government's previous report it is noted that public holidays are also laid down by legislation for semi-government organisations.

It is also noted that for the banking sector, the actual days (bank holidays) are regulated by Law, but the rate of pay is governed by the collective agreement of the Banking sector.

Question B

Please indicate what rules apply to public holidays with pay according to legislation, collective agreements or practice.

Please describe, where appropriate, whether measures permitting derogation from legislation in your country regarding daily and weekly working hours have an impact on rules pertaining to public holidays with pay.

No change in the situation as reported in the last report of the Government of Cyprus on Article 2 of the Revised European Social Charter.

Question C

If some workers are not covered by provisions of this nature, whether contained in legislation, collective agreements, or other measures, please state what proportion of all workers is not so covered (see Article I of the revised Social Charter).

No change in the situation as reported in the last report of the Government of Cyprus on Article 2 of the Revised European Social Charter.

Reply of the Government of Cyprus to the Conclusions 2005 of the European Committee of Social Rights

With regards to the Committee's request concerning whether public holidays for the public and banking sectors, as well as for shop assistants are with pay, the Government confirms that according to law, collective agreements and practice, public holidays are always with pay.

Furthermore, regarding the supplementary request to clarify whether work on a public holiday is always regarded as overtime work, the Government would like to again confirm that according to law, practice and collective agreements, work on a public holiday is always regarded as overtime work.

Attached as **Appendix VIII** are excerpts from the sectoral collective agreements for the Hotel Industry and for Metalworkers, whilst attached as **Appendix IX** is an excerpt from the Public Servants (Pay, Allowances, and other Financial Benefits of Public Servants) Regulations of 1999, (P.I 175/95), and attached as **Appendix X** is an excerpt from the Electricity Authority Regulations (P.I. 291/86) where, in all cases, it is clearly specified that work on a public holiday shall be compensated on an overtime basis at a double rate of pay.

It should be noted that, over 75% of all workers are covered by the provisions of collective agreements, in all sectors of economic activity.

ARTICLE 2 PARA. 5

Question A

Please indicate what provisions apply according to legislation, collective agreements or otherwise in practice as regards weekly rest periods.

Please indicate whether postponement of the weekly rest period is provided for these provisions and, if so, please indicate under what circumstances and over what period of reference.

Please indicate, where appropriate, whether measures derogating from statutory rules in your country regarding daily and weekly working time have an impact on rules relating to the weekly rest period.

No change in the situation as reported in the last report of the Government of Cyprus on Article 2 of the Revised European Social Charter.

Question B

Please indicate what measures have been taken to ensure that workers obtain their weekly rest period in accordance with this paragraph.

No change in the situation as reported in the last report of the Government of Cyprus on Article 2 of the Revised European Social Charter.

Question C

If some workers are not covered by provisions of this nature, whether contained in legislation, collective agreements or other measures, please state what proportion of all workers is not covered (see Article 1 of the revised Social Charter).

No change in the situation as reported in the last report of the Government of Cyprus on Article 2 of the Revised European Social Charter.

Reply of the Government of Cyprus to the Conclusions 2005 of the European Committee of Social Rights

With regards to the Committee's request for information on whether, according to the Organisation of Working Time Act, an employee may work for 14 consecutive days before being granted a rest period, it should be noted that the continuous rest period of 48 hours must be provided within the 14 day period, and not after that period has elapsed.

Regarding the Committee's reference to the possibility provided in Section 6(3) of the Organisation of Working Time Act, for the suspension of the rest period, it should be noted that according to Section 16(2) of the Act, derogations from Section 6 are allowed by means of collective agreements or agreements between employers and representatives of workers, on condition that the workers concerned are afforded equivalent periods of compensatory rest, or that, in exceptional cases in which it is not possible, for objective reasons, to grant such equivalent periods of compensatory rest, the workers concerned are afforded appropriate protection. It should be stressed that no such agreements have been concluded and no relevant collective agreements provide for the possibility of suspension of the rest period.

In reply to the Committee's request for confirmation that the weekly rest period may not be replaced solely by monetary compensation, and workers are not permitted to relinquish them, the Government of Cyprus would like to confirm the validity of this statement.

As noted in the Government's last report, collective agreements provide for a 5 day working week, which effectively ensures a continuous weekly rest period of not less than 48 hours. The number of such workers covered is estimated to be close to 70% of all workers covered by collective agreements. One exception to this rule, are workers in the catering sector whose collective agreement provides for a six day working week. It is estimated that workers covered by the aforementioned collective agreement amount to approximately 17000 employees or 5,5% of the total number of workers.

With regards to the request for details concerning Section 16(2), providing that "in exceptional circumstances in which it is objectively impossible to grant a compensatory rest period, suitable protection shall be granted instead", it should be noted that currently there is no established practice, or any court decisions that have defined the term "objectively impossible". In any case it is stressed that no such cases have arisen, and keeping in mind the high level of coverage of collective agreements, as well as general practice in Cyprus, it is not expected that such cases will arise.

With regards to the Committee's request for the Government's next report to provide information regarding the number of violations of the Organisation of Working Time Act, it is noted that no cases have yet to be brought before the Labour Disputes Court.

ARTICLE 2 PARA. 7

Question A

Please indicate the rules (legislation, collective agreements or in practice) in force which ensure that workers performing night work benefit from measures to take account of the special nature of the work (medical examinations, breaks, compensatory time off, access to company services, inspections, circumstances in which it is possible to transfer to day work, etc.). Please indicate in particular the hours to which the term “night work” applies.

Mobile Road Transport Workers

In accordance with Section 2 of the Organisation of Working Time of Persons Performing Road Transport Activities Law No. 47(I)/2005, "night time" shall mean a period of at least four hours, between 00.00 hours and 07.00 hours, and "night work" shall mean any work performed during night time. Furthermore, in accordance to Section 8 (1) if night work is performed, the daily working time must not exceed 10 hours.

Question B

Please indicate the proportion of any workers who are not covered (see Article 1 of the revised Social Charter).

No change in the situation as reported in the last report of the Government of Cyprus on Article 2 of the Revised European Social Charter.

Reply of the Government of Cyprus to the Conclusions 2005 of the European Committee of Social Rights

It is estimated that most night workers in the private and semi-government sector (over 90%) are covered by collective agreements.

With regards to the request as to what work is considered as work entailing specific risks or significant physical or mental stress, the Organisation of Working Time Act does not elaborate on this issue. It is stressed that, any attempt to provide a definition would have been highly subjective and equally prone to each workers own perception. In general though, when referring to Section 9, with regards to the written assessment of risks, which shall include any risks related to night work, this should be read together with Section 11(3) of the Act, where it is clearly specified that the employer is obliged by Law (and Regulations made

there under) to take into account the risks related to night work. Though not specifically referred to, the aforementioned provision refers to the Health and Safety at Work Laws of 1996 to 2002 and the Management of Safety and Health Issues at Work Regulations of 2002 (P.I. 173/2002), issued there under (copy of relevant Regulation is attached as **Appendix XI**).

With regards to the Committee's request for information regarding whether there are other possibilities for transfer to daytime work, it should be noted that workers may freely place such requests directly to their employer, or through their trade union representatives.

As already noted, further up, over 90% of night workers are covered by collective agreements. Consequently, through the procedures for the renewal of collective agreements or for resolving disputes arising from the non-application of such agreements, a continuous monitoring of the introduction and the operation of night work practices is effectively ensured.

Regarding the Committee's request for details on the manner in which the legislation on night work is applied in practice it should be noted that, in the first case the legislation is effectively enforced by ensuring that collective agreements do not include provisions contrary to the Act, whilst, at the same time, it is ensured that the necessary means (Inspectors, District Labour Relations Offices) for examining any complaints made with regards to night work are in place and operating effectively. It should be noted though that no complaints have been made with regards to the operation of night work, and at the same time, no labour disputes have arisen for this reason.

As far as the request for details on the categories of workers concerned, it is noted that no such data exists. It must be stressed that, effectively, information can be extracted from collective agreements that regulate terms and conditions of employment of workers in sectors, or establishments, where night work takes place (e.g. manufacturing units with 24 hour shifts, the hotel industry, medical care establishments etc).

Finally with regards to information on available statistics on the number of male and female workers employed at night, the only available information is derived from the Labour Force Survey, issued by the Statistical Service of the Republic of Cyprus.

It is stressed that the Labour Force Survey (2005), distinguishes between a person who "usually" (i.e. more than half of the working days) and "sometimes" (less than half of the working days) works at night. Accordingly, the total number of employees who "usually" work at night is estimated to be around 3,500 (of which 90% are men), and the total number of employees that "sometimes" work at night is estimated at around 25,000 (of which 70% are men). According to the Survey over 320,000 employees never work at night (over 91% of the total number of employees).

REPORT

EUROPEAN SOCIAL CHARTER (1996)

Prepared by the Department of Labour Inspection

Ministry of Labour and Social Insurance

Nicosia

March 2006

REPORT FORM

For the period **1.1.2003** to **31.12.2004** made by the **Government of Cyprus** in accordance with Article C of the Revised European Social Charter and Article 21 of the European Social Charter, on the measures taken to give effect to the accepted provisions of the Revised European Social Charter, the instrument of ratification or approval of which was deposited on:

Article 3 of the European Social Charter

THE RIGHT TO SAFE AND HEALTHY WORKING CONDITIONS

This report also covers the application of such provisions in the following nonmetropolitan territories to which, in conformity with Article L, they have been declared applicable:

.....

In accordance with Article C of the Revised European Social Charter and Article 23 of the European Social Charter, copies of this report have been communicated to

.....¹
.....

¹ Please state whether you have received any observations from these national organisations of employers and workers, and supply those they have asked you to transmit. The information provided would be usefully supplemented by your communicating a summary of all other observations, to which you might add any comments that you consider useful.

ARTICLE 3: THE RIGHT TO SAFE AND HEALTHY WORKING CONDITIONS

ARTICLE 3 PARAS. 1 to 3

Please indicate how organisations of employers and workers are consulted by the authorities on the measures required to implement each of the paragraphs of Article 3 (procedure and level of consultation, content and frequency of consultation).

Response

The Ministry of Labour and Social Insurance cooperates closely with the Social Partners (the representative organisations of the employers and workers) and other bodies related to health and safety issues on the measures required to implement article 3 in particular, and occupational safety and health (OSH) issues in general. This cooperation is realised through the Labour Advisory Board or tripartite Committees, which are either established by means of administrative arrangements or by Law.

In accordance with article 5 of the Safety and Health at Work Law 89(I)/96, the Pancyprian Safety and Health Council is established, which solely deals with matters of occupational safety and health and reviews the relevant national policy. This Council is a tripartite body comprising representatives of the government and the employers and employees organisations and unions and is presided by the Minister of Labour and Social Insurance.

The Council's duties are the following:

1. To advise the Minister of Labour and Social Insurance on matters related to the prevention of occupational accidents.
2. To develop, extend, and maintain the activities that will affect or create the conditions for the improvement of the safety and health of the workers and the public in general.
3. To submit proposals or suggestions to the Minister of Labour and Social Insurance for measures needed for better and more effective work methods, which will ensure the safety and health of the workers.

4. To advise the Minister of Labour and Social Insurance regarding the issues of new or the amendment of existing Regulations and Laws on the basis of knowledge and experience acquired as well as the study of local conditions and technological advancement.

The Minister of Labour and Social Insurance also presides the Labour Advisory Board, which is a tripartite body. The role of this body is to provide advice to the Minister on:

- all labour matters, including OSH and, the promotion of labour peace,
- matters of mutual interest for the employees and workers, and
- ways and means of encouragement of the employers and workers on all issues affecting the progress and well being of the industry.

Also, the members of the Labour Advisory Board submit proposals and recommendations on labour legislation, including OSH, in order to achieve maximum possible consensus among the employers and workers before a new piece of legislation is forwarded to the Council of Ministers.

Furthermore, on a more technical level, representatives of the employers and workers partake at Technical Committees established by the Department of Labour Inspection, where the new pieces of legislation are reviewed and scrutinised in terms of possible difficulties of implementation and interpretation, before these are brought later on before the Labour Advisory Board for further consultation.

Moreover, in an effort to promote the prevention of accidents at the workplaces, the Department of Labour Inspection annually invites both the employers and interested groups of workers to submit candidacies for the National and European Good Practice Awards competition in the occupational safety and health sector.

These awards are intended to identify, by means of examples, good health and safety practices and make them available to all employers and

workers the benefits emanating from the adoption of good safety and health practices in the workplace.

For the evaluation of these good practices, an Assessment Committee is established, in which representatives of the social partners participate and assess the examples submitted to the competition.

The European Safety and Health at Work Week activities in Cyprus are decided on the basis of tripartite Committees established by the Department of Labour Inspection under the Pancyprian Safety and Health Council.

Furthermore at a district level, District Advisory Committees are established under the auspices of the Pancyprian Council of Safety and Health. At these district committees, the employers and workers representatives are informed and consulted mostly on OSH issues and awareness campaigns based on the immediate needs of each district.

At the enterprise level, the Department of Labour Inspection organises training seminars and programmes for Safety Committees. In these Committees, representatives of the workers, and the employer take part, together with the Safety Officer at the work place.

Also, a tripartite representation partakes at the meetings of the Administrative Council of the European Agency on Safety and Health at Work, which take place in Bilbao of Spain. At these meetings, the action programmes and the draft documents prepared by the said Agency are examined and commented, before these are forwarded to the member states of the European Union for adoption.

The Department of Labour Inspection, being the focal point for Cyprus of this Agency, holds a tripartite National Information Network to disseminate the Agency's information on OSH matters and formulates its decisions at the Agency's focal point meetings, on the basis of respective consultation with the employers and workers representations.

ARTICLE 3 PARA. 1

“With a view to ensuring the effective exercise of the right to safe and healthy working conditions, the Parties undertake, in consultation with employers’ and workers’ organisations:

to formulate, implement and periodically review a coherent national policy on occupational health and the working environment. The primary aim of this policy shall be to improve occupational safety and health and to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, particularly by minimising the causes of hazards inherent in the working environment;”

Please describe policy in the field of occupational safety, occupational health and the working environment and the measures taken to improve occupational safety and health and to prevent health and safety risks. Please describe also the measures of implementation of this policy as well as procedures for its periodic review and evaluation.

Comments of the Committee

Under Article 3§1 such a policy must include strategies for making occupational risk prevention an integral aspect of the public authorities' activities at all levels. To comply with this provision the Committee considers that States must arrange for:

- the assessment of work-related risks and the introduction of a range of preventive measures taking account of the particular risks concerned, the monitoring of the effectiveness of those measures and the provision of information and training for employees, since, within individual firms, occupational risk prevention means more than simply applying regulations and remedying situations that have led to occupational injuries;
- the development of an appropriate public monitoring system - more often than not a labour inspectorate responsibility - to maintain standards and ensure they apply in the workplace;
- the establishment and further development of programmes in areas such as:
 - training (qualified staff);
 - information (statistical systems and dissemination of knowledge);
 - quality assurance (professional qualifications, certification systems for facilities and equipment);
 - where appropriate, research (scientific and technical expertise).

The Committee takes note the information contained in the Cypriot report. It considers that there is insufficient information for it to assess the situation under Article 3§1. It therefore asks for the next report to describe the situation in the light of the above-mentioned indications.

Pending receipt of the information requested, the Committee defers its conclusion.

Response

The basic objective of the Ministry of Labour and Social Insurance on safety and health at work is the continuous and steadfast improvement of the working environment, for the reduction of occupational accidents and diseases.

To do so, the Ministry of Labour and Social Insurance sets 5-yearly strategic objectives on national safety and health at work. On the basis of these objectives, the policy on safety and health at work is drawn by the Department of Labour Inspection. In setting its strategic objectives, the Ministry of Labour and Social Insurance takes into account, among others, the European Strategy on Safety and Health at Work (2002 – 2006), the work developed by the Senior Labour Inspectors Committee and the Advisory Committee on Safety and Health of the European Union.

The policy of the Department of Labour Inspection on raising awareness and information dissemination on safety and health at work is in line with that of the European Agency for Safety and Health at Work. The above Agency is the vocal tool of the European Committee on issues related to safety and health at work. Cyprus, through the Department of Labour Inspection of the Ministry of Labour and Social Insurance, is a member of the Agency's Administrative Board and partakes at the meetings of the Focal Points and the Experts Groups in order to contribute to the Agency's annual workplan and to the major milestones, set the Agency's action programmes, and submit comments and observations on draft Agency documents before these are forwarded to the E.U. member states.

The Department of Labour Inspection, being the focal point of the Agency for Cyprus, collects and disseminates information related to safety and health at work through the National Information Network and maintains an internet dedicated website at <http://cy.osha.eu.int> operating under the European OSH Network of websites.

The OSH national policy is reviewed at the Pancyprian Safety and Health Council on a regular basis, which usually convenes twice a year.

The Department of Labour Inspection monitors the implementation of the OSH legislation by means of a well-functioning Inspection System, which is structured and operates in line with the Labour Inspection Convention no. 81 of 1947 of the International Labour Organisation.

Furthermore, the monitoring, on a regular basis, of the safety measures at the work place, is also supplemented through the establishment and operation of the Safety Committees at the level of the specific work place. These Committees are established under the Safety and Health at Work Law and the Safety Committees at Work Regulations of 1997.

In addition to the above, the Department of Labour Inspection considers the development of a safety culture among employers and workers as a vital factor for reducing work accidents and occupational diseases. To this end, the Department of Labour Inspection implements the following:

- Launches awareness campaigns targeting certain economic activity sectors, which are selected on a risk priority basis.
- Organises Good Practice Awards Competitions on OSH matters as a means of reward and encouragement of employers and workers to apply OSH beyond legislation.
- Provides OSH training to interested groups of employers and workers, safety officers and representatives of employers and workers. Assistance is provided by the Training Centre on Occupational Safety and Health of the Department of Labour Inspection in the form of OSH training programmes and seminars. Such training and awareness raising activities are effected by means of co-operation with the Social Partners.

