

THE REPUBLIC OF CYPRUS

Report on the implementation of European Directives 76/207/EEC, 2002/73/EC and 2006/54/EC (relating to the principle of equal treatment for men and women as regards access to employment, vocational training and promotion and working conditions)

The 76/207/EEC and 2002/73/EC European Directives, replaced by 2006/54/EC Directive, have been transposed into the Republic of Cyprus' legal order through the Equal Treatment Between Men and Women in Employment and Vocational Training Law (Law 205(I)/2002) and its amendments.

This Report covers the period from December 2002 to Dec 2010 and contains the following main parts:

- A. Legal developments
- B. The Equality Inspectors of the Ministry of Labour and Social Insurance (Articles 17A, 24-28)
- C. The Gender Equality Committee in Employment and Vocational Training (Articles 22-23)
- D. The Equality Authority of the Ombudsman's Office (Article 17A)
- E. Discrimination complaints and examination carried out by the competent bodies
- F. Awareness raising and other activities/schemes aiming at the promotion of the equality principle between men and women in the workplace
- G. Appendices

A. Legal Developments:

For the better harmonization with European Directives 76/207/EEC, 2002/73/EC and 2006/54/EC, the national Law 205(I)/2002 was amended in 2004, 2006, 2007 and 2009, with amending Laws 191(I)/2004, 40(I)/2006, 176(I)/2007 and 39(I)/2009 respectively. The relevant text of the laws is included in Appendix 1 of the present Report. With the latest amendment, the Equal Treatment of Men and Women in Employment and Vocational Training (Amendment) Law of 2009 (39(I)/2009) provides for the following, among others:

- It revises the definition of “sex discrimination”, “direct discrimination” and “indirect discrimination” in such a way as to strengthen the protection afforded to victims of discrimination.
- It ensures equal treatment for both sexes as regards their membership of, and involvement in, an organisation of workers or employers or any organisation whose members carry on a particular profession, including the benefits provided for by such organisations.
- It clarifies the burden of proof rule and ensures that complainants can submit their complaints even if the employment relationship has ended.
- It strengthens the Gender Equality Committee in Employment and Vocational Training’s independence and improves its structural characteristics and functionality, by allowing the Committee to buy the services of experts to assist it with its duties and goals, including the provision of independent assistance to victims of discrimination.

B. The Equality Inspectors of the Ministry of Labour and Social Insurance:

According to Article 24, the Minister of Labour and Social Insurance can appoint inspectors to ensure the better implementation of the legislation relating to sex discrimination and the promotion of equality between the sexes. The Equality Inspectors' main duties, as specified in Articles 25-28, are:

- (1) To make sure that the Equal Treatment of Men and Women in Employment and Occupation Law is implemented correctly
- (2) To provide information and advise employers regarding their responsibilities in relation to the equality principle and
- (3) To report to the Minister any problems they may encounter while implementing the legislation and suggest ways in which these can be overcome.

Furthermore, their role is to investigate discrimination complaints and act, where possible, as mediator between the parties. If an agreement is reached, the Inspectors will write a report and both parties will then sign it. If an agreement cannot be reached between the parties to the complaint, a different report is drafted with all the Inspector's findings and this can be used in a Court of Law if the complainant wishes to take things further.

C. The Gender Equality Committee in Employment and Vocational Training:

The Gender Equality Committee was established in 2002, by the Equal Treatment of Women and Men in Employment and Vocational Training Law (Law 205(I)/2002). The Committee is responsible for promoting social dialogue between the representatives of employers and the representatives of employees, as well as with non-governmental organisations that have a legitimate interest in promoting equality between men and women. Furthermore, it can review the

laws and regulations that govern labour relations in relation to matters of equality between men and women and suggest their re-examination.

It can suggest projects, carry out research or collect statistical data regarding equality between men and women in employment. It can also submit or accept complaints that relate to the violation of the provisions of the abovementioned legislation, which it then forwards to the Inspectors who are responsible for carrying out the relevant research. It has also been appointed as the competent body for providing victims of discrimination with independence assistance, including legal representation in Court.

