

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

**Enforcement – an overview
of how the system works in Cyprus**

Copenhagen, Denmark, 19-20 June 2018

Contents

1. Cyprus – Present situation
 - 1.1. Facts and figures
2. Enforcement of EU OSH
 - 2.1. Tripartite dialogue
 - 2.2. Main authorities involved in the enforcement of EU OSH legislation
 - 2.3. Main stakeholders involved in the enforcement of EU OSH legislation
 - 2.4. Main enforcement approaches and measures

1. Cyprus – Present situation



1.1. Facts and figures

- The population in the Government controlled area is estimated at 854,800 at the end of 2016
- Area: 9 251 Km²
- Inflation: (-1.2%)
- GDP at Current Market Prices : 19,213.755
- Development Rate: expected to reach around 2.9%
- Unemployment \approx 13.6%

1.1. Facts and figures

Total number of employed persons (4th quarter of 2017):

- 427,264 (57.2% of which are females)
- 49,535 persons had a temporary job (14.9%)

Distribution of employment by sector:

- Services (81.2%)
- Manufacturing (16.5%)
- Agriculture (2.3%)

1.1. Facts and figures

Enterprises in operation approximately 93 066.

- "Micro" enterprises:
 - 95.3% employed less than 10 persons (2016) of which 60% employee only one person
- "Small" enterprises: 3.9% (10 to 49 persons)
- "Medium" enterprises: 0.7% (50 to 249 persons)
- "Large" enterprises: 0.1% (250 or more persons)

2. Enforcement of EU OSH legislation in Cyprus

2.1. Tripartite dialogue

Tripartite dialogue in the field of health and safety at work is widely practiced in Cyprus for the:

- formulation of OSH and generally Labour policy
- introduction of new legislation and standards
- successful operation of various programmes and
- application of necessary preventive measures

This dialogue is exercised at national, regional and local business level

2.1. Tripartite dialogue

The tripartite dialogue is promoted through the

- Labour Advisory Board
- Pancyprrian Safety and Health Council

Labour Advisory Board

- Established during the 1960's by a decision of the Council of Ministers (Administrative Act).
- It is the tripartite body presided by the Minister of Labour Welfare and Social Insurance.
- Discusses all Labour policy matters and legal drafts

Pancyprrian Safety and Health Council

- The PSHC is a multipartite body established in 1965 and since 1996 is a statutory body under the Safety and Health at Work Law
- National tripartite dialogue on OSH issues takes place at the level of the Pancyprrian Safety and Health Council (PSHC)

Pancyprian Safety and Health Council

- It reviews national OSH policy and advises the Minister of Labour Welfare and Social Insurance on all matters related to OSH Issues
- The Technical tripartite Committees of the PSHC discuss and agree national priorities and objectives which are consequently submitted to the Council

2.2. Main authorities involved in the enforcement of EU OSH legislation

- In Cyprus, employment legislation and legislation on OSH are under the jurisdiction of the Ministry of Labour Welfare and Social Insurance (MLWSI)
- The Department of Labour Inspection (DLI) is part of the MLWSI and is responsible for the implementation and surveillance of the national OSH policy

2.2. Main authorities involved in the enforcement of EU OSH legislation

- The DLI has its headquarters in Nicosia and operates four (4) District Labour Inspection Offices, one at each of the four (4) Districts which are under the control of the Government of Cyprus

Structure of the DLI

- The overall policy of DLI is prepared at the Headquarters, which also has the responsibility of preparing technical advice and instructions and for setting inspection standards
- Inspection standards are monitored at a first level by the Head of each District Labour Inspection Office and at a second level by the Senior Labour Inspection Officer who is in charge of the Field Operations Section at the Headquarters

Structure of the DLI Field Operations Section

- The Head of the District Office manages all issues concerning the inspection activities in the area under his/her responsibility and is responsible for achieving the targets, which are set by the headquarters

Structure of the DLI Field Operations Section

- Each District Office has two different levels of Inspectors based on their grade
 - ✓ Labour Inspectors are in charge of all fieldwork inspection activities and investigation of accidents
 - ✓ The inspection of inspectable machinery such as boilers, lifts and cranes is carried out by 1st grade Labour Inspectors

Specialist Support for Labour Inspectors

Support available from within the DLI

- The District Labour Inspectors, are mainly generalists, but are trained to use simple instruments such as portable noise meters, heat-stress meters, electrical multimeters, illumination meters and sampling devices
- They usually carry out their own preliminary workplace surveys for basic level investigations
- The District Labour Inspectors are provided with support from the Labour Inspection Officers, who are based at the headquarters and who are specialists in engineering (electrical, mechanical, civil and chemical) or industrial hygienists

Support available from bodies outside DLI

- DLI has a good line of communication and cooperation with the representative organisations of the Employers and Employees, the Scientific and Technical Chamber of Cyprus, the local authorities, the Fire Brigade Service, and other bodies
- 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 participate and discuss issues concerning the implementation of legislation on OSH

Support available from bodies outside DLI

- Moreover, DLI has developed cooperation with the Polytechnic School of the University of Cyprus on research, technical information and training issues related to safety and health at work

2.3. Main stakeholders involved in the enforcement of EU OSH legislation

Employer's organisations

- Employers and Industrialists Federation (OEB) has more than 4,500 Members/ Enterprises
- The Cyprus Chamber of Commerce and Industry (CCCI) is the union of Cypriot businessmen
- The Federation of Associations of Building Contractors of Cyprus (OSEOK)
- The Pancyprian Professional Small Shopkeepers Federation (G.C.POVEK) represents mostly SMEs with up to 250 employees