- Issues informative material in the form of leaflets, booklets and posters that address various OSH risks targeting a wide range of economic activity sectors.
- Maintains a dedicated website, which is structured in accordance with the European Agency's on Safety and Health at Work requirements on OSH issues.

This website stores a variety of OSH information, knowledge, good practices, etc, and acts as a gateway leading to an opulent international system of databases of other OSH websites and information. It also maintains a second website at <http://www.mlsi.gov.cy/dli> that in addition to OSH matters deals also with machinery safety and CE marking, chemical substances, major hazard installations, environmental pollution control, ambient air quality, and radiation protection.

- Promotes the «mainstreaming» of OSH matters into other policy areas, such as on Employment, Public Procurement, Registration of contractors, and Education.
- Plans to provide financial incentives to selected economic activity sectors for the replacement and upgrading of work equipment.
- Encourages research and progress on OSH matters through the introduction of OSH lectures at various disciplines of the University of Cyprus and the cooperation with the Harvard School of Public Health.
- Since 2000, maintains a computerised database, called FIS, through which the Department of Labour Inspection keeps records of workplace inspections, accidents, legal cases, etc, and develops statistical data on OSH issues.

ARTICLE 3 PARA. 2

"With a view to ensuring the effective exercise of the right to safe and healthy working conditions, the Contracting Parties undertake, in consultation with

employers' and workers' organisations: to issue safety and health regulations;"

Question A

Please list the principal legislative or administrative provisions issued in order to protect the physical and mental health and safety of workers, indicating clearly:

- a. their material scope of application (risks covered and the preventive and protective measure provided for) and;
- b. their personal scope of application (whatever the legal status – employees or not – and whatever their sector of activity, including home workers and domestic staff).

Please specify the rules adopted to ensure that workers under atypical employment contracts enjoy the same level of protection as other workers in an enterprise.

Response

— The Laws and Regulations, which appear in the **Table of Appendix IA**, were enacted during the reference period, and harmonise the Cyprus OSH legislation with the corresponding European Union «Acquis Communautaire».

— The Laws and Regulations, which appear in the **Table of Appendix IB**, were also enacted during the reference period and cover other competency areas of the Department of Labour Inspection.

The above mentioned legislation applies to all forms of employment including atypical employment.

Question B

Please indicate the special measures taken to protect the health and safety of workers engaged in dangerous or unhealthy work.

Response

During the reference period, the new pieces of OSH legislation that entered into force were the result of a constant review of the already existing legislation and the need to be in line with the «Acquis Communautaire». The

annexed legislation covers specific, dangerous and unhealthy work and risks, such as carcinogenic and mutagenic agents, chemical agents, asbestos, vibrations, etc.

Furthermore, the OSH legislation imposes the duty on the employers to carry out a written risk assessment on his establishment, and on the basis of the findings, to prescribe the specific measures to eliminate or reduce to an acceptable level the said risks.

Comments of the Committee on:

Regulations on health and safety at work

In its last report before Cypriot accession to the European Union ("Comprehensive Monitoring Report on Cyprus's Preparations for Membership" - 2003), the European Commission found that most of the Community acquis in the area of health and safety at work had been transposed. However it also said that alignment with regard to indicative occupational exposure limit values (chemical agents at work) must continue.

The Committee notes that to be in conformity with Article 3§2 of the Revised Charter the occupational health and safety regulations must specifically cover the great majority of risks listed in the General Introduction to Conclusions XIV-2 (p. 39). The transposition of most of the Community acquis shows that this general obligation has been met.

The Committee pays particularly close attention to the regulations on certain risks, for which it therefore needs detailed information.

(a) Protection against vibration – The Committee notes from another source that this risk is not specifically covered by legislation. It asks for the government's comments on this matter.

(b) Non permanent workers – The management of safety and health issues at work

(173/2002) and minimum requirements for safety and health at work of workers with fixed-duration employment or temporary employment (184/2002) regulations were introduced in 2002. The former requires employers and self-employed workers to draw up a written risk evaluation report and introduce measures to eliminate or reduce risks to protect employees and third parties, including part-time and fixed-term employees. The latter requires employers to provide these groups of employees with information, training and medical surveillance to avoid any discrimination vis-a-vis permanent employees. It is not illegal to use part-time employees for certain particularly dangerous types of work. In order to assess the situation,

the Committee asks whether employers and/or user undertakings are required to ensure that non-permanent workers (temporary agency workers and fixed-term workers) are afforded information, training and adequate medical surveillance i.e. which takes into account the succession of accumulated periods spent working for a variety of employers.

Response to the comments of the Committee on:

Regulations on health and safety at work

Specifically on risks from chemical agents at work, Regulations under
_____ item 4 of **Appendix IA** amend the Safety and Health at Work (Chemical Agents) Regulations of 2001 (P.I. 268/2001). These Regulations bring the national legislation into conformity with the following European Union Directives:

- 98/24/EC on the protection of workers from risks due to chemical agents at work,
- 91/322/EEC on the determination of indicative threshold exposure limits, and
- 2000/39/EC on the establishment of a first table of indicative occupational exposure limits.

The amending Regulations revise the meaning of the term «chemical agent», the scope of application, certain administrative provisions of the Regulations and the Table of Occupational Exposure Threshold Values.

(a) Protection against vibration

During the reference period, the Department of Labour Inspection drafted new Regulations to cover the risk of exposure to vibrations at work.
_____ These Regulations are described under item 7 of **Appendix IA** and are in line with European Union Directive 2002/44/EC on the minimum requirements of health and safety with regards to the exposure of the workers to vibrations at work.

These Regulations follow the concept of risk assessment for the identification of potential vibration risks at work and the application in practice of protective and preventive measures to eliminate or reduce such risks.

— A copy of the aforementioned Regulations in Greek language is attached as **Appendix II**.

It is worth mentioning that the safety and health at work legislation includes a general clause which provides that the employer is responsible to carry out a written risk assessment of all risks on his undertakings and according to the findings, take such measures as to eliminate or reduce them to an acceptable level.

(b) Non permanent workers

The national OSH legislation applies to all workers and all persons who may be affected by work activities, with the exception of domestic servants, unless the provisions of the Maternity Protection Law apply.

Article 2 of the Safety and Health at Work Law, as amended by Law 41 of 2003 (L. 41(I)/2003), specifies that medical examinations, for the monitoring of the workers' health, is carried out by suitably qualified Occupational Physicians. Particular arrangements for these medical examinations and the monitoring of the workers' health are covered by the specific Regulations that cover special risks.

In this respect, all Regulations, which have been issued under the Safety and Health at Work Law, and in particular those that cover special risks at work, e.g. asbestos, noise, chemical agents, carcinogenic and mutagenic agents, biological agents, manual handling of loads, use of visual display units, etc, specify the obligation of the employer to provide monitoring of the workers health without any discrimination on the category of the worker.

Specifically, Regulation 4 of the Minimum Requirements for Safety and Health at Work of Workers with Fixed-duration Employment or Temporary

Employment Regulation of 2002 (P.I. 184/2002), specify that this category of workers enjoy the same rights, as far as occupational safety and health is concerned, with other workers (permanent and self-employed).

Additionally, Regulation 5 of the aforementioned Regulations, states that the employer should provide adequate briefing on the nature of risks likely to be exposed at work, the professional skills required for the execution of work, the necessity of medical attention, etc.

Similarly, Regulation 6 specifies that the employer should provide adequate and proper vocational training based on the skills and professional experience of this category of workers adopted for the job description. The medical supervision of workers' health as per Regulation 7, is safeguarded by means of the Management of the Safety and Health Issues at Work Regulations of 2002 (P.I. 173/2002). For successive periods spent at work with different employers, the above mentioned obligations rest on each employer separately.

Under any other circumstances, e.g. period without employment, the Employment Agency is responsible for the worker's medical supervision.

Comments of the Committee on:

Personal scope of the regulations

In its last conclusion, the Committee asked whether, in order to be in conformity with the Charter, the Cypriot authorities intend to extend the scope of Act No. 89(1)/96 to domestic workers or enact specific legislation offering them occupational health and safety protection, and what specific protective and preventive rules applied to self-employed workers.

(a) Domestic work – It appears that, with the exception of pregnant women and women who have recently given birth or are breastfeeding, who are covered by the maternity protection legislation, domestic staff are not covered by health and safety at work provisions. The Committee considers that in this respect the situation is not in conformity with Article 3§2 of the Revised Charter, which requires all workers, without exception, to be covered by

occupational health and safety regulations, where necessary adapted to their particular circumstances.

(b) Self-employed workers – The report states simply that the aforementioned requirement in Regulation 173/2002 also applies to self-employed workers. The Committee considers that this information is inadequate and advises the Cypriot authorities that if the information requested does not appear in the next report there will be nothing to show that Cyprus is in conformity with Article 3§2 of the Revised Charter.

Response to the comments of the Committee on:

Personal scope of the Regulations

(a) Domestic work

The current national OSH legislation excludes from its scope domestic servants, due to both constitutional and practical constraints.

The constitutional constraints emanate from article 15 «Right of personal and family privacy» and article 16 «The inviolable of private dwelling» of the Constitution of the Republic of Cyprus. As a result, Labour Inspectors are prohibited from entering and inspecting the premises (private dwellings) where these workers carry out their work, unless they have the consent of the tenant or are in possession of a Court Order.

The practical constraints arise from the judicial difficulties to obtain the necessary Court Order in order to enter such premises, which in return render the effective and essential enforcement of the OSH legislation to such places of work impracticable. Also the monitoring of the implementation of the OSH legislation is negatively affected, because the time consuming judicial procedures eliminate the element of rapid response in case where immediate action is required.

However, and in the light of the comments of the Committee, the Government is in the process of amending the Safety and Health at Work Law in order to include in its scope this group of workers.

(b) Self-employed workers

The Safety and Health at Work Law specifies the general provisions that the employer should comply with in order to safeguard the safety and health of the workers and improve the working environment and working conditions. In a more detailed manner, the Regulations that deal separately with specific risks at the working environment specify the duties of the employer and the measures that need to be taken for the prevention and elimination of each risk at work in particular. The adoption of these measures is based on the assessment and identification of potential risks at work.

In the same proportion and in accordance to the nature of work, the above obligations of the employer apply also to self-employed persons.

Furthermore, article 14 of the Safety and Health at Work Law, specifies that every self-employed person should run its business and conduct its work in such a way as to safeguard his personal safety and health as well as that of any other person that might be affected. The self-employed person should provide adequate information to ensure the safety and health of other persons that might be affected by his activities and cooperate with other employers in that respect.

Regulation 4 of the Management of Safety and Health Issues at Work Regulations of 2002 (P.I. 173/2002), specify that self-employed persons should, in accordance with the nature of activities carried at the undertaking, assess all risks and adapt accordingly the prevention activities and methods of work.

Moreover, Regulation 5 of the said Regulations states that self-employed persons should undertake such arrangements suitable for the

nature of their activities and the size of their business, for the proper and effective application, programming, organisation, control, supervision and review of the protective and preventive measures deemed necessary, for the safeguard of their own safety and health and that of other persons, which might be affected by the nature of their activities.

ARTICLE 3 PARA. 3

"With a view to ensuring the effective exercise of the right to safe and healthy working conditions, the Contracting Parties undertake, in consultation with employers' and workers' organisations:

to provide for the enforcement of such regulations by measures of supervision."

Question A

Please indicate the methods applied by the Labour Inspectorate to enforce health and safety regulations and please also give information, *inter alia*, statistical, on:

- a. the places of work, including the home, subjected to the control of the Labour Inspection, indicating the categories of enterprises exempted from this control;
- b. the number of control visits carried out;
- c. the proportion of workers covered by these visits.

Response

The enforcement of the OSH legislation is achieved through the operation of an inspection system which functions in compliance with the International Labour Organisation Convention no. 81. The said enforcement is also supplemented by means of other activities, such as training seminars, awareness raising campaigns, etc.

The number of undertakings that were registered into the Factory Inspectorate System (FIS) of the Department of Labour Inspection during the reference period are shown in the table below. These numbers imply that these undertaking have undergone inspection by the Department Inspectors and data are kept in electronic form.

Reference period (year)	Number of registered undertakings into the FIS system during the reference period
2003	12.584
2004	15.153

The work places visited by the Inspectors of the Department of Labour Inspection and the number of control visits carried out during the reference — period are shown in the Table below and in **Appendix III** in more detail.

During 2004, 74.292 persons were employed in construction and manufacturing undertakings in contrast to 63.900 in 2003. The total number of persons employed in all branches of economic activity in 2004 was 336.663 in comparison to 314.200 in 2003. The proportion of workers covered by the visits of the Inspectors is shown in the following Table:

Reference period (year)	No. of control visits during the reference period	No. of workers employed in the undertakings inspected during the reference period	Total no. of workers employed in all sectors of economic activity during the reference period
2003	5.856	108.615	314.200
2004	5.549	109.034	336.663

Question B

Please describe the system of civil and penal sanctions guaranteeing the application of health and safety regulations and also provide information on violations committed:

- a. the number of violations;
- b. the sectors in which they have been identified;
- c. the action, including judicial, taken in this respect.

Response

The Safety and Health at Work Law provides for penal sanctions of up to CYP10.000 or 2 years imprisonment or both sentences. The system of sanctions includes the power of the Inspectors to issue a Prohibition Notice, or the issue of a Court Order prohibiting the continuation of an activity. Following an *Ex-Parte* application, the appropriate District Court of Justice may issue a Court Order prohibiting the use of a piece of machinery, installation or work place, which present an imminent risk to the safety and health of the workers.

- ___ a,b. The Tables of **Appendix IV** indicate the title of the piece of legislation that was violated as well as the Court of Justice fines imposed following a sentence on the cases that were put on trial for the period of 2001 to 2004.
- ___ For the same period, the Tables of **Appendix V** show the number of legal cases that were put on trial and a decision was reached by the District Courts in conjunction with the affected economic activity sector and the relevant economic classification number, in accordance with the NACE coding (Revision 1).

c. The action taken was that of taking legal action and presenting the case before a District Court of Justice. The Inspector has at his disposal two additional tools in order to force the employer to return into conformity with the provisions of the OSH legislation and take the necessary remedial measures at the work place. The Inspector has the right to issue an Improvement Notice, when a breach of the OSH legislation is detected, or a Prohibition Notice, if an undertaking or installation or activity presents, or is likely to present, an imminent danger / risk to the safety and health of the workers.

Question C

Please provide statistical information on occupational accidents, including fatal accidents, and on occupational diseases by sectors of activity specifying what proportion of the labour force is covered by the statistics. Please describe also the preventive measures taken in each sector.

Response

The number of accidents, including fatal accidents, by economic activity sector for the years 2003 and 2004 were 2.086 and 2.172 respectively.

— The full analysis of the said accidents is presented in **Appendix VI**.

In particular, the total number of accidents for the period 2001 – 2005 is as follows:

Year	2001	2002	2003	2004	2005
Total number of accidents	1.064	1.670	2.086	2.172	2.175

The number of accidents in absolute figures seems to increase as from year 2001. This increase does not reflect any decline in the quality of the working environment, but only represents a reduction in the number of the under-reported accidents to the Department of Labour Inspection (further comments follow).

Comments of the Committee on:

Occupational accidents and diseases

The Committee notes from the report that the number of occupational accidents rose from 1,064 in 2001 to 1,670 in 2002. Although the number of accidents stabilised at 0.33 per 100 workers between 1995 and 2000, it rose from 0.34 in 2001 to 0.52 in 2002.

The number of fatal accidents was 9 in 2001 and 17 in 2002, that is 0.8 deaths per 100 accidents in 2001 and 1 per 100 in 2002.

In the manufacture of wood, chemical products, plastics, metal products and furniture sectors the number of accidents has doubled. The construction sector has also been seriously affected, with an increase from 220 to 477 accidents between 2001 and 2002.

In response to the Committee, the report states that the statistics cover the whole of the labour force but do not include ones on the journey to or from work as these are not subject to compulsory reporting.

In the light of the foregoing, the Committee reminds the Cypriot government that in accepting Article 3 it has undertaken to safeguard individuals' right to physical and psychological integrity at work. The Committee recalls that the satisfactory application of the Charter "cannot be ensured solely by the operation of legislation if this is not effectively applied and rigorously supervised" (Complaint No. 1/1998, International Commission of Jurists against Portugal, decision on the merits, 9 September 1999, §32). The Committee considers that in assessing respect for the right enshrined in Article 3§3 the frequency of and trends in fatal accidents are a decisive factor. In the case of Cyprus, a further rise in the frequency of accidents in the aforementioned sectors would make the situation incompatible with the Charter. It therefore reserves its position on this point.

Response to the comments of the Committee on:

Occupational accidents and diseases

Referring to the figures reported in the comments of the Committee, it is confirmed that there was an increase of the reported accidents during 2001 and 2002, from 1.064 to 1.670. With respect to the same period, the correct figures for the manufacture of wood, chemical products, plastics, metal products and furniture sectors, as these appear in the Annual Reports of the Ministry for the corresponding years, are shown in the Table below:

Number of accidents		
Economic activity sector	2001	2002

1	Manufacture of wood	22	45
2	Manufacture of chemical products	9	25
3	Manufacture of plastics	19	24
4	Manufacture of metal products	37	72
5	Manufacture of furniture	18	50

From the above figures, with the exception of the chemical products and plastics, it is evident that the number of accidents has doubled. In the chemical products sector the number of accidents tripled, whereas in the plastics rose only by 25%.

Furthermore, from the same records, the number of accidents in the construction sector for 2001 was 244 and not 220.

According to the Accidents and Occupational Diseases (Notification) Law, Cap. 176, any accident that befalls on a worker during work time and is either fatal or renders him unfit to work for more than three days is reportable. Car accidents that happen during work are also reportable with the exception of those that happen on the journey to / from work.