D. The Equality Authority of the Ombudsman's Office:

The Commissioner for Administration (Ombudsman) was appointed as Cyprus' Equality Authority in 2004 on the basis of the Combating of Racial and Other Discriminations (Ombudsman) Law (Law.42(I)2004), as the competent body to combat both direct or indirect discrimination on the grounds of race, religion, beliefs, special needs and sexual orientation in employment, vocational training and vocational education. The Equality Authority has also been granted on the basis of the Equal Treatment of Women and Men in Occupation and Vocational training Law (Law 205 (I) 2002), with the power to investigate complaints regarding discrimination on the grounds of sex in both the public and private sector.

Law 205 (I) 2002 extends the definition of sex discrimination to include any adverse treatment of pregnant women or working mothers, as well as sexual harassment in the workplace.

The Equality Authority's main purpose is to ensure compliance with the provisions of the European Directives, particularly with 2006/54/EC and to promote the equality principle in employment, self-employment, occupation and

vocational training. In addition to the examination of complaints regarding discriminatory conduct, the Equality Authority has also been granted the responsibility to draft Codes of Practice and advise on good practices, to undertake statistical or social surveys for matters falling under its jurisdiction and investigate matters relating to discrimination either on its own initiative, or following the request of persons or groups of persons. Moreover, when the Commissioner for Administration ascertains after the investigation of a complaint an unlawful discrimination in a text of legal context, informs the Attorney General of the Republic by forwarding to him the relevant finding.

E. Discrimination complaints and examination by the competent authorities:

The Equality Authority, from May 2004 until the end of 2010, received a total of **211** complaints regarding possible violations of the equality principle in relation to sex. These complaints, concerned discriminations due to pregnancy, delivery of a baby, motherhood or family situation as well as discriminations on hiring promotion, payments and professional training. More specifically:

- **19** complaints concerned sexual harassment.
- **72** complaints were found to be outside the Equality Authority's scope of powers or they were unjustified.
- **53** complaints were found to be admissible and the Equality Authority proceeded with a Decision.
- **41** complaints were found to be inadmissible or they were withdrawn by the complainant(s).
- **13** complaints came to a closing after the successful intervention of the Equality Authority.

The Department of Labour's Equality Inspectors, from July 2008 until the end of 2010, received a total of **175** complaints concerning sex discrimination. The

majority of complaints submitted related to sexual harassment (**102**) and pregnancy complaints (**67**). Only **6** complaints relating to discrimination based on the person's gender were submitted within the above mentioned period.

The number of **sexual harassment complaints** is unusually high, however, this is not without reason. Of the 102 complaints relating to sexual harassment, 100 of them were submitted by third-country nationals working as housekeepers (all women), as part of the complaint process to allow them to change employers. The greatest majority of these complaints were, after careful investigation, either deemed to be inadmissible, withdrawn or the complainant did not show up for the scheduled meeting for the investigation of the claim. Only two of the 100 complaints were found to be admissible. The remaining two complaints (out of the total of 102) were submitted by a European citizen and a Cypriot national. One was found to be admissible and the other was not examined, because the complainant did not respond to the written correspondence requesting for more details to the complaint.

Of the **pregnancy complaints**, 22 were found admissible, 21 inadmissible, 6 were withdrawn, 9 the investigation was terminated and 9 are pending investigation.

Of the **gender discrimination** complaints 2 were found admissible and the other 4 inadmissible.

F. Awareness raising and other activities/schemes aiming at the promotion of equality of opportunity between men and women in the workplace:

The Department of Labour, of the Ministry of Labour and Social Insurance, as part of the efforts to enhance the mechanism for the promotion of equality between the sexes and to ensure that the law's provisions are properly enforced, appointed an Officer whose duties revolve exclusively around discrimination

matters, policies and the relevant legislation. A total of three officers are actively involved in the examination of complaints and a total number of 13 officers (most of them placed at the District Labour Offices) are immediately available to the public for guidance and information on matters of discrimination.