Main stakeholders involved in the enforcement of EU OSH legislation

Employee's organisations

- The main confederations of the trade unions are the:
 - ✓ Pancyprrian Federation of Labour (PEO)
 - ✓ Cyprus Worker's Confederation (SEK)
 - ✓ Democratic Labour Federation of Cyprus (DEOK)
 - ✓ Pancyprrian Federation of Independent Trade Unions (PFITU)

2.3. Main stakeholders involved in the enforcement of EU OSH legislation

Employee's organisations

- Pancyprrian Public Workers Trade Union (PASYDY)
- The Cyprus Union of Bank Workers (ETYK)

Government bodies

- The Mines Service and the Department of Agriculture of the Ministry of Agriculture, Natural Resources and Environment

2.3. Main stakeholders involved in the enforcement of EU OSH legislation

Technical Chamber

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

NGO

- The Cyprus Safety and Health Association (CySHA)

2.4. Main enforcement approaches and measures

- 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 OSH 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

2.4. 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
- DLI is responsible for workplaces' control which is undertaken by DLI-Inspectors

2.4. Main enforcement approaches and measures

- Their methods include:
 - ✓ a range of inspections
 - ✓ requests for improvements, for new procedures and structures or
 - ✓ general recommendations
 - ✓ and prosecutions

2.4. Main enforcement approaches and measures

- DLI carries out different types of inspection to supervise whether OSH Law and Regulations are observed
- The objective is to provide companies with the adequate support to manage and prevent risks in the workplace
- DLI can impose different forms of sanctions i.e. improvement notices, legal charges and guidelines
- The sanctions chosen will depend on the company's actual working environment standards and efforts made to improve

2.4. Main enforcement approaches and measures

- Specific activities in various economic sectors and focused inspection campaigns, are carried out according to the annual inspection program of DLI
- To better conduct the specific campaigns special questionnaires, informational material and instructions are conveyed to the mass media and all concerned parties and additionally are posted on DLI website.

2.4. Main enforcement approaches and measures

The main enforcement approaches consist of the following:

I. Preparation of national objectives

1. The views and opinions of all the stakeholders, and especially the social partners are taken into consideration as they are expressed on various occasions and during the continuous cooperation that exists between the stakeholders and the DLI through the PSHC

2.4. Main enforcement approaches and measures

2. Priorities and targets are set on the basis of the following:
 - Distribution of economic activities and control of serious occupational safety and health risks
 - New Legislation
 - Cyprus National Strategy on Safety and Health at Work, which is in line with the corresponding European Strategic Framework 2014-2020
 - The need to assist small and medium-sized enterprises
 - Results of inspections over the last two years
 - Accidents and ill-health records and incidents of dangerous occurrences

2.4. Main enforcement approaches and measures

II. Proactive Inspection for enforcement purposes

- The computerised information system of the DLI, contains:
 - information on employers
 - undertakings
 - accidents
 - court cases
 - letters addressed to employers after an inspection
 - and details on inspections

2.4. Main enforcement approaches and measures

II. Proactive Inspection for enforcement purposes

- 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 and the priorities set out in the annual inspection programme
- The visit by the inspectors is unannounced

2.4. Main enforcement approaches and measures

II. Proactive Inspection for enforcement purposes

- An inspection includes the examination of the most representative risks in the workplace mentioned in the written Risk Assessment
- Also includes, the examination of the implementation of the Risk Management System together with the relevant documents (accident register, training file, work equipment maintenance file, appointment and training of persons for fire protection / first aid, etc.)

2.4. Main enforcement approaches and measures

III. Reactive inspections include

- Full investigation in all cases concerning fatal accidents as well as serious injuries
- Risk based investigation of complaints submitted by the employees, their representatives and sometimes by members of the public

2.4. Main enforcement approaches and measures

III. Reactive inspections include

- Monitoring compliance of the employer with an Improvement / Prohibition Notice or in connection with a letter of offenses from previous inspections
- Monitoring of employer's compliance in respect of Judicial Cases

2.4. Main enforcement approaches and measures

IV. Prosecutions

- Cases involving serious breaches of the Law are brought before the court

2.4. Main enforcement approaches and measures

Inspection Manual

- The Inspection Manual aims to better regulate how inspectors will exercise their powers by providing guidelines for the performance of their duties.
- The main objective of this Manual is the implementation of a uniform policy by the Inspectors of the DLI in the field of inspections, through the implementation of common practices and procedures.

2.4. Main enforcement approaches and measures

Inspection Manual

- DLI is a consultative, informative but, above all, controlling mechanism for determining the implementation of Labour Law
- Employers, as well as workers, should be made aware of the regular presence of inspectors in the workplace, as only at the workplace the violations of Labour Law can be immediately identified
- The presence of Inspectors in the workplace should be felt and respected; for this reason the action of the Inspectors should be characterised by continuity and consistency

2.4. Main enforcement approaches and measures

Changes in national provisions

- The lack of human, professional and financial resources is seen as a serious barrier to compliance, especially in relation to SME's, particularly micro-establishments with less than 10 workers
- A lot of problems are detected with regards to the preparation of suitable written risk assessments; actually, there is a general lack of written documentation on the measures taken for compliance

2.4. Main enforcement approaches and measures

Changes in national provisions

- DLI in cooperation with European Agency for Safety and Health at Work (EU-OSHA), has prepared nine OiRA tools

2.4. Main enforcement approaches and measures

Incentives

- Grant scheme for building contractors of small and medium enterprises:

The objective of the scheme was to improve the 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

2.4. Main enforcement approaches and measures

Incentives

- **Project Technical Assistance:**
the technical assistance project was implemented through funding from the European Union amounting to 1.7 million euros, in 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

2.4. Main enforcement approaches and measures

Incentives

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

Marios Charalambous
EurOSH Manager
OSH Consultant in Cyprus
Approved Vocational Education Trainer
OHSAS 18001 Lead Auditor

Tak
Thank You