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REVISED EUROPEAN SOCIAL CHARTER

7th National Report on the implementation of
the European Social Charter (revised)

submitted by

THE GOVERNMENT OF CYPRUS

(Articles 2, 5, 6 and 28
for the period 01/01/2005 – 31/12/2008)

Report registered by the Secretariat on 23 June 2009

CYCLE 2010

GOVERNMENT OF THE REPUBLIC OF CYPRUS

Article 2

THE RIGHT TO JUST CONDITIONS OF WORK

of the Revised European Social Charter

Reference Period 01.01.2005 – 31.12.2008

ARTICLE 2 PARA. 1

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

————— The Organisation of Working Time Act was amended by Law No. 15(I)/2007 (Attached as **Appendix I**), (Consolidated Text attached as **Appendix Ia**), in order to include provisions for the powers and duties of inspectors assigned to ensure the proper application of the law. Any person obstructing an inspector while exercising his/her duties, is liable to imprisonment up to three months or to a fine not exceeding €5,125.00, or to both penalties.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

With the enactment of the Working Time Amendment Law providing for the powers and duties of inspectors, and in conjunction with the increase of the number of inspectors employed by the Competent Authority, regular inspections are carried out at employer premises, to ensure that the application of the legislation is adhered to.

Furthermore, the Department of Labour Relations has prepared specific Guides outlining and providing advice on the application of the Law. These Guides are available at the Department's main and district offices, as well as on its website (www.mlsi.gov.cy/dlr).

The Department also regularly organises seminars and events at which the provisions of labour legislation are presented. Such seminars are targeted to trade union officials, employer organisations, schools and the general public.

3) Please provide pertinent figures statistics or factual information, in particular: average working hours in practice for each major professional category; any measures permitting derogations from legislation regarding working time

As noted in the Government's previous report, the average number of working hours for each major professional category is not available. However, data is

available for the average number of normal working hours per week, by division of economic activity. Relevant data is supplied in **Appendix II**, for the years 2005 to 2007.

ARTICLE 2 PARA. 2

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

On 29.11.2006, a Law regulating the Operation of Shops and Employment Terms of their Employees (Law. No. 155(I)/2006) was put in to force. In accordance with Article 16 of the Law, every shop employee is entitled to 14 public holidays with pay. It should be noted that in accordance with Article 18 of the same Law, if employees consents to work on a public holiday they shall be paid, for each hour, at a rate double (1:2) that of the normal hourly rate of pay.

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

It should be further noted that Law No. 155(I)/2006 on the Operation of Shops and Employment Terms of their Employees, effectively replaced the Shop Assistants Laws (CAP 185 and its amendments) which were consequently repealed.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

In accordance with the provisions of the Law regulating the Operation of Shops and Employment Terms of their Employees (Law. No. 155(I)/2006), regular inspections are undertaken by designated inspectors to ensure that the provisions of the legislation are adhered to, and properly applied.

Furthermore, the Department of Labour Relations has prepared specific Guides outlining and providing advice on the application of the Law. These Guides are available at the Department's main and district offices, as well as on its website (www.mlsi.gov.cy/dlr). It is further noted that the Guide for the Law regulating the Operation of Shops and Employment Terms of their Employees, with its publication was circulated (for free) through all national newspapers to the wider public.

The Department also regularly organises and participates in seminars and events at which the provisions of labour legislation are presented. Such seminars are targeted to trade union officials, employer organisations, trade associations, and the general public.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

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. 5

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

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.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

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.

3) Please provide pertinent figures, statistics or any other relevant information, in particular: circumstances under which the postponement of the weekly rest period is provided.

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. 7

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Please see information provided in our reply to Question 1 of Article 2 Paragraph. 1, which is relevant as the provisions relating to night work are incorporated in the Organisation of Working Time Act.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Please see information provided in our reply to Question 2 of Article 2 Paragraph. 1, which is relevant as the provisions relating to night work are incorporated in the Organisation of Working Time Act.