Furthermore, as part of its awareness raising efforts the Department of Labour issued the following information leaflets and Guides:

- Sexual harassment in the Workplace (leaflet, English language)
- Protection of Maternity Law (explanatory leaflet, Greek and English language)
- Pregnancy and Equal Treatment in Employment and Vocational Training (Guide, Greek and English language)
- Manual relating to dealing with instances of sex discrimination in the workplace (Manual, Greek Language)

The Department of Labour was also actively involved in the following seminars and/or awareness raising programs:

- Training seminar targeting the Equality Inspectors and enhancing their knowledge of the legislation, along with relevant decisions of the ECJ
- Training seminar targeting sexual harassment in the workplace, given to the HR Department of Marfin Laiki Bank
- Training seminar given as part of the midwives training course in the Technological University of Cyprus
- Participation in the Diversity Festival that took place in Nicosia, in October 2009, with the dissemination of informative leaflets and the presentation of the relevant anti-discrimination legislation (open to the public)

The Department of Labour is also planning for the publication of another two informative leaflets, one explaining the basic provisions of Law 205(I)/2002 and one consisting of a collection of the most important Court Decisions (both from the ECJ and Cyprus Courts) in relation to non-discrimination on the basis of sex in the workplace. This is expected to be completed by the end of 2011.

The Gender Equality Committee in Employment and Vocational Training has promoted the following:

- Publication of an informative Guide for the enforcement of the Law of Equal Treatment of Men and Women in Employment and Vocational Training and its dissemination in Trade-union Organisations who have further distributed it in workplaces
- Publication of an informative brochure on the Equal Treatment of Men and Women in Employment and in Vocational Training: the Equal Treatment Principle, the Committee of Gender Equality in Employment and Vocational Training and the Legal Aid
- Publication of brochure entitled ***“All that you should know in relation to sexual harassment in the workplace”***
- Publication of bookmarks with messages about gender discriminations
- Monthly updating of the Committee’s Webpage (www.genderequality.com.cy) and activation of the complaint submission function through the website
- Creation of an electronic library of studies and researches on gender equality in the Committee’s webpage
- Establishment of an electronic database system for the record-keeping of complaints and for statistical processing purposes
- Establishment of a file registry for the record-keeping of complaints and their monitoring
- Creation of a complaints’ submission form

- Installation of a telephone answering system with a greeting message
- Representations in meetings of the Parliamentary Committee of Equal Opportunities between Men and Women
- Presentation and lecture at a High school in Nicosia (Kykkos B´ Lyceum) and experiential workshops for the students as well as recording of the conclusions.
- Contact with Committees and/or other responsible bodies of EU member states for exchange of good practices on gender equality issues
- Correspondence with trade-unions, syndicates, women’s organizations and NGO’s for close cooperation, coordination, distribution of the Committee’s publications to their members, and event co-organisation
- Study on recording of the corresponding institutions of other European countries, and
- Uploading the study on the Committee’s webpage for the public’s information
- Study on the gender dimension in the Cyprus’ job market
- Statistical study on the complaints received by the Equality Authority of the Ombudsman Office as well as by the Department of Labour for the period 1/1/2009-30.6.2010. The study presents the number of complaints and the form of discrimination investigated by the Equality Authority of the Ombudsman Office and the Inspectors of the Department of Labour, the number of complaints and the relevant sector (public/private) of employment, the number of complaints per gender, the number of complaints per nationality and the end result of their investigation
- Study on the inadequacies of the legislation and preparation of proposals regarding its amendment

The Gender Equality Committee is also currently working on action that has been recently put forward and is ongoing:

- invitation for public call offers for the provision of independent legal aid to the victims of discriminations
- Conduct of poster competition on gender discrimination in collaboration with the European University Cyprus
- Invitation to Municipalities and High Schools of Cyprus for organisation of lectures by the Committee on gender discrimination in employment and gender discrimination
- Broadcasting of radio and television spots for the projection of the Committee's role and the sensitization of employees (the Committee is currently negotiating with the Media about the cost and the terms of broadcasting)
- Conduct of a nationwide research (quantitative and qualitative), that will record the existing perceptions of men and women in a number of issues concerning gender stereotypes
- Preparation of a high quality film of small length based on gender equality.

