

REPUBLIC



OF CYPRUS

63(I) of 2002
131(I) of 2003
15(I) of 2007.

**THE ORGANIZATION OF WORKING TIME LAWS
OF 2002 TO 2007**

(English translation and consolidation)

**Office of the Law Commissioner
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NOTE FOR THE READER

The publication at hand by the Office of the Law Commissioner is an English translation and Consolidation of Law No.63(I) of 2002, as amended by Laws 131(I) of 2003 and 15(I) of 2007 enacted in Greek.

However useful the English translation of the Law is in practice, it does not replace the original text of the Law since only the text published in the Official Gazette of the Republic is authentic.

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THE ORGANISATION OF WORKING TIME LAW OF 2002

For the purpose of harmonization with European Union Directives entitled—

(a) COUNCIL DIRECTIVE 93/104/EC of 23 November 1993 concerning certain aspects of the organization of working time" (EE L 307 dated 13.12.1993, p. 18), and

(b) Directive 2000/34/EC of the European Parliament and of the Council of 22 June 2000 amending Council Directive 93/104/EC concerning certain aspects of the organisation of working time to cover sectors and activities excluded from that Directive (EE L 195 dated 1.8.2000, p. 41).

The House of Representatives enacts as follows:

Short title.

63(l)/ 2002
131(l) / 2003
15(l) / 2007.

1. This Law may be cited as the Organisation of Working Time Law of 2002.

Interpretation.

2.-(1) In this Law unless the context otherwise requires-

“competent authority” means the Minister of Labour and Social Insurance;

“offshore work” means any work performed mainly on or from offshore installations (including drilling rigs) directly or indirectly in connection with the exploration, extraction or exploitation of mineral resources, including hydrocarbons, and diving in connection with such activities, whether performed from an offshore installation or a vessel;

“week” means the period of seven days commencing at 00:01 hours on Monday and ending at 24:00 hours on the following Sunday;

“adequate rest time” means the actual situation where workers have regular rest periods, the duration of which is expressed in units of time

and which are sufficiently long and continuous to ensure that, as a result of fatigue or other irregular working patterns, workers do not cause injury to themselves, to fellow workers or to others and that workers do not damage their health, either in the short term or in the longer term;

“shift work” means any method of organising work in shifts whereby workers succeed each other at the same work stations according to a certain pattern, including a rotating pattern, and which may be continuous or discontinuous, entailing the need for workers to work at different times over a given period of days or weeks;

“worker” includes a doctor in training;

“shift worker” means any worker whose work schedule is part of shift work;

“night worker” means any worker who—

(a) during night time, works at least three hours of his daily working time as a normal course; or

(b) is likely during night time to work at least 726 hours of his annual working time, provided that no smaller number of hours is provided by collective agreements. The total daily working time of the worker shall be taken into account for the calculation of the above hours provided that at least three hours during the period between 23:00-06:00 are included, regardless of the time that his shift begins or ends, and that the worker performs his work at least 7 consecutive working hours;

“mobile worker” means any worker employed as a member of travelling or carrying personnel by an undertaking which operates transport services for passengers or goods by road, air or inland waterway;

89(l)/ 1996
158(l) / 2001
25(l) /2002

“Law” means the Health and Safety at Work Laws of 1996 to 2002;

41(l) /2003
99(l) /2003
33(l) / 2011
170(l) / 2015
178(l) / 2015
215(l) / 2020.

“night time” means the period commencing at 23:00 hours and ending at 06:00 hours

“rest period” means any period which is not working time;

“Minister” means the Minister of Labour and Social Insurance;

“working time” means any period during which a worker is working, at the employer’s disposal and carrying out his activity or duties, in accordance with the arrangements in force for each category of workers.

Purpose and Scope,

3.-(1) This Law provides for the minimum health and safety requirements concerning the organisation of working time.

(2) It applies to:

(a) minimum periods of daily or weekly rest and annual leave, to rest intervals and maximum weekly working time, and

(b) certain aspects of night work, shift work and patterns of work.

(3) Subject to the provisions of subsection (4) of this section and the provisions of sections 16 and 17 of this law, this Law applies to all private or public businesses, establishments, undertakings and works within the meaning of section 3 of the Law.

2 of 131(l) / 2003.

(4) This Law shall not apply in relation to-

(a) The members of the Armed Forces;

(b) The members of the Police; and

79(1)/ 2003.

(c) Seamen who fall within the field of application of the Merchant Shipping (Organisation of the Working Time of Seamen) Law of 2003.

