



# **Peer Review on “The efficient transposition, implementation and enforcement of EU OSH legislation”**

**Copenhagen, Denmark, 19-20 June 2018**

**Peer Country Comments Paper - CYPRUS**

## **“Sharing Knowledge, Experience, Good Practice” - transposition, implementation, enforcement of EU OSH legislation in Cyprus**

**DG Employment, Social Affairs and Inclusion**

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**EUROPEAN COMMISSION**

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## Table of Contents

List of Abbreviations .....	i
1 Introduction – OSH in Cyprus .....	1
2 Cyprus background .....	2
2.1 Legal Framework.....	2
2.2 Links with Social Partners.....	2
3 Transposition and implementation of the EU OSH legislation in Cyprus .....	3
3.1 General structure of the legal and policy framework in relation to OSH .....	3
3.2 Main authorities and stakeholders .....	4
3.3 Changes in national provisions.....	5
3.4 Strategy for Safety and Health at Work 2013 – 2020.....	5
4 Enforcement of EU OSH legislation in Cyprus.....	6
4.1 Details regarding the main authorities and stakeholders involved in the enforcement of EU OSH legislation .....	6
4.2 Main enforcement approaches and measures.....	7
4.3 Changes in national provisions.....	8
4.4 Incentives .....	8
5 Interlinkages between transposition, implementation and enforcement.....	9
5.1 Difficulties, challenges and constraints.....	9
5.2 Understanding the process from transposition to compliance .....	9
5.3 Effectiveness and efficiency of mechanisms of coordination .....	9
5.4 The implementation of new rules.....	10
5.5 Challenges in meeting the diversity of the labour market .....	10
6 Assessment of the success factors and transferability of Denmark’s example.....	11
6.1 The success factors .....	11
7 Questions .....	11
8 List of references .....	13
Annex 1 Summary table.....	14
Annex 2 Example of relevant practice.....	16

## **List of Abbreviations**

ACSHW: Advisory Committee on Safety and Health at Work  
CySHA: Cyprus Safety and Health Association  
DLI: Department of Labour Inspection  
ETEK: Cyprus Technical Chamber  
EU-OSHA: European Agency for Safety and Health at Work  
EWCS: European Working Conditions Survey  
LAB: Labour Advisory Board  
MLWSI: Ministry of Labour, Welfare and Social Insurance  
OiRA: Online interactive Risk Assessment  
OSH: Occupational Safety and Health  
PSHC: Pancyprian Safety and Health Council  
SHL: The Safety and Health at Work Laws of 1996 to 2015  
SLIC: Committee of Senior Labour Inspectors

## 1 Introduction – OSH in Cyprus

This paper has been prepared for the Peer Review on "The efficient transposition, implementation and enforcement of EU OSH legislation". It provides a comparative assessment of the policy example of the Host Country (Denmark) and the situation in Cyprus. For information on the host country policy example, please refer to the Host Country Discussion Paper.

Legislation on safety and health at work in Cyprus has been in effect since January 1997 and is based on national laws with regulations emanating from them. Over the last fifteen years a cluster of laws has been introduced, relating to safety and health at work, with the purpose of introducing European standards. These laws actually transpose Directive 89/391/EEC (Framework Directive) and have been brought together under the heading "The Safety and Health at Work Laws of 1996 to 2015" (SHL). The Framework Directive is transposed by one main law which has been amended several times, while institutional aspects are covered by separate Regulations. The OSH individual Directives are – as a rule – transposed in one single act each, in the form of Regulations. The only exception concerns Directive 94/33/EC (young people at work), which was transposed through two Regulations and one Law on the Protection of Young Persons at Work.

In 2016 the number of enterprises in Cyprus reached 93,066 compared to 90,162 in 2015 recording an increase of 3.2%. The number of establishments increased by 1.4%, from 98,765 in 2015 to 100,118 in 2016<sup>1</sup>. In 2016, 95.3% of enterprises employed less than 10 persons.

According to the results of the Labour Force Survey, the labour force in the fourth quarter of 2017 amounted to 427,264 persons or 61.5% of the population (males 66.3%, females 57.2%)<sup>2</sup>. According to the distribution of employment by sector, the biggest percentage of employed persons was in Services (81.2%), followed by Manufacturing (16.5%) and Agriculture (2.3%). 86.8% or 333,555 of the total employed persons were employees, of which 14.9% (49,535 persons) had a temporary job.

Results from the implementation of the 2007-2012 Strategy of Cyprus for Safety and Health at Work were as follows:

- The incidence rate of accidents decreased by 27.23%, exceeding the original and very ambitious goal of 25%<sup>3</sup>;
- The annual number of accidents that caused the absence of employees from work for more than 3 days fell below the psychological threshold of 2,000; and
- The construction sector achieved a reduction in the frequency of accidents of 42.2%.

The Strategy of Cyprus for Safety and Health at Work 2013 - 2020<sup>4</sup> states the guidelines and priorities set to achieve the protection of workers. Particular emphasis is being given

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<sup>1</sup> Press release from Statistical Service of Cyprus:

[http://www.mof.gov.cy/mof/cystat/statistics.nsf/all/6482CD5748AE61CDC22581D4003812D4/\\$file/Business\\_Register-2016-EN-161117.pdf?OpenElement](http://www.mof.gov.cy/mof/cystat/statistics.nsf/all/6482CD5748AE61CDC22581D4003812D4/$file/Business_Register-2016-EN-161117.pdf?OpenElement).

