## THE SAFETY AND HEALTH AT WORK LAWS OF 1996 TO (N. 2) OF 2015

Unofficial Consolidation and Translation of the Law

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### IMPORTANT NOTICE

This document is an unofficial consolidation and translation of the Safety and Health at Work Laws of 1996 to (N.2) of 2015, prepared by the Department of Labour Inspection. This document is not a legal document and should only be used as an informal guide to the legislation.

Department of Labour Inspection  
January 2017
THE SAFETY AND HEALTH AT WORK LAWS
OF 1996 TO (N. 2) OF 2015

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THE SAFETY AND HEALTH AT WORK LAWS
OF 1996 TO (N. 2) OF 2015

(Unofficial Consolidation and Translation of the Law)

A LAW TO PROVIDE FOR THE
SAFETY AND HEALTH AT WORK

A Law to provide for securing the safety, health and welfare of persons at work in all sectors of economic activity and for the protection of any other persons against risks to safety and health in connection with the activities of persons at work.

PART I
PRELIMINARY PROVISIONS AND INTERPRETATION

Enacted by the House of Representatives as follows:

1. The present Law may be cited as the Safety and Health at Work Laws of 1996 to (N.2) of 2015.

2. –(1) In this Law, unless the context otherwise requires, the following words or expressions shall have the meaning assigned to them:

2(c) of 33(I) of 2011

“contractor” means any person responsible for the design and/or execution and/or oversees the implementation of a project on behalf of the client;

“article for use at work”, includes any plant or a component thereof designed for use or operation at work;

2(c) of 33(I) of 2011

“safety representative” means a person, with special responsibility for the protection of employees from hazards at work, who is selected, elected or appointed, by other fellow employees of the same employer, according to Section 7;

2(c) of 33(I) of 2011

“Chief Inspector” means a person appointed as Chief Inspector according to Section 40;

2(a) of 33(I) of 2011

“self-employed person” means a person who works for the purpose of gain or reward, but is not individual employee to another employer;

“agriculture” has the meaning assigned by section 3 of the Factories Law, Cap. 134 and “agricultural operations” shall be construed accordingly;
"chief executive officer" in connection with a legal person means any chief executive, chairman, director, secretary, partner or other similar officer of the legal person or any person alleged to be acting in any such capacity or as a consultant;

"plant" includes any electrical, electronic, mechanical, hydraulic, pneumatic installation, transport systems of solids, liquids and gases, fixed or movable machinery, equipment, devices and assemblies or parts of these installations, machineries, equipments or devices;

"approved form" means a form approved and disclosed in any manner deemed satisfactory by the Chief Inspector;

"approved" means approved in writing by the Chief Inspector;

"prohibition notice" means a notice issued under section 46;

"improvement notice" means a notice issued under section 45;

"representative of the workers" Repealed.

"armed forces" means the National Guard or the Army of the Republic within the meaning of the National Guard Law or the Army of the Republic Law, respectively;

"extremely flammable" has the meaning assigned to it by the Chemicals Act of 2010, and from any European Union regulations, as these are occasionally modified or replaced;

"external worker" means any person who is employed at a place that is not under the control of his employer;

"extracting industries" includes mines and quarries;

"Inspector" means the person who appointed as Inspector according to section 40;

"hazardous substances" means substances, mixtures or preparations defined as hazardous substances according to regulations issued in accordance with section 38;
2(c) of 33(I) of 2011

“safety committee” means the committee established according to section 8

“enterprise” includes industrial or other activities, trade or other occupations;

“engineering construction works” has the meaning assigned by section 3 of the Factories Law Cap. 134;

2(a) of 33(I) of 2011

"Work" means any project, task, occupation, activity or service that produces a product or result, and provided by employee or self employed person or external worker against payment or free or provision of goods or services for profit or non:

Provided that –

(a) employed person is at work throughout his employment as an employed person but not otherwise,

b) self-employed person is at work throughout the time dedicated working as a self-employed person,

(c) external worker is at work throughout the time spent employed as an external worker:

It is further provided that the expressions “work”, and “at work” shall be construed accordingly.

“dock works” has the meaning assigned by section 73 of the Factories Law Cap. 134.

2(a) of 33(I) of 2011

"employer" means any person who is responsible for the workplace, the premises, business and/or establishment in which the employee is employed or employed:

It is provided that employer includes a person who does not employ any persons, but conducts economic activity or manages the enterprise for profit or not;

2(a) of 33(I) of 2011

“employee” means a person working or worked under a contract of employment for work execution or a trainee or an apprentice and includes a person who fulfils an alternative social service by virtue of the National Guard Law, as amended or replaced or person performing community work at the ordinance on guardianship by virtue of the Guardianship and Other Ways of Addicted Offenders Treatment Law of 1996 and a person as inmate of institutions, carry or carried out work entrusted to him under the supervision and guidance to employer, and the expression "employment" shall be construed accordingly;

2(c) of 33(I) of 2011

"contractor" means any person who enters into agreement with the client and undertakes the execution of the project or part thereof;
“factory” has the meaning assigned by section 2 of the Factories Law Cap.134;

2(c) of 33(I) of 2011

“European Commission” means the Commission of the European Union;

2(a) of 33(I) of 2011

“flammable” has the meaning assigned to it by the Chemical Substances Law and of any regulations of the European Union, as these are occasionally modified or replaced;

2(a) of 33(I) of 2011

“fume” includes gas or vapour;

2(a) of 33(I) of 2011

“risk” means risk to life, limb or health of a person;

2(c) of 33(I) of 2011

“building” includes a temporary or movable building;

2(c) of 33(I) of 2011

“client” means any person on whose account a project is carried out;

2(c) of 33(I) of 2011

“quarry” means an excavation or system of excavations made for the purpose of, or in connection with, the extraction of quarry materials (whether in their natural state or in solution or suspension) or of products of quarry materials and which is not a mine or a well or a borehole or a well and borehole combined;

2(c) of 33(I) of 2011

“safety officer” means a person appointed under section 10;

2(a) of 33(I) of 2011

“mine” means an excavation or system of excavations made for the purpose of, or in connection with, the extraction of minerals (whether in their natural state or in solution or suspension) or of products of minerals by means requiring persons to be employed underground whether full-time or part-time;

2(a) of 33(I) of 2011

“domestic premises” means premises used exclusively as a private dwelling (including any garden, yard, parking place, outhouse or any other auxiliary buildings of such premises or places which are not used in common by the occupants of more than one such dwelling), and the expression “non-domestic premises” shall be construed accordingly;

2(a) of 33(I) of 2011

“building operations” has the meaning assigned by section 3 of the Factories Law Cap 134;

2(a) of 33(I) of 2011

“substance” means any natural or artificial substance or a mixture thereof whether in liquid or solid form, or in the form of gas or vapour and includes micro-organisms;

2(a) of 33(I) of 2011

“Pancyprian Council for Safety and Health” means the Council established under the section 5.

2(a) of 33(I) of 2011

“contravention” includes, in relation to any provision, a failure to comply with that provision, and the expression “contravene” shall be construed accordingly;
“ignition source,” includes hot surfaces, high intensity light, sparks and any other source capable of producing the required energy to cause an ignition;

"highly flammable" has the meaning assigned to it by the Chemical Substances Law and of any regulations of the European Union, as these are occasionally modified or replaced;

“Head of Department” has the meaning assigned to this expression in the Public Service Law;

“prevention” means the sum of the provisions or measures being taken or prescribed in all the stages of activities of an enterprise aiming to avoid or reduce the occupational risks;

"supply", in relation to supplying articles, means the concession on loan, or supply them through sale, lease, rental or hire-purchase, whether directly or through an agent;

"person" means any individual and includes any body of persons, with or without corporate identity;

“employment contract” means a contract whether expressed or implied and, if expressed, whether orally or in writing and includes an apprenticeship contract;

“Consultant Occupational Physician” means a doctor appointed by the Minister in accordance with section 41;

“maintained”, in relation to any plant, means maintained or repaired to a standard of good and effective working order, and the term “maintenance” shall be construed accordingly;

“bodily injury” includes harm to health;

“health”, in relation to work, indicates not merely the absence of disease or infirmity but includes those physical, mental and psychological elements affecting health which are directly related to safety and hygiene
at work;

“premises” include:

(a) any installation on or under land or offshore installation or any other installation whether floating or resting on the sea bed or lake bed or resting on land covered with water;

(b) any tent or mobile structure and;

(c) any vehicle, vessel or aircraft;

(d) any construction project, building, separation of land project, road construction project, viaduct, bridge, tunnel, sewer or drainage project, water supply or irrigation project, underground construction, tank, underground or overground network services, underground or overground pipeline, aqueduct or any other technical project.