(5) The provisions of the Law shall apply fully to the matters referred to in subsection (2) of this section without prejudice to more restrictive and/or specific provisions of this Law.

Daily rest.

4.-(1) Every worker shall be entitled to a minimum daily rest period of 11 consecutive hours per 24-hour period.

(2) A 24-hour period begins at 00:01 hours and end at 24:00 hours.

Breaks.

5.—(1)(a) Where the working day is longer than six hours every worker is entitled to a rest break.

(b) A rest break shall be a continuous period of at least 15 minutes during which workers may leave their work station. Such intervals shall not be taken consecutive with the commencement or the end of a daily work.

(2) The technical details of rest breaks to which a worker is entitled in accordance with subsection (1) above, including duration and the terms on which they are granted, shall, if not regulated by collective agreements or by legislation, be determined at the undertaking concerned by consultation between the employer and representatives of the workers.

Weekly rest period

6.-(1) Subject to the provisions of subsection (1) of section 4 of this Law, every worker shall be entitled per week, to a minimum weekly rest period of 24 consecutive hours.

(2) If objective or technical conditions or work organisation reasons so justify, rest period of a minimum 24-hours may be applied.

(3) If his employer so decides, a worker shall be entitled to either—

- (a) two rest periods of 24 consecutive hours in 14 day period, or
- (b) one continuous rest period of a minimum of 48 hours over a 14 days period.

Maximum weekly working time

7.-(1) Subject to the provisions of any Laws or Regulations providing more favourable arrangements for workers, the working time per any week may not exceed 48 hours on average, including overtime.

(2) Annual leave with pay and sick leave shall not be taken into account or shall be neutral, calculating the average.

(3) The reference period shall be four months.

(4) Subject to the general principles of the protection of the health and safety of workers, subsections (1), (2) and (3) of this section shall not apply, if—

(a) the worker consents to perform such work;

(b) the worker is not subject to any adverse consequence if he does not accept to perform such work;

(c) the employer keeps up to date records of all workers who carry out such work;

(d) the records are placed at the disposal of the competent authority who is entitled, for reasons connected with the safety and/or health of the workers to prohibit or restrict the possibility of exceeding the maximum weekly working hours;

(e) the employer provides the competent authority at its request with information relating to the consent of the workers.

Annual leave.

8.-(1) All workers are entitled to paid annual leave of at least four weeks in accordance with the conditions for entitlement to, and

granting of, such leave provided for by legislation, collective agreements and/or practice.

(2) The minimum period of paid annual leave may not be replaced by an allowance in lieu, except where the employment relationship is terminated.

Length of night work

9.- (1) The hours of work for night workers shall not exceed an average of eight hours in any twenty-four-hour period of one month or in such other period as defined in any collective agreement:

Provided that the twenty-four-hour period of weekly rest provided for by subsection (1) of section 6 of this Law shall not be taken into account in calculating the average.

(2) Night worker whose work involves special hazards or heavy physical or mental strain shall not work more than eight hours in a period of twenty-four hours during which they perform night work.

(3) Where work which involves special hazards or heavy physical or mental strain is not defined by legislation or a collective agreement, shall be determined by consultation between the employer and representatives of workers or their representatives on safety and health matters, in accordance with the provisions of the Law and in accordance with the written risk assessment which shall include any risks related to night work.

Medical examination-
Transfer of night
workers to day work

10.- (1) Every employer shall ensure that before workers undertake night work, and at regular intervals thereafter, they undergo, free medical examinations as is necessary in order to ascertain whether they are suited for such work.

(2) Where after any medical examinations provided for in subsection (1) above it is proved that night workers have any health problems

being connected with the fact that they perform night work, are transferred, whenever possible, to day work to which they are suited.

(3) No person shall disclose the results of any medical examination conducted under subsection (1) of this section to any other person except to the worker concerned, unless such worker gives his written consent.

Guarantees for night time working.

48(I) /2001
15(I) / 2012.

11.-(1) In relation to night work of young persons the relevant provisions of the Protection of Young Persons in Employment Law of 2001 shall apply.

34(III)/ 1993.

(2) In relation to night work by pregnant women the relevant provisions of the Convention of 1990 of Night Work (Ratification) Law of 1993 shall apply.

(3) In relation to night work of categories of workers other than those in subsection (1) or (2) of this section, for whom the taking of special measure in addition to the general measure is required in relation to his work, the written assessment of the risks that the employer is required to provide in accordance with the Law and the regulations made thereunder the risks related to night work, shall be specifically taken into account.