The reason behind this sudden, but apparent, increase of reported accidents starting from year 2002 was the great effort exerted by the Department of Labour Inspection to combat the phenomenon of under reporting of work accidents. It was verified that some employers neglected / avoided to report accidents that had befallen on their workers that had rendered them unfit to work for more than three days. However, at the same time the unfit worker applied for an «Unable-to-work» allowance to the Social Insurance Services of the Ministry of Labour and Social Insurance. The Department of Labour Inspection, in collaboration with the Social Insurance Services combated the phenomenon of under-reporting by sharing information on accidents between them. In particular, the Department of Labour Inspection crosschecks on a monthly basis the reported accidents to the Social Insurance Services with those reported and stored in the FIS database

and take appropriate action towards the respective employer. There seems to be a levelling off of the number of accidents at approximately 2.200 per year for the period 2004 to 2005, whereas during the years before 2002 the accidents reported with the under reporting phenomenon were only around 1.200 per year.

Comments of the Committee on:

Activities of the Labour Inspectorate

The Committee undertook a detailed assessment of labour inspectorate resources and activities in its last conclusion (Conclusions XVI-2, pp. 112-113). It found that the situation was compatible with the Charter. It emerges from the statistics that the number of inspections carried out declined considerably during the reference period, with an annual average of 3,933 visits in 2001-2002 compared with 6,387 in 1997- 2000 and 8,120 in 1992-1996. The number of workers covered by these visits was 18,482 in 2001 and 22,343 in 2002, that is approximately 7% of the total number of employees.

The Committee cannot use these figures to assess the situation without data on the number of enterprises subject to inspection comparable to those available for the previous reference periods. The figures in the report show that in 2000-2001 the average number of enterprises visited was 9,976 compared with 27,883 in 2000, which seems very unlikely. The Committee therefore asks for the situation to be clarified.

The report supplies up-to-date information on the number of prosecutions brought for breach of health and safety rules (22 in both 2001 and 2002) and the number of notices (23,985 in 2001 and 17,570 in 2002). The Committee cannot use this information to assess the situation unless it also has data on the number of offences recorded and the penalties, including administrative penalties, imposed. The report states that these statistics are not collected. The Committee asks for this gap in the statistical system to be rectified.

Response to the comments of the Committee on:

Activities of the Labour Inspectorate

In accordance with the census of establishments that is carried out by the Statistical Services of the Ministry of Finance every five years, the number of enterprises that were subject to inspection for the years 1995 and 2000 are the following:

YEAR	Number of enterprises subject to inspection
1995	54.754
2000	53.797
2005	Note: The corresponding figure for 2005 is under processing and will be made available by the Statistical Services of the Ministry of Finance in July 2006.

The following Table shows the number of registered inspectable undertakings as well as the number of inspections carried out during the 2000 - 2004 period, as these appear in the respective Annual Reports of the Ministry of Labour and Social Insurance:

No.	Year	Number of registered undertakings	Number of inspections
1	2004	15.153	5.549
2	2003	12.584	5.856
3	2002	10.806	4.569
4	2001	9.146	3.297
5	2000	27.883	4.914

The decline on the number of inspections, that is evident during the period up to 2001, is mainly attributed to the change in the type and content of the inspection carried out by the Inspectors of the Department of Labour Inspection, i.e. more qualitative than quantitative, reflecting the European trend on the issue. It does not reflect any decrease in the number of Inspectors assigned with the duty of carrying out such inspections. The period between 2000 and 2004 is associated with heavy legislative workload in preparing the Cyprus harmonising legislation to the European Acquis, the implementation of which was superseded by awareness raising activities involving nearly all human resources of the Department.

On May 2000 the computerised system FIS was activated and the Inspectors began to register all undertakings that they inspect. The discrepancy that appears in the number of registered undertakings of year 2000 compared with the following consecutive years is due to the manual method of keeping records prior to 2001.

The figure of 27.883 for the year 2000 includes an inaccurate number of inactive (closed) registered inspectable undertakings, e.g. shops and offices, agriculture undertakings, etc. for which the manually kept records were not updated. This updating was performed by the Department of Labour Inspection soon after the activation of FIS, when it was established that multiple records of the same undertakings were kept at the District Labour Inspection Offices, undertakings that were visited once and had closed down were still registered as active and undertakings that were registered in more

than one economic activity sectors were counted twice, to name some of the problems found in the said registry.

At the end of this sorting, the computerised data were finally registered and statistics are maintained in accordance with Eurostat. Those computerised records represent the true picture of the activities of the Department of Labour Inspection.

In the second paragraph of the comments of the Committee, the average number of enterprises visited during 2001 and 2002 is shown as 9.976. The true figure for the same period was 4.106. Also, figure 27.883 refers to the registered inspectable undertakings for year 2000 and not to the average number of enterprises visited. The number of inspections during the reference period is 5.856 for year 2003 and 5.549 for year 2004. In **Appendix III** detailed information on the number of the inspections for 2003 and 2004 can also be found.

Furthermore, figure 22 that refers to the number of prosecutions brought for violation of the OSH legislation for 2001 and 2002, represents those cases that were put on trial during those years and sentenced. The preparation of those legal cases might have started at earlier years and does not necessarily imply that the 22 cases were prepared and brought before court on the same year.

The numbers of «notices» shown in the third paragraph of the comments of the Committee, refer to fines imposed for breaching the OSH legislation. The total amount of fines imposed during the reference period is CYP£15.840 for year 2003, and CYP£41.670 for year 2004. Respectively, the fines for year 2001 were CYP£23.985 and CYP£17.480 for 2002. More details can be found in the Table of **Appendix IV**. Please note that some of the sentenced legal cases, which appear in **Appendix V**, include more than one breach of the OSH legislation. Therefore, the number of the sentenced legal cases does not reflect the total number of violations per year.

With respect to the issue of administrative fines, the national OSH legislation does not provide for the imposition of such fines, but only penal sentences, which include a fine of up to CYP£10.000 or an imprisonment or both sentences. Penal sentences are imposed by the District Courts of Justice, which are independent authorities.

The Inspectors however, have the power to issue Improvement Notices or Prohibition Notices depending on the severity of the violation of the OSH legislation. Please also refer to our response under part c, question B of para.3.

Comments of the Committee on:

Consultation with employers' and employees' organisations

The report states that the social partners are consulted and informed on all issues covered by Article 3§3 through the Pancyprian Council of Safety and Health and/or the Labour Advisory Board.

The Committee asks for the next report to describe the practical arrangements for informing and consulting employers' and employees' organisations about, and securing their participation in, labour inspectorate activities, including on-site visits.

Response to the comments of the Committee on:

Consultation with employers and employees organisations

Please also refer to our initial response under article 3 paras. 1 to 3 of this Report.

Furthermore, during the site inspection visits of the Inspectors of the Department of Labour Inspection, the representative of the employer and the workers is entitled to accompany the Inspector, to express views and opinions on issues related to the workers' safety and health. Usually, these representatives are also members of their respective Employers and Workers Organisations. As part of these site visits, the Inspector informs and consults with the workers, or their representatives, on various OSH matters, e.g.

practical ways for improving the working conditions and the working environment.

Appendix I A

LIST OF OSH LEGISLATION ENACTED BY THE DEPARTMENT OF LABOUR INSPECTION DURING THE REPORT PERIOD

A/A	Document Title	Code Number	Publication date
Safety and Health at Work			
1	The Safety and Health at Work (Amendment) Law of 2003	Law 41(I)/2003	23.5.2003
2	The Safety and Health at Work (Amendment) Law of 2003	Law 99(I)/2003	25.7.2003
3	The Safety and Health at Work (Carcinogenic and Mutagenic Agents) Regulations (Amendment) of 2004	P.I. 493/2004	30.4.2004
4	The Safety and Health at Work (Chemical Agents) (Amendment) Regulations of 2004	P.I. 55/2004	6.2.2004
5	The Minimum Requirements for Safety and Health (Use of Work Equipment at Work) (Amendment) Regulations of 2004	P.I. 497/2004	30.4.2004
6	The Minimum Requirements for Safety and Health at the Workplace (Amendment) Regulations of 2004	P.I. 494/2004	30.4.2004
7	The safety and Health at Work (Protection from Vibrations) Regulations of 2005	P.I. 332/2005	22.7.2005
8	The Asbestos (Safety and Health of Persons at Work) (Amendment) Regulations of 2004	P.I. 495/2004	30.4.2004
9	The Genetically Modified Microorganisms (Contained Use) Law of 2004	Law 15(I)/2004	20.2.2004

Appendix I B

LIST OF OTHER LEGISLATION ENACTED BY THE DEPARTMENT OF LABOUR INSPECTION DURING THE REPORT PERIOD

A/A	Document Title	Code Number	Publication date
Non-Technical Labour			
1.	The Employer's Liability (Compulsory Insurance) (Amendment) Law of 2003	Law 140(I)/2003	3.10.2003
Major Hazards			
2.	The Helsinki Convention on the Transboundary Effects of Industrial Accidents Ratifying Law of 2004	Law 32(III)/2004	30.4.2004
3.	The Control of Major Accidents Hazards Related to Dangerous Substances (Amendment) Regulations of 2006	P.I. 49/2006	10.2.2006
Industrial Pollution			
4.	The Control of Atmospheric Pollution (Limitation of Volatile Organic Compounds due to the Use of Organic Solvents in Certain Activities and Installations) Regulations of 2003	P.I. 73/2003	31.1.2003
5.	The Control of Atmospheric Pollution (Limitation of Emissions of Certain Pollutants into the Air from Large Combustion Plants) Regulations of 2003	P.I. 74/2003	31.1.2003
6.	The Control of Atmospheric Pollution (Prevention of Air Pollution from Existing Municipal Incineration Plants) Regulations of 2003	P.I. 75/2003	31.1.2003
7.	The Control of Atmospheric Pollution (Control of Volatile Organic Compounds Emissions Resulting from the Storage of Petrol and its Distribution from Terminals to Service Stations) Regulations of 2003	P.I. 76/2003	31.1.2003
8.	The Control of Atmospheric Pollution (Incineration of Waste) Regulations of 2003	P.I. 284/2003	11.4.2003
9.	The Control of Atmospheric Pollution (Non Licensable Installations) Regulations of 2004	P.I. 170/2004	26.3.2004
10.	The Control of Atmospheric Pollution (Limitation of Emissions of Certain Pollutants into Air from Large Combustion Plants) Regulations of 2004	P.I. 195/2004	2.4.2004
11.	The Integrated Pollution Prevention and Control Law of 2003	Law 56(I)/2003	13.6.2003
12.	The Integrated Pollution Prevention and Control (Amendment) Law of 2006	Law 15(I)/2006	24.2.2006

A/A	Document Title	Code Number	Publication date
13.	The Protocol to the 1979 Convention on Long-range Transboundary Air Pollution on Heavy Metals (Ratifying) Law of 2004	Law 38(III)/2004	30.4.2004
14.	The Protocol to the 1979 Convention on Long-range Transboundary Air Pollution on Persistent Organic Pollutants (Ratifying) Law of 2004	Law 39(III)/2004	30.4.2004
15.	The Protocol to the 1979 Convention on Long-range Transboundary Air Pollution concerning the Control of Emissions of Nitrogen Oxides or their Transboundary Fluxes (Ratifying) Law of 2004	Law 40(III)/2004	30.4.2004
16.	The Control of Atmospheric Pollution (Limitation of Volatile Organic Compounds due to the Use of Organic Solvents in Certain Activities and Installations) (Amendment) Regulations of 2006	P.I. 51/2006	17.2.2006
17.	The Protocol to the 1979 Convention on Long-range Transboundary Air Pollution on Further Reduction of Sulphur Emissions (Ratifying) Law of 2006	Law 6(III)/2006	10.3.2006
Air Quality			
18.	The Air Quality Law of 2002	Law 188(I)/2002	1.11.2002
19.	The Air Quality (Amendment) Law of 2004	Law 53(I)/2004	31.3.2004
20.	The Air Quality (Amendment) (No. 2) Law of 2004	Law 54(I)/2004	31.3.2004
21.	The Air Quality (Annual Emission Ceilings for Certain Atmospheric Pollutants) Regulations of 2004	P.I. 193/2004	2.4.2004
22.	The Air Quality (Ozone in Ambient Air) Regulations of 2004	P.I. 194/2004	2.4.2004
23.	The Air Quality (Amendment) Law of 2005	Law 161(I)/2005	30.12.2005
Dangerous Substances			
24.	The Dangerous Substances (Amendment) Law of 2004	Law 194(I)/2004	30.4.2004
25.	The Dangerous Substances (Classification, Packaging and Labelling of Dangerous Substances and Preparations) (Amendment) Regulations of 2004	P.I. 536/2004	30.4.2004
26.	The Rotterdam Convention on the Prior Informed Consent for Certain Hazardous Chemicals and Pesticides in International Trade Ratifying Law of 2004	Law 20(III)/2004	30.4.2004
27.	The Stockholm Convention on Persistent Organic Pollutants Ratifying Law of 2004	N. 42(III)/2004	30.4.2004

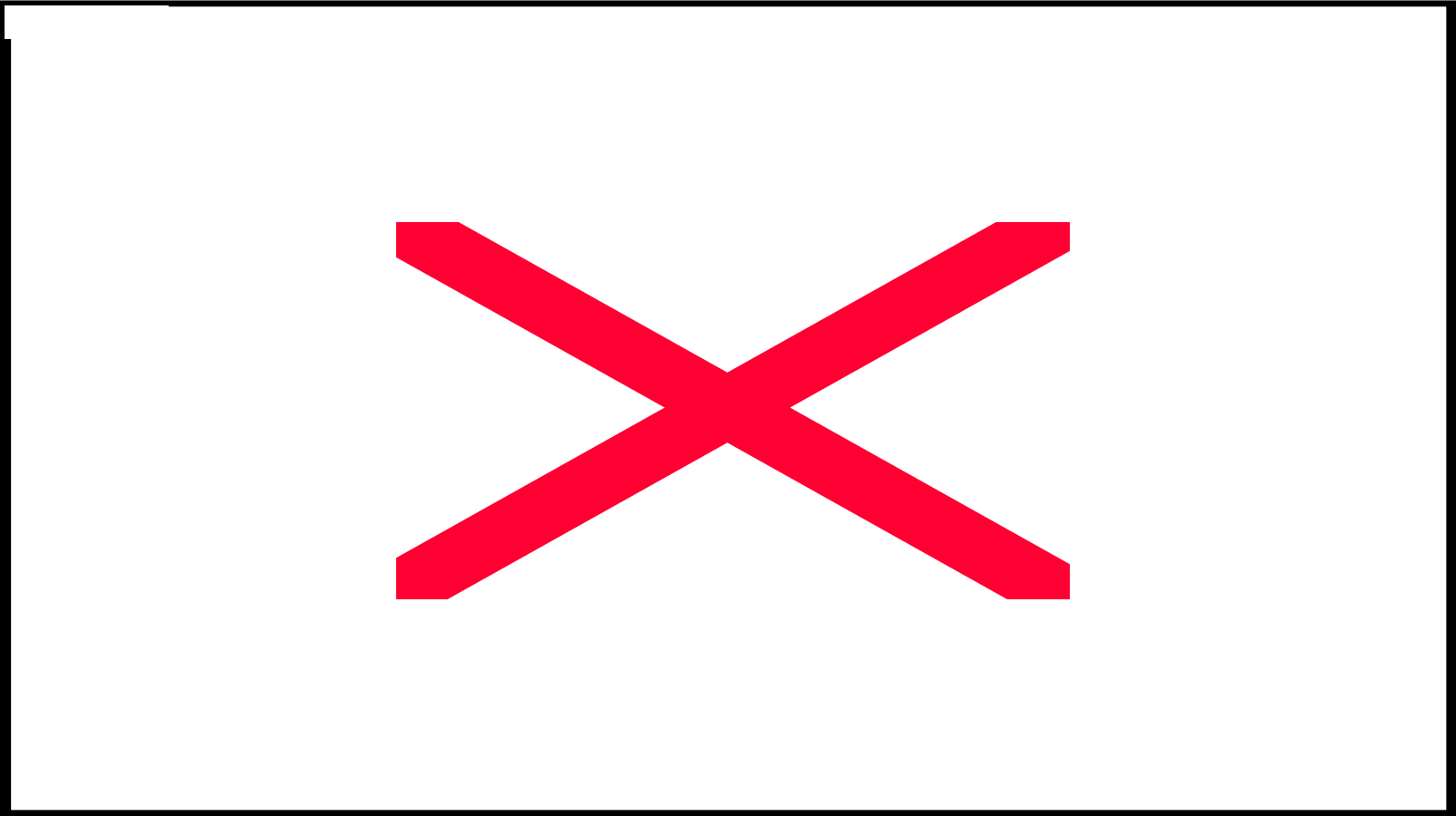
A/A	Document Title	Code Number	Publication date
28.	The Dangerous Substances (Classification, Packaging and Labelling of Dangerous Substances and Preparations) (Amendment) Regulations of 2005	P.I. 301/2005	1.7.2005
<i>CE Equipment</i>			
29.	The Essential Requirements to be fulfilled by Specific Product Categories Law of 2002	Law 30(I)/2002	5.4.2002
30.	The Essential Requirements to be fulfilled by Specific Product Categories Order of 2004	P.I. 247/2004	23.4.2004
31.	The Essential Requirements to be fulfilled by Specific Product Categories (Amendment) Law of 2003	Law 29(I)/2003	28.3.2003
32.	The Essential Requirements to be fulfilled by Specific Product Categories Order of 2004	P.I. 248/2004	23.4.2004
33.	The Essential Requirements to be Fulfilled by Specific Product Categories (Amendment) Law of 2004	Law 258(I)/2004	23.12.2004
34.	The Essential Requirements to be Fulfilled by Specific Product Categories (Amendment) Law of 2005	Law 89(I)/2005	22.7.2005
35.	The Essential Requirements to be fulfilled by Specific Product Categories (Machinery) Regulations of 2003	P.I. 306/2003	18.4.2003
36.	The Essential Requirements to be fulfilled by Specific Product Categories (Equipment and Protective Systems for Use in Potentially Explosive Atmospheres) Regulations of 2003	P.I. 309/2003	18.4.2003
37.	The Essential Requirements to be fulfilled by Specific Product Categories (Lifts) Regulations of 2003	P.I. 310/2003	18.4.2003
38.	The Essential Requirements to be fulfilled by Specific Product Categories (Pressure Equipment) Regulations of 2003	P.I. 311/2003	18.4.2003
39.	The Essential Requirements to be fulfilled by Specific Product Categories (Simple Pressure Vessels) Regulations of 2003	P.I. 312/2003	18.4.2003
40.	The Essential Requirements to be fulfilled by Specific Product Categories (Personal Protection Equipment) Regulations of 2003	P.I. 315/2003	18.4.2003