<sup>2</sup> Press release from Statistical Service of Cyprus:

[http://www.mof.gov.cy/mof/cystat/statistics.nsf/All/2F8948AA0D5DC4C4C22581A90047A16B/\\$file/Labour\\_Force\\_Survey-Q417-EN-090318.doc?OpenElement](http://www.mof.gov.cy/mof/cystat/statistics.nsf/All/2F8948AA0D5DC4C4C22581A90047A16B/$file/Labour_Force_Survey-Q417-EN-090318.doc?OpenElement).

<sup>3</sup> Department of Labour Inspection, Strategy of Cyprus for Safety and Health at Work during the period 2013-2020:

[http://www.mlsi.gov.cy/mlsi/dli/dliup.nsf/All/B208115A0B53109FC22580B3002FB4D9/\\$file/HEALTH\\_AND\\_SAFETY\\_Strategy\\_2013\\_2020\\_EN\\_1.pdf](http://www.mlsi.gov.cy/mlsi/dli/dliup.nsf/All/B208115A0B53109FC22580B3002FB4D9/$file/HEALTH_AND_SAFETY_Strategy_2013_2020_EN_1.pdf).

<sup>4</sup> Department of Labour Inspection, Strategy of Cyprus for Safety and Health at Work during the period 2013-2020:

[http://www.mlsi.gov.cy/mlsi/dli/dliup.nsf/All/B208115A0B53109FC22580B3002FB4D9/\\$file/HEALTH\\_AND\\_SAFETY\\_Strategy\\_2013\\_2020\\_EN\\_1.pdf](http://www.mlsi.gov.cy/mlsi/dli/dliup.nsf/All/B208115A0B53109FC22580B3002FB4D9/$file/HEALTH_AND_SAFETY_Strategy_2013_2020_EN_1.pdf).

to micro enterprises, i.e. those with fewer than 10 employees, which constitute the overwhelming majority of enterprises in Cyprus.

## **2 Cyprus background**

### **2.1 Legal Framework**

In Cyprus, the policy on safety and health at work is regulated by the Government through the Ministry of Labour, Welfare and Social Insurance (MLWSI)<sup>5</sup>.

The national legislation in the area of occupational safety and health covers all types and sectors, without distinction, including the public sector and SMEs. The Department of Labour Inspection (DLI)<sup>6</sup> is the enforcement body competent for occupational health and safety issues and the procedures in case of infringement in the public sector is the same as in the private sector.

These laws form a coherent system for the management of safety and health at work in Cyprus. The employer must develop and implement a safety system or a risk management system suitable to the size of the company, for effective planning, organization, control, monitoring and reviewing of preventive and protecting measures. The system should target the improvement of safety, health and welfare of all workers and promote the cooperation between employers and employees<sup>7</sup>.

Where the employer employs five or more persons, he must keep a special safety and health register in which risks and measures taken are recorded.

The national legislation in the area of occupational safety and health also provides that self-employed persons are required to have a written risk assessment.

### **2.2 Links with Social Partners**

The DLI cooperates with the Social Partners in the field of the formulation of policy proposals to the MLWSI, for the introduction of new legislation and occupational safety and health standards and for the successful operation of various programmes, which include measures for the improvement of the levels of safety and health at the workplace. This cooperation, as described in paragraph 3.2 below, is practiced at the national, regional and local level.

#### **2.2.1 Safety Committees**

At the workplace level, the consultation between employers and employees is organized through Safety Committees. According to the legislation, at workplaces where 10 or more employees are employed, a Safety Committee has to be formed. The president of this Committee is the employer or a person appointed by him. The rest of the members of the Committee are the safety representatives elected by the employees. In workplaces where 5-9 employees are employed, the Law provides for the election of only one safety representative.

As a general rule, the Inspectors request from the employer and from the safety representatives to accompany him/her during an inspection and also ensure that the workers' representatives are present at the evaluation meeting that takes place after the completion of the inspection.

The Safety Committee is elected for a three-year period and meets once every three months or whenever required following a written requisition from the safety representatives or when demanded by the employer. The Committee submits proposals

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<sup>5</sup> Ministry of Labour, Welfare and Social Insurance:

[http://www.mlsi.gov.cy/mlsi/mlsi.nsf/index\\_en/www.aboutcyprus.org.cy](http://www.mlsi.gov.cy/mlsi/mlsi.nsf/index_en/www.aboutcyprus.org.cy).

<sup>6</sup> Department of Labour Inspection:

[http://www.mlsi.gov.cy/mlsi/dli/dliup.nsf/index\\_gr/index\\_gr?OpenDocument](http://www.mlsi.gov.cy/mlsi/dli/dliup.nsf/index_gr/index_gr?OpenDocument).

<sup>7</sup> OSH system at national level – Cyprus

[https://oshwiki.eu/wiki/OSH\\_system\\_at\\_national\\_level\\_-\\_Cyprus](https://oshwiki.eu/wiki/OSH_system_at_national_level_-_Cyprus)



on OSH measures that may improve the working conditions and the prevention of work related accidents and diseases. Finally, it collaborates with the Labour Inspector on all OSH matters.