Informing the competent authority of use of night workers.

12. An employer who regularly employs night workers shall inform the competent authority of the fact in writing.

Safety and health Protection.

13. An employer shall take all necessary measures to ensure that shift workers and night workers enjoy such protection in relation to their health and safety, appropriate to the nature of their work and that the services and protection and prevention measures with regard to the safety and health of such workers are equivalent to those applicable to other workers and are available at all times.

Work pattern.

14. An employer who intends to organise work according to a certain pattern shall take into account the general principle of adapting work

to the worker, with a view, in particular to alleviating monotonous work and work at a pre-determined work rate, depending on the type of activity, and of safety and health requirements, especially as regards breaks during working time.

Proviso for more specific provisions.

15. This Law shall not apply where other legislative provisions, which are not contrary to the acquis Communautaire, contain more specific requirements in relation to the organisation of working time concerning certain occupations or occupational activities.

Derogations.

16.—(1) Subject to the general principles on the protection of the safety and health of workers, sections 4,5,6,7 and 9 of this law shall not apply to workers whose duration of the working time is not measured and/or predetermined or can be determined by the workers themselves, on account of the specific characteristics of the activities concerned, in particularly in the case of—

(a) managing executives or other persons with autonomous decision-taking powers;

(b) family workers; or

(c) workers officiating at religious ceremonies in churches of worship and religious communities

(2) subject to the legislation in force, derogations shall be permitted from sections 4, 5, 6, 7(3) and 9 of this law by means of collective agreements or agreements between employers and representatives of workers, provided that the workers concerned are afforded equivalent periods of compensatory rest or that, in exceptional cases in which it is not possible, for objective reasons, to grant such equivalent periods of compensatory rest, the workers concerned are afforded appropriate protection -

(a) in the case of activities where the worker's place of work and his place of residence are distant from one another, such as offshore

work, or where the worker's different places of work are distant from one another;

(b) in the case of security and surveillance activities requiring a permanent presence in order to protect property and persons, particularly the activities of security guards and caretakers or security firms;

(c) in the case of activities involving the need for continuity of service or production, particularly-

(i) services relating to the reception, treatment and/or care provided by hospitals or similar establishments, including the activities of doctors in training, residential institutions and prisons;

(ii) dock and airport workers;

(iii) press, radio, television, cinematographic production, postal and telecommunications services, ambulance, fire and civil defence services;

(iv) gas, water and electricity production, transmission and distribution, household refuse collection and incineration plants services;

(v) industries in which work may not be interrupted on technical grounds;

(vi) research and development activities;

(vii) agricultural;

(viii) workers concerned with carriage of passengers on regular urban transport services;

(d) where there is a foreseeable surge of activity, particularly in—

- (i) agriculture;
 - (ii) tourism;
 - (iii) postal service;
- (e) in the case of persons working in railway transport—
- (i) whose activities are intermittent;
 - (ii) who spend their working time on board trains; or
 - (iii) whose activities are linked to transport timetables and to ensuring the continuity and regularity of traffic;
- (f) in cases of occurrences due to unusual or unforeseeable circumstances beyond the employer's control, or exceptional events, the consequences of which could not have been avoided despite the exercise of taking of all due care;
- (g) in the case of accident or imminent risk of accident:

Provided that the option to derogate from subsection (3) of section 7 may not result in the establishment of a reference period exceeding six months:

Provided further that, subject to compliance with the general principles relating to the protection of the safety and health of workers, for objective or technical reasons or reasons concerning the organization of work, any reference periods in no event exceeding twelve months may be determined by means of collective agreements or agreements, concluded between employers and representatives or workers.

(3) Derogations from sections 4 and 6 of this Law may be permitted, subject to the same provisos, terms and conditions provided for in subsection (2) of this section -

(a) in the case of shift work activities, each time the worker changes shift and cannot take daily and/or weekly rest periods between the end of one shift and the beginning of the next one;

(b) any the case of activities involving periods of work split up over the day, particularly those of cleaning staff.

(4)(1) Doctors in training shall be excluded—

(a) from the provisions of section 7, subject to the same provisos, terms and conditions provided for in subsection (2) of this section until 31st July 2004;

(b) from the provisions of section 7 for a further transitional period of five years from 1st August 2004 and during that transitional period—

(i) in no case will the number of weekly working hours exceed an average of 58 hours during the first three years of the transitional period, an average of 56 hours for the following two years and an average of 52 hours for any remaining period;

(ii) the employer shall consult with the representatives of workers in good time with a view to reaching an agreement, wherever possible, on the arrangements applying to the transitional period. Such an agreement may cover, within the limits set out in subparagraph (i) above-

- the average number of weekly hours of work during the transitional period; and

- the measures to be adopted to reduce weekly working hours to an average of 48 hours by the end of the transitional period.