Appendix II

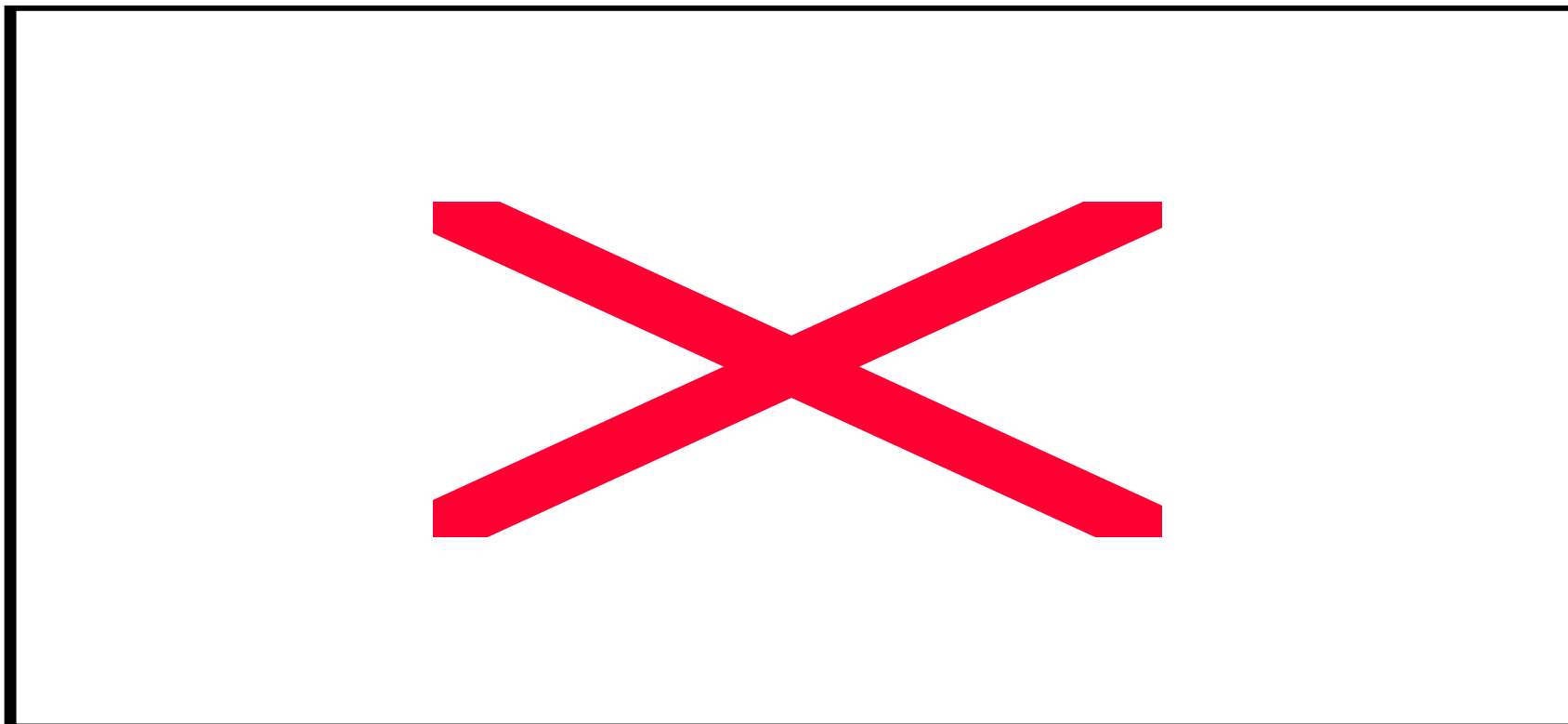
**COPY OF THE SAFETY AND HEALTH AT WORK
(PROTECTION FROM VIBRATIONS) REGULATIONS OF 2005**

Appendix III

INSPECTION OF UNDERTAKINGS FOR 2003 AND 2004



Inspections of Undertakings for the Year 2003



Appendix IV

Fines charged for legal cases decided by the District Courts of Justice
during the years 2001 - 2004

No	Laws / Regulations	Number of contraventions				Total amount of fines charged in CY£			
		2001	2002	2003	2004	2001	2002	2003	2004
1.	The Safety and Health at Work Law of 1996 up to 2003	16	14	31	18	21.700	16.500	11.360	37.000
2.	The Building and Works of Engineering Construction (Safety, Health and Welfare) Regulations of 1973			1				600	
3.	The Factories Law of 1957, Cap.134	1	--	3	1	1.400	--	300	150
4.	The Maternity Protection Law of 1997 up to 2002	2	2	2	2	235	400	800	500
5.	The Accidents and Occupational Diseases (Notification) Law of 1953, Cap. 176	2	6	5	1	300	580	640	120
6.	The Occupational Safety and Health in Dockwork Regulations of 1991			1				1000	
7.	The Asbestos (Safety and Health of Persons at Work) Regulations of 1993 up to 2000			3	1			240	200
8.	The Private Employment Agencies Law of 1997 and 2002			1				100	
9.	The Woodworking Machinery Regulations of 1973 and 1988	1	--	--		350	--	--	
10.	The Control of Atmospheric Pollution (Non Registrable Processes, Equipment for Industrial Processes and Supply of Fuels) Regulations of 1993			2				800	
11.	The Safety and Health (Minimum Requirements for Temporary or Mobile Construction Sites) Regulations of 2002								2.500

No	Laws / Regulations	Number of contraventions				Total amount of fines charged in CY£			
		2001	2002	2003	2004	2001	2002	2003	2004
12.	The Minimum Requirements for Safety and Health (Use of Personal Protective Equipment at Work) Regulations of 2001				1				250
13.	The Minimum Requirements for Safety and Health Signs at Work Regulations of 2000				1				450
14.	The Minimum Requirements for Safety and Health (Use of Work Equipment at Work) Regulations of 2001				1				500
	Total number of legislation breached	22	22	49	26	23.985	17.480	15.840	41.670

Appendix V

Legal cases decided by the District Courts of Justice during the years 2001 – 2004 by economic activity sector

2001		2002			2003			2004		
Economic activity sector	No.	NACE no.	Economic activity sector	No.	NACE no.	Economic activity sector	No.	NACE no.	Economic activity sector	
Construction industry	1	36121	Manufacturing of office furniture	1	52412	Fabrics retailing	2	28521	General engineering services	
Manufacturing of wooden furniture	1	37201	Recycling of non metallic products	1	74701	Cleaning services	1	15961	Breeding of animals	
Bakeries	9	45211	Construction industry	6	45211	Construction industry	1	26631	Production of construction materials	
Retail of construction industry products	1	20101	Wood treatment industry	1	45311	Electrical installation contractors	2	45333	Air conditioning contractors	
Plantation farms	1	45441	Painting	1	63111	Portage services	1	52111	Support and maintenance activities	
Manufacturing of paper boxes and cartons	1	52422	Retail underwear shop	1	74111	Law offices	11	45211	Construction industry	
Mining and quarrying	1	92629	Leisure activities	1	5021	Fisheries farm	1	1122	Culture, recreation and sports	
Hotel industry	2	45311	Electrical installation contractors	1	21221	Manufacturing of paper tissues and boxes	1	52412	Retail of clothing and footwear	
Electrical installation contractors	2	45333	Air conditioning contractors	1	26301	Production of mosaics	1	24512	Production of glass and glassware	
Retail shops	1	28521	General engineering services	1	36141	Manufacturing of wooden furniture				
Production of mosaics	2	55111	Hotel industry	1	26631	Manufacturing of ready mixed concrete				
				1	55111	Hotel industry				
				1	35111	Ship building and repair				
				1	45252	Manufacturing of molds for the construction industry				
				1	14111	Mining and quarrying				

2001		2002			2003			2004		
E	Economic activity sector	No.	NACE no.	Economic activity sector	No.	NACE no.	Economic activity sector	No.	NACE no.	ac
							quarrying			
					1	1581	Bakeries			
					1	29231	Heating and cooling contractors			
Total number of legal cases decided by the District Courts of Justice										
		22			22			21		

Appendix VI

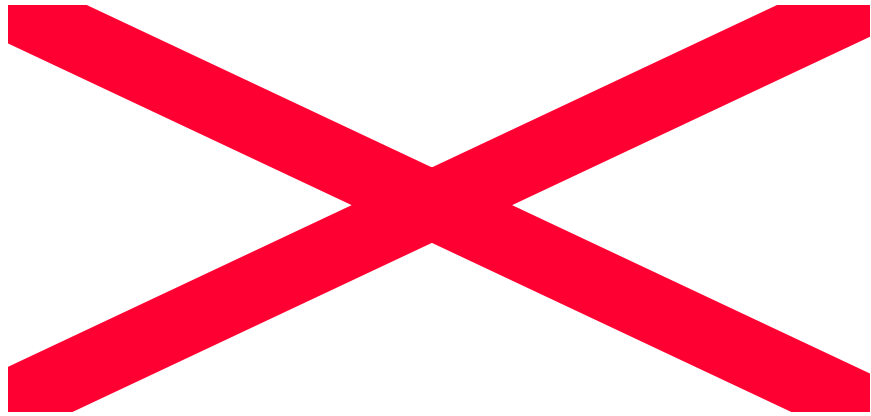
ANALYSIS OF ACCIDENTS BY ECONOMIC ACTIVITY SECTOR FOR THE YEARS 2003 AND 2004

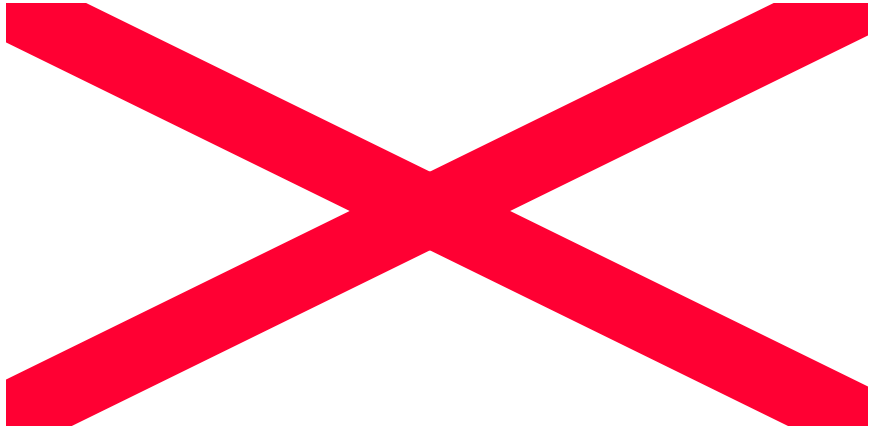
TABLE 1: 2004

ECONOMIC ACTIVITY SECTOR	Number of Accidents	%	GENDER		INJURY	
			Men	Women	Fatal	
Agriculture, hunting and forestry	47	2,16%	40	7	0	
Forestry, logging and related service activities	5	0,23%	5	0	0	
Fishing, oper. of fish hatch. & fish farms; inc. act.	1	0,05%	1	0	0	
Mining of coal and lignite; extraction of peat	0	0,00%	0	0	0	
Extraction of crude petroleum and natural gas; incid. Act.	0	0,00%	0	0	0	
Mining of uranium and thorium ores	0	0,00%	0	0	0	
Mining of metal ores	1	0,05%	1	0	1	
Other mining and quarrying	20	0,92%	20	0	0	
Manufacture of food products and beverages	197	9,07%	156	41	1	
Manufacture of tobacco products	3	0,14%	2	1	0	
Manufacture of textiles	6	0,28%	4	2	0	
Manufact. Of wearing apparel, dress. & dyeing of fur	5	0,23%	2	3	0	
Man. & dress. of leather; manufacture of luggage & footwear	2	0,09%	1	1	0	
Manufacture of wood & of products of wood excluding furniture	60	2,76%	57	3	0	
Manufacture of pulp, paper and paper products	7	0,32%	5	2	0	
Publishing, printing and reproduction of record. Media	14	0,64%	13	1	0	
Manufacture of coke, refined petroleum products etc	1	0,05%	1	0	0	
Manufacture of chemicals and chemical products	26	1,20%	16	10	0	
Manufacture of rubber and plastic products	29	1,34%	26	3	0	
Manufacture of other non-metallic mineral prod.	107	4,93%	107	0	3	
Manufacture of basic metals	3	0,14%	3	0	0	
Manuf. of fabricated metal products, excluding Machinery.	79	3,64%	74	5	1	
Manufacture of machinery and equipment n.e.c.	16	0,74%	14	2	0	
Manufacture of office machinery & computers	0	0,00%	0	0	0	
Manufacture of electrical machinery & apparatus. nec	6	0,28%	6	0	0	
Manufacture of radio, television & communication equipment. & applications	1	0,05%	1	0	0	
Manufacture of medical, precision & optical instruments, watch.	1	0,05%	1	0	0	
Manufacture of motor vehicles, trailers & semi-trail.	3	0,14%	2	1	0	
Manufacture of other transport equipment	1	0,05%	1	0	0	
Manufacture of furniture; manufacturing n.e.c.	66	3,04%	63	3	0	
Recycling	5	0,23%	5	0	0	
Electricity, gas, steam and hot water supply	23	1,06%	22	1	0	
Collection, purification & distribution of water	5	0,23%	5	0	0	
Construction	598	27,53%	592	6	6	

ECONOMIC ACTIVITY SECTOR	Number of Accidents	%	GENDER		INJURY	
			Men	Women	Fatal	
Sale, maintenance & repair of motor vehicles	71	3,27%	69	2	0	
Wholesale & commission trade, excluding of motor vehicles	96	4,42%	77	19	1	
Retail trade, exc. motor vehicle ; repair of personal goods	106	4,88%	68	38	0	
Hotels and restaurants	257	11,83%	135	122	1	
Land transport; transport via pipelines	26	1,20%	26	0	0	
Water transport	4	0,18%	2	2	0	
Air transport	4	0,18%	2	2	0	
Supporting & auxiliary transport activities; travel agencies	62	2,85%	55	7	0	
Post and telecommunications	4	0,18%	3	1	0	
Financial intermediation, exc. insurance & pension fund.	9	0,41%	5	4	0	
Insurance and pension funding, excluding social security	1	0,05%	0	1	0	
Activities auxiliary to financial intermediation.	1	0,05%	1	0	0	
Real estate activities	1	0,05%	1	0	0	
Renting of machinery & equipment without operator	7	0,32%	4	3	0	
Computer and related activities	2	0,09%	2	0	0	
Research and development	0	0,00%	0	0	0	
Other business activities	25	1,15%	18	7	0	
Public administration and defense comp. social security	77	3,55%	64	13	0	
Education	6	0,28%	2	4	0	
Health and social work	10	0,46%	4	6	0	
Waste and refuse disposal, sanitation & sim. act.	18	0,83%	18	0	0	
Activities of membership organisation n.e.c.	7	0,32%	6	1	0	
Recreational, cultural and sporting activities	27	1,24%	24	3	0	
Other service activities	13	0,60%	8	5	0	
Private households with employed persons	0	0,00%	0	0	0	
Other employed persons	0	0,00%	0	0	0	
Extra - territorial organisations & bodies	0	0,00%	0	0	0	
Total	2172		1840	332	14	

TABLE 2: 2003





GOVERNMENT OF THE REPUBLIC OF CYPRUS

Fourth Report on

**Article 9
of the Revised European Social Charter**

THE RIGHT TO VOCATIONAL GUIDANCE

(Reference Period 1.01.2003 – 31.12.2004)

Question A

Please give a description of the service-its functions, organization and operation-specifying in particular:

a. Whether access to services is free of charge

No important change.

b. whether vocational guidance work is carried out in the public or private sectors

No change.

c. the measures taken to supply all persons with adequate information on the choice of employment

In addition to the information given in previous Reports, the following is added:

(i) Counselling and Career Education Service (C.C.E.S) of the Ministry of Education and Culture:

The Counselling and Career Education Service (C.C.E.S.) operates within the Public Secondary Education System of Cyprus and offers help to the students and other youngsters through the Counseling and Career Education Offices of the Schools and the Central Offices of the Service at the Ministry of Education and Culture (M.O.E.C).

The goal of the C.C.E.S is the provision of specialized help to the students and other young people through the counseling technique in order to meet the general goals of the Ministry of Education and Culture, which are the following:

- The healthy development of the students' personality
- The development of problem-solving skills so as to effectively deal with their personal, educational, professional and social problems.

During the period under reference the C.C.E.S. offered specialized help the students and other young people in order to make effective for themselves educational / vocational choices. During this process emphasis was given on the following areas:

- Self-knowledge
- Self-approval and self-confidence
- Decision-making skills / problem-solving skills

- effective use of appropriate information

Due to the multiple socio-economic and cultural changes brought about with the advancement of technology all over the world, there is an incensement and complexity to all the matters young people are concerned with (eg. personal, educational, professional and social).

As a result, the counsellors gave additional emphasis on helping the students and other young people to acquire the necessary skills so as to make effectively educational/vocational choices.

The achievement of the above goal became possible through:

- Personal, group and family counseling
- Administration of specialized tests which are offered during counseling sessions in order to help the interested persons to explore in depth their personality, interests, abilities, work values, etc. in order to make the right for themselves educational/vocational choice.
- Teaching of the Career Education and Social Education course (it is offered at the 3rd grade of gymnasium)
- Organization of seminars and Conferences on vocational educational and other related subjects
- Production of a career-education film

Additionally, C.C.E.S. participated at a strategic level in different Committees at the M.O.E.C., which have as major goal the strengthening of students by developing the necessary decision and problem solving skills, so as to make appropriate educational/vocational choices for themselves.