“Minister” means the Minister of Labour and Social Insurance and includes any Officer of the Ministry who is duly authorised by the Minister;

“use at work,” in relation to substances harmful to health, means any activity at work which exposes persons to hazardous substances, and includes:

(a) production or manufacture;

(b) handling;

(c) storage;

(d) transport

(e) processing or disposal of substances harmful to health;

(f) release of substances harmful to health due to activities at work and;

(g) maintenance, repair and cleaning of equipment and containers or tubes contained harmful to health substances;

and the expression “to use at work” in relation to substances harmful to health shall be construed accordingly;

"workplace" includes any place airspace, ground, underground, above sea, undersea where there are, or there may be present at any time, persons at work;

(2) Any reference to this Law includes references to this Law and the Regulations issued under this Law.
Objective.

2A. – (1) The present Law’s objective is the implementation of measures to promote the safety and health of persons at work as well as other persons who may be affected by work activities;

(2) For this purpose, the Law contains general principles concerning the prevention of occupational risks, the protection of safety and health, the elimination of the risk factors of accidents at work and occupational diseases, the prevention of major accidents and the limitation of the consequences of such accidents, the briefing, consultation, balanced participation according to the provisions of the present Law, the tutoring or training of persons at work and their representatives as well as rules for the implementation of these general principles.

Application of the Law.

3. (1) Subject to the provisions of subsection (6), this Law shall apply:

(a) to workplaces, premises, enterprises, facilities and all public or private activity sectors such as industrial, agricultural, trade, managerial, educational, cultural activities, provision of recreational activities;

(b) in lift installations and pressure vessels installations; and

(c) in domestic premises and domestic installations located in the Republic;

(2) This Law applies to any other case where any undertaking or other activity is conducted for the purpose of gain;

(3) Subject to the provisions of subsection (1) of the present section, the Law shall apply wherever work is carried out by or on behalf of the Republic of Cyprus.

(4) Without prejudice to section 16 of the Constitution, the Law shall apply in cases where a person employed as a domestic servant in private households.

(5) With the exception of dock works and any work relating to fishing vessels, this Law shall not apply to persons at work when employed on seagoing ships.

(6) This Law shall not be applicable in cases where characteristics peculiar to certain specific public service activities, such as the Armed Forces, the Police, or certain specific activities in the Civil Defense do not allow it:

Provided that, in this case it should be ensured by the lead authority,
wherever possible, the safety and health of the employees in the above activities, or of third parties that may be affected by these activities, having regard the aims and overall objective of the present Law.

(7) Implementation of the Law provisions which impose obligations on various persons such as the employers, the self-employed, the clients, namely the owners of premises or facilities, for the protection of other persons who may be affected by the activities or omissions of such persons applies if the life, the limb or the health of other persons is directly affected:

Provided that this Law does not substitute other specialised laws regulating matters of public safety or and public health.

PART II

Establishment of Safety and Health at Work

4. Repealed.


(2) The Council established under subsection (1) is chaired by the Chief Inspector and its members and their term of office shall be determined by the Chief Inspector:

The Chief Inspector has the power to appoint another member to the Council for a specified period to replace any member of the Council who resigned from his post before the expiry of his term.

(3) The Council shall have the following functions:

(a) To advise the Minister on matters concerning the prevention of accidents.

(b) To develop, disseminate and maintain the activities that affect or create the conditions for the improvement of the safety and health of workers and the public in general.

(γ) To submit to the Minister proposals or suggestions with regard to the measures to be adopted and the better and more effective methods of work to be used for the purpose of securing the occupational safety and health of workers.

(δ) To advise the Minister on matters concerning the drafting or the
7(b) of 33(I) of 2011
Official Government Gazette, First (1) Annex
20.5.88

8 of 33(I) of 2011
Application of Sections 6 to 12.

Safety Representative.
9(a) of 33(I) of 2011

9(b) of 33(I) of 2011

9(c) of 33(I) of 2011

Safety Committees.
10(b) of 33(I) of 2011

10(b) of 33(I) of 2011

10(b) of 33(I) of 2011

11 of 33(I) of 2011
Safety Committees in specified establishments where persons are employed by other employer.

Safety Officer.
12 of 33(I) of 2011

revision of Regulations in the light of the knowledge and experience acquired from the study of local conditions, international developments and technological progress.

(4) Repealed.

6. Repealed.

7. (1) In every workplace, premise, establishment or enterprise where employed by the same employer more than two persons, a safety representative shall be elected by such persons.

(2) The safety representative is elected, chosen or appointed by the majority of the employees of the same employer, after a consultation between them.

(3) The safety representative represents his fellow employees on the issues regarding the protection from hazards at work.

8. (1) Where at any workplace, establishment, premise or enterprise:

(a) located in different geographical area and

(b) where the minimum number of persons employed by the same employer, as determined by Regulations issued under the present Law,

a safety committee shall be established by such employer, the function of which shall be advisory:

It is provided that safety committees that existed and functioned until the adoption of this Law shall be considered to operate under this Law.

(2) Repealed.

(3) Repealed.


10. (1) Every employer who employs on average during each year, more than two hundred persons, should appoint safety officer who will deal exclusively and on full time employment, with health and safety at work issues.
(2) The safety officer should receive the approval of the Chief Inspector.

(3) The employer must ensure that the safety officer has adequate knowledge and experience in order to:

(a) be able to control and manage all matters relating to:

(i) the safety and health of the persons at work

(ii) the places, establishments or the premises where activities are carried out by his employer,

(b) conduct inspections, and

(c) prepare reports, make recommendations, organise lectures and train persons at work for occupational safety and health issues.

12. Repealed.

13. Repealed.

PART III
DUTIES AND RESPONSIBILITIES

13. (1) It shall be the duty of every employer to ensure the safety, health and welfare at work of all his employees.

Provided that the employer is exempted from responsibility where occurrences, are due to unusual and unforeseen circumstances, extrinsic to him or to exceptional events, the consequences of which could not have been avoided, despite the exercise of all due care.

(2) Without prejudice to the generality of an employer’s duties of subsection (1), the matters to which that duty extends include in particular the following -

(a) the provision and maintenance of plants, systems and methods of work that are safe and without risks to health;

(b) arrangements for ensuring safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances;
5(b) of 25(I) of 2002  

(c) the provision of such information, instruction, training and supervision to ensure the safety and health at work of his employees;

5(c) of 25(I) of 2002  

(d) the provision and maintenance of any place of work under the employer's control, including the means of access to and means of egress from it, in a condition that is safe and without risks to health;

5(b) of 25(I) of 2002  

(e) the provision and maintenance of a working environment for his employees that is safe, without risks to health, and adequate as regards facilities and arrangements for their welfare at work;

5(d) of 25(I) of 2002  

(f) (i) the implementation of necessary measures for the protection of the safety and health of his employees, including prevention of occupational risks, information, education and training as well as the creation of the necessary organization and provision of required means;

5(d) of 25(I) of 2002  

(ii) overseeing the correct implementation of safety measures, health and welfare of his employees or other persons who may be affected by the employer's activities or by the way he manages his enterprise;

5(δ) of 25(I) of 2002  

(iii) adaptation of the above measures in accordance with changing circumstances and the pursuit of the improvement of existing situations;