The Equality Authority has vigorously promoted the enlightenment of citizens on equality matters, with lectures in Nicosia and other cities, giving great emphasis on matters emerging from its own field of practice. Its Officers also took part in EU training programmes as well as in the European Union's information Campaign to combat discrimination. In that context, two informative leaflets entitled «Learn your Rights» were prepared. These documents provide useful information on the equality principle.

In 2007 the Equality Authority published a Code of Practice for the handling of sexual harassment in the workplace, with clear guidelines about the preventive as well as the repressive treatment of sexual harassment by employers. Copies of the Code were sent to the local authorities, semi-governmental organizations,

public and educational service, non-governmental organizations, trade-unions and employer organizations.

The Pancyprian Federation of Labour (PEO) actively informs working persons and their members, as well as trade unionists, about the law's provisions through seminars, circulating various publications and through Articles in their weekly newspaper.

PEO trains their trade union officers in the Trade Union School of PEO with the main goal of briefing them about the Law, but also about the mechanisms and the procedure of submitting and examining complaints so that complaints, stemming from the violation of the provisions of the law, can immediately and properly be dealt with. Particular attention is paid to the issue of sexual harassment.

It also founded the Mechanism for the Monitoring and Implementation of the Agency for Equality within the collective agreements which has conducted two studies: a) on the definitive factors regarding low wages and the gap in pay and b) the course of the implementation of equality in collective agreements and the positive measures. The conclusions have helped to substantiate their positions and have strengthened trade union's negotiation capability in the submitting of specialised demands that can improve collective agreements in relation to the promotion of equality. With the help of experts from abroad they have implemented training programmes for trade union officers and other agencies for the job evaluation.

Furthermore, it has completed a programme entitled "Combating outlooks and stereotypes", projecting women in male-dominated professions and women in managerial positions. Regarding complaints, PEO states that they are recipients of complaints relating to the dismissal of pregnant women workers, sexual harassment or unfair treatment. In organised work places where labour relations

are enforced, complaints are limited and in most cases differences are solved through talks and negotiation between the trade union and the employer. They also receive complaints from unorganised work places where women workers are most vulnerable, especially immigrant women. PEO also cooperates with lawyers who provide free legal advice to their members.

In these cases after hearing the complaint and making the initial assessment of whether there is a violation of the law, the matter is referred to the Committee of Gender Equality in Employment to submit a complaint, hence following the procedure as stipulated by the law.

The Cyprus Workers' Confederation (SEK), in implementing the trade unions responsibility to inform their members about the relevant legislation, carries out annual visits to workplaces on a nationwide basis and informs workers about their rights arising from the framework of the Law, since the enactment of legislation on 1/1/2003.

During the visits at the workplaces, special emphasis is given to the harassment offence and particularly sexual harassment. Sexual harassment and harassment complaints and questions are submitted, though is mostly done anonymously, in telephone conversations. Official complaints related to harassment, sexual harassment and discriminatory treatment due to maternity are referred either to Labour Inspectors, or to the Committee for Gender Equality in Employment and Vocational Training that is responsible for monitoring and implementing the Law. Most complaints concerning discrimination against women due to pregnancy and motherhood come from non unionised workplaces. SEK forwards these complaints to the relevant government departments for further investigation.

SEK is represented in the Committee for Gender Equality in Employment and Vocational Education, and therefore is informed in person by the Labour Inspectors on the progress of complaints and their outcome. In addition, SEK

makes a particular reference to the employers' responsibility on sending a relevant circular to the employees as a preventive measure in combating unacceptable phenomena of sexual harassment, that affect human dignity at the workplace. Only a limited portion of employers are aware of their obligation to forward this kind of circular.

Additionally, officers and members of SEK have the opportunity to be informed about the legislation mentioned above, through seminars conducted by the Trade Union School. Since 2003, a large number of union members are trained and can contribute to further dissemination of information at their workplaces. Furthermore, SEK publishes on a weekly basis on its official newspaper "Labour Voice", informative material issued by the Committee for Gender Equality in Employment and Vocational Education aiming at the information of citizens and the necessity to combat gender discrimination in the labour market.