The inclusion of children with special needs in the mainstream Secondary Education constitutes the policy of the Ministry of Education and Culture. The Department of Secondary Education assigned the implementation of this policy to the Counselling and Career Education Service.

Based on the principle of providing equal opportunities to the children with special needs to be educated along with other children of the same age in the Public Secondary Schools of their community / neighborhood, the counselors provided personal and educational counselling to the students with special needs and contributed to the development of individual educational programs for them.

Additionally the C.C.E.S. proceeded to the publication and distribution to all Public Secondary Schools of the following books:

- ❖ The Role of the Family in Pupils Educational Choices
- ❖ Post-Gymnasium Education in Cyprus
- ❖ Career Education
- ❖ Social Education
- ❖ Scholarships for Post-Lyceum Education
- ❖ Brochure – The Counselling and Career Education Service
- ❖ Post-Secondary Education of Public Higher Education Institutions in Cyprus

The professional development of the staff, which is one of the main goals, set by C.C.E.S., continued to be promoted through specially designed seminars, professional visits, and training programs.

(ii) Vocational Guidance Services (VGS) of the Ministry of Labour and Social Insurance:

No important change from previous report. The Labour Department is promoting the enhancement and modernization of the Public Employment Services (P.E.S.) through which it is expected that all services offered by P.E.S., including vocational guidance services, will be greatly improved.

d. the measures taken to ensure a close link between vocational guidance and training on the one hand and employment on the other

Please see Cyprus report on Article 10.

e. the measures in hand for improving the services

Please see the information given under c above.

f. the details of special measures to assist disabled persons

For information on special measures to assist disabled persons, please see Cyprus Report on Article 15 of the Charter.

Please see also relevant information given under question c (i) above.

Question B

Please indicate the measures taken in the field of vocational guidance to promote occupational and social advancement

No change. However, all information given in this Report is relevant.

Question C

Please indicate the types of information available in the vocational guidance services and the means employed to disseminate this information

The library of the Counseling and Career Education Services (C.C.E.S.) in particular, aims at serving the educational and occupational needs of the pupils, students and the general public. It contains books, journals, videotapes, CDs etc. that mostly cover the area of counseling, courses of study in various countries, the world of work, occupations etc. Visitors can borrow books, use the reading-room and the computers of the library, as well as photocopy facilities.

The C.C.E.S. offices at schools also maintain a library and keep records of educational and occupational information to be used by their students.

Question D

Please indicate:

a. the total amount of public expenditure devoted to vocational guidance services during the reference period

(i) C.C.E.S. of the Ministry of Education and Culture

The expenditure for the personnel engaged in the above Service reached approximately the amounts spent during previous reference periods.

(ii) VGS of the Ministry of Labour and Social Insurance

Administrative costs for Public employment Services (PES) in general, for 2004, are estimated approximately at CYP 843,000 and represent salaries and office expenses. It is roughly estimated that a sum of CYP 220,000 from the above costs was devoted to vocational guidance. As stated in our previous report, there is difficulty in estimating this expenditure more accurately, mainly due to the fact that officers, responsible for offering vocational guidance, offer, at

the same time, placement services (registration of job seekers, registration of vacancies, etc.)

b. the number of specialized staff of the vocational guidance services and their qualifications (teachers, psychologists, administrators, etc)

(i) C.C.E.S. of the Ministry of Education and Culture

The C.C.E.S. personnel consisted of 107 teachers of Counseling and Career Education for 2003-2004. The qualifications for these posts are:

- a university degree in any specialization for Secondary Education (General Secondary Education and Technical Secondary Education).
- a postgraduate degree in Counselling and/or Career Education/Guidance of at least one academic year's duration (Masters and/or Postgraduate Diploma).

The C.C.E. period-student ratio continued to be as follows:

Gymnasiums

One(1) period for 60 pupils

Half (0,5) a period for the teaching of the Career Education Course in the 9th grade.

Lyceums

10th grade: Three (3) periods for every 50 pupils

11th grade: One (1) period for every 50 pupils

12th grade: One (1) period for every 50 pupils

Technical Schools

10th grade: Three (3) periods for every 50 pupils

11th grade: One (1) period for every 50 pupils

12th grade: One (1) period for every 50 pupils

Four (4) periods for orientation purposes

(ii) VGS of the Ministry of Labour and Social Insurance

No change. Also refer to Question A c ii above.

c. the number of persons benefiting from vocational guidance broken down by age, sex and educational background

(i) C.C.E.S. of the Ministry of Education and Culture

- All the 9th grade students in public schools were helped through the teaching of the Career Education course. These amounted to 7776 for 2003-2004.
- Additionally, all the students of public secondary schools were helped through individual guidance and counseling:
Gymnasiums: 17,788 students were helped for 2003-2004 representing 61,67% of the student population.
Lyceums and Technical Schools: 21,715 for 2003-2004 students were helped representing 78,15% of the student population.

Please see below the percentages of boys and girls, who have benefited from the C.C.E.S. during the years covered by the Report, on the total number of boys and girls respectively in the Public Secondary System.

2003-2004 - boys: 69,00%
 - girls: 70,53%

In 2003-2004, 2,799 persons visited the central offices; 690 were students of public and/or private secondary education schools (310 males, 380 females), 830 were secondary education graduates (375 males, 455 females), 814 were tertiary education students (297 males, 517 females) and 465 were tertiary education graduates (187 males, 278 females).

(ii) VGS of the Ministry of Labour and Social Insurance

The number of persons assisted by the above Service cannot be easily estimated. Roughly estimated however in 2004, this number is at least equal to the number of job seekers registered at the District Labour Offices (12,650 persons, of which 7,235 or 57.2% were female). The number of the above persons and particularly those who were registered as unemployed and seeking employment, classified by educational background, as a percentage on their total number is given below:

Illiterates	0,3%
Elementary Education	22,3%
Secondary General Education	46,6%
Higher technical Education	9,4%
Higher Education	21,4%
-----	-----
Total	100%

The number of the above persons classified by age, as a percentage on their total number, is as follows:

Under 20	0,9%
20 – 24	10,7%
25 – 29	13,3%
30 – 39	22,1%
40 – 49	22,7%
50 – 59	20%
60 – 64	10,1%
65 and above	0,2%
-----	-----
Total	100%

d. the geographical and institutional distribution of vocational guidance services

No change.

Question E

Please indicate whether equality of access to vocational guidance is ensured for all those interested, including nationals of the other Contracting Parties to the Charter lawfully resident or working regularly in your territory, and disabled persons.

No change.

МП, Article 9 new, 29/5/06

TE 38/85/M

GOVERNMENT OF THE REPUBLIC OF CYPRUS

Fourth Report on

**Article 10
of the Revised European Social Charter**

THE RIGHT TO VOCATIONAL TRAINING

(Reference Period 1.01.2003 – 31.12.2004)

ARTICLE 10 PARA. 1

Promotion of technical and vocational training and the granting of facilities for access to higher technical and university education

Question A

Please give an account of the functions, organization, operation and financing of the services designed to provide vocational training for all persons including those with disabilities, specifying in particular:

(a) The rules laid down by legislation, collective agreements or carried out otherwise

For a full account of the vocational training system in Cyprus please see our report for the previous reporting period 2001–2002.

(b) The total amount of public expenditure devoted to vocational training

Overall expenditure by the Human Resource Development Authority of Cyprus (HRDA), which is the national agency for training and development, on human resource training and development activities over the two-year period 2003–2004

amounted to more than Cyprus £10,8 m. or over € 18,3 m. Annual expenditure is shown below.

<u>Year</u>	<u>Expenditure</u>	
	<u>CYPRUS £</u>	<u>EURO €</u>
2003	5.253.849	8.931.543
2004	5.551.586	9.437.696
Total	10.805.435	18.369.239

(c) The number of vocational and technical training institutions

Training is provided by some 150 public and private institutions / providers, employing more than 750 people. In addition, enterprises offer in-company training to their employees

d. The number of teachers in such schools in the last school year

The number of *public* secondary school teachers, teaching subjects of general education at Secondary Technical and Vocational Schools, was 256. Some work on a full-time basis and some on a part-time basis. Full-time teachers teaching technical and vocational education subjects totalled 456.

The number of teachers for the Afternoon and Evening Classes offered at Technical Schools was 115, of who 15 were full-time.

e. The number of pupils, full-time and part-time in such schools in the last school year.

During the 2004-2005 school year, the number of pupils studying in the various programmes offered by Secondary and Technical and Vocational Education (STVE) was as follows:

Programme	No of pupils
Formal Technical and Vocational Programmes (mainstream education – morning classes)	4370
Apprenticeship Scheme	473
Afternoon and Evening Classes	1360
TOTAL	5203

Questions B

Please indicate how the arrangements for vocational training are provided with reference to the various types of vocational activity and, if data are available, to age and to sex.

Training activities approved of and subsidised by the HRDA, with numbers of participants, distributed by gender, for the years 2003 and 2004 are shown in **Appendix I**.

Questions C

Please state what measures are taken to ensure a close link between vocational guidance and training on the one hand and employment on the other

The policies, programmes and activities of the HRDA are aimed to reduce skill mismatches, improve mobility, provide increased opportunities for employment, widen the choice of career opportunities and facilitate the continuing training throughout working life to those already in employment, young people and those out of work, thereby supporting, encouraging and promoting lifelong learning. Emphasis is placed on facilitating the transition to the knowledge- and skills-based society, while improving the quantity and quality in employment and minimising exclusion and poverty.

Questions D

Please indicate the methods adopted by your government with a view to providing access to higher technical education and university education on the basis of the sole criterion of individual aptitude.

The Examination Service of the Ministry of Education and Culture organises and supervises the annual examinations for entry to the Public Institutions of Higher and Tertiary Education in Cyprus and Greece. A new integrated system, starting as from 2006, is aiming at integrating the Secondary Education final written examinations that lead to the "Apolyterion" and the "Entrance Examinations" into the combined "Pancyprian Examinations". The "Pancyprian Examinations" will take place in late May and early June. The aim of the "Pancyprian Examinations" will be twofold: the acquisition of the "Apolyterion" and the acquisition of eligibility for admission to the Higher Education Institutions in Cyprus, based on the "Average Allocating Score". Placement of the candidates to the respective Institutions of Greece will also be based on this "Average Allocating Score".

Questions E

Please indicate whether equality of access to vocational training opportunities is ensured for all those interested, including nationals of the other Contracting Parties to the Charter lawfully resident or working regularly in your territory, and disabled persons.

Equality of access to vocational training for all is ensured by both the law and policies of the HRDA. The participation in training activities approved of and subsidised by the HRDA of nationals other than Cypriots is governed by the same conditions and regulations as for Cypriots.

In response to the Conclusions 2005 of the European Committee of Social Rights on this paragraph, the following information is given:

“Outline the mechanisms for the recognition/validation of knowledge and experience acquired in the context of training/working activity in order to achieve a qualification or to gain access to general or technical education”

“Outline the mechanisms for the recognition of qualifications awarded by continuing vocational education and training”

One of HRDA’s strategic objectives for the period 2004-2006 is the establishment and operation of a System of Vocational Qualifications in Cyprus, in cooperation with the other competent agencies.

The System will be implemented in two phases: The 1st phase will be implemented in the current year (2006) and concerns the development and implementation of 5 Standards of Vocational Qualifications (SVQs) in the occupations of waiter, cook, receptionist, bricklayer and sales person (retail trading). The 2nd phase will be implemented in the 2007-2013 period and concerns some 25 occupations/levels of occupations, mainly in the following sectors/areas of economic activity: Hotels/Restaurants, Manufacturing, Construction and Trade.

Registration fees or other educational costs

Please refer to Questions A – D above.

ARTICLE 10 PARA. 2

Apprenticeship

Questions A

Please give an account of the legal framework and the functions, organization, operation and financing of apprenticeships and/or other systems for training young boys and girls in various jobs in your country.

As part of the vocational training system in Cyprus, the Apprenticeship Scheme provides for the initial training of young people, which includes both theoretical education and instruction conducted at Technical Schools of the Ministry of Education and Culture as well as on-the-job practical training in companies.

The Apprenticeship Scheme is aimed at young people aged 15 – 18, who wish to be trained and employed in technical occupations after completing 3 years of secondary schooling. The Apprenticeship Scheme operates under the administrative responsibility of the Ministries of Labour and Social Insurance and of Education and Culture. The HRDA pays subsidies to companies employing apprentices for the days the latter attend Technical Schools.

At present, the Apprenticeship System is under review so as to make it more efficient and effective.

In addition, the training of young people is also facilitated through HRDA's other training activities and schemes, such as the initial training programmes, addressed to unskilled, secondary school-leavers and new entrants into the labour market for meeting needs in occupations where there are significant labour shortages, and the schemes for strengthening the management capacity of enterprises, addressed to young unemployed university and college graduates. Other training activities, aimed at those already in employment for meeting upgrading and upskilling needs, are also available to young people.

In addition, one of HRDA's schemes provides for the practical training of students and school-students, with the aim of acquisition of practical knowledge and skills by these in order to enable their smooth entry into the labour market.

In the years under review, 2003 and 2004, the HRDA subsidised the apprenticeship training of 329 and 330 apprentices, respectively, while subsidies to companies employing apprentices amounted to the sum of £174.453 and £176.035 in 2004 and 2003, respectively. During the same years, the HRDA subsidised the practical training of 949 students and school-students in companies with the amount of £383.831.

Moreover, the HRDA has included two new pioneering schemes, for the promotion of the training and employability of (a) the unemployed and (b) young school leavers, in the Single Programming Document for Objective 3 of the European Social Fund concerning human resources. The two schemes, along with two other schemes to be co-funded by the European Social Fund, are expected to be implemented in 2006 and 2007.

Question B

Please give an account of the measures taken to implement this provision, stating approximately, if possible, the number of young persons benefiting from training systems.

Please refer to information given under question A above.

Questions C

Please indicate how the arrangements for vocational training are divided between the various types of vocational activity.

For a description of the vocational training system in Cyprus please see our previous report and the attached tables of training activities in **Appendix I**.

Question D

Please describe any measures under which private apprenticeship schemes are assisted out of public funds.

Please refer to information given under question A above

Question E

Please indicate whether the measures described are applicable to all categories of young boys and girls likely to benefit from and wishing to undertake apprenticeship or vocational training. If this is not the case, please give an estimate of the proportion of those not covered and, if possible, indicate the categories concerned.

No change from previous report.

Question F

Please indicate whether equality of access to apprenticeship training is ensured for all those interested, including nationals of the other Contracting Parties to the Charter lawfully resident or working regularly in your territory, and disabled persons.

No change from previous report.

In response to the Conclusions 2005 of the European Committee of Social Rights on this paragraph, the following information is given:

Funding: The HRDA provides subsidies to employers in relation to the wages of apprentices for the two days a week that apprentices attend Technical Schools (for their theoretical training).

Foreign nationals lawfully residing in Cyprus: As far as the HRDA is concerned, they have equal access to apprenticeships as Cypriot residents.

ARTICLE 10 PARA. 3

Vocational training and retraining for adult workers

Question A

Please give details of the facilities provided for the training and retraining of adult workers, in particular the arrangements for retraining redundant workers and workers affected by economic and technological change.

_____ The vocational training system in Cyprus expressly provides for the training and retraining of adult workers. So, please see the tables of training activities in **Appendix I**.

Question B

Please indicate how the arrangements for vocational training are divided between the various types of vocational activity.

Please refer to information given under question A above.

Question C

Please state whether the measures described are applicable to all categories of interested workers likely to benefit from and in need of training or retraining facilities. If this is not the case, please give an estimate of the proportion of those not covered and, if appropriate, give details of the categories concerned.

Please refer to information given under question A above.

Question D

Please indicate the approximate number of adult workers who have participated in training or retraining measures.

Please refer to information given under question A above.

Questions E

Please describe special measures to assist adult women wishing to take up or resume employment.

As indicated by the figures shown in the tables of training activities approved and subsidized by the HRDA, the proportion of women participants in training activities was around 41% in both 2003 and 2004, which is at the same levels as in the European Union.

In pursuit of its non-discriminatory, positive action policies, the HRDA promotes activities and measures that aim to narrow the gap in training participations between women and men, always in the framework of its mission to meet the economy's needs for well trained human resources, which are established through research studies and surveys.

The HRDA has also included one new pioneering scheme, for the promotion of the training and employability of the economically inactive female labour force, in the Single Programming Document for Objective 3 of the European Social Fund concerning human resources. The new scheme is expected to be implemented in 2006 and 2007 and will offer training to some 800 economically inactive women.

Question F

Please indicate whether equality of access to adult training and retraining is ensured for all those interested, including nationals of the other Contracting Parties to the Charter lawfully resident or working regularly in your territory, and disabled persons.

Please refer to information given under Question E, Para 1.

In response to the Conclusions 2005 of the European Committee of Social Rights on this paragraph, the following information is given:

Detailed information on the organisation of in-service and out-of-service training and retraining of employed workers

Employed people:

Multi-company (out-of-service) continuing training:

On the basis of findings of its research studies and surveys, the HRDA formulates its training and development strategy, plans its activities and sets training priorities. These are widely publicised and circulated to training providers, in the public and private sectors, who develop their training programmes, which are submitted to the HRDA for approval and subsidisation. After this approval, training providers advertise their training courses to the public, including employers and employees, for potential participants.

Funding: Subsidies are paid by the HRDA to employers in relation to the participation costs of their employees, which are calculated according to the level and duration of the programme as well as the place of origin of trainers (from Cyprus or abroad). Subsidies are paid through the programme organisers. The remaining of the participation costs is borne by employers.

In-company (in-service) training:

Training programmes are organised by individual enterprises for meeting the training needs of their own employees. These programmes are submitted to the HRDA for approval and subsidisation.

Funding: Subsidies granted to employers by the HRDA are calculated according to the level and duration of the programme, the place of origin of trainers (i.e. from Cyprus or from abroad) and generally the expenditure that the enterprise bears for the implementation of the programme. The remaining of the participation costs is borne by employers.