(c) from the provisions of subsections (2) and (3) of section 7 of this Law, provided that the reference period shall not exceed twelve months, during the first part of the transitional period specified in subparagraph (i) of subparagraph (b) of paragraph (1) of subsection (4) of this section and six months thereafter.

Exemptions from the implementation of the provisions of this Law

17.-(1) The provisions of sections 4, 5, 6 and 9 shall not apply to mobile workers.

(2) The right of mobile workers to adequate rest, where not regulated by other legislation, shall be regulated by collective agreements or by agreement between employer and workers at the undertaking concerned, with the exception of any circumstances provided for in paragraphs (f) and (g) of subsection (2) of section 16 of this law.

(3) Subject to compliance with the general principles relating to the protection of safety and health of workers, where objective or technical reasons or reasons concerning the organisation of work so justify, the reference period referred to mentioned in subsection (3) of section 7 of this Law, shall be extended to 12 months in respect of mobile workers and workers mainly perform offshore work.

Competent Court.

18. The competent Court to determine any dispute of a civil nature shall be the Industrial Disputes Tribunal.

Sanctions.

19. An employer who contravenes the provisions of this Law shall be guilty of a criminal offence and shall be liable, on conviction, to imprisonment not exceeding one year or to a fine not exceeding two thousand pounds or to both such penalties.

Inspectors or other officers

20. The Minister may appoint inspectors and other officers, if he deems it necessary, for the better implementation of this Law.

Main work of the
inspector.

2 of 15(l) of 2007.

20A. An inspector appointed under section 20, shall have as a main work: -

- (a) Ensure full and effective implementation of the provisions this Law, either by carrying out investigations ex proprio motu or by investigating complaints submitted to him for disputes arising from the implementation of the provisions of this Law;
- (b) provide information, advice and information recommendations to employers and employees as to the most effective way to observe the provisions of this Law;
- (c) report to the Minister, of any problems arising from the implementation of this Law and submitting proposals about the measures to be taken to address these problems.

Powers of inspector.

2 of 15(l) of 2007.

20B.-(1) For the purposes of the implementation of this Law, every Inspector may-

- (a) Enter freely and without any prior notice, on presentation of his identity, at any time of the day or night, any workplace other than a domestic household:

Provided that entry to a domestic household is permitted with the consent of its occupier;

- (b) be accompanied by a police officer, if he has reasonable cause to believe that he will be obstructed from exercising his powers or executing his duties, in which case the Police must provide one or more officers to accompany him;
- (c) be accompanied by any other person if deemed necessary;
- (d) to carry out checks, inspections, searches, investigations or examinations as he deems necessary to ascertain the implementation of the provisions of this Law, and in particular:

(i) to require any person whom he has reasonable cause to believe that may provide information or clarifications in respect of any inspection regarding the implementation of the provisions of the Law, to reply to certain questions, alone or in the presence of any other person which the Inspector may request or permit, as well as to require such person to sign a declaration of the truth of his replies;

(ii) require any person in the workplace to provide him such facilities and assistance on matters under the control or responsibility of such person as shall be necessary to assist the Inspector to exercise any of the powers given to him under this section;

(iii) to request the assistance of any public service or authority which shall be obliged to provide such assistance.

(2) During the inspection referred to in subsection (1) of this section, the Inspector shall inform the employer or his representative of his presence, unless he thinks that this will adversely affect the execution of his duties.

Actions by the
Inspector in case of a
complaint,
2 of 15(l) of 2007.

20C.-(1) An Inspector may receive complaints for any dispute that may arise from the implementation of this Law by any person who feels aggrieved by this dispute as well as on behalf of such person, and as soon as such a complaint is received, he shall follow the procedure provided in subsections (2), (3) and (4) provided that the case has not been brought before the Court.

(2) In exercise of the powers vested in him by the Law, an Inspector shall investigate the complaint submitted to him by any appropriate mean and in particular, he must summon the person against whom the complaint is filed and any other person who is competent or has

responsibility for it, to provide information, clarifications or any other evidence he has or is under his control, that may serve or facilitate the investigation of the complaint and tries to settle the dispute.