The Democratic Labour Federation of Cyprus (DEOK) actively informs workers, whether they be members or not, of the legislation relating to gender equality and visits places of work and informing the employees and employers for equality issues. DEOK's field of action includes the collection, treatment and evaluation of data concerning the following:

- Systematic monitoring of problems of inclusion/reinclusion, application and evolution in the workplace and the consequent discrimination against working women which are due to the non application of the Laws, which concern equality or the absence of such a legislation in close cooperation with all the competent bodies and social partners.
- Informing/ awareness raising of public opinion regarding equality issues and relevant legislation, through the Mass Media.

- Cooperating with Municipal Councils and Community Authorities to inform men and women regarding equality issues.
- The participation of seminars/conferences in Cyprus and abroad
- Collaboration with the Human Resource Development Authority of Cyprus with the illustration of programs aiming to provide targeted incentives to employers in the form of grants and guidance for training individual, unemployed persons, in accordance with the identified needs of specific jobs.
- Lectures and seminars on sexual harassment in workplaces.

DEOK also collects and forwards discrimination complaints relating to inequality in pay, inequality relating to career advancement, unequal and unfavourable treatment in access to work, sexual harassment and direct discrimination against women in the Welfare Fund regulations. Upon collection of the facts, all the cases are sent either to the competent Government departments or to the Commissioner for Administration (Ombudsman).

DEOK's members conduct visits in various workplaces and inform employees regarding the harmonizing legislations which concern the equality of the two genders. DEOK also actively promotes research and studies into the gender dimension in relation to work and has, until now carried out the following:

- A survey on the percentage of women members in decision taking bodies in trade union organizations where decisions of the trade unions are taken.
- A survey on the position of the women hourly government employees regarding the scale of wages.
- A Survey on the mapping of the Cypriot women's profile.

- Mapping of the Gender Social Map of the Republic of Cyprus.
- Two surveys concerning monitoring of the daily press and the control of the implement of the provision of the Law for the Equal Treatment in Employment and vocational training regarding the banning of proclamation of a position, including advertisements in the press, involving direct or indirect discrimination due to gender.

The results of the abovementioned surveys were sent to all directors of newspapers and to the Director of the Department of Labour, as the competent department in implementing the relevant legislation.

DEOK has also:

- conducted a study on women's representation in local government after the elections on December 2006 with the preparation of policy proposals.
- participated in the sessions of the Parliament Committee on Equal Opportunities for Men and Women
- organised, on an annual basis, seminars and information visits in DEOK's camping area where youngsters are informed about legislation and equal opportunities for women and men in Labour and education
- publishes a monthly magazine that consists material of labour issues, human rights, interviews of trade unionists and members of DEOK

The Cyprus Employers' and Industrialists' Federation (OEB) holds amongst its priorities the abolition of any form of sex discrimination in the workplace and promotes the following:

- OEB contributes to the promotion of the correct implementation of existing legislation on equality, as well as to the strengthening of the position of women or other underrepresented groups in employment, through seminars designed specifically to cover all equality – related legislation and tackle issues of discrimination
- It has also issued a “Code of Practice for the Prevention of Sexual Harassment in Employment and Vocational Training” and an Employer’s Guide for the Promotion of Equality and Diversity in the Workplace and disseminated it to all its members, urging them to implement it as soon as possible
- Active participation in the policy-making bodies dealing with equality issues, such as the National Working Group on Discrimination, the National Mechanism for Women Rights, the Sub-Committee of Industrial Relations and the Committee of Gender Equality in Employment and Vocational Training
- OEB has also completed two surveys. The first is entitled “The position of women in the modern Cypriot enterprise” aimed to identify the role of women in domestic economic activities, the female participation percentage in the different levels of employment, the reasons limiting the increase of female participation and what measures can be adopted to improve the existing status. The findings of the survey showed that female participation in positions of higher management was very limited. OEB then decided to carry out a second survey concerning the semi-Governmental sector as well as the Banking sector. The aim of the second survey was to identify the specific reasons that prevent women from participating in higher management
- OEB is currently running a survey on “The position of women in the Cypriot Labour Market”, which is expected to be concluded within the first two months of 2011
- Lastly, OEB has initiated the “Corporate Social Excellence Awards” aimed to recognize best practices in the field of corporate social

awareness including practices that are applied in the field of promoting equality