14 (a) of 33(I) of 2011  

(g) The provision to the representatives of the employees of sufficient exemption from their work without loss of remuneration, as well as the necessary means to enable them to fulfil their duties and obligations, under the present Law;

5(e) of 25(I) of 2002  

(3) The employer shall implement the measures provided in this Law and the Regulations issued thereunder, on the basis of the following general principles of prevention:

(a) avoiding risks;

(b) evaluating the risks which cannot be avoided;

(c) combating the risks at source;

(d) adapting the work to the individual, especially as regards the design of workplaces, as well as the choice of work equipment and working and production methods in particular to alleviate monotonous and work at a predetermined work-rate and to reduce their effects on health;

(e) adapting to technical progress;
(f) replacing the dangerous with the non-dangerous or the less dangerous;

14(b) of 33(Ι) of 2011

(g) developing a coherent overall prevention policy which covers technology, organization of work, working conditions, relationships between social partners and the influence of factors related to the working environment;

(h) giving collective protective measures priority over individual protective measures προτεραιότητα στη λήψη μέτρων ομαδικής προστάσιας σε σχέση με τα μέτρα ατομικής προστάσιας;

5(g) of 25(Ι) of 2002

(i) giving appropriate instructions to the workers;

(4) Every employer shall take the measures necessary to ensure that the work equipment, machines, machinery, devices and tools made available to persons at work are suitable for the work to be carried out or properly adapted for that purpose as to ensure the safety and health of persons at work, during their use;

(5) Every employer shall manage his enterprise or conduct his activities in such a way and provide such information as to ensure, so far as is reasonably practicable, that persons not in his employment, who may be affected thereby, are not thereby exposed to risk.

5(h of 25(Ι) of 2002

(6) Deleted.

(7) No employer shall levy or permit to be levied on any employee or receive or permit to be received from any employee any charge in respect of anything done or provided to comply with this Law

5(i) of 25(Ι) of 2002

(8) In this section the duty of every employer to ensure the health at work of all his employees shall include the duty to protect the reproductive function of the employees and the duty to protect female employees during their pregnancy from risks to the foetus and, for a sufficient time after childbirth, from risks to them or to the newborn child during breastfeeding.

5(j) of 25(Ι) of 2002

(9) Deleted.

5(k) of 25(Ι) of 2002
14 (c) of 33(Ι) of 2011

(10) Every employer shall consult his employees or their safety representatives for the purpose of making and maintaining arrangements for effective cooperation in the promotion and implementation of measures to ensure safety, health and welfare of employees.

14 (d) of 33(Ι) of 2011

(11) Every employer shall consult his employees or their safety representatives on matters which may affect safety and health at work.

5(l) of 25(Ι) of 2002

(12) The obligations of employees in the field of safety and health shall not affect the principle of the employer’s responsibility;
(13) Every employer when entrusts tasks to an employee shall take into consideration the employee’s capabilities, as regards safety and health;

(14) Every employer shall ensure that the planning and the introduction of new technologies are subject to consultation with the employees and/or their safety representatives, as regards the consequences to the safety and health of the employees that are related to the choice of equipment, working conditions as well as the effect of working environment;

(15) The employer in the case of assigning work to an employee, must be satisfied that this person has sufficient knowledge and experience in relation to the work to be performed in order to perform such work without risk to himself or to other persons

(16) In case where the employer

(a) allows another employer or self-employed person to carry on works in his undertaking, business or establishment, or

(b) assigns part of his work to be performed by another employer or self-employed person

then this employer shall, so far as is reasonably practicable, before the performance or the assignment of such work to:

(i) make sure that the other employer or the other self-employed person, as appropriate, will be able to implement or maintain at least the same levels of safety and health at work prevailing in his premises, undertaking or establishment;

(ii) ensure that the other employer or the other self-employed person has, where appropriate, adequate safety system or risk management, and appropriate and sufficient written risk assessments;

(iii) make sure that the other employer or the other self-employed person, as appropriate, have the sufficient knowledge and experience and the necessary documents, permits or certificates to conduct the work.

(17) Every employer is obliged to submit, when requested, to the Inspector or to any competent authority issuing operation license for premises, undertaking or establishment, planning permission or building permit, a duly completed and approved form confirming that he holds the certificates and other documents prescribed in this Law.
Every employer shall appropriately, adequately and systematically organise, manage and control the enterprise or his activities in such a way or means in order to ensure the protection against the risks of any person at work and other persons who may be affected by his activities.

Duties of self-employed persons

14. (1) Every self-employed person shall manage his enterprise or conduct his activities in such a way as to ensure, so far as is reasonably practicable, that he and other persons, who may be affected thereby, are not thereby exposed to risk to their safety and health.

(2) Every self-employed person shall provide to persons, who may be affected by his activities, such information as regards the manner in which he conducts his enterprise or his activities as to ensure, so far as reasonable practicable, that these persons are not exposed to any risk to their safety or health.

(3) Every self-employed person is obliged to submit, when requested, to the Inspector or to any competent authority issuing operation license for premises, undertaking or establishment, planning permission or building permit, a duly completed and approved form confirming that he holds the certificates and other documents prescribed in this Law.

Duties of employees.

15. (1) Every employee, while at work shall:

   (a) Take reasonable care to ensure the safety and health of himself and of other persons who may be affected by his acts or omissions at work;

   (b) cooperate with his employer to the execution of any requirement or duty imposed on him under this Law;

   (c) use the protective equipment or clothing provided by the employer in accordance with the provisions of this Law,

(2) No person shall intentionally or recklessly interfere with or misuse anything provided for the safety, health and welfare of himself or other persons at work.

(3) Deleted.

Duties of persons to persons other than their employees.

16. (1) Any person, who has, to any extent, control of non-domestic premises which are made available as places of work to persons other than his employees, or has control of the means of access there to or egress there from that place of work or has the control of any plants or substances in such premises, shall take such measures, as to ensure, so far as is reasonably practicable, that the premises, all means of access there to or egress there from and any plants or substances in the premises or, as the case may be, provided for use therein, are safe and without risks to health.

(2) Where a person has, by virtue of any contract or tenancy, an obligation of any extent in relation to –
(a) the maintenance, alteration or repair of any premises to which subsection (1) applies or any means of access thereto or egress there from; or

(b) the safety of or to the protection against risks to health arising from plants or substances in any such premises,

that person shall be deemed to be subject to the duties referred to in subsection (1) and to be in control of those premises, the means of access thereto or egress there from, the plants and substances related to his duties referred to in paragraphs (a) and (b).

16(a) of 33(I) of 2011

Duties of designers, manufacturers, importers and others.

17. (1) Any person who designs, manufactures, imports, supplies, leases or displays any plant or any article for use at work for the purpose of gain shall -

(a) ensure that the article or/and the plant are designed and constructed so as to be safe and without risks to any person, when they are installed, adjusted, used, cleaned or maintained by any person;

(b) carry out or arrange for the carrying out of such testing or examination, as may be necessary, to fulfil the duties imposed on this person by paragraph (a) of this subsection;

(c) take such steps to ensure that persons to whom the article or the plant is supplied, are provided with adequate information about their intended use for which they have been designed for or have been tested for and about any conditions necessary to ensure that they will be safe and without risks in all cases mentioned in paragraph (a) above and in cases when the article or the plant are dismantled, dissolved or disposed of as useless; and

(d) take such steps to ensure so far as is reasonably practicable, that persons to whom the article or the plant is supplied, are provided with all such revision of information, provided to them by virtue of the preceding paragraph (c) so that anything that creates a serious risk, is becoming known.

16(b) of 33(I) of 2011

(2) Any person who assembles or installs or converts any article or any plant, shall ensure that the article or the plant, as assembled or installed or converted, does not create a risk when it is used, adjusted, cleaned or maintained.