3) Please provide pertinent figures, statistics or any other relevant information, in particular: the hours to which the term 'night work' applies.

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 2007 of the European Committee of Social Rights

Paragraph 2

With regards to the Committee's request whether any additional bonus is granted in the case an employee is required to work on a public holiday, it should be noted that all collective agreements include provisions which specify that any employee working on a public holiday shall be paid at least double the rate of his/her normal rate of remuneration. Further details on this issue have also been included in the Government's previous report in reply to the Committee's request in its 2005 Conclusions. Also, further legislative measures have been included in Law No. 155(I)/2006 on the Operation of Shops and Employment Terms of their Employees, as already noted in the current report (reply to point 1 of Article 2, para.2).

Paragraph 7

With regards to the Committee's request whether there are other circumstances besides health grounds that the employer is obliged to consider and explore possibilities of transfer to daytime work, it is noted that no such circumstances exist. However, on the basis of the voluntary industrial relations system and the consequent role of trade unions, where such representation exists, such requests may be formally made through the trade union representative. In such cases, the employer in accordance with current practice is obliged to provide a documented answer to the trade union representatives with regards to such requests.

GOVERNMENT OF THE REPUBLIC OF CYPRUS

**Report on
Article 5
of the Revised European Social Charter
THE RIGHT TO ORGANISE
(Reference Period: 1.1.2005 - 31.12.2008)**

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

No change in the situation as reported in the last report of the Government of Cyprus on Article 5 of the Revised European Social Charter.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

No change in the situation as reported in the last report of the Government of Cyprus on Article 5 of the Revised European Social Charter.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate

No change in the situation as reported in the last report of the Government of Cyprus on Article 5 of the Revised European Social Charter.

Reply of the Government of Cyprus to the Conclusions 2006 of the European Committee of Social Rights

With reference to the Committee's request for an update on the situation regarding Article 5, it should be noted that no changes have been witnessed. The right to organise remains a central priority of the Government of Cyprus, and as such, the existing policies and practices pertaining to the efficient exercise of this right have been well maintained and no problems have arisen that would necessitate corrective action.

GOVERNMENT OF THE REPUBLIC OF CYPRUS**Report on
Article 6
of the Revised European Social Charter
THE RIGHT TO BARGAIN COLLECTIVELY
(Reference Period: 1.1.2005 - 31.12.2008)****ARTICLE 6, PARA. 1**

1) Please describe the general legal framework applicable to the private as well as the public sector. Please specify the nature of, reasons for and extent of any reforms.

During the period under review, Law No. 78(I)/2005 on establishing a general framework for informing and consulting employees, was enacted on 08.07.2005 (copy of the Law is attached as **Appendix I**). The Law harmonizes Cypriot legislation with the provisions of Directive 2002/14/EC on the establishment of a general framework for informing and consulting employees in the European Community.

The harmonizing Law applies to undertakings that employ at least 30 employees (instead of 50 employees which is the option provided for in the Directive) and was gradually applied over a period of three years. The deviation from the prescribed option in the Directive was deemed necessary due to the large number of very small enterprises in Cyprus. It is estimated that around 90% of undertakings in Cyprus employ less than 10 employees with the vast majority of these essentially being family operated enterprises.

Accordingly, up until the 22nd of March 2007 the Law applied only to undertakings that employed at least 100 employees, whilst up to the 22nd of March 2008 the law applied to undertakings employing at least 50 employees. Full applicability was achieved from the 23rd of March 2008 when undertakings with at least 30 employees were required to apply practical arrangements for information and consultation.

It is estimated that at the current stage of implementation, approximately 800 - 900 undertakings are affected by the Law's provisions.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

No change in the situation as reported in the last report of the Government of Cyprus on Article 6 of the Revised European Social Charter.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

No change in the situation as reported in the last report of the Government of Cyprus on Article 6 of the Revised European Social Charter.