Unemployed people

Unemployed people can receive training under two training Schemes operated by the HRDA:

(a) Initial Training Scheme: These are courses organised by training providers, in the public and private sector, and by individual enterprises for meeting identified training needs. The HRDA also organises some of these training courses, especially in technical occupations and hotel and catering occupations. Initial training programmes are addressed mainly, but not only, to new entrants into the labour market in order to meet needs in occupations where there are significant labour shortages. The HRDA covers all costs for the institutional training. In the general initial training programmes, trainees receive a weekly training allowance. Enterprises employing these trainees receive subsidies for the duration of the practical training.

(b) Strengthening the management capacity of enterprises Scheme: The aim of this Scheme is the employment and training of unemployed young university and college graduates for strengthening the management capacity of enterprises with managerial, supervisory and other qualified personnel. The HRDA provides subsidies to enterprises in relation to the training costs for their trainees' salaries.

During the years under review, 720 (566 m, 154 f) persons were trained on 206 training programmes under the above Schemes.

In addition to the above Training Schemes, the HRDA will commence, as from the second half of 2006, the implementation of four New Training Schemes, co-funded by the European Social Fund and the HRDA, which aim to promote the training and employability of Young School-leavers, the Unemployed and Economically Inactive Women. It is estimated that some 2.000 persons will benefit from these three Schemes.

ARTICLE 10 PARA. 4

Long term unemployed persons

Please indicate the special measures taken to provide or promote the retraining and reintegration of long-term unemployed, including as far as possible information on the number of participants and the results achieved.

The vocational training system in Cyprus provides for the training of the unemployed, including the long-term unemployed.

ARTICLE 10 PARA. 5

Full use of facilities available

Question A

Please give a brief account of any fees or charges imposed in respect of vocational training and indicate, where appropriate, the measures taken to reduce or abolish such fees or charges.

The subsidisation policy of the HRDA provides for subsidies to employers whose employees participate in training activities that meet identified training needs. These subsidies, depending on the form and method of training, may cover salaries of employees while on training, fees paid to training providers, training costs directly borne by the employer, etc. An important consideration for being entitled to training subsidies by the HRDA is that employers must pay the relevant levy to the Human Resource Development Fund.

So, in effect, employees do not pay any fees for training activities. When they attend training programmes during working hours, their salary is partly subsidised by the HRDA.

It is noted that all training activities and schemes of the HRDA have been revised in order to comply with the State Aid Regulation of the European Union (EC No 68/2001) and the relevant Cyprus legislation. Since then, the Training Infrastructure Support Scheme is operated under the *de minimis* regulation.

As stated above, the criteria applying for Cypriots concerning vocational training, including financial aspects, also apply to nationals of the contracting parties to the Charter.

Question B

Please describe the system existing in your country for providing financial assistance (allowances, grants, loans, etc.) to participants in vocational training. Please indicate also the nature of the financial assistance provided (amounts, duration, eligibility criteria, etc.).

Please indicate whether equal treatment in respect of financial assistance is ensured for nationals of all Contracting Parties to the Charter lawfully resident or working regularly in your territory.

Please refer to information given under question A above.

Question C

Please indicate the measures taken to include time spent on training taken by workers, at the request of their employer, in the normal working hours.

Please refer to information given under question A above.

Question D

Please indicate the supervision and evaluation measures taken in consultation with the social partners to ensure the efficiency of apprenticeships and other training arrangements for young workers.

The evaluation of training activities is a continuous and essential part of the training system in Cyprus. This is effected through research studies and surveys conducted by the HRDA.

Tripartite cooperation in all matters pertaining to training is an integral part of the training system of Cyprus. In the evaluation of training activities, including those addressed to young people, the HRDA pursues the active involvement of the social partners.

Additionally, within the framework of the Cyprus National Action Plan for Employment, the Cyprus Productivity Centre has already started an in-depth

study for the modernization and upgrading of the existing Apprenticeship Scheme.

Also, please refer to information given under question A above.

Question E

Please indicate if the provision of sub-paragraphs (a), (b) and (c) of Article 10 para. 5 are applicable to the great majority of the persons concerned.

Provisions of sub-paragraphs (a), (b) and (c) of Article 10, paragraph 5 are applicable to the great majority of the persons concerned. Relevant information is given above in the Report.

ΜΠ, final Article 10 2006, 29/5/06

GOVERNMENT OF THE REPUBLIC OF CYPRUS

Article 15

**of the
Revised European Social Charter**

**THE RIGHT OF PERSONS WITH DISABILITIES
TO INDEPENDENCE, SOCIAL INTEGRATION AND
PARTICIPATION IN THE LIFE OF THE COMMUNITY**

(Reference Period 1.1.2003 - 31.12.2004)

ARTICLE 15 PARA 1 - Vocational training arrangements for persons with disabilities

Question A

Please indicate the criteria applied to grant disabled status and give an estimation of the total number of persons with disabilities as well as the number of persons with disabilities of working age

- **Criteria applied to grant disability status**

No change in the situation as reported in the last Report of the Government of Cyprus on Article 15 of the Revised European Social Charter.

- **Total number of persons with disabilities**

According to the Labour Force Survey of 2002 the number of persons with "long term health problems or impairment" was 53.369 (12.2% of the total population). Out of the total of 53.369 persons with disabilities, 28.194 (53%) were male and 25.175 (47%) were female.

- **The number of persons with disabilities of working age**

According to the Labour Force Survey of 2002 the number of persons with disabilities of working age was 25.513 (48% of the persons with disabilities). The majority of the persons with disabilities (27.856 persons 52%) had reported that they were not working. Out of the total of 25.513 working persons with disabilities, 16.323 persons (64%) were male.

Reply to the Committee's question for the number of children with disabilities and the proportion of persons with disabilities.

There are no statistical data for the years 2003 – 2004.
(Please see above "Total number of persons with disabilities")

Question B

Please describe the measures taken to provide persons with disabilities with education, guidance and vocational training in the framework of general schemes wherever possible or, where this is not possible, through specialised bodies, public or private and provide information on the following points:

- a) assessment of the skills of persons with disabilities and criteria used to assess the prospects of rehabilitation of persons with disabilities**
- b) organisation of education for persons with disabilities in ordinary schools and / or specialised schools (access, number of persons and establishments)**
- c) organisation of vocational guidance for persons with disabilities (access, number of persons with disabilities, receiving guidance through mainstream or specialised provision)**
- d) organisation of vocational training (access, number of persons with disabilities, receiving vocational training through mainstream or specialised provision)**
- e) adjustment of the methods of vocational rehabilitation in accordance with the needs of the labour market**
- f) financial assistance available to persons with disabilities undertaking vocational rehabilitation .**

During the period under review, there were no important changes concerning guidance, education and vocational training within the framework of general schemes or through specialized bodies, public or private.

The nature and amount of the grants paid under the three vocational training Schemes operated by the Service for the Care and Rehabilitation of the Persons with Disabilities of the Department of Labour (of the Ministry of Labour and Social Insurance) have not changed to any significant extent. These Schemes are:

- The Scheme for the Vocational training of persons with disabilities in courses of their own choice,
- The Self-employment scheme, and
- The Supported Employment Scheme

Further information on these Schemes is given under para. 2 (Question A) below.

- a) assessment of the skills of persons with disabilities and criteria used**

to assess the prospects of rehabilitation of persons with disabilities

As stated in our previous Report on Article 15, there is no formal, general procedure for the assessment of the vocational skills of persons with disabilities, especially those who are physically disabled. For persons with intellectual and psychological disabilities however, there are multidisciplinary teams that operate within the institutions responsible for the vocational rehabilitation of such persons.

The following criteria are used to assess the prospects of rehabilitation of a person with disabilities:

- His/her physical abilities,
- His/her mental and psychological condition,
- His/her previous experience,
- His/her educational status, and
- His/her interests and employability prospects

b) organisation of education for persons with disabilities in ordinary schools and / or specialised schools (access, number of persons and establishments)

The curriculum at special schools contains a major element of self-help and independence skills, social and emotional skills development, recreational skills, communication skills and vocational training. The prevailing philosophy is that the child should receive an education suited to his/her developmental needs.

Children with special needs attending mainstream secondary schools receive transition services designed for their age equivalent peers consisting mainly of career or further educational opportunities advice. Those with specific sensory disabilities are given specialized assistance from the special schools. The special schools have vocational training programmes for pupils, attending full time these schools.

Those attending technical schools are by definition in a vocational training environment.

Special schools for the persons with learning disabilities or those with emotional and behavioural problems also have pre-vocational and vocational training programmes designed to assist the transition from school to work or from school to other vocational training authorities. Many special schools maintain close links with non-governmental agencies providing vocational training programmes to facilitate transition.

Pupil statistics

Number of students with special needs

	Mainstream classes
Preschool	219
Primary	2537
Secondary	1072
Special schools	295
Total	4123

Special school provisions

School Type	Learning disability	Emotional problems	Sensory problems
Number of schools	6	1	2
Number of children	171	74	50

c & d) organisation of vocational guidance for persons with disabilities (access, number of persons with disabilities, receiving guidance through mainstream or specialized provision) and organisation of vocational training (access, number of persons with disabilities, receiving vocational training through mainstream or specialised provision)

Most institutions functioning in Cyprus provide education, guidance and vocational training for both children and adults. Please see answer to Question D below for more information regarding these Institutions.

e) adjustment of the methods of vocational rehabilitation in accordance with the needs of the labour market

In addition to the vocational rehabilitation provided institutionally, there is a flexible system to provide vocational rehabilitation, in accordance with the needs of the labour market, through the Scheme for the vocational training of persons with disabilities in courses of their own choice referred to above, which takes into account the employability prospects of each individual person.

f) financial assistance available to persons with disabilities undertaking vocational rehabilitation

Financial assistance for the vocational rehabilitation of persons with disabilities is provided through:

i) The Self-Employment Scheme

Under this Scheme persons with disabilities are entitled to a grant up to £2000, and to an interest subsidy (£300 for 5 years) for setting up their own business. In addition, the individual grant is increased in cases of a partnership of two or more persons with disabilities, by £500 per person.

ii) Scheme for the Vocational Training of persons with disabilities in courses of their own choice that are not offered by the Centre for the Vocational Rehabilitation of the Persons with Disabilities

Under this Scheme persons with disabilities are entitled to reimbursement of training costs (up to £1.000) incurred in courses of their own choice. The training courses should aim at improving employment prospects and may also take the form of apprenticeship.

iii) The Centre for the Vocational Rehabilitation of the Persons with Disabilities

The Centre provides both training and employment, for which persons –with disabilities get an allowance. In addition to the allowance given to all trainees, a special allowance is given to trainees that are capable of producing in a certain workshop.

Reply to the Committee's interest for special education in the following issues:

- **Whether the Ministry of Education has primary responsibility**

The Ministry of Education has primary responsibility for special education

- **How the curriculum is designed and whether the curriculum and the above mentioned individual study plans and rehabilitation programmes are validated – adopted by the Ministry of Education**

There is no typical curriculum design. Individual education is developed according to the needs of the student. The Ministry of Education validates and adopts the above mentioned individual study plans and rehabilitation programmes.

- **What kinds of qualifications does the curriculum lead to and whether they are recognised in order to enable progress into further education or to gain entry to vocational education or the open labour market**

Qualifications are granted according to the committee's evaluation which decides if a child is to be placed in a mainstream school or a special education. The majority of them (around 77%) are placed in the mainstream education which provides all the qualifications needed for further studies or entry in the open labour market.

- **What the success rate is in progressing into vocational training, or further education or into the open labour market**

As mentioned above the success rate is 77%.

- **Whether the quality of education is monitored by mainstream monitoring mechanisms**

Yes it is monitored by mainstream monitoring mechanisms.

Question C

Please specify whether the measures mentioned above are available to all persons with disabilities irrespective of age, the nature and origin of their disability

The measures taken to provide persons with disabilities with education, guidance and vocational training through specialized bodies, public or private are available to all persons with disabilities irrespective of age, and of nature and origin of their disability. All persons lawfully residing in Cyprus benefit from the aforementioned vocational training measures under the same conditions. It should be noted that the national policy for the education of children with disabilities is to integrate these children in mainstream schools. Adults who wish to participate in any of the programmes offered by vocational Institutions are placed in positions according to their vocational capabilities depending on their disability, in order to facilitate their placement in productive employment.

Question D

Please specify:

- a. **the number and nature of the principal institutions giving general education, guidance and vocational training and the number of places available**
- b. **the number of persons undergoing such training**
- c. **the number of staff, their qualifications and the measures taken to ensure their expertise**
- d. **the organisation of co-operation between general and specialised services**

During the period under review there have been no important changes in the number and nature of the Educational/Vocational institutions functioning in Cyprus.

The principal Institutions giving general education, guidance and vocational training are the following:

1. School for the Blind

- a) The School for the Blind provides general education, guidance and vocational training to persons with visual impairment irrespective of their age. The number of places available at the School is 60.
- b) Number of persons undergoing training during the last calendar year: 28 adults, 30 students at the School and 60 blind pupils -were in mainstream education
- c) The number of teaching staff for the period under review was 18 and it comprises of the Headmaster, 6 school teachers, 2 teachers specialised for blind students, and one teacher for each of the following specialisations:

sports activities, music, English, kindergarten and computers and one psychologist. The teaching staff is assigned by the Ministry of Education and Culture.

- d) The national policy for the education of the blind is to integrate them in ordinary schools. The School continues to offer services to the blind irrespective of their age and reinforces the support services to mainstreamed blind pupils.

2. School for the Deaf

- (a) The School for the Deaf provides general education, guidance and vocational training to persons with audio impairment irrespective of their age. The number of places available at the school is 80.
- (b) The number of persons undergoing training during 2004 was 17 students and 8 adults. Over the years 2000 - 2004, the Adult Deaf Rehabilitation Service of the School has secured full-time jobs for 3 deaf adult.
- (c) The teaching staff consists of teachers specialised in special education for deaf children and general education who are following an in service training by the School. Furthermore there are teachers for mathematics, Greek, handicraft, art, English and computers. The teaching staff is assigned by the Ministry of Education and Culture. In total there are 15 teachers (7 working on a full time basis and 8 on a part-time basis).
- (d) The national policy for the education of the deaf is to integrate them in ordinary schools. As a result of this policy, the number of the students of the School is, year after year, declining. Consequently, the school is reinforcing its services to the adult deaf, in respect to their vocational rehabilitation and social integration, and is also upgrading the support services to mainstreamed deaf pupils.

3. Centre for the Vocational Rehabilitation of the Persons with Disabilities

- a) Number of places available: 55
- b) Number of persons undergoing training for 2004: 40
- c) Number of teaching staff during 2004: 5 instructors in the following specialisations: 1 for leather goods/ shoemaking, 1 for furniture, industry/ carpentry, 1 for brooms making, 1 for knitting and 1 for sewing embroidery.

- d) The main aspect of the vocational rehabilitation of the persons with disabilities is their vocational guidance and training.

The Centre provides facilities for the evaluation of the vocational capabilities of the persons with disabilities and then places them to technical professions, in order to facilitate their placement in productive employment. Furthermore, the Centre offers services that aim to help the persons with disabilities to promote their skills, to become independent and to face any psychosocial problems.

4. Special Schools for Trainable Children

Number of places available: 300

Number of children undergoing training for 2004: 295 as follows:

The Special Schools and the number of pupils are:

	Special Schools	Number of Pupils
1.	Nicosia Special School	74
2.	Evangelismos, Nicosia	49
3.	Apostolos Loukas, Special School, Limassol	38
4.	Pediko Anarrotirio of the Cyprus Red Cross, Limassol	24
5.	Agios Spyridon, Larnaca	22
6.	Apostolos Varnavas, Liopetri	18
7.	Theoskepasti, Pafos	20

5. Mental Health Services and Athalassa Hospital

(a) The Mental Health Policy of the Government Services continued to focus on the transfer of therapeutic and rehabilitative services from the Mental Hospital to the Community, providing comprehensive community based Mental Health Services in all districts and at the same time improving the standards of living for the patients in the Athalassa Hospital. The bed capacity of the Athalassa Hospital by the end of 2004 was 214.

(b) By the end of the year of 2004 the Athalassa Hospital had 116 patients living in the hospital. The multidisciplinary teams in the Athalassa Hospital continued to formulate and carry out the rehabilitation and resettlement programmes for the patients that reside in the Hospital. Throughout the year 168 patients attended these programmes (daily attendance 10-17 patients).

Also, in the Athalassa Hospital an employment scheme provided work opportunities to 64 persons at jobs in various utility and maintenance departments and in the wards of the Hospital.

Additionally, as from 2004 a Vocational Rehabilitation Unit operates in Nicosia to assist clients of the Mental Health Services. This Unit offers work counselling services, working skills development services and work placement support. During the year 2004, 37 patients of the Mental Health Services received assistance from the Vocational Rehabilitation Unit.

(c) The personnel of the multidisciplinary teams of the Athalassa Hospital consist of three Psychiatrists, two part-time Psychologists, one fulltime Occupational Therapist and one part-time, one Social Worker, two Assistant Occupational Therapists and 167 Nurses.

(d) It should be noted that the Mental Health Services operate facilities based in the community for the patients living at home, A small number of in-patients in the

Athalassa Hospital attended these facilities during the year as part of their preparation for resettlement from the Hospital. These facilities, which are run in partnership with N.G.O.s are:

- (i) Four Day Centres, two in Nicosia, one in Larnaca and one in Limassol.
- (ii) One Social Co-operative.

6. The Christos Steliou Ioannou Foundation

- (i) Number of places available: 165
- (ii) Number of persons undergoing training: 160
- (iii) Number of teaching staff: 8 special teachers, 12 instructors and 4 specialists (1 psychologist, 1 social worker, 1 physiotherapist and 1 nurse).

The Foundation organises a number of activities such as educative, vocational, social, artistic, athletic programmes as well as up-grading programmes for the personnel and for the society within the general effort to satisfy all the needs of persons with mental disability that study there and to promote social integration and improve the quality of life of the patients attending the Foundation.