(3) Any person who manufactures, prepares, imports or supplies any substance shall –

8(c) of 25(I) of 2002

(a) ensure that the substance will be safe and without risks to health when it is used, handled or processed, stored or transported by any person at work;

(b) carry out or arrange for the carrying out of such testing
and examination, as may be necessary, to fulfil the duties imposed on him by the preceding paragraph (a);

(c) take such steps as to ensure that adequate information will be provided to the persons to whom the substances are supplied regarding any risks arising from the properties of the substances, regarding the results of any tests which have been carried out on or in connection with the substances, and regarding the conditions necessary to ensure that the substances are safe and without risks to health in all cases as are mentioned in paragraph (a) above and when the substances are being disposed into the environment; and

(d) take such measures to ensure, so far as is reasonably practicable, that persons to whom the substance is supplied, are provided with all such revision of information, provided to them by virtue of the preceding paragraph (c) so that anything that creates a serious risk, is becoming known.

16(c) of 33(I) of 2011

(3A) Every person undertaking the construction, alteration, renovation, repair, of any premises or any plant and is the client or the contractor of any premises or any plant, ensures that:

(a) the construction, alteration, renovation or repair are designed so that the works to be carried out shall be executed without risk to persons;

(b) any subsequent work throughout the life span of the premises or plant, including emergency operations and/or regular maintenance, cleaning, dismantling and/or demolition, may be done without risk to any person; and

(c) the premises or the plant complies with the provisions of the present Law, if this concerns any non-residential premises that will be used as a workplace.

(4) Nothing in the preceding provisions of this section shall be interpreted as imposing obligations on a person to repeat any test or examination that has been carried out by other persons in fulfilment of the preceding obligations.

PART IV
HEALTH AND WELFARE - GENERAL PROVISIONS

Application of the present Part.
17 of 33(I) of 2011

18. The provisions of the present Part apply to all workplaces, as required by the features of the workplace or activity, or circumstances or dangerous situations in the specific workplace.

Cleanliness.

19. Every place of work shall be kept clean and free of malodours arising
from any drain, sanitary convenience or other sources of annoyance.

20. Every place of work shall not, be so overcrowded as to cause risk of injury to the health of persons working therein. For the purposes of this section, in determining whether any workplace is overcrowded, regard shall be given not only to the number of persons who are expected to work therein but also to the space taken up by plant, furniture, equipment, utensils and any other objects similar or not to those mentioned above.

21. (1) Effective and suitable provision shall be made for securing and maintaining adequate ventilation in the workplace, by natural or artificial circulation of fresh air which shall have a suitable temperature and relative humidity.

(2) Effective and suitable provision shall be made for securing and maintaining adequate climatic conditions in the workplace. The systems or the plants used to secured and maintain adequate climatic conditions must operate in such a way so as not to cause the escape into the workplace atmosphere of any substances or micro-organisms of such nature or concentration which is likely to render them harmful or annoying for the persons at work.

22. Effective provision shall be made for securing and maintaining sufficient and suitable lighting, whether natural or artificial, in every part of the workplace, where persons are working or passing, including sanitary conveniences, washing facilities, storage clothing, changing rooms or places where meals are taken.

23. (1) All floors of rooms where work is carried out and all corridors shall be constructed of impervious materials properly laid.

(2) Where any process is carried out which may cause fluid accumulation on the floor in such a quantity that it may be removed through drainage, effective means shall be provided and maintained for the draining of the fluid.

24. (1) There shall be provided sufficient and suitable sanitary conveniences, which shall be kept clean and maintained.

(2) There shall be provided and maintained for the use of persons at work, adequate and suitable facilities for washing and cleaning, based on the nature of their work, conveniently accessible and these shall be maintained and kept clean and in an orderly condition.

25. There shall be provided and maintained, at suitable points conveniently accessible to all persons at work, an adequate supply of wholesome drinking water.

26. There shall be provided and maintained adequate and suitable
rooms. place for the clothing of persons at work and where special work clothing must be worn, there shall be provided suitable changing rooms of adequate size furnished with seats.

Seats. 27. Where any person at work has in the course of his employment reasonable opportunity for sitting, without detriment to his work, there shall be provided and maintained for use suitable seats which may facilitate him to take advantage of these opportunities.

First Aid. 28. (1) Every employer shall provide such equipment and facilities and other means, adequate and appropriate for prevailing circumstances, for enabling first aid to be rendered to his employees if they are injured or become ill at work.

(2) Every self-employed person shall have such equipment, adequate and appropriate for the prevailing circumstances, to enable him to render first aid to himself while he is at work.

Rest areas. 29. In workplaces, where the number of persons or the nature of work so requires, there shall be provided appropriate rest area separate from the place where work is carried out. The number of persons and the nature of the work as well as other details shall be prescribed, by Regulations.

Disable persons at work. 30. (1) Workplaces shall be organised to take into account any specific needs of disabled persons at work.

(2) Without prejudice to the generality of subsection (1) the workplaces arrangement includes doors, corridors, staircases, sanitary conveniences, washing facilities and work facilities, which are used or occupied directly by disabled persons at work.

PART V SAFETY - HEALTH – SPECIAL PROVISIONS

Means of escape and emergency exits. 31. (1) Any premises used as workplaces shall be provided with adequate means of escape in the event of danger, as may reasonably be required by the circumstances prevailing in such premises.

(2) Every premise shall have such means of escape in the event of danger which lead quickly to a safety area without exposing escaping persons at risk. The number, distribution and dimensions of the emergency routes and exits shall be adequate to the use, equipment and dimensions of the premises as well as the maximum potential number of persons that may be present therein.

(3) All doors intended to be used as a means of escape from such premises in the event of danger, shall be fitted to open outwards and shall be properly maintained. Sliding and revolving doors shall not be used as emergency exit doors.
(4) Effective steps shall be taken in all premises to ensure that all persons at work are familiar with the means of escape in the event of danger and with the procedures to be followed in such cases.

(5) Any door intended for use as an emergency exit from any such premises or any enclosed space within such premises, shall not be locked or fastened in such a way as not to be easily and immediately opened from the inside while any person is at work therein, or during the time such person spends in taking meals.

(6) Every door, route or other exit intended to be used as a means of escape in the case of danger, or which provides access thereto, excluding regular exits, shall be distinctly, conspicuously and continuously marked with a sign bearing letters of adequate size and suitable colour in an appropriate background in a language understood by persons at work.

(7) Emergency routes and exits requiring illumination, shall be provided with emergency lighting of adequate intensity in case the lighting fails.

(8) The contents of every room or any other area in such premises shall be so arranged or situated as to provide a free route of escape, in case of danger, to every person at work who is in any room or other area of the premises.

(9) All fire resistant or fireproof storerooms mentioned in subsection (4) of section 32, shall not be situated in such a position as to cause danger to the means of escape from the building or installation or part thereof, in case of fire therein.

32. (1) Depending on the dimensions and use of the premises, or the facilities, the equipment they contain, the physical and chemical properties of the substances present therein and the maximum potential number of persons present in such premises or facilities, the places shall be provided with adequate and appropriate fire-fighting equipment and, as necessary, appropriate fire detectors and an alarm system. The fire fighting equipment and fire detection systems and fire alarms shall be maintained and tested by competent persons at regular time intervals to ensure their good working order. In case of non-automatic fire-fighting equipment, this equipment shall be easily accessible and simple to use and any person who activates the alarm system should not be exposed to any danger.

(2) Any point where such fire-fighting equipment or activation of fire alarm system is installed shall be indicated with appropriate signs or other clear and distinct markings.

(3) In every building or facility where fire-fighting equipment is required to be installed, under subsection (1) of this section, an adequate number of persons at work shall be trained for the proper use of fire-fighting equipment.

(4) All stocks of extremely flammable, highly flammable or flammable substances shall be kept in fire resistant or in fireproof storerooms or in safe areas outside any premise or facility where there are persons.
In premise or facility where extremely flammable, highly flammable or flammable or oxidizing substances are being used, stored or produced or emitted, or where dust is produced or emitted with such characteristics and in such concentration that is likely to cause an explosion or an ignition, as well as in any factory, all buildings, floors, steps, staircases, passages and corridors shall be of fire resistant or fireproof construction.

Special precautions against fire and explosions.