ARTICLE 6, PARA. 2

1. Please describe the general legal framework applicable to the private as well as the public sector. Please specify the nature of, reasons for and extent of any reforms.

No change in the situation as reported in the last report of the Government of Cyprus on Article 6 of the Revised European Social Charter.

2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc) to implement the legal framework.

No change in the situation as reported in the last report of the Government of Cyprus on Article 6 of the Revised European Social Charter.

3. Please provide pertinent figures, statistics or any other relevant information, in particular on collective agreements concluded in the private and public sector at national and regional or sectoral level, as appropriate.

No change in the situation as reported in the last report of the Government of Cyprus on Article 6 of the Revised European Social Charter.

ARTICLE 6, PARA. 3

1. Please describe the general legal framework as regards conciliation and arbitration procedures in the private as well as the public sector, including where relevant decisions by courts and other judicial bodies, if possible. Please specify the nature of, reasons for and extent of any reforms.

No change in the situation as reported in the last report of the Government of Cyprus on Article 6 of the Revised European Social Charter.

2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc) to implement the legal framework.

No change in the situation as reported in the last report of the Government of Cyprus on Article 6 of the Revised European Social Charter.

3. Please provide pertinent figures, statistics or any other relevant information, in particular on the nature and duration of Parliament, Government or court interventions in collective bargaining and conflict resolution by means of, inter alia, compulsory arbitration

No change in the situation as reported in the last report of the Government of Cyprus on Article 6 of the Revised European Social Charter.

ARTICLE 6, PARA. 4

1. Please describe the general legal framework as regards collective action in the private as well as the public sector, including where relevant decisions by courts and other judicial bodies, if possible. Please also indicate any restrictions on the right to strike. Please specify the nature of, reasons for and extent of any reforms.

No change in the situation as reported in the last report of the Government of Cyprus on Article 6 of the Revised European Social Charter.

2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

No change in the situation as reported in the last report of the Government of Cyprus on Article 6 of the Revised European Social Charter.

3. Please provide pertinent figures, statistics or any other relevant information, in particular: statistics on strikes and lockouts as well as information on the nature and duration of Parliament, Government or court interventions prohibiting or terminating strikes and what is the basis and reasons for such restrictions

_____ Please find attached excerpts from the Annual Review of the Ministry of Labour and Social Insurance for the years 2006, 2007 and 2008, in relation to statistics regarding strikes and lockouts for the period 2005 to 2008 (**Appendix II**).

It should be further noted that no interventions prohibiting or terminating strikes were witnessed or instigated by any Authority.

Reply of the Government of Cyprus to the Conclusions 2006 of the European Committee of Social Rights

Paragraph 1

_____ With regards to the Committee's request to be informed on the legislative developments regarding harmonization of Cypriot law with the requirements of Directive 2002/14/EC establishing a general framework for informing and consulting employees, it should be noted that Law No. 78(I)/2005 was enacted on 08/07/2005, fully implementing the provisions of the relevant Directive. (Copy of the Law is attached as **Appendix I**).

Paragraph 3

_____ Regarding the Committee's 2006 conclusions regarding the Government's intention to repeal the relevant provisions of the Supplies and Services (Transitional Powers) (Continuation) Act (Chapter 175A, which authorizes the issuance of orders to make effective Defence Regulations 79A and 79B for the purpose of maintaining, controlling and regulating supplies and services, it is noted that an Order was prepared by the Law Office of the Republic for the repeal of the Regulations. The Council of Ministers endorsed the fore mentioned Order during the Council meeting on 22.06.2006, and the Order was then published in the Official Gazette on 22.09.2006 (copy of the Order is attached as **Appendix III**).

_____ With regards to the Committee's request on the applicability of the Agreement on the Procedure for the Settlement of Labour Disputes in Essential Services, the Government would like to confirm that the new agreement only applies to

dispute resolution occurring in branches providing essential services, and in no way does this Agreement change the existing dispute resolution procedures applied till today with regards to conciliation and arbitration in the private and public sector.