The Cyprus Chamber of Commerce and Industry (CCCI) annually organizes seminars all over Cyprus relating to equality issues, pregnancy and protection of maternity, sexual harassment and the correct implementation of legislation. Furthermore, it informs its members of current legislation developments and other matters through their newspaper that is sent to all its members. CCCI is also a member of the Gender Equality Committee and thereby actively engaged in policy-making in matters relating to equality between men and women in the workplace.

The Human Resource Development Authority of Cyprus (HRDA), in pursuit of its non-discriminatory, positive action policies, promotes activities and measures that aim to narrow the gap in training participation between women and men, always within the framework of its mission i.e. to meet the economy's needs for well trained human resources. The proportion of women participants in training activities in the 2007 has remained the same as in the years 2005 – 2006, at 41%. It is worth mentioning however the increasing trend of women participants in initial training, where the participation rate increased from 15,6% in 2005 to 34,0% in 2008.

During 2007 and 2008, within the framework of two Schemes for the Reinforcement of Youth and Women Entrepreneurship promoted by the Ministry of Commerce, Industry and Tourism, two training programmes were implemented each year. These Schemes referred to the subsidization of the proposals for the setting up of enterprises by young persons and women.

Moreover, the HRDA continues the implementation of the four co-financed by the European Social Fund Schemes for the promotion of training and employability of (a) the economically inactive women (b) young secondary education school

graduates (c) the unemployed and (d) the computer illiterate unemployed. Over the period 2007 - 2008, 780 inactive women, 100 young secondary education school graduates (68,4% are women), 800 unemployed (86,3% are women) and 540 computer illiterate unemployed (82,7% are women) have benefited from the Schemes. It is evident that for all of the Schemes, special priority was given to women.

The HRDA has also proceeded with the implementation of two other schemes, aiming at enhancing the employability of women. The first scheme referred to the promotion of training and employability of economically inactive women, co-financed by the ESF. Over the period 2007 - 2008, 780 women have benefited. A similar Scheme will be implemented during the new programming period 2007 – 2013. The second scheme, for the promotion of training and employability of the unemployed, also co-financed by the ESF, was implemented over the period 2007-2008 and resulted in 690 unemployed women benefiting from the Scheme, out of a total of 800 beneficiaries. A similar scheme will be implemented during the new programming period 2007-2013 where special priority for participation will continue to be given to women.

The Cyprus Productivity Centre was responsible for implementing the flexible forms of employment project from February 2007 to August 2008. The objective of the project, which was co-funded by the European Social Fund and the Cyprus Government, was to attract to the labour market unemployed or economically inactive women, who wished to work on the basis of some kind of flexible employment arrangements, and who remained unemployed or inactive due to lack of suitable opportunities. The ultimate objective of the project was to increase female employment, which lagged behind at the level of 54% compared to the 80% of male participation.

The project aimed also at promoting the reconciliation of family and working life as well as promoting improvements in the organisation and the competitiveness of the business units.

The most significant action of this project was the design and implementation of a pilot scheme that provided for the subsidisation by 50% of the labour cost of women that were employed on the basis of some flexible work arrangement for a period of 12 months. The scheme provided also for the reimbursement of the travel cost to the women employed. Through the implementation of this scheme, 195 previously unemployed or inactive women were employed, with terms that suited their particular needs and expectations.

In the current programming period (2007-2013) a new scheme promoting flexible forms of employment will address not only women, but also other target groups at risk, such persons over the age of 50 and long-term unemployed persons.

G. APPENDICES

- Appendix1 – Amending Laws 191(I)/2004, 40(I)/2006, 176(I)/2007, 39(I)/2009
- Appendix 2 – Informative leaflets and other publications available to the general public (please note these are not an exhaustive list of the available information disseminated to the public during the period under review)