33. (1) Where, in any process there might be escape of dust, vapour or gas with such characteristics and to such an extent that is likely to occur an explosion due to ignition, all measures shall be taken to prevent such explosions by enclosing the plant used in such process, and by removing or preventing the accumulation of any dust, vapour or gas that may escape in spite of the enclosure and by excluding or effectively enclosing the possible ignition sources.

(2) Where any part of a plant contains any explosive, extremely or highly flammable gas or vapour under pressure greater than atmospheric pressure, that part shall not be opened, unless adequate steps are taken to avoid risks to persons at work.

Safe workplaces and mean of access.

34. (1) There shall be maintained an adequate, clean and unobstructed space around any machinery, during its operation or when work is to be carried on it or around such a machinery so that work is performed without risks.

(2) In the case where any person at work is in a place where it is possible to fall from a height of more than two metres, means shall be provided, for the protection against falls by fencing or other appropriate means, when fencing is not reasonably practicable.

(3) All buildings, floors, stairs, staircases, passages and corridors shall be of sound construction and made from materials that do not emit dangerous fumes, and shall be properly maintained. Furthermore, the floors, stairs, staircases, passages and corridors shall be kept free of any obstructions and substances or materials that make them slippery.

13 of 25(I) of 2002

(4) Deleted.

Electricity.

35. (1) In any workplace where electricity is generated, transformed, transmitted, distributed or used for any purpose, all equipment, apparatus and conductors shall be of adequate size and appropriate for the work for which they are intended and shall be constructed, installed, protected,
operated and maintained in such a manner as to prevent any danger.

(2) For the purposes of the foregoing subsection (1) “danger” means risk for health or risk for life or body integrity of persons at work or other persons affected by their activities or from electrocution, burning or other body injury or from fire resulting from the generation, transformation, transmission, distribution or use of electric energy.

36. (1) Subject to the provisions of subsection (2), effective measures shall be taken to prevent the exposure of persons at work to substances harmful to health, and where this is not avoidable, suitable steps shall be taken for an adequate control of such exposure.

(2) Subject to the provisions of subsection (3), the prevention or control of exposure of persons at work to substances harmful to health, shall be attained by taking measures in accordance with the general principles of prevention set out in subsection (3) of section 13.

(3) Where the measures provided in subsections (1) and (2) above are not adequate to prevent or effectively control the exposure of persons at work to substances harmful to health, in addition to those measures, appropriate personal protective equipment or clothing shall be provided and used. Such equipment and clothing shall be properly maintained and all necessary steps shall be taken to ensure its use.

(4) Subsections (1) and (2) of this section shall be construed as requiring every employer or self-employed person to protect, so far as is reasonably practicable, any persons at work or any other persons to be exposed to substances harmful to health which may affect them, when such substances are used at work which is under the control, of such an employer or self-employed person as the case may be.

(5) No person shall allow the use at work of any substance harmful to health, the import of which has been prohibited by any Law, Regulation or Order, which is in force in the Republic.

(6) No employer shall allow the use at work of any substance harmful to health where the container or other means of packing containing the substance does not bear such markings, and is not accompanied by the safety data sheets of such substance, which are required by Regulations made under this Law.

(7) In this section “substances harmful to health” means:

(a) substances prescribed as carcinogenic or mutational agents under the Safety and Health at Work (Carcinogenic and Mutational Agents) Regulations of 2001 and as the imposed chemical agents under the Safety and Health at Work (Chemical Agents) Regulations of 2001, as well as the dangerous substances defined under the Control of the Atmosphere and
Dangerous Substances in Factories Regulations of 1973 to 1986;

(b) dust of any kind when present at a high concentration in
the atmosphere, or

(c) biological agents as defined under the Safety and Health at Work
(Biological Agents) Regulations of 2001.

37. (1) Subject to the provisions of subsection (2), effective measures shall
be taken to prevent the exposure of persons at work to noise, and, where this
is not reasonably practicable, measures shall be taken for an adequate
control of such exposure.

(2) Subject to the provisions of subsection (3), the prevention or control
of exposure to noise shall be attained by taking measures in accordance with
the general principles of prevention set out in subsection (3) of section 13.

(3) Where the measures taken in accordance with subsections (1) and
(2) above are not adequate to prevent or effectively to control the exposure
to noise of persons at work, additionally to those measures, personal hearing
protection equipment shall be provided and used which will adequately
control the exposure to noise of such persons. Such equipment shall be
properly maintained and all necessary steps shall be taken to ensure its use.

(4) Subsections (1) and (2) above shall be construed as requiring any
employer or self-employed person to protect, so far as is reasonably
practicable, persons at work and any other person likely to be affected by
noise whose source is under the control of the said employer or the self-
employed person as the case may be.

(5) In this section the term “noise” includes any sound which causes
hearing impairment or it is harmful to health or otherwise dangerous.

PART VI
REGULATIONS FOR HEALTH AND SAFETY AND CODE OF PRACTICE

38. (1) The Council of Ministers may issue Regulations for the purposes of
securing the health, safety and welfare of persons at work and for protecting
persons, other than persons at work, against risks arising from or in
connection with the activities of persons at work concerning
possession, use or storage of hazardous substances.

(2) Without prejudice to the generality of the preceding subsection (1)
such Regulations may provide for any of the purposes referred to in the First
Schedule.

(3) The Regulations referred to in the preceding subsections (1) and
(2) may:
(a) Impose requirements in relation to the provisions of this Law;

(b) appoint the Competent Authority or category of Competent Authorities which will have the responsibility, to the extent which will be prescribed, for the enforcement of any of the provisions of this Law;

(c) Deleted.

(d) extend the enforcement of any of the requirements of sections 13, 14, 15, 16 and 17 for any class of persons or class of work;

(e) authorise the Minister to issue orders.

38A. The Minister may issue Orders regulating the following matters:

(a) approving plans and issuing permits for certain workplaces and premises or facilities;

(b) setting fees for providing statements, certificates and reports in printed and electronic form;

(c) setting fees for services provided under this Law including the approval or authorization of persons as well as conducting examinations, audits, tests, surveys, investigations or specialised inspections;

(d) determining qualifications of trainers as well as the content and duration of education or training in the scope of the Law or the regulations thereunder; and

(e) issuing Codes of Practice, Standards and Specifications.

39. (1) For the purpose of providing practical guidance with respect to the requirements imposed by this Law and by any Regulations made thereunder, the Minister may approve and issue by Order to be published in the Official Gazette of the Republic Codes of Practice, Standards and Specifications suitable for this purpose that may revised, amended or withdrew.

(2) In case of criminal proceedings under this Law, an omission on behalf of any person to comply with any provision of a Code of Practice, Standard or Specifications approved and issued under subsection (1), an offence has been constituted, except if it is proved in Court and the Court is satisfied that compliance has been achieved in a different manner than by application of the provision of such Code of Practice, Standard or Specifications.
PART VII
ENFORCEMENT

40. (1) The Minister shall have the responsibility for the enforcement of the present Law. He may appoint Inspectors, under whatever title or titles he, from time to time, determines and any other officers, as he deems expedient for the effective enforcement of this Law, and he may appoint a Chief Inspector who shall regulate the matters and manner in which Inspectors are to exercise their powers and carry out inspections, examinations, audits, tests, surveys and investigations for the purposes of this Law and he may terminate such appointments.

(2) Repealed.

(3) The Minister may authorise qualified persons to perform such duties and exercise such powers of an Inspector as are specified in the authorisation. Any such person shall act under the supervision and instructions of the Chief Inspector, and he shall receive, as remuneration, such amount of money as may be fixed by Order of the Minister.

(4) The Chief Inspector, Inspectors and other Officers appointed under this section shall be furnished with suitable means of identification.

41. - (1) For the purposes of enforcing this Law and ensuring the provision of adequate advice and information to him and the collection of information and the carrying out of investigations concerning the securing and improving of the conditions of health of persons at work, the Minister shall appoint suitably qualified registered physicians with a speciality in the field of Occupational Medicine, as is defined in the Doctors (Special Qualifications) Regulations, to be known as Occupational Physicians, and he may terminate such appointments.