The employer should in all cases facilitate the establishment of a Safety Committee and must provide time during working hours for the representatives to carry out their duties. The employer must also provide information and training on OSH matters.

Companies with more than 200 employees must employ a full-time Safety Officer and have a safety committee in which the Safety Officer takes part<sup>8</sup>.

### **3 Transposition and implementation of the EU OSH legislation in Cyprus**

#### **3.1 General structure of the legal and policy framework in relation to OSH**

The legislative framework is fully harmonised with the corresponding Acquis Communautaire but is updated when and where gaps and/or relevant elements are identified with respect to the situation in Cyprus, including needs arising from searching, drilling and transportation of hydrocarbons in offshore installations.

With regard to the scope of the legislation transposing Directive 89/391/EEC<sup>9</sup> (Framework Directive), Cyprus includes all activities that are conducted for the purpose of financial gain. In addition, the SHL – as amended in 2011 – has extended the implementation scope, inter alia to private households employing domestic staff, as well as to elevator and pressure tank installations. As a result, the definition of 'employer' is broader than the Framework Directive, as it includes any person who employs workers and any person who conducts an economic activity or who manages a business. Moreover, the SHL provisions have also been extended to cover not only workers but also self-employed persons and third persons who may be affected by the activities of an employer.

The Evaluation report of the EU Occupational Safety and Health Directives concludes that Cyprus has transposed all OSH-related EU Directives in a very effective way, as no observed discrepancies in the transposition have been detected (Milieu Ltd. Belgium). There are also relatively few cases where the Cyprus legislation sets more stringent or broader requirements, as follows:

- Additional minimum requirements, for example with regard to self-employed persons and overcrowding of the workplace, are laid down in Directive 89/654/EEC (workplace). The transposing legislation of Directive 92/58/EEC (OSH signs) includes more detailed requirements on training of workers.
- In relation to Directives 90/270/EEC (display screen equipment) and 2006/25/EC (artificial optical radiation), the national legislation sets more detailed requirements on risk assessment. More detailed requirements on health surveillance are noted in the national legislation transposing Directives 2002/44/EC (vibration), 92/104/EEC (surface and underground mineral-extracting industries), 92/91/EEC (mineral-extracting industries through drilling) and 94/33/EC (young people at work).

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<sup>8</sup> (Art. 10 of L. 89(I)/1996):  
[http://www.mlsi.gov.cy/mlsi/dli/dliup.nsf/1F0F98BA16BA0DA4C2257DE10030EB6C/\\$file/Law\\_89\(I\)\\_1996.pdf](http://www.mlsi.gov.cy/mlsi/dli/dliup.nsf/1F0F98BA16BA0DA4C2257DE10030EB6C/$file/Law_89(I)_1996.pdf).

<sup>9</sup> Framework Directive:  
<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31989L0391>.

- The scope of Directives 92/104/EEC (surface and underground mineral-extracting industries), 92/91/EEC (mineral-extracting industries through drilling) is broader, as the definition of 'workplace' covers the whole area, including house workstations, activities and installations.
- Finally, the definition of a Cypriot Vessel covers any vessel flying the flag of Cyprus and registered under the plenary jurisdiction of Cyprus, making the legislation transposing Directive 92/29/EEC (medical treatment on board vessels) and Directive 93/103/EC (work on board fishing vessels) stricter.

### 3.1.1 Health Surveillance

In November 2017, new Regulations<sup>10</sup> regarding surveillance of workers' health were approved by the Parliament. These Regulations specify the procedures and the framework of the surveillance system of workers' health in Cyprus. The Regulations will be initially enforced to two categories of workers, asbestos workers and dock workers. For this purpose, the Minister of Labour, Welfare and Social Insurance will issue two Ministerial Ordinances to determine minimum medical examinations for these workers.

### 3.2 Main authorities and stakeholders

National tripartite dialogue on safety and health issues takes place at the level of the Pancyprian Safety and Health Council (PSHC). The PSHC is a multipartite body established in 1965 and since 1996 is a statutory body under the SHWL<sup>11</sup>.

It reviews national OSH policy and advises the Minister on health and safety at work issues. It consists of representatives from the MLWSI, the Mines Service of the Ministry of Agriculture, Natural Resources and Environment, the Department of Agriculture the same Ministry, Cyprus Safety and Health Association<sup>12</sup> (CySHA), Cyprus Technical Chamber (ETEK)<sup>13</sup> and the main social partners of Cyprus.

The purpose of the Council is to submit to the Minister of Labour, Welfare and Social Insurance recommendations for measures to be taken as well as the best and efficient working methods that should be followed to ensure the occupational safety and health of workers and to advise the Minister on issues related to prevention of accidents and the drafting or revision of the relative Legislation.

The Technical tripartite Committees of the PSHC discuss and agree national priorities and objectives which are consequently submitted to the Council.

It is to be noted that all legislation proposals are discussed at the Labour Advisory Board (LAB), which is a body established during the 60's by a decision of the Council of Ministers dealing with all labour issues. This body is tripartite and is presided by the Minister of Labour, Welfare and Social Insurance.

Moreover, the annual safety awareness campaign, undertaken in the framework of the European Safety Week, is organised at national and regional levels in cooperation with the Social Partners. In addition, the Department assists the workers representative organisations to organise training programmes for the members of Safety Committees.