It is further noted that the existing conciliation and arbitration mechanisms in the private and public sector, are still applied in the same manner as described in the Government's previous reports.

As requested a copy of the Agreement on the Procedure for the Settlement of Labour Disputes in Essential Services is attached as **Appendix IV**. Furthermore, it should be noted that the Council of Ministers with its decision of 02.11.05, amended the Joint Staff Committee's rules, thus extending the application of the provisions of the Agreement on the Procedure for the Settlement of Labour Disputes in Essential Services to the public sector (a copy of the Agreement extending its application to the Joint Staff Committee rules, is attached as **Appendix V**).

Paragraph 4

It should be noted that the draft amendment of the Trade Union Laws 1965 to 1996 has been agreed upon by the social partners in the context of discussions in the tripartite technical committee. Following this development, it was decided that before the law was submitted to the House of Representatives to be voted in to law, the whole legal text should be rewritten in Modern Greek, in an effort to further assist in the understanding and application of the Law. Consequently, a considerable delay was witnessed before the transcript in Modern Greek could be prepared.

The agreed amending law, together with the primary law and its amendments after being resubmitted to the Law Office for legal vetting, are currently being forwarded to the Council of Ministers, which is expected to endorse the relevant proposal in the following months. It is expected that before the end of 2009, the new Law will be enacted by the House of Representatives.

As noted in the Government's reply to the Committee's request (please see Paragraph 3 above, and **Appendix III**), the Defence Regulations were repealed by an Order of the Council of Ministers which was published in the Official Gazette on 22.09.2006.

GOVERNMENT OF THE REPUBLIC OF CYPRUS

Article 28

Report on Article 28 of the Revised European Social Charter

**THE RIGHT OF WORKER REPRESENTATIVES TO PROTECTION IN THE
UNDERTAKING AND FACILITIES TO BE AFFORDED TO THEM**

(Reporting Period: 1st January 2005 – 31st December 2008)

1. Please describe the general legal framework, including decisions by courts and other judicial bodies, if possible. Please specify the nature of, reasons for and extent of any reforms.

No change in the situation as reported in the last report of the Government of Cyprus on Article 28 of the Revised European Social Charter.

2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc) to implement the legal framework.

No change in the situation as reported in the last report of the Government of Cyprus on Article 28 of the Revised European Social Charter.

3. Please provide pertinent figures, statistics or any other relevant information, if appropriate.

No change in the situation as reported in the last report of the Government of Cyprus on Article 28 of the Revised European Social Charter.

Reply of the Government of Cyprus to the Conclusions 2007 of the European Committee of Social Rights

With regards to the Committee's request for information concerning the implementation of relevant community legislation to the extent it concerns the establishment of worker's representatives and their protection, it should be noted that few developments have been witnessed. It should be stressed that due to the small size of companies in Cyprus the practical applicability of relevant legislation on European Works Councils and on Community scale undertakings for the purposes of informing and consulting employees, is very limited. With regards to European Works Councils, only the two major banks (The Bank of Cyprus and Marfin Popular Bank) which operate in Cyprus, Greece and the UK, have applied procedures regarding the implementation and functioning of European Works Councils. According to the worker participation site (www.worker-participation.eu), seven European Companies have registered in Cyprus, but no information was available at the time of preparing this report as to whether these European Companies were active and employed workers.

In reply to the Committee's request whether there are other forms of workers' representation than trade union representation in undertakings not falling within the scope of community-scale undertakings in the meaning of the relevant EU legislation, the Government would like to note that no other form of worker's representation (apart from elected or designated representatives), is present. Generally, though, as already noted in the Government's previous reports on Article 28, all worker representatives are sufficiently protected on the basis of relevant provisions in the Trade Union Laws of 1965 to 1996, and Law No.30(III)/1995 and its amendment (Law No. 46(III)/2005), ratifying ILO Convention No. 135.