(2) Occupational Physicians designate the framework of surveillance of the health of employed persons prescribed by this Law or by Regulations issued under this Law, and they may monitor the results of employed persons’ health surveillance, which the employer undertakes, by way of examining physicians assigned in accordance with the provisions of section 42.

(3) Occupational Physicians assigned in accordance with subsection (1), may exercise those powers mentioned in section 44, which the Minister may define, and/or other additional powers which may be defined by Regulations under this Law.

42. Medical examinations for purposes of surveillance of the health of employed persons, as determined by the Law or identifying from the risk assessment prepared under any provision of the present Law which provides for the preparation of such assessments, are carried out:
(a) by suitably qualified examining physicians with a speciality in the field of Occupational Medicine, as defined in the Doctors (Special Qualifications) Regulations of 2003 and 2004 or

(b) by other qualified physicians as defined in the Doctors (Special Qualifications) Regulations of 2003 and 2004, and who will hold the specialty specified in the relevant Order of the Minister.

43. (1) The Minister may, according to his judgement, direct a conduct of inquiry for the investigation of any accident or any destructive occurrence at any place of work.

(2) The Minister may appoint a suitably qualified person as he deems necessary for the conduct of inquiry for the investigation of an accident or a destructive occurrence, under terms and conditions as he may specify and he may terminate such an appointment.

(3) Any person appointed under subsection (2) of this section for the conduct of inquiry for the investigation of an accident or destructive occurrence shall have all the powers of Inspector under section 44.

44. (1) An Inspector or the Chief Inspector appointed under section 40, for the purposes of the enforcement of this Law, have the power to exercise all or any of the following:

(a) to enter, without obstruction and without any advance notice, any workplace, excluding domestic premises, which he has reasonable cause to believe it is necessary for him to enter at any reasonable time, or at any other time he believes there exists a condition that may cause imminent risk of serious personal harm or damage to the environment;

(b) to be accompanied by a police officer where he has reasonable cause to apprehend any serious obstruction in the execution of his duty or in exercising his powers. A police officer shall be under a duty to accompany an Inspector whenever so requested by the Inspector.

(c) to be accompanied by any other person and carry with him any equipment or materials required for any purpose for which the power of entry is being exercised.

(d) to make such examinations, tests, inspections and investigations,
as may be necessary, in order to verify compliance with the provisions of this Law and to make arrangements so that any other person can carry out tests, examinations and measurements as they are deemed necessary in exercising his powers.

(e) to require the presentation of any record, certificate, notification or document which is kept for the purposes of the present Law as well as any other book or document, which he should examine for the purposes of any inspection, examination or inquiry or investigation and to inspect, examine and copy any of the above or obtain a copy of any of them.

(f) to require any person whom he has reasonable cause to believe to be able to give any information relevant to any inspection or examination, investigation or clarification, to answer relevant questions alone or in the presence of any other person whom the inspector may allow to be present and to require such person to sign a declaration of the truth of his answers.

(g) to require any person in workplace to afford him such facilities and assistance, with respect to any matter within that person’s control or responsibility, as are necessary, to enable the inspector to exercise any of the powers conferred on him by this section and, more specifically, to require any person to provide him, or any other person he takes with him in accordance with paragraphs (c) and (d) of this subsection:

(i) Safe access to any part of the premises; and

(ii) any other reasonably available means to carry out any tests, measurements, investigations inspections or examinations he deems reasonably necessary for exercising his powers.

(h) to take such measurements and photographs and make such recordings as he considers necessary for the purpose of any inspection, examination, inquiry or investigation under this section.

(i) to take or remove samples of any articles or substances found in any premises and from the atmosphere in or near of any such premises;

(j) to direct that the premises or any part of them or a plant, equipment or substance therein, shall be left undisturbed for so long as is reasonably necessary for the purpose of any tests, measurement, examination, investigation or inspection.

(k) in the case of any article or substance found in any premises where he has reasonable cause to believe that they may caused or are likely to cause risk, to require them to be dismantled or subjected to any process or test but not so as to damage or destroy them unless this is in the circumstances necessary for
the purpose mentioned in this subsection.

(l) in the case of any article or substance specified in paragraph (k), to take possession of it and detain it for so long as is reasonably necessary for any of the following purposes, namely:

(i) to examine it or submit it to anything which he has power to do under paragraph (k);

(ii) to ensure that it is not tampered with before his examination of it is completed

(iii) to ensure that it is available for use as evidence in any proceedings for an offence under this Law;

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(m) to investigate accidents, diseases or dangerous occurrences related to the provisions of this Law and seize evidence relating to these occurrences.

25(e) of 33(I) of 2011

(n) as appropriate-

(i) to prepare and send letters, reports, confirmations, certificates, notes,

(ii) to issue confirmations, certificates and notices, and

(iii) to serve notices and warnings

25(e) of 33(I) of 2011

(o) require any person to whom he serves warnings, improvement or prohibition notice, to sign and record in this his name, profession, or/and position in the premises, installation or enterprise and his address.

(2) Where under the powers conferred on him under paragraph (l) of subsection (1) above, an Inspector takes possession of any article or substance found in any workplace, he shall leave there, either with a responsible person or, if that is impracticable, to fix in a conspicuous place, a notice giving particulars of that article or substance sufficient to identify it. Before taking possession of any such substance the Inspector shall, if it is practicable for him to do so, take a sample thereof and give to a responsible person at the premises a portion of the sample marked in a manner sufficient to identify it.

(3) Before exercising any power conferred on him by paragraph (k) of subsection (1) above, an Inspector shall, if he considers it to be necessary, consult such persons as appear to him appropriate, for the purpose of ascertaining what possible risks may be created in doing anything which he proposed under that power.

25(f) of 33(I) of 2011

(4) The Chief Inspector, subject to the provisions of subsection (1) additionally has the following powers:

(i) Authorise in writing another person to exercise some or all of his powers.
(ii) determine the content of the forms provided by the Law which approves and publishes.

45. (1) If an Inspector is of the opinion that a person is contravening any provision of this Law or of any Regulations made thereunder or has contravened any such provision in circumstances that make it likely that the contravention will continue or be repeated, he may serve on that person a notice, hereinafter referred to as an "Improvement Notice", requiring that person to remedy the contravention or, as the case may be, the conditions occasioning it, within such period of time not being less than 14 days, as may be specified in the improvement notice.

(2) The Improvement Notice issued on an approved form.

46. (1) If an Inspector is of the opinion that any premises, or plant, or workplace or any activity which is being carried on therein or which is about to be carried on therein creates or, as the case may be, will create a risk of serious bodily injury, he may serve on the employer or his representatives or the person under whose control such premises, plant, workplace or activities carried on therein, a notice, hereinafter referred to as a "Prohibition Notice" prohibiting the use of the premises, plant or workplace or the carrying on of the activities until the risk is eliminated to such an extent to satisfy the Inspector. The Prohibition Notice shall have immediate effect.

(2) The Prohibition Notice issued on an approved form.

47. (1) Notification of an Improvement or a Prohibition Notice is deemed to be completed immediately when such a notice is served by the Inspector. Where a contravention is committed by a person the notice is served either to that person personally or left with any adult person at his place of residence or with a person responsible for his place of residence, workplace or activity.

(2) Where such notice is to be served on a body corporate or partnership it shall be deemed to have been served if the notice is left at the principal place of activities thereof in the Republic or if it is given to:

(i) one of the partners of a partnership;

(ii) the director of the body corporate;

(iii) the secretary of the body corporate;

(iv) the principal representative in the area of the body corporate or partnership; or

(v) anyone has the control of the activities of the corporate body or partnership at the time of the servicing of the notice.

Service of any such Notice may be proved by giving evidence orally or by an affidavit of the person who issued it.
 withdrawal or extension of Notices.

48. (1) An Improvement Notice may be withdrawn by an Inspector at any time or the period specified in it may be extended at any time provided there is not any appeal pending against such notice;

(2) A Prohibition Notice may be withdrawn by an Inspector at any time.