The District Advisory Committees convene twice a year at the District Labour Inspection Offices. In these Committees representatives of the social partners at local level

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<sup>10</sup> Οι περί Ασφάλειας και Υγείας στην Εργασία (Επιτήρηση της Υγείας) Κανονισμοί του 2017 (Κ.Δ.Π. 330/2017):

[http://www.mlsi.gov.cy/mlsi/dli/dliup.nsf/all/18C6A0A27B184F32C22581BB002B0444/\\$file/KDP%20330\\_2017.pdf?openelement](http://www.mlsi.gov.cy/mlsi/dli/dliup.nsf/all/18C6A0A27B184F32C22581BB002B0444/$file/KDP%20330_2017.pdf?openelement).

<sup>11</sup> (Art. 5 of L. 89(I)/1996):

[http://www.mlsi.gov.cy/mlsi/dli/dliup.nsf/1F0F98BA16BA0DA4C2257DE10030EB6C/\\$file/Law\\_89\(I\)\\_1996.pdf](http://www.mlsi.gov.cy/mlsi/dli/dliup.nsf/1F0F98BA16BA0DA4C2257DE10030EB6C/$file/Law_89(I)_1996.pdf).

<sup>12</sup> Cyprus Safety and Health Association: <http://www.cysha.org.cy/>

<sup>13</sup> Technical Chamber of Cyprus: <http://www.etek.org.cy/site-menu-82-en.php>.

participate and discuss issues concerning the implementation of legislation on safety and health at work.

### 3.3 Changes in national provisions

Feedback from the PSHC on the transposition and implementation of OSH legislation have led to changes in national provisions as shown below:

- Two EU non-binding guides (related to the ATEX<sup>14</sup> Directive and to Work at Height<sup>15</sup>) have been approved as code of practice in national legislation to help SMEs.
- Amendment in 2011<sup>16</sup> of the SHWL significantly increased the maximum penalties that may be imposed for breaches in safety and health at work issues, which is expected to become more deterrent for future violations of the law.
- Expansion and consolidation of the institution of External Safety Persons known as External Protection and Prevention Services (EXYPP), which provide support to Health and Safety issues for employers and self-employed.
- Promotion in cooperation with the Public Administration and Personnel Department, issues of Safety and Health at Work in the Public Sector through the preparation and use of a Guide on Organization and Management of Health and Safety issues in the Public Service<sup>17</sup> as well as through the training of Safety Representatives and Safety Officers in the Cyprus Academy of Public Administration and Productivity Centre respectively.
- Promotion of the integration of OSH issues into other policy areas and especially their integration achieved in the education system within the context of the educational reform. The Health Education course includes sections on Safety and Health at Work and is taught in almost all levels of the education system.
- Signed joint Policy Declaration between the social partners and other interested professional bodies to reduce accidents and occupational diseases in the construction sector and promoted specific measures to achieve the objectives of the Joint Declaration.
- Improvement of the tender procedures for the execution of construction works by the inclusion within the terms of tender documents, conditions and requirements for safety and health issues.
- Initiated cooperation with academic institutions to promote research in the Safety and Health at Work.

### 3.4 Strategy for Safety and Health at Work 2013 – 2020

The main objective of the Strategy of Cyprus in the field of safety and health at work for the period 2007 - 2012 was to reduce the frequency of accidents by 25% and the control and reduction of occupational diseases.

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<sup>14</sup> Κώδικας Πρακτικής για τη Διαχείριση Κινδύνων σε Εκρήξιμο Περιβάλλον:

[http://www.mlsi.gov.cy/mlsi/dli/dliup.nsf/All/EDF736E1EC3A96CBC2257E030043BB3F/\\$file/KDP\\_291\\_2002.pdf](http://www.mlsi.gov.cy/mlsi/dli/dliup.nsf/All/EDF736E1EC3A96CBC2257E030043BB3F/$file/KDP_291_2002.pdf).

<sup>15</sup> Το περί Ασφάλειας και Υγείας στην Εργασία (Κώδικας Πρακτικής για την Εκτέλεση Εργασιών σε Ύψος) Διάταγμα του 2012 (Κ.Δ.Π. 131/2012):

[http://www01.intranet.gov.cy/public/mlsi/dli/dliup.nsf/1DEAB11A5388E1BFC2257E03004437B4/\\$file/KDP\\_131\\_2012.pdf](http://www01.intranet.gov.cy/public/mlsi/dli/dliup.nsf/1DEAB11A5388E1BFC2257E03004437B4/$file/KDP_131_2012.pdf).

<sup>16</sup> Ο περί Ασφάλειας και Υγείας στην Εργασία (Τροποποιητικός) Νόμος του 2011 (Ν. 33(I)/2011):

[http://www.mlsi.gov.cy/mlsi/dli/dliup.nsf/1F0F98BA16BA0DA4C2257DE10030EB6C/\\$file/Law\\_33\(I\)\\_2011.pdf](http://www.mlsi.gov.cy/mlsi/dli/dliup.nsf/1F0F98BA16BA0DA4C2257DE10030EB6C/$file/Law_33(I)_2011.pdf).