In addition the following information is given regarding the number of persons who benefited from the three Schemes operating under the Department of Labour and the amount of grants paid during the period under reference (2003 and 2004):

Scheme	Number of Beneficiaries Years 2003-2004	Amount Paid Total £
1. Vocational training of persons with disabilities in courses of their own choice	29	10.787
2. Self Employment	9	18.000

3. Supported Employment 2003 2004	167 172 (including 167 from 2003)	148.000
	Total	176.787

ARTICLE 15 PARA. 2 - Placement arrangements for persons with disabilities

Question A

Please describe the measures taken to promote the employment of persons with disabilities in an ordinary working environment and in particular the measures concerning the placing of persons with disabilities; incentives for employers to hire persons with disabilities and, where appropriate, measures obliging employers to adjust working conditions. Please provide information on employment obligation for persons with disabilities.

Please specify the measures to ensure the retention of persons with disabilities in employment (duty of occupational redeployment for persons who become disabled following an accident at work or an occupational disease, ban on dismissal of workers because of their disability, obligation of employers to adjust working conditions, provision of support for persons with disabilities to start their own business etc.).

The main law promoting the employment of persons with disabilities is the Law providing for Persons with Disabilities No 127(I) of 2000. This law provides that persons with disabilities enjoy equal treatment with other employees by their employer as regards the procedure for application for employment, recruitment, promotion, dismissal, compensation, training and other terms and conditions of employment. Moreover it provides for the creation of employment opportunities through the introduction of schemes for the employment of persons with disabilities through the granting of incentives to employers as well as for the creation of posts in the public, semi public and wider public sector to be filled exclusively by persons with disabilities.

With a view to implementing the provisions of the Law for granting incentives to employers in the private sector the Ministry of Labour and Social Insurance has, as already mentioned under Question B of para. 1, operated schemes/programmes providing for the payment of special grants to employers who employ persons with disabilities. These programmes are co-financed by the European Social Fund.

Under this Law and programmes:

- i) An employer in the private sector who engages an unemployed person with severe disability (severe motor disability, mental disability, visual disability and audio disability) will receive an allowance, as a reimbursement for the salary paid to the disabled person during the first year of his / her employment. This will be combined with an additional allowance to the employer for expenses made for ergonomic arrangements and other

alterations to machinery at the work environment, in order to facilitate the employment of persons with severe disability.

- ii) An employer in the private sector will receive an allowance for his/her contributions to the Social Insurance Fund for each person with disabilities he / she employs, during the first year of his/her-employment.

Amending Law 57 (I)/2004

The Law Providing for Persons with Disabilities of 2000 has been amended by the Law of 2004 (57(I)/2004) in order to be harmonized with the provisions of Directive 2000/78/EC for non-discrimination in the employment and occupation of persons with disabilities. More specifically, the Law prohibits any direct or indirect discrimination or any harassment against persons with disabilities in relation to conditions of access to employment and all levels of vocational rehabilitation. The Law permits positive actions which aim at the prevention and counterbalancing of disadvantages related to disability. Furthermore, it provides for a fine (up to c£4000) and/or imprisonment up to 6 months to a natural person and fine up to c£1000 to a legal person for acts of discrimination against persons with disabilities.

Other Laws promoting the employment of persons with disabilities are:

- **Law No. 17 of 1988 regarding the Engagement of Trained Blind Telephone Operators**

This Law mainly provides that, when filling vacant telephone operators' posts in the Public Service, the Public Education Service and Parastatal organisations, priority should be given to blind candidates who satisfy the schemes of service and are trained operators and, in cases where blind candidates are not available, priority should be given to "disabled" persons, as this term is defined in that Law.

- **The Public Service Law No. 1 of 1990**

This Law provides that, in filling vacant posts in the Public Service, priority should be given to "disabled" candidates, as this term is defined in the Law, who fulfil the schemes of service, provided that they are capable to perform the duties of the posts and their merit and qualifications are not inferior to those of other candidates.

- **The Public Assistance and Services Law No. 8 of 91**

This Law incorporates several incentives for employment of persons with disabilities. For example,

- i) A person with disabilities may be granted supplementary public assistance even if she/he works full-time, as long as she/he satisfies

the eligibility criteria;

- ii) When estimating the monthly amount of public assistance for an employed person with disabilities (or for a public assistance applicant whose spouse is employed and disabled), a sum specified in the Law is ignored from his/her monthly salary (Section 9(a)).

Furthermore, a recipient of public assistance may be eligible for a training grant and/or a grant for job equipment, which could eventually reduce or alleviate the recipient's dependence on public funds (Section 8(e)).

The employment and vocational rehabilitation of persons with disabilities is promoted through the following Schemes that are operated by the Service for the Care and Rehabilitation of Persons with Disabilities of the Department of Labour :

- **Scheme for the vocational training of persons with disabilities in courses of their own choice.**

Under this scheme persons with disabilities are entitled to reimbursement of training costs involved in courses of their own choice, in suitable establishments, other than rehabilitation centres.

- **Self-employment Scheme**

Under this scheme persons with disabilities are entitled to a grant and to an interest subsidy for the establishment of a small business. The individual grant is increased in cases of partnership of two or more persons with disabilities. To the persons willing to run their own business, training in their field, technical assistance from government services as well as technical aids if needed can be provided, through the above scheme.

- **Supported Employment Scheme**

This scheme aims basically at providing support to persons with mental or multiple disabilities to facilitate their placement and employment in the open labour market.

The support is provided in the form of a job-coach who, after having an overall assessment of the persons' disabilities and capacities and after obtaining the family's consent and cooperation, proceeds in finding a job that matches with the persons' capabilities and interests.

The job-coach trains the persons himself and withdraws gradually to the extent that the person with disability becomes productive and adapts to the working environment.

Programmes of supported employment are implemented by voluntary organisations and are financed up to £6,000 per year for each programme by the Government. The Government follows up and assesses the operation of the

programme and also provides technical assistance to the voluntary organisations.

In addition:

- the **Centre for the Vocational Rehabilitation of the Disabled**, offers vocational training to persons with physical disabilities and to persons with psychological problems.
- the **Occupational Therapy Department** of the Mental Health Services provides at its workshops training and rehabilitation facilities for mentally disabled persons in the fields of gardening, carpentry and cabinet making, pottery, sewing, embroidery, mat and basket making and general handicraft work.
- the **Sheltered Employment Scheme**, introduced by the Mental Health Services, under which patients are employed in executing industrial type of work, supplied by local firms, aims at providing jobs to patients who fail to get a job in open employment due to the severity of their disabilities.

Special assistance and support to disabled persons is offered by the Employment Services of the District Labour Offices, mainly in the field of occupational counselling and placement. As stated above these services will be modernised so that they can offer individualised counselling by suitably trained officers.

Question B

Please indicate the number of persons with disabilities who during the reference period found paid employment

During the period 2003 - 2004, 18 graduates of the Christos Steliou Ioannou Foundation were employed and thirteen more were supported in jobs in open employment

Moreover, the Athalassa Hospital Maintenance and Utility Service Employment Scheme (which was introduced within the Athalassa Hospital towards the end of 1990) continued employing patients, who are almost ready for discharge. In 2004, 64 places were offered for remunerative employment in the hospital's utility and maintenance departments. The new activity, Social Co-operatives (see above), is also employing people with mental health problems. Moreover during the same year thirty persons living in the community were placed in paid employment.

Over the period 2003-2004, the Adult Deaf Rehabilitation Service of the School has secured full-time jobs to 3 adult deaf persons.

During 2004, 17 persons with vision impairment were employed and some of them are supported in jobs in open labour market.

The placement arrangements of the disabled remained the same as described in previous reports. However, it is noted that there is no quota system either in the public or in the private sector.

Question C

Please provide information on sheltered employment structures. Please indicate the opportunities which exist to transfer from sheltered employment to open employment.

The Centre for the Vocational Rehabilitation of the Disabled referred to under para 1, Question D, provides vocational guidance and 'training to persons with disabilities. For the formulation and implementation of its policy the Centre is assisted by a Management Board, chaired by the Director of the Department of Labour and consisting of representatives from the Government Service, the Organisations of the Disabled and the social partners (trade unions and employers organisations).

The Centre provides vocational training in accordance with the needs of the labour market, which takes into account the employability prospects of each individual person. In addition, the Centre provides services to the trainees, which aim to promote their skills, to become independent and to face any psychosocial problems.

The Centre provides training and employment in the following specialisations: leather goods/ shoemaking, furniture, industry / carpentry, brooms making, knitting and sewing embroidery. The average duration of each training course in most cases is about 12 months, while in some other cases the duration depends on the severeness of the disability. Three laboratories are operating at the Centre, each of which has a capacity of 12 trainees.

During 2004, 1 new person with disability started his vocational training in the Centre, 1 passed away, 1 was employed in the open labour market and 40 continued their training, as recorded on the 31st of December 2004.

The Centre provides both training and employment, for which the persons with disabilities get an allowance. Trainees under 18 years old get £1.00 per day, trainees over 18 years old get £1.50 per day and married trainees get £2.00 per day. In addition to the allowance given to all trainees, a special allowance is given to trainees that are capable of producing.

Athalassa Hospital provides the opportunity to persons with disabilities to transfer from sheltered employment to open employment, through an employment

scheme

which provided for 2004 work opportunities for 64 persons at jobs in various utility

and maintenance departments and in the wards of the Hospital. A sheltered workshop with light industrial type of work continued to provide paid work to about

10 patients daily (an attendance of 30 different patients throughout 2004). The Hospital provides both training and employment, for which the persons with disabilities get an allowance of £0.50 per hour which is given for motivational reasons.

Reply to the Committee's question for the figure on persons with disabilities employed in the ordinary work environment.

There are no statistical data for the reference period.

(Please see reply to Paragraph 1 Question A "Total number of persons with disabilities of working age")

Reply to the Committee's question for the act No. 17/1998 regarding the engagement of trained blind telephone operators and whether it is compatible with the principle of integration and equal opportunities.

The law is still in force. It is considered a positive measure towards persons with disabilities and this is compatible with the principle of integration and equal opportunities according to the Directive 2000/78/EC.

ARTICLE 15 PARA. 3 - Integration and participation of persons with disabilities in the life of the community

Question A

Please indicate how national policy promotes the independence, the full integration and participation in the life of the community of persons with disabilities. Please describe in particular how this applies to children with disabilities.

The independence, full integration and participation in the life of the community of persons with disabilities is promoted through a series of legislative measures as well as through the operation of various services, measures, 'programmes and institutions for the care and rehabilitation of people with disabilities.

Legal framework

Law No 127(I)/72000, referred to earlier in this Report, guarantees expressly the right of every person with disability to independent living , full integration in the Community and equal participation in the economic and social life and lists a

number of other important specific rights to which persons with disabilities have a right (See Section 4, subsections (1) and (2) of the aforesaid Law).

Amending Law 57 (I)/2004

The Law Providing for Persons with Disabilities of 2000 has been amended by the Law of 2004 (57(I)/2004) in order to be harmonized with the provisions of Directive 2000/78/EC for non-discrimination in the employment and occupation of persons with disabilities. More specifically, the Law prohibits any direct or indirect discrimination or any harassment against persons with disabilities in relation to conditions of access to employment and all levels of vocational rehabilitation. The Law permits positive actions which aim at the prevention and counterbalancing of disadvantages related to disability. Furthermore, it provides for a fine up to c£4000 and/or imprisonment up to 6 months to a natural person and fine up to c£7000 to a legal person for acts of discrimination against persons with disabilities.

Children are specifically covered by the Education and Training of Children with Special Needs Law No 113(I) of 1999 reference to which was also made earlier in this Report. This Law regulates the detection of children with special educational needs; their assessment and the development of an individualized educational programme; their placement in the most appropriate educational setting with provision of both teachers and educational resources to meet their needs; and for the ongoing evaluation of the child's progress.

A child can be said to have a special educational need if he/she has a significantly greater difficulty in learning than the majority of children of a similar age or if a disability prevents or impedes him/her from using the standard educational facilities and resources available in mainstream schools.

The State recognizes that all children have a right to an education appropriate to their needs. Law No 113(I)/1999 provides a legal framework where those with special educational requirements can receive, in the least restrictive environment, an education which meets their individual needs and ensures through ongoing reevaluation that the child's educational programme develops along with the child and that every effort for the least segregated educational setting is made.

The majority of children with special needs attend mainstream schools and follow the normal curriculum which may be adjusted to suit their particular needs. During the development of the child's Individual Education Plan (I.E.P.) staff will make every effort to ensure that the child is fully involved in all school and class activities. Where a child requires individual assistance outside of his/her classroom this is arranged so as not to restrict their access to all subjects of the curriculum.

Children attending special units within mainstream schools have the same school day as the mainstream school and, depending upon their individual needs, may spend the majority of lessons along with their reference class. The amount of time spent within the special unit is analogous with the level of learning difficulty that the child presents. This will also determine the amount of differentiation that the child's personalized curriculum will have from that of his/her peer group.

All new special schools are obliged to be built within the bounds of a mainstream school and new and existing special schools must develop networks of contacts and joint activities with mainstream schools to minimize segregation. The schools for visual and hearing impaired children have a wide network of cooperation and support for children integrated into mainstream schools and most special schools have developed contacts and joint activities with local mainstream schools.

Measures taken for social integration and participation in the life of the community of people with disabilities.

Please see information given in our previous report and the reply given to Para.1, Questions B and D, and Para.2, Question A for the legal framework and the measures taken for vocational rehabilitation of people with disabilities. " "

Other measures taken for the promotion for full integration and participation in the life of the community of people with disabilities include occupational counselling and placement, provision of allowances and other financial assistance (invalidity pension, injury benefit, mobility allowance, duty free car, technical aids, severe motor disability allowance), provision of medical and health services, provision of financial assistance for the purchase of their own house, positive measures, etc.

Question B

Please describe:

- a. the measures taken to overcome barriers to communication and mobility**
- b. measures taken to enable access to transport, housing, cultural activities and leisure for persons with disabilities.**

Basic aim of the Government's policy is to upgrade the quality of life of persons with disabilities through a comprehensive policy which will promote the best possible social integration of these persons. Making society more open, elimination of prejudices and ignorance around the issues of disability and the removal of barriers to communication and mobility are part of this policy.

- a. the measures taken to overcome barriers to communication and mobility**

Provisions promoting the access of persons with disabilities to information and communication are included in the Persons with Disabilities Law No 127(I) of 2000 administered by the Ministry of Labour and Social Insurance, whilst provisions promoting their mobility are included in the Streets and Buildings (Amendment) Law No 97(I)71992 and the Streets and Buildings (Amendment) Regulations of 1999 (P.I. 86/99) issued there under administered by the Ministry of Interior.

The Persons with Disabilities Law No 127(I) of 2000 provides for specific measures with regard to information and communication such as the broadcasting of special news bulletins for the deaf (Sign language), the installation of an appropriate telephone system for people with hearing or any other sensor or speech disability and public access to telecommunication facilities.

The Streets and Buildings (Amendment) Law No 97(I)71992 and the Streets and Buildings (Amendment) Regulations of 1999 (P.I. 86/99) issued there under provide for the accessibility of public places and buildings to persons with disabilities.

According to Law No 97(I)/1992 the competent authority may:

- before granting a building permit, require plans or modified plans in order to guarantee the access of persons with disabilities to the building.
- when granting a building permit, impose conditions for securing easy and safe access to them by persons with disabilities.

The Streets and Buildings (Amendment) Regulations of 1999 (P.I. 86/99) regulate the use of buildings by persons with disabilities. These Regulations cover certain buildings specified in the Regulations and set conditions that these buildings must fulfil in order to be accessible to persons with disabilities.

More specifically these Regulations apply to public buildings to which the entrance of the public is permitted: shopping malls, buildings which include shops or offices, buildings with 5 or more apartments with parking places for more than 5 vehicles, educational institutions including the places where students live, gym, exercising facilities and swimming pools, clinics, medical centres, industrial buildings with an average of more than ten people. According to the Regulations all levels of such buildings should be accessible to persons with disabilities. These regulations lay down the exact measurement of doors, ramps, elevators, pavements and WCs for persons with disabilities. Moreover, swimming pools, theatres, and cinemas

should also have a certain percentage of seats suitable for persons with disabilities and easy access to the emergency exits.

In addition:

- The Cyprus Telecommunications Authority (CYTA),
 - has installed public phones in special telephone booths designed to enable access of people on wheelchairs. In addition, all public phones are equipped with terminals that can be used by blind people and people with hearing disabilities,
 - facilitates the communication of people with hearing disabilities through the service 1408,1409, 99510408
 - provides blind people with access to the directory inquiry services 118 92 free of charge.
- The Cyprus Broadcasting Corporation (Cy.B.C.) and two private TV stations provide translation in sign language daily of one bulletin broadcasted. A request to the Cy.B.C. for a separate bulletin for the Deaf has been submitted.

The Service for the Care and Rehabilitation of Persons with Disabilities operates a scheme providing technical aids and equipment to disabled persons, to improve their living conditions or to facilitate their vocational rehabilitation.

b. Measures taken to enable access to transport, housing, cultural activities and leisure for persons with disabilities.

Housing

In order to promote the integration of persons with disabilities to the community, in addition to public programmes, NGOs are encouraged to develop small residential units (4-5 residents) for persons with severe disabilities. Today, there are 3 public homes and 7 non-governmental "homes" for persons with severe mental and physical disabilities, in three Districts of Cyprus. Accommodation in the "homes" is free of charge. Further, the accommodation covers life-long adaptable lodging. Fees for non-governmental housing are paid through the resident's monthly allowance for public assistance provided by the Social Welfare Services of

The Ministry of Labour and Social Insurance under the Public Assistance and Services Law No 8 of 19.91 referred to under para 2 above.