Appeals against Notices.

49. (1) Any person who deems that he has been treated unfairly by any Improvement Notice or a Prohibition Notice, may appeal to the Minister and submit an application for the withdrawal or modification of such an Improvement or Prohibition Notice and in that case such an Improvement or Prohibition Notice will continue to be in force unless it is modified or withdrawn by the Minister.

(2) An appeal made according to subsection (1) above shall be submitted not later than fourteen days after the issue of the Notice.

Inspectors’ Protection against Criminal Prosecution.

50. No civil or criminal proceedings shall lie against any Inspector or any other person who had or has the powers of an Inspector, in respect of anything done or ordered to be done in good faith for the purposes of this Law or the Regulations made thereunder.

Disclosure of information.

51. (1) No person shall disclose any information with regard to a commercial or industrial secret obtained during the exercise, either by him or by any other person, of the powers conferred by this Law, unless:

(a) the consent of the person, who had control of the premises from where the information was obtained, is given; or

(b) it is required for the purposes of the application of any of the provisions of this Law; or

(c) it is required for the purposes of any criminal proceedings for an offence under this Law; or

(d) it is required for the purposes of any investigation held by or on behalf of the Minister regarding the application of any of the provisions of this Law, he has the obligation to implement.

(2) Notwithstanding anything in subsection (1) above an Inspector shall, at any premises and in circumstances in which it is necessary to do so for the purpose of keeping persons at work or their representatives adequately informed about matters affecting their safety, health and welfare, provide to such persons or to their representatives the following descriptive information:

(a) factual information relating to those premises or to the activities carried on therein

(b) information with respect to any measures which he has taken or intended to take in connection with those premises in the exercise of his duties.

and he shall provide the same information to the employer of such
persons at work.

(3) Notwithstanding the provisions of subsection (1) an Inspector may provide the information referred to in paragraph (a) of subsection (2) to any person who has been adversely affected by the above facts or to his authorised representative, provided that the information is requested in writing by the person affected or by his authorised representative and that is to be used only for the purposes of civil proceedings.

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(4) Repealed.

Power of Court to issue an order in relation to Dangerous Conditions and Practices.

52. (1) If, on a complaint submitted by an Inspector, the Court is satisfied that:

(a) any part of the passages, works, machines or plants used at a workplace is in such a condition or is so constructed or placed as not to be capable of being used without risk; or

(b) any process or work is or has been carried on at a workplace in such a way as to create a risk;

The Court shall, by Order as appropriate to the case:

(i) prohibit the use of that part of the passages, works, machines or plants or where there is a possibility of repairing or altering it, prohibit its use until they are duly repaired or altered, or

(ii) require the employer or his representative or the person responsible for workplace therein, to take such measures as may be prescribed by the Order to eliminate the risk in respect of which the complaint was made.

(2) Where a complaint has been made under subsection (1) above the Court may, on an ex parte application by the Inspector, and after hearing evidence that the use of any such part of the passages, work, machines or plant or as the case may be, the carrying out of any process or work or the carrying out of any other activity involves an imminent risk of serious injury, issue an interim Order prohibiting either forthwith or under conditions the use of such part or the carrying out of such process work or activity until it will have the opportunity as soon as possible to listen and issue a decision for the complaint.

PART VIII
OFFENCES, FINES ΚΑΙ LEGAL PROCEEDINGS

53. (1) Subject to the provisions of this section, any person who has
Section 17(a) of 25(I) of 2002

obligations imposed under this Law, or by Regulations issued thereunder who fails to comply with any of these provisions, shall be guilty of an offence and shall be liable to a fine not exceeding eighty thousand euros or to imprisonment not exceeding four years or to both penalties.

Section 29(a) of 33(I) of 2011

(2) Any person who contravenes:

(a) an Order issued by a Court;

(b) a requirement of a permit or certificate issued under this Law

(c) a requirement issued by an Authority or an approval granted under this Law

(d) any obligation or prohibition imposed by a Prohibition Notice or an Improvement Notice (including any Notice which has been modified after appeal);

(e) any requirement of an Inspector may have under the powers conferred to him under section 44;

shall be guilty of an offence and shall be liable to a fine not exceeding eighty thousand euros or to imprisonment not exceeding four years or to both penalties.

Section 29(b) of 33(I) of 2011

(3) Any person who:

(a) intentionally obstructs or delays an Inspector in the exercise of his powers or the performance of his duties under this Law;

(b) prevents or attempts to prevent any other person from being presented to the Inspector or from answering any question to which an Inspector may require an answer;

(c) knows or intentionally makes a false statement which purports to be made in compliance with an obligation to provide any information imposed under this Law or any Order or Regulations made thereunder;

(d) intentionally signs or makes a false entry in a register, book of notices or other document required to be kept or provided under this Law or, with intent to deceive, makes use of any such entry which he knows to be false;

(e) forges any certificate required under or for the purposes of this Law or any Order or Regulation made thereunder; or

(f) gives or signs any such certificate which is, to his knowledge, misleading in any material particular; or

(g) uses or presents a certificate which, to his knowledge, has been
forged or is false in any material particular; or

(h) presents or uses any certificate purporting to relate to any person knowing that it does not relate to such person; or

(i) impersonates a person named in such certificate; or

(j) pretends falsely to be an Inspector;

(k) intentionally gives his approval to the above forgery, signing, use, impersonation or pretence; or

(l) discloses any information in contravention of section 51;

shall be guilty of an offence and shall be liable to a fine not exceeding forty thousand euros or to imprisonment not exceeding two years or to both penalties.

(4) The Court may, upon imposing a penalty deemed to be appropriate for any person, in addition to any penalty, issue an Order ordering the offender to comply with this Law within such time as may be specified therein. In case where the contravention continues to exist after the expiry of the time period which was initially specified in the Order or extended with an amending Order, then such person shall be liable to a fine not exceeding two thousand euros or imprisonment not exceeding one month or to both penalties, for each day on which the failure to comply continues.

5 (a) This Part shall apply to persons serving in the Civil Service or a Public Body as it applies to other persons;

(b) When an offence committed on the basis of this Law by persons serving in the Civil Service or a public law body is proved to have been committed with the consent or cooperation or that the perpetration was aided by negligence on behalf of any Department Head or other person serving in the Civil Service or in the case of public law body, the General Manager, Director or representative then these persons will be held liable for the offence and will be subject to prosecution and penalty.

(6) Legal person is responsible for the offenses provided for in this Law, when these are committed by any person acting either individually or as a member of collective body of the legal person, who is holding leading position in this legal person, either by authorization to represent the legal person or under the authority to make decisions on behalf of the legal person or on the authority to exercise control within the legal person and in such case the responsibility for committing this offense has, apart from the legal person, and the above-named person.
54. In any proceedings for an offence, which is committed in contravening any of the provisions of this Law, where the failure of a person to comply with a duty or requirement so far as is practicable or reasonably practicable it shall be for the accused to prove that it was not practicable or not reasonably practicable to do more than was in fact done to satisfy that duty or requirement imposed on him.

PART IX
MISCELLANEOUS PROVISIONS

55. (1) If under the provisions of any other law in force in the Republic, plans or studies of any plant or any non-domestic premises, that will be used as a workplace are submitted for the approval by any authority, that authority before approving such plans or studies, must be satisfied that the premises comply with the provisions of this Law.

(2) (a) Notwithstanding the provisions of subsection (1) and the provisions of any other law, studies and plans of any factory or any premises used for purposes to be specified by the Minister by order published in the Official Gazette of the Republic shall be submitted to the Chief Inspector for approval and notwithstanding the provisions of such other laws, the competent Authority shall not approve plans until notified by the Chief Inspector that the relevant buildings or facilities are, in his opinion, suitable for use for the purposes proposed.

(b) For the purposes of approval of the plans under subsection (2), the Chief Inspector may require the submission of additional information, data, or additional drawings and studies, relating to the designing, testing, selection, installation, layout, use and maintenance of such places of work, of the working environment, tools, machines and machinery, chemical substances, physical and biological agents, as well as processes to be carried out.