<sup>17</sup> Οδηγός Οργάνωσης και Διαχείρισης Θεμάτων Ασφάλειας και Υγείας στη Δημόσια Υπηρεσία:

[http://www.mlsi.gov.cy/mlsi/dli/dliup.nsf/All/9F1582EBA76780CBC2257E0A0039580A/\\$file/Odigos\\_gia\\_Systima\\_sti\\_Dimosia\\_Dioikisi.pdf](http://www.mlsi.gov.cy/mlsi/dli/dliup.nsf/All/9F1582EBA76780CBC2257E0A0039580A/$file/Odigos_gia_Systima_sti_Dimosia_Dioikisi.pdf).

The results of the Strategy were considered to be successful and were used for the preparation of the new Strategy which covered the time period 2013 – 2020. The strategy for Safety and Health at Work 2013 - 2020 was approved by the Council of Ministers and signed by all the stakeholders (as referred to in paragraph 4.1) and the Minister of Labour, Welfare and Social Insurance on the 3rd of July 2014.

It sets the direction and priorities to further achieve the above-mentioned objective. Particular emphasis is given to micro enterprises i.e. those with less than 10 workers. These represent the vast majority of businesses in Cyprus. Moreover, the new strategy emphasises the dangers of psychosocial factors and musculoskeletal disorders<sup>18</sup>. The members of the PSHC prepared and agreed upon an Action Plan.

The actions undertaken by the Department of Labour Inspection towards the achievement of this objective are shown below:

- Identification of the situation regarding occupational diseases. Collection from the Cancer Data Bank of the Bank of Cyprus Oncology Centre and other relevant authorities.
- Economic and Technical Study.
- Briefing and raising awareness of the medical world. Organisation of activities in cooperation with the Pancyprian Medical Union.
- Preparation and distribution of information material pertinent to occupational health, occupational diseases and the promotion of health.
- Introduction of the principle of health promotion at work.
- Promotion of procedures for the notification of occupational diseases and the creation of a System for collecting information and data.

## **4 Enforcement of EU OSH legislation in Cyprus**

### **4.1 Details regarding the main authorities and stakeholders involved in the enforcement of EU OSH legislation**

In Cyprus, employment legislation and legislation on health and safety at work are a competence of the MLWSI.

The DLI is part of the MLWSI and is responsible for the implementation and surveillance of the national OSH policy. The DLI has District Offices in Nicosia, Limassol, Larnaca, Paphos and Famagusta.

The Cyprus Safety and Health Association (CySHA) contributes and participates in efforts to promote safety and health at work and prevent risks. CySHA is represented at the PSHC.

The Cyprus Technical Chamber (ETEK) represented at the PSHC is the statutory Technical Advisor to the State and umbrella organization for all Cypriot Engineers.

The main social partners (stakeholders) of Cyprus are:

- The Employers and Industrialists Federation (OEB)<sup>19</sup> is a Pancyprian independent organisation comprising of more than 55 of the main professional/sectoral associations. In total, OEB has more than 4,500 Members/ Enterprises.

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<sup>18</sup> In the EU28, Greece, Romania and Cyprus have the highest levels of exposure to posture-related risks Eurofound (2017), Sixth European Working Conditions Survey – Overview report (2017 update), Publications Office of the European Union, Luxembourg.

<sup>19</sup> <http://www.oeb.org.cy/>.

- The Cyprus Chamber of Commerce and Industry (CCCI)<sup>20</sup> is the union of Cypriot businessmen, the interests of whom it promotes by submitting to the Government and Parliament its members' positions on matters in which they are involved, while, through its participation in tripartite bodies and committees, it conveys and promotes the views of the business community.
- The Federation of Associations of Building Contractors of Cyprus (OSEOK)<sup>21</sup> is currently the only official organisation representing social partners and stakeholders of the construction sector. It promotes and protects the interests of nearly 1000 members of the relevant Associations.
- The Pancyprian Professional Small Shopkeepers Federation (G.C.POVEK)<sup>22</sup> represents mostly SMEs with up to 250 employees. It has over 10,000 members belonging to various professional associations from all spheres of economic activities, retail, services, technical professions, transport etc.
- The main confederations of the trade unions are the Pancyprian Federation of Labour (PEO)<sup>23</sup>, the Cyprus Worker's Confederation (SEK)<sup>24</sup>, the Democratic Labour Federation of Cyprus (DEOK)<sup>25</sup> and the Pancyprian Federation of Independent Trade Unions (PFITU).
- Public sector workers are represented by the Pancyprian Public Workers Trade Union (PASYDY)<sup>26</sup>.
- The Cyprus Union of Bank Workers (ETYK)<sup>27</sup> was founded in 1955 and represents all workers working in the banking sector in Cyprus, as well as all workers of insurance companies that belong to banking institutions.

#### 4.2 Main enforcement approaches and measures

Labour Inspection is necessary for the more effective enforcement of legislation aiming to protect workers and to secure free and fair competition between enterprises.

The DLI is responsible for workplaces' control. Their methods include a range of inspections, requests for improvements, for new procedures and structures or general recommendations and prosecutions. The control is undertaken by DLI-inspectors, currently in the DLI there are 79 posts of Labour Inspectors and Labour Inspection Officers<sup>28</sup>, of which 14 are vacant to cover a labour market of 427.264 employees. The DLI carries out different types of inspection to supervise whether SHWL and Regulations are observed. The objective is to provide companies with the adequate support to manage and prevent risks in the workplace. The DLI can impose different forms of sanctions i.e. improvement notices, legal charges and guidelines. The sanctions chosen to depend on the company's actual working environment standards and efforts made to improve.