Table 1. Number of non-governmental programmes for persons with disabilities and amount provided through the Grants-In-Aid Scheme, 2003-4

	2004	2003
	€	€
Number of programmes	50	48
Amount of grants	1.047.500	1.056.500
% to the total amount of grants	26	26

Social Welfare Services (Ministry of labour and Social Insurance)

Table 2. Social Benefit Scheme for the Improvement of Housing Conditions

	2004	2003
	€	€
Number of beneficiaries	76	55
Amount of grants	309.746	300.000
% of increase in beneficiaries	38	

Social Welfare Services (Ministry of labour and Social Insurance)

Public assistance recipients or borderline cases for public assistance may be eligible for the Social Benefit Scheme for Improvement of Housing Conditions. Eligibility criteria favour vulnerable groups of the population- including persons with disabilities. For example, although the Scheme presupposes that applicants own the house they live in this condition is waived among others, in the case of applicants with disabilities. According to this scheme, a person may receive up to €7.000 to improve his / her housing conditions.

A recipient of assistance may also be eligible for a grant for house repairs (up to €500) provided he / she owns the house he / she lives in.

Transport

At the two airports of Cyprus, facilities are provided, so that disabled persons may be served with minimum inconvenience. These include car park near the buildings so as to minimise distance, ramps to facilitate surface movement, toilets specially designed, voice/ video provision of information and equipment. Passengers with reduced mobility are further assisted by the air carriers.

A section within the Terminal Services Department at Larnaca and Pafos Airport, offers specialized services for passengers with disabilities. The section, so

called Wheelchair assistants", comprises 13 employees all regularly trained by the Paraplegic Department of the Ministry of Health.

The Department of Merchant Shipping is currently developing rules and regulations, which will be incorporated in national legislation for the passenger ferries engaged in coastal voyages. Within these rules and regulations special arrangements, such as Ramps at the embarkation and safety measures on board for passengers with disabilities; will be included.

The framework Law for Persons with Disabilities, Law No 127(1)/2000, provides that public means of transport or a certain number of them should be adjusted accordingly or the safe use and transport of persons with disabilities including persons using a wheelchair.

Reply to the Committee's question for the adjustment of public transport for persons with disabilities and whether public transport is free of charge for persons with disabilities and if reductions are granted to the persons accompanying them.

This legal requirement is not fully implemented. The public transport is not free of charge and no reductions are granted for persons accompanying them.

Cultural activities and leisure

As mentioned above, relevant regulations provide for the existence of adequate means of access to public buildings such as gym centres, sport facilities, swimming pools, theatres and cinemas.

In the field of sports the Cyprus Sport Organization, which is a semi-governmental organization, cooperates with various organizations of the disabled persons and provides counselling services and financial assistance for sport meetings abroad and in Cyprus, for sport equipment and for the employment of adequately trained trainers. Unfortunately, there is no free access or reduced fees for the use of cultural and leisure facilities.

Question C

Please indicate how organizations representing or assisting persons with disabilities are consulted or involved in the formulation and implementation of the social integration policies for persons with disabilities.

In Cyprus social dialogue with all actors is well developed and practiced. Persons with disabilities are organised in a number of specialised Organisations.

The Cyprus Confederation of Organisations of the Disabled (CCOD) constitutes the umbrella body to which specialised and other Organisations belong. The following Organizations are members of CCOD:

- Pancyprian Organisation for the Rehabilitation of Persons with Disabilities (POAA)
- Pancyprian Organisation of the Blind (POT)
- Pancyprian Organisation of the Deaf
- Organization of the Paraplegic of Cyprus (OPAK)
- Association of People with Multiple Sclerosis
- Pancyprian Association of Parents of Mentally Retarded Persons (PASYGOKA)
- Association of Students and Graduates of the Centre the Vocational Rehabilitation of the Persons with Disabilities

Persons with disabilities are represented through their Organizations on all bodies, established by legislation or administrative arrangements, for the examination of issues concerning disability.

The most significant of these bodies is the Pancyprian Council for Persons with Disabilities established by the Persons with Disabilities Law 127 (I)/2000 and chaired by the Minister of Labour and Social Insurance, with representatives from four organizations of persons with disabilities. (POT, POAA, PASYGOKA, Pancyprian Organization of the Deaf)

The terms of reference of this Council are:

- a) to advise on the formulation or review of the national policy and all issues concerning disabilities and persons with disabilities
- b) to advise or formulate recommendations for the introduction of relevant legislation or revision of existing one
- c) to coordinate and guide the non governmental activities on issues concerning persons with disabilities
- d) to monitor the actions and measures promoted by the Service for the Care and Rehabilitation of Persons with Disabilities with a view to implementing the programmes/measures for persons with disabilities.
- e) to suggest the introduction of measures and the implementation of programmes for persons with disabilities.

Other bodies established by legislation are:

- the Committee for the Protection of the Rights of People with Mental Handicap established by the Mentally Retarded Persons Law No 117 of 1989. Five out of ten of the members of this Committee are designated by the Pancyprian Association of Parents of Mentally Retarded Persons.
- the Consultative Committee of the Fund of the Lottery for Persons with Disabilities established by the Fund of the Lottery for Persons with

Disabilities Law No 79 (I) of 1992. The President and the four members of this Committee are persons with disabilities and are designated by the Organisations of Persons with Disabilities.

- the Administrative Committee of the Special Fund of the Centre for the Vocational Rehabilitation of Persons with Disabilities established by the Special Fund of the Centre for the Vocational Rehabilitation of Persons with Disabilities Law No 103(I) of 2000. Two representatives (of five) are designated by the Organisations of Persons with Disabilities.

SZ – NikNik / SZ
Report15
060321

**GOVERNMENT OF THE REPUBLIC OF CYPRUS
FIRST REPORT**

ON

**Article 24
The Right to Protection in Cases of Termination of Employment**

for the period ending 31.12.2004

List of Legislation

Laws

- The Termination of Employment Laws 24 of 1967, 17 of 1968, 67 of 1972, 6 of 1973, 1 of 1975, 18 of 1977, 30 of 1979, 57 of 1979, 82 of 1979, 92 of 1979, 54 of 1980, 12 of 1983, 167 of 1987, 37 of 1988, 18 of 1990, 203 of 1990, 52 of 1994, 61 (I) of 1994, 26(I) of 2001, 111(I) of 2001, 70(I) of 2002, 79(I) of 2002, 159(I) of 2002, 212(I) of 2002, 110(I) of 2003, 111(I) of 2003.

Regulations

- The Termination of Employment Regulations 1977, 1979, 1980, 1983, 1990 and 1996.

Copies of the above Laws and Regulations are enclosed as Appendix I and II respectively.

A. Article 5 of the Termination of Employment legislation specifies the reasons for termination of employment which do not give rise to a right to compensation. These reasons are the following:

- the employee fails to carry out his work in a reasonably efficient manner,
- the employee has become redundant
- the termination of employment is due to force majeure, war operations, uprising, act of God or destruction of the plant by fire not caused by the willful act or negligence of the employer,
- the employment is terminated at the end of a fixed term contract or because of the attainment, by the employee, of the normal age of

- retirement by virtue of custom, law, collective agreement, contract, works rules or otherwise,
- the termination of employment results from employee's own conduct and renders himself liable to dismissal without notice.

The Termination of Employment legislation provides in Article 6(2) that the following do not constitute valid reasons for termination of employment:

- union membership or participation in union activities outside working hours, or, with the consent of the employer, within working hours, or membership to a safety committee according to the Safety at the Place of Work Law of 1988,
- seeking office as, or acting or having acted in the capacity of workers' representatives,
- the filing in good faith of a complaint or the participation in proceedings against an employer involving alleged violation of laws or regulations both civil and criminal,
- race, colour sex, marital status, religion, political opinion, national extraction or social origin,
- pregnancy or maternity,
- parental leave or leave on grounds of forced majeure.

In case the employer unilaterally amends the substantive conditions of employment contract, the employee has the right to terminate his employment and apply for compensation since the termination is considered as an unfair dismissal due to the conduct of the employer (Article 7(1)).

In response to the requests of the European Committee of Social Rights the following information is provided:

In Cyprus the retirement age is fixed according to contracts of employment, collective agreements or legislation. In particular in the private sector the retirement age is usually fixed according to contracts of employment or collective agreements and in the public, semi-public sectors and local authorities according to specific legislation.

However, the Termination of Employment legislation provides that an employee is not entitled to redundancy payment if before the date of termination of employment he has attained the pensionable age. The pensionable age is the age determined according to the Social Insurance legislation i.e. the age of 65.

Information on decisions of the labour and civil courts relating to dismissals is not available since no separate records in connection to cases relating to dismissal are kept. The labour court keeps record generally on trade disputes with no separate reference to cases regarding dismissals. However, steps have been

taken in order to keep separate records on dismissals by the Labour Disputes Court. Relevant information will be supplied in our next report.

According to the Termination of Employment legislation (Article 9(5)) the period of notice provided by the employer must be in writing.

B. According to Article 30 of the Termination of Employment legislation, a person who considers that his employment has been unjustifiably terminated has the right to appeal to the Labour Disputes Court. The applicant can appeal to the Court within a period of twelve months from the date of the termination of his employment or nine months from the reply of the Redundancy Fund. In the case where the applicant is seeking compensation in excess of the compensation provided for in the legislation may apply to the District Court.

The Termination of Employment legislation provides that the burden of proof lies on the employer. In particular Article 6(1) of the Law provides that in any proceedings before the Labour Disputes Court, there is rebuttable presumption that the termination of the employment of the employee has not been for one of the reasons set out in Article 5 of the Law (see A above).

According to the Termination of Employment (Amendment) Law 110(I) of 2003, applicants who have brought proceedings before one of either the Labour Disputes Court or the District Court, may subsequently apply to the other only in case his appeal was rejected on grounds of incompetency of the Court.

In response to the requests of the European Committee of Social Rights the following information is provided:

In proceedings before the Civil Courts the burden of proof is on the employee to establish that the employment was terminated without valid or lawful reason (Rules of Court (Order 33(7))).

C. In the case where an employer terminates the employment of an employee who has been continuously employed by him for not less than 26 weeks for any reason other than those set out in Article 5 of the Law, has a right to compensation. The Labour Disputes Court orders the payment of compensation, the amount of which is determined in accordance with the First Schedule of the Law. This Schedule provides that the compensation must not be less than the compensation which the employee would receive if he has been declared by his employer as redundant and was entitled to redundancy payment and more than the wages of two years. The Labour Disputes Court in order to decide the amount of compensation to be paid it takes into consideration the wages and any other emoluments of the employee, his length of service, the loss

of his career prospects the actual circumstances of the dismissal and the age of the employee.

Moreover, following the Termination of Employment (Amendment) law 61(I) of 1994, in the case of employers who employ more than nineteen employees, the Labour Disputes Court may order reinstatement of employees in the case when the dismissal has been unlawful and in bad faith and the employees wish so, and at the same time, order the payment of compensation for the damages resulting from dismissal. The amount of compensation cannot exceed the wages of twelve months.

In response to the requests of the European Committee of Social Rights the following information is provided:

Information on the practice and case-law of the civil courts in dismissal cases is not available.

D. Employees who have not completed a continuous period of 26 weeks of employment with their employer are not entitled to any compensation in the event of dismissal.

Workers who are employed under a fixed term contract and their employment is terminated before the end of the fixed term contract are not excluded from the protection provided under the Termination of Employment legislation.

In response to the requests of the European Committee of Social Rights the following information is provided:

Employees who have not completed a continuous period of 26 weeks of employment with their employer are not entitled to any compensation in the event of dismissal since the six months period is considered to be a period on probationary basis. During or at the end of the period of 26 weeks, the employment of the employee can be terminated without giving notice either by the employer or the employee.

Ref.: 4.17.02.05/II

Mydoc.report of org.Council of Europe.Revised European Social Charter. First Report on Article 24.

GOVERNMENT OF THE REPUBLIC OF CYPRUS

Report on Article 28 of the Revised European Social Charter

THE RIGHT OF WORKERS' REPRESENTATIVES TO PROTECTION IN THE
UNDERTAKING AND FACILITIES TO BE AFFORDED TO THEM

(Reporting Period: 1st January 2003 – 31st December 2004)

Question A

Please indicate all forms of worker representation in the undertaking provided in law, with details on any variations which may apply by economic sector or size of undertaking and indicate how workers' representatives are designated.

With regards to the variations that apply concerning the size of an undertaking, it is noted that in accordance with Law No. 78(I)/2005, providing for a General Framework for Informing and Consulting Employees, (outside the reference period), undertakings employing more than 30 employees have to ensure that information and consultation shall take place with workers' representatives, and shall cover the issues laid down in Article 5 of the Law (copy attached as **Appendix I**).

Question B

Please indicate how effective protection is ensured to workers' representatives in the undertaking against any act prejudicial to them on the grounds of their status or activities as workers' representatives in the undertaking (general or specific legal provisions, etc.)

The following laws that provide either general or specific legal provisions for the protection of workers' representatives should be added:

Law No. 277(I)/2004 supplementing the Statute for a European Company (SE) with regard to the Involvement of Employees

According to Section 18(1) of this Law (copy attached as **Appendix II**) the members of the special negotiating body, the members of the representative

body, any employee's representatives exercising functions under the information and consultation procedure and any employees' representatives in the supervisory or administrative organ of an SE who are employees of the SE, its subsidiaries or establishments or of a participating company shall, in the exercise of their functions, enjoy protection and guarantees as provided for by the Workers' Representatives (Ratifying) Law of 1995.

In accordance to Section 18(2), the protection afforded in Section 18 (1) shall apply in particular to attendance at meetings of the special negotiating body or representative body, and any other meeting under the agreement referred to in paragraph (f) of subsection (2) of Section 9 of the Law, or any meeting of the administrative or supervisory organ and to the payment of wages for members employed by a participating company or the SE or its subsidiaries or establishments during a period of absence necessary for the performance of their duties.

Law No. 78(I)/2005 providing for a General Framework for Informing and Consulting Employees

According to Section 8 of Law No. 78(I)/2005, employees' representatives in the exercise of their functions derived from this Law, shall enjoy adequate protection and guarantees to enable them, without any prejudicial acts by the employer, to perform properly, as employee representatives, the duties which have been assigned to them.

Question C

Please describe the legal remedies available to workers' representatives who consider they have suffered acts prejudicial to them on the grounds of their status or activities as workers' representatives. In these cases please indicate where the burden of proof lies.

It should be noted that in addition to the Laws referred to in the Government's last report for the period ending 31.12.2002, in accordance to

Section 20 of Law No. 277(I)/2004 supplementing the Statute for a European Company (SE) with regard to the Involvement of Employees, any person violating the provisions of the Law is guilty of an offence, and will be liable on conviction to imprisonment not exceeding two years or a fine not exceeding twenty thousand pounds, or to both such penalties.

Furthermore, outside the reference period, it is noted that in accordance with Section 11(1) of Law No. 78(I)/2005 providing for a General Framework for Informing and Consulting Employees, any person violating the provisions of the Law is guilty of an offence and, on conviction, will be liable to a fine not exceeding two thousand pounds, whilst if the violation is carried out by a legal entity or organisation, then the CEO, President, Director, Secretary or other similar person will be guilty of the same offence (and liable to the same fine as mentioned above), if it is proved that the offence was carried out with their consent, collaboration, forbearance. It is noted that in this case the legal entity or organisation will be liable to a fine not exceeding five thousand pounds.

It is also noted that the Workers' Representatives (Ratifying) Law of 1995 has been amended with the Workers' Representatives (Ratifying) (Amendment) Law of 2005 (Law No. 46(III)/2005) (outside the reference period) (copy attached as **Appendix III**), with a view to provide for specific penalties in the case the Ratifying Law is violated. Specifically, if an employer violates the provisions of the Law he/she will be liable to a fine not exceeding two thousand pounds, whilst if the violation is carried out by a legal entity or organisation, then the CEO, President, Director, Secretary or other similar person will be guilty of the same offence (and liable to the same fine as mentioned above), if it is proved that the offence was carried out with their consent, collaboration, forbearance. It is noted that in this case the legal entity or organisation will be liable to a fine not exceeding five thousand pounds.

It should be noted that in all the abovementioned Laws the burden of proof lies with the employer.

Question D

Please indicate the facilities provided for in law, in collective agreements or in practice for workers' representatives to enable them to carry out their functions promptly and efficiently. Please describe any additional provision made in collective agreements, and provide representative examples. Please indicate also any restrictions or exemptions permitted in law or commonly accepted in collective agreements.

Legislation

Please Add:

Law No. 277(I)/2004 supplementing the Statute for a European Company (SE) with regard to the Involvement of Employees

According to Section 8(7) any expenses relating to the functioning of the special negotiating body and, in general, to negotiations, shall be borne by the participating companies, so as to enable the special negotiating body to carry out its task in an appropriate manner. In particular the participating companies undertake to cover the expenses for the election or appointment of the special negotiating body, the organisation of meetings of the special negotiating body, including expenses for interpreters, travel and subsistence expenses as well as printing costs for notifying the results of the meetings. Also the participating companies are obliged to undertake the cost of one expert assigned by the special negotiating body to assist it in its duties.

Law No. 78(I)/2005 providing for a General Framework for Informing and Consulting Employees

According to Section 5(4) the employer has to ensure that information and consultation takes place in accordance with the provisions of Section 5(1), (2)

and (3), before he reaches any decisions that affect the employees. Furthermore, as already noted under Question B, according to Section 8, employee's representatives in the exercise of their functions derived from this Law, shall enjoy adequate protection and guarantees to enable them, without any prejudicial acts by the employer, to perform properly, as employee representatives, the duties which have been assigned to them.

Reply of the Government of Cyprus to the Conclusions 2005 of the European Committee of Social Rights

With regards to the Committee's request for information concerning other forms of workers' representation that exist in Cyprus, the Government would like to note the content of this report with regards to the enforcement of Law No. 277(I)/2004 supplementing the Statute for a European Company (SE) with regard to the Involvement of Employees, and (outside the reference period) the enactment of Law No. 78(I)/2005 providing for a General Framework for Informing and Consulting Employees.

Details regarding the protection such representatives enjoy and the facilities provided to them have been referred to further up in this report.