In case of expressed intent to erect buildings or installations belonging to the Cyprus Republic, the procedure for the approval of plans, calculations and studies by the Chief Inspector prior to the commencement of building activities shall be followed accordingly. For this purpose, the relevant Department or Service in charge of construction, study, design, or calculation is obliged to submit the plans, calculations or studies to the Chief Inspector.

(3) Any competent authority shall issue an operating permit of any plant or any non-domestic premises specified to be used as a workplace, must ensure, so far as is reasonably practicable, that this space satisfies the provisions of this Law.

55A. (1) Where provided by this Law, any beneficiary employer, main contractor or any beneficiary self-employed, employee or other person may request in writing from the Chief Inspector, through an approved form and upon payment of the prescribed fees -
(a) confirmation, certificate or report related to the implementation of this Law;

(b) approval or licensing of persons;

(c) provision of specialised services, such as tests or examinations, audits; and

(d) report of an incident, accident or occupational disease or dangerous occurrence if such incident or occurrence has been investigated by the Inspector in sufficient extent to allow the preparation of the report.

(2) The documents provided to entitled persons under subsection (1) are prepared based on information available to the Chief Inspector and the payment of any fee does not create obligations for conducting additional investigation or work.

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Reporting to the European Commission.

55B. The Chief Inspector shall transmit to the European Commission whenever necessary, reports on the implementation of this Law and if necessary, the views of social partners will be included.

31 of 33(I) of 2011
Hierarchical appeal against the decisions of the Chief Inspector.

55C.-(1) Any decision of the Chief Inspector issued under this Law or the Regulations issued thereunder, subject to hierarchical appeal to the Minister within twenty eight (28) days from the day the person becomes aware of the decision.

(2) The Minister shall consider the hierarchical appeal and may:

(a) uphold the contested decision;

(b) annul the contested decision and order a review by the Chief Inspector;

(c) amend the contested decision;

(d) Adopt new decision to replace the contested decision;

31 of 33(I) of 2011
Provision of Education or Training on Safety and Health at Work.

55D-(1) Any person who provides education or training in safety and health at work and issue certificates of attendance for his programs, must clearly define on the these certificates the level and the modules covered, the duration of the education and/or training in each section, the date of the education and/or training, and the name of the provider of education.

(2) Any person who provides educational programs and/or training of subsection (1) and issue certificates of attendance for these programmes, may conduct educational activities and/or training in specific sections of
safety and health only if he has adequate and appropriate knowledge and experience in these issues.

(3) The certificates referred to in paragraphs (1) and (2) shall be adopted taking into account the specific provisions laid down in orders issued by the Minister under section 38A.

56. The provisions of this Law are in force additionally and do not replace the provisions of any other legislation, which is in force on the date of publication of this Law.

57. This Law shall come into force on the 1.1.1997 or earlier on a date to be appointed by the Council of Ministers by a notification published in the Official Gazette of the Republic.

The Council of Ministers may appoint different dates for the commencement of the enforcement of different provisions of this Law provided that will not be subsequent to 1 of January 1997.

Provided further, regarding the commencement of the enforcement of different provisions relating to buildings which were in use as workplaces before the date of publication of this Law, the Council of Ministers may appoint different dates of commencement of the enforcement of this Law which can also be subsequent.

58. The Law and Regulations mentioned in the Second Schedule are hereby repealed.
FIRST SCHEDULE
(Section 38)

The Regulations made under section 38 have the following purposes:

1. (1) To regulate or prohibit:
   (a) The manufacture, supply or use of any plant;
   (b) The preparation, supply, storage or use of any substance;
   (c) the carrying on of any process or the carrying out any operation.

   (2) To impose requirements with respect to the design, construction, guarding, siting, installation, commissioning, examination, maintenance, repair, alteration, adjustment, dismantling, testing or inspecting of any plant.

   (3) To impose requirements with respect to the marking of any plant or of any articles used or designed for use as fittings in any plant, and in that connection to regulate or restrict the use of specified markings and labels.

   (4) To impose requirements with respect to the testing, marking and labelling or examination of any substance and with respect to the carrying out of any investigation in connection with any activity mentioned in subparagraphs (1) to (4) above.

2. To prohibit the importation into Cyprus of articles or substances of any specified description, whether absolutely or under conditions imposed by the Regulations.

3. To prohibit or regulate the transportation of any articles or substances of any specified description.

4. (1) To prohibit the carrying on of any specified activity or the execution of any specified act except under the authority and in accordance with the terms and conditions of a licence, or except with the consent or the approval of a specified authority.

   (2) To provide for the grant, renewal, amendment, transfer or revocation of licences (including the revocation and amendment of any terms and conditions attached to licences).

5. To require any person, premises or thing to be registered in any specified circumstances or as a condition of the carrying on of specified activities or the doing of any specified acts.

6. (1) To require, under specified circumstances, the appointment (whether in a specified capacity or not) of persons (or of a person) with specified qualifications or experience (or both), to perform specified functions, and to assign duties or confer powers on persons appointed (either in pursuance of Regulations or not) to perform specified functions.
(2) To restrict the performance of specified functions to persons possessing specified qualifications and experience.

7. To regulate or prohibit the employment in specified circumstances of persons or any class of persons.

8. (1) To require the making of arrangements for securing the health of persons at work or other persons, including arrangements for medical examinations and health surveys and for the appointment of physicians who shall take care of the carrying out of medical examinations.

(2) To require the making of arrangements for continuously monitoring the atmospheric or other conditions in which persons work.

(3) To determine the minimum medical examinations that will be conducted by medical examiners for purposes of health surveillance of the employees.

9. To impose requirements with respect to any matter affecting the conditions in which persons work, including in particular such matters as the structural condition and stability of premises, the means of access to and egress from the premises, cleanliness, temperature, lighting, ventilation, overcrowding, noise, electricity, vibrations, ionising and other radiation, dust and fumes.

10. To secure the provision of specified welfare facilities for persons at work, including adequate drinking water, sanitary conveniences, washing facilities, ambulance and first-aid arrangements, changing rooms, places for the keeping of clothing, rest areas, places for taking meals and sitting and refreshment facilities.

11. To require in specified circumstances the provision and use of protective clothing or equipment, including clothing affording protection against weather conditions.

12. To require in specified circumstances the taking of measures for the detection of fire, fire alarms, protection and fire fighting as well as the prevention of explosions.

13. (1) To prohibit or impose requirements in connection with the emission into the atmosphere of any specified gas, smoke or dust or any other specified substance.

(2) To prohibit or impose requirements in connection with the emission of noise, vibrations or any ionising or other radiation.

(3) To require the monitoring of any such emissions as is mentioned in the preceding sub-paragraphs.

14. To require the provision of guidance, training and supervision of persons at work.

15. (1) To require the notification of specified matters under specified
circumstances and in a specified manner to specified persons.

(2) To empower Inspectors, in specified circumstances, to persons to submit written details of measures proposed to be taken for compliance with any of the provisions of this Law.

16. To require the keeping and preservation of records and other documents, including maps and plans.

17. (1) To require precautions to be taken against dangers to which premises or persons therein are or may be exposed by reason of conditions (including natural conditions) existing in the vicinity.

(2) To ensure the escape of persons being in the premises under specified circumstances.

18. To require the carrying out of any specified act where any accident or other occurrence of a specified kind has occurred.

19. To require the organisation of safety and health at workplaces.

20. To require the submission of plans and studies of premises or factories for specified use.

21. To set or regulate any matter that needs, or is susceptible for determination or regulation for safety representatives, safety committees and safety officers

Provided that in this Schedule "specified" means specified by the relevant Regulations.
SECOND SCHEDULE
(Section 58)

Laws and Regulations repealed by this Law:

- The Safety at Places of Work Law N. 60 of 1988

Note: Law 33(I)/2011 – Transitional Provision

32(b) of 33(I) of 2011

The Safety Committees at Work Regulations 1997 are deemed to have been issued under section 38 of the Basic Law and shall remain in force after the entry into force of this Law.