According to the annual inspection program of DLI, specific activities in various economic sectors and focused inspection campaigns, are carried out. To better conduct the specific campaigns, special questionnaires, informational material and instructions are conveyed

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<sup>20</sup> <http://www.ccci.org.cy/>.

<sup>21</sup> <http://www.oseok.org.cy/>.

<sup>22</sup> <http://povek.com/>.

<sup>23</sup> <https://www.peo.org.cy/en/>.

<sup>24</sup> <http://www.sek.org.cy/>.

<sup>25</sup> <http://deok.org.cy/el>.

<sup>26</sup> <http://www.pasydy.org/>.

<sup>27</sup> <http://www.etyk.org.cy/dnn5/>.

<sup>28</sup> Department of Labour Inspection, Annual Report 2017:

[http://www.mlsi.gov.cy/mlsi/dli/dliup.nsf/34CD7D78A91D26B9C2257D5B003BABED/\\$file/EtisiaEkthesi\\_2017.pdf](http://www.mlsi.gov.cy/mlsi/dli/dliup.nsf/34CD7D78A91D26B9C2257D5B003BABED/$file/EtisiaEkthesi_2017.pdf).

to the mass media and all concerned parties and additionally are posted on the DLI website.

The main enforcement approaches consist of the following:

I. Preparation of national objectives

The views and opinions of all the stakeholders, and especially the social partners are taken into consideration.

II. Proactive Inspection for enforcement purposes

The computerized information system of the DLI, contains information on employers, undertakings, accidents, court cases, letters addressed to employers after an inspection, and details on inspections. With this system, a risk rating system is applied, to enable the Inspectors to evaluate the level of risk of each inspected workplace. Proactive inspections are scheduled on the basis of the above rating system. The visit by the inspectors is unannounced.

III. Reactive inspection

Reactive inspections include full investigation in all cases concerning fatal accidents as well as serious injuries. Also, include risk base investigation of complaints submitted by the employees, their representatives and sometimes by members of the public.

IV. Prosecutions

Cases involving serious breaches of SHWL are brought before the court.

### **4.3 Changes in national provisions**

The lack of human, professional and financial resources is seen as a serious barrier to compliance, especially in relation to SMEs, particularly micro-establishments with less than 10 workers (which constitute 95% of all enterprises in Cyprus). A lot of problems are detected with regard to the preparation of suitable written risk assessments; actually, there is a general lack of written documentation on the measures taken for compliance. For this the DLI in cooperation with European Agency for Safety and Health at Work (EU-OSHA), has prepared nine OiRA tools.

### **4.4 Incentives**

Incentives in terms of financial benefits for compliance with OSH regulation have been used occasionally in relation to specific programmes.

Grant scheme for building contractors of small and medium enterprises. The objective of the scheme was to improve metal scaffoldings industry in Cyprus, as well as to better place the metal scaffoldings industry on the market and in line with European standards. Worth over 10 million euros.

Project Technical Assistance; Implementing technical assistance project through funding from the European Union amounting to 1.7 million euros through which more than 2 000 persons were trained for Safety and Health at Work, prepared informative material, evaluated the Labour Inspection System of the DLI and purchasing of instrumentation for the needs of Inspectors.

E-gnosis: e-Learning Portal on safety and health issues provided by the Cyprus Productivity Centre. All available courses are offered for free.

## **5 Interlinkages between transposition, implementation and enforcement**

Feedback from the PSHC on the transposition and implementation of OSH legislation led to various changes in national provisions, as described in paragraph 3.3 above.

### **5.1 Difficulties, challenges and constraints**

The Cyprus model is very similar to the Danish model regarding the synergy and interaction between DLI and the social partners which is especially important.

Transposition is a political process which can be handled as a simple administrative task or it can lead to more thorough revision of regulation. The process of implementation is allocated to DLI, the Social Partners and the relevant bodies in which they are represented.

Enforcement is the most complex process which includes a line of interacting activities carried out by a number of actors and institutions. The improvement of health and safety at work levels require the active participation of all stakeholders involved. The collaboration with the Social Partners constitutes the cornerstone of the whole policy of the MLWSI.

### **5.2 Understanding the process from transposition to compliance**

Same as in Denmark there is a growing political interest in achieving a better understanding of "what works" gained from evaluation of the results of regulation in the form of improved ability to prevent problems and to control risks on the workplace level.

The success of any OSH policy depends largely on the effectiveness of the communication channels and tools used to reach the various players concerned, from policy makers to workers themselves. Media such as the internet, online applications and social networks provide a range of possible tools to be further explored that may be more effective than conventional approaches in reaching younger workers<sup>29</sup>.

In this respect a realistic evaluation approach may reveal how these interventions and policy measures should be understood in relation to the context in which it is performed. The results of this kind of evaluation will add to a growing understanding of why some measures are successful in some cases but not in others.

In collaboration with Academic Institutions, Research Institutes and Services in Cyprus and abroad, research on gaps of knowledge will be sought in order to face existing or emerging risks.

Research promotion will be pursued on occupational health and safety issues and in particular in new technologies such as waste management and nanotechnology. Furthermore, the pursuit research will cover demographic changes, changes in employment and the relationship between productivity and working life.