(3) where he succeeds in settling the dispute in accordance with subsection (2), the Inspector shall prepare a conciliation settlement to be signed by both parties.

(4) where he does not succeed in settling the dispute in accordance with subsection (2), the Inspector shall prepare minute where he mentions all his actions and ascertained to both parties, and which can be used at proceedings before the Industrial Disputes Tribunal;

(5) Subject to the rest of the provisions of any law, from the day of filing a complaint under subsection (1) to the day of filing the minutes referred to in subsection (4), any deadline in force to bring an action to the Industrial Disputes Tribunal by the complainant or on behalf of whom the complaint was filed, as well as the limitation period of his claim shall be suspended.

Duty to provide information to an Inspector.
2 of 15(l) of 2007.

20D.-(1) Every employer, or his representative and every worker of that employer should, when the inspector so requires, provide any information, book, record, registry, certificate or other document or any other evidence in his possession in relation to the matters regulated by this Law.

(2) The employer, his representative and every worker of that employer should in general provide the means requested by an inspector, which are necessary to enter, inspect, examine, investigate or exercise any other power under this Law, in relation to the employer's undertaking.

Obligation of the Inspector for confidentiality.
2 of 15(l) of 2007.

20E.-(1) An inspector must treat as confidential any matter or information, whether written or oral, which comes within his knowledge during the exercise of his powers under this Law, and shall not disclose or transmit any such matter or information.

(2) Where any Inspector acts in violation of his obligation for confidentiality as defined in subsection (1) of this section, such Inspector shall have civil liability pursuant to the provisions of section 70 of the Public Service Law.

1/1990
71 /1991
211 /1991
27(l) /1994
83(l)/1995
60(l) /1996
109(l) /1996
69(l) /2000
156(l) /2000
4(l)/ 2001
94(l) /2003
128(l) /2003
183(l) /2003
31(l) /2004
218(l) /2004
68(l) /2005
79(l) /2005
105(l) /2005
96(l) /2006
107(l) /2008
137(l) /2009
194(l) /2011
78(l) /2013
7(l) /2014
21(l) /2014
100(l) /2015
148(l) /2017
151(l)/2017
152(l)/2017
98(l)/2020
136(l)/2020
1(l)/2022.

Offences and penalties
for obstructing an
Inspector in exercising
his duties
2 of 15(l) of 2007.

20F.-(1) Subject to the provisions of subsection (2), any person who-

- (a) obstructs an Inspector in the exercise of any power conferred on him by this Law;
- (b) refuses to reply or replies falsely to any enquiry made under this Law;
- (c) fails to produce any register, certificate, book or other document or detail that is required to present by this Law or by virtue of this Law;

(d) conceals or attempts to conceal or prevent any person from appearing before or being examined by any Inspector,

shall be guilty of an offence and liable upon conviction to imprisonment not exceeding three (3) months or a fine not exceeding five thousand one hundred and twenty five euros (€5,125)¹ or to both such penalties.

(2) Where the offences provided for in subsection (1) of this section are committed by a legal person or organisation, the managing director, president, director, secretary or other similar official of the legal entity or organisation shall be guilty, if proven that the offence has been committed with the consent, involvement as accessory or tolerance of any such person, who shall be punished in accordance with subsection (1) of this section, as well as the legal entity or organisation, who shall only be punished to the pecuniary penalty provided for by this subsection.

More favourable regulations.

21. The provisions of this Law shall determine the minimum employee rights and under no circumstances shall they affect more favourable employment terms of any legislation, collective agreements or otherwise.

Regulations
3 of 15(I) of 2007.

22. [Repealed]

Commencement of this Law

23. This Law shall come into force on 1st January 2003.

¹ P.I 312/2007 issued pursuant to section 9(1) of the Adoption of the Euro Law, 2007 (L.33(I) of 2007, as amended)

NOTE

The following law contains provisions which do not constitute part of the principal law and they cannot be included in the consolidated text of the Law as a section thereof. However, in view of the fact that they affect the application of the Law, it was considered expedient to include them in this Note:

1. Section 3 of the Organisation of Working Time (Amendment) Law of 2003 (L131 (I)/2003) published in the Official Gazette of the Republic (First Schedule, number 3758 dated 3.10.2003) prescribes the following date of commencement:

"Commencement of the Law 79(I) / 2003. 3. This Law shall come into force upon the commencement of the Merchant Shipping (Organisation of the Working Time of Seamen) Law of 2003".