Also, the assignment of studies and research to suitable organisations / institutions will be sought for the improvement of knowledge on issues of occupational safety and health.

### **5.3 Effectiveness and efficiency of mechanisms of coordination**

The integration of safety and health issues in the curriculum of public and private schools at all levels of education, i.e. Pre-elementary, Elementary, Gymnasium, Lyceum and Technical Education so that today's pupils and students, but tomorrow's employers and employees, gain knowledge over time in Safety and Health issues as well as developing a safety culture.

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<sup>29</sup> COM(2014) 332 final



In the context of the Joint Policy Statement on the reduction of occupational accidents and occupational diseases in the Construction Sector, the DLI prepared an Action Plan including the following actions:

- Integration of safety and health issues into procurement procedures and execution of construction projects.
- Through consultations with the Joint Committee on Building Contracts and the Standing Committee on Technical Works an amendment is being made to the contracts that these Committees provide for the delegation of work to the private sector.
- An amendment to the Public Works Contracts is promoted through consultation with relevant Government Departments and Public-Sector Organizations.
- Establish Safety and Health at Work criteria for the registration of new members or the renewal of the existing Professional Licensing of Engineers by the Cyprus Scientific Technical Chamber.
- Establish Safety and Health at Work criteria for the registration of new members or the renewal of the existing Professional Licensing of Contractors by the Registration and Control Council of Contractors.
- Safety and health issues have been included in the written examinations organized by the Council for Registration and Control of Building and Civil Engineering Contractors for the registration and licensing of contractors.

## **5.4 The implementation of new rules**

### **5.4.1 Code of Practice for Thermal Stress of Workers**

During the summer months, exposure to extreme weather conditions (which prevail in Cyprus) is one of the biggest risks to the safety, health and wellbeing of workers. Work in sheltered workplaces when scorching heat conditions exist is legally regulated. Gaps exist in the case of work in open workplaces, such as building sites and agricultural work.

The MLWSI, as the competent authority for safeguarding a suitable work environment, enforces the decision taken by the Minister of Labour and Social Insurance during the Labour Advisory Committee's session on 5.7.2002 for dealing with heat stress of workers in outdoor work activities during the summer months.

The decision provides for the following:

- Issue and use of the Code of Practice for Thermal Stress of Workers for dealing with heat exposure of workers in outdoor work activities during the summer months. The Code was adopted and issued by Decree of the Minister of Labour, Welfare and Social Insurance, published on 18.6.2014 in the Official Gazette of the Republic of Cyprus.
- The Ministry of Labour and Social Insurance will issue relevant announcements to be published in the daily press in cases where it is expected that scorching heat conditions will prevail, in order to inform and protect workers and employers.

## **5.5 Challenges in meeting the diversity of the labour market**

As described above enforcement in Cyprus is primarily based upon control and prosecution in combination with very broad and substantial dissemination and information activities. This strategy has proven successful in the traditional, well known and well-regulated part of the labour market. But it also has its limitations.



### **5.5.1 Small and medium sized companies (SME's)**

Approaching small and medium sized companies with the contribution of social partners in parallel with the promotion of the OiRA tools by DLI alongside the other actions, it is believed that this challenge will be addressed in a satisfactory way.

### **5.5.2 New types of employment and company structures**

Based on the following DLI will be able to manage new types of employment and company structures by:

- Mainstreaming safety and health at work issues into the employment sector.
- Working with social partners for the implementation of training programs in occupational safety and health issues for new entrants to employment.
- The inspection of the premises of the employer concerned and the imposition of conditions with the aim of improving safety and health at work in the context of the examination procedure for granting alien employment permit by the Department of Labour.

### **5.5.3 Psychological Health and Safety**

The problem relating to mental illnesses and health is another challenge to enforcement. Based on a Europe-wide poll conducted by the EU-OSHA at the end of 2012 work-related stress is considered more frequent in Cyprus than anywhere else in Europe, although half of employees think it is well controlled in the workplace.

The new Strategy 2013-2020 emphasizes the dangers of psychosocial factors and the musculoskeletal disorders. The Health Surveillance System for the Workers will be operable through the implementation of an Action Plan which was prepared after the completion of a relative study and through the introduction of new legislation. There is a need for the focusing of efforts in the registration, monitoring and prevention of occupational diseases. Specifically, efforts must be made for the combating of among others, occupational stress. The promotion of prevention of work accidents and occupational diseases will be materialised with the implementation of plans and programmes for the promotion of health at the workplace and the collaboration with the medical world.

## **6 Assessment of the success factors and transferability of Denmark's example**

### **6.1 The success factors**

The Cyprus approach to the work environment also has its foundation in efficient transposition, implementation and enforcement of work environment regulation. As in Denmark, a long history has proven that enforcement alone cannot guarantee a safe and healthy work environment. 'Implementation and enforcement' have been expanded into 'governance' in a network where different stakeholders, in particular the social partners, plays a major role, as do the scientific community, the technical chamber, the safety and health association and a number of different OSH professionals.

The concept of "orchestration" has already been applied in Cyprus. Evidence of this can be seen in the strategy action plan, whereby each action is in coordination with DLI. Please refer to information provided in the above sections.

## **7 Questions**

- How are issues such as work-related illness, presentism approached? Is data related to these issues collected? And how?

- Inspections focus on one part of the system at a time. Audits focus on all parts of the system and how they work together. Does the Inspector, during the inspection visit, conduct a systematic, detailed, professional review of the entire organisation?
- How are issues regarding consultation, training of employees, duties and responsibilities of employees addressed?
- How is the training of employees evaluated?
- Training and education of labour inspectors:
  - How are needs identified?
  - How often it is provided?
  - At what level?
  - Which data is taken into account for the program's compilation?
  - How is the training evaluated?

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## Annex 1 Summary table

The main points covered by the paper are summarised below.

### Peer country background

- In Cyprus, the policy on safety and health at work is regulated by the Government through the MLWSI.
- The DLI is the enforcement body competent for occupational health and safety issues and the procedures in case of infringement in the public sector is the same as in the private sector.
- Social Partners include employers and employees organisations, CySHA, ETEK.
- Incidence rate of accidents decreased by 27.23%, exceeding the original and very ambitious goal of 25%.
- Construction sector achieved a reduction in the frequency of accidents of 42.2%.

### Transposition and implementation of the EU OSH legislation in the peer country

- The Evaluation report from EU 2015 concludes that Cyprus has transposed all OSH-related EU Directives in a very effective way, as no observed discrepancies in the transposition have been detected.
- There are also relatively few cases where the Cypriot legislation sets more stringent or broader requirements.
- National tripartite dialogue on safety and health issues takes place at the level of the Pancyprian Safety and Health Council (PSHC). The PSHC was established in 1965 and since 1996 is a statutory body under the SHWL.
- In November 2017, new Regulations regarding surveillance of workers' health were approved by the Parliament.
- The strategy for Safety and Health at Work 2013 – 2020 gives particular emphasis to micro enterprises i.e. those with less than 10 workers, which represent the vast majority of businesses in Cyprus; the new strategy emphasises the dangers of psychosocial factors and musculoskeletal disorders.

### Enforcement of EU OSH legislation in the peer country

- In Cyprus, compliance with OSH legislation is enhanced by (scheduled and non-scheduled) inspections, which go hand in hand with education and awareness raising.
- Main enforcement approaches consist of:
  - preparation of national objectives;
  - proactive inspection for enforcement purposes;
  - reactive inspection for accident investigation and complaints; and
  - prosecutions.
- Incentives in terms of financial benefits for compliance with OSH regulation have been occasionally used in relation to specific programmes.

### Interlinkages between transposition, implementation and enforcement

- The Cyprus model is very similar to the Danish model regarding the synergy and interaction between DLI and the social partners which is especially important.
- As in Denmark there is a growing political interest in achieving a better understanding of what works gained from evaluation of the results of regulation in the form of improved ability to prevent problems and to control risks on the workplace level.
- The integration of safety and health issues in the curriculum of Public and private schools at all levels of education, i.e. Pre-elementary, Elementary, Gymnasium, Lyceum and Technical Education so that today's pupils and students, but tomorrow's employers and employees, gain knowledge over time in Safety and Health issues as well as developing a safety culture.
- The DLI, following consultation with all interested parties, prepared a Code of Practice for Thermal Stress of employees containing guidelines on the treatment of thermal stress in indoor or outdoor places. The Code was adopted and issued by Decree of the Minister of Labour, Welfare and Social Insurance, published on 18.6.2014 in the Official Gazette of the Republic of Cyprus.

### **Assessment of success factors and transferability**

- The concept of "orchestration" has already been applied in Cyprus.
- Evidence of this can be seen in the strategy action plan, whereby each action is in coordination with DLI.

### **Questions**

- How are issues such as work-related illness, presentism approached? Is data related to these issues collected? And how?
- Inspections focus on one part of the system at a time. Audits focus on all parts of the system and how they work together. Does the Inspector, during the inspection visit, conduct a systematic, detailed, professional review of the entire organisation?
- How are issues regarding consultation, training of employees, duties and responsibilities of employees addressed?
- How is the training of employees evaluated?
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  - At what level?
  - Which data is taken into account for the program's compilation?
  - How is the training evaluated?

## Annex 2 Example of relevant practice

Name of the practice:	Code of Practice for Thermal Stress of Workers
Year of implementation:	2104
Coordinating authority:	Ministry of Labour, Welfare and Social Insurance
Objectives:	The aim of the Code of Practice is to help each employer and every self-employed person to apply the provisions of the legislation in order to avoid or reduce to an acceptable level the risks from the exposure of workers to overburdened thermal workplaces and to create a safe, a healthy, pleasant and productive work environment.
Main activities:	<p>Discussion during the Labour Advisory Committee's session on 5.7.2002</p> <p>Preparation by DLI of the Code of Practice for Thermal Stress of Workers in outdoor work activities during the summer months.</p> <p>The Code was adopted and issued by Decree of the Minister of Labour, Welfare and Social Insurance, published on 18.6.2014 in the Official Gazette of the Republic of Cyprus.</p>
Results so far:	<p>During the summer season, when heat conditions are expected, DLI Inspectors carry out inspections in open workplaces to find out whether the provisions of the Code of Practice applied. In the event of a breach by employers, the DLI proceeds with criminal action against the employer.</p> <p>The results are considered to be very satisfactory.</p>

