CYPRUS EQUALITY AUTHORITY

ANNUAL REPORT 2010

Text by:
Despina Mertakka
Commissioner for Administration (Ombudsmans Office)

Statistical data:
Eirini Peppou
Commissioner for Administration (Ombudsmans Office)

Editing:
Vasiliki Kokoti
Press and Information Office

Published by the:
Press and Information Office

P.I.O. 294/2011-750

ISSN: 1986-2997

Graphic design:
IDEO GRA PHO GRAPHICS & ARTWORKS

Spyros Tsioris

Printing:
Zavallis Litho Ltd

Equality Authority
Commissioner for Administration
(Ombudsman's Office)

1470 Nicosia
Tel.: (+357) 22405507
Fax: (+357) 22672881

equality@no-discrimination.gov.cy
www.no-discrimination.gov.cy

Equality Authority - Annual Report 2010

Table of Contents

AN INTRODUCTORY NOTE BY THE COMMISSIONER FOR ADMINISTRATION 9

AN ANALYSIS OF THE JURISDICTIONS OF THE EQUALITY AUTHORITY 13

LEGISLATIVE DEVELOPMENTS 17

THE EQUALITY AUTHORITY STAFF 21

INFORMATION AND TRAINING ACTIVITIES 25

STATISTICAL DATA 33

GENERAL APPRAISAL WITH REGARD TO THE ACTIVITIES OF THE EQUALITY AUTHORITY 41

IMPORTANT REPORTS 47

◆ **Discrimination on the grounds of gender** 47

› The Equality Authority's position on reconciling professional and family life of female public servants applying for a transfer within their home base on grounds relating to pregnancy
› Dismissals / Constructive dismissal of females during their pregnancy
› Sexual harassment at work
› Appraisal of pregnant permanent public servant who was absent for a lengthy period of time from her work for reasons relating to pregnancy
› Discrimination on the grounds of sex by inserting the father's name to the surname of the recruits on the forms of the Ministry of Defence

◆ **Discrimination on the grounds of ethnic descent** 57

› Discrimination on the grounds of ethnic descent at the expense of persons who are under international protection in the area of access to positions of employment by private employment agencies providing security services

◆ **Discrimination on the grounds of disability / special needs** 61

› Dismissal of a person on the grounds of physical disadvantage
› Facilitating persons employed who care for persons, as dependents, with disabilities

› Improper handling on the part of the competent authorities in respect of a request for the payment of a disability benefit to a person with disabilities

◆ **Discrimination on the grounds of age** 67

› Discrimination on the grounds of age in the terms of employment of the school crossing patrol (lollipop men and women)
› Indirect discrimination on the grounds of age as to the point system criteria in applications for entry into the Open University of Cyprus

Race. Nationality. Colour. Religi

Disability. Race. Nationality. Co

Age. Sexuality. Disability. Race. Nati

Gender. Age. Sexuality. Disabil

Religion. Belief. Gender. Age. Sex

Colour. Religion. Age. Sexuality

Gender. Age. Sexuality. Disability. Rac

Belief. Gender. Age. Sexuality. Disal

Religion. Belief. Gender. Age

Nationality. Colour. Religion.

Disability. Race. Nationality. Co

Age. Sexuality. Disability. Race. Natio

Gender. Age. Sexuality. Disability. Ra

Belief. Gender. Age. Sexuality. Dis

An Introductory Note by the Commissioner for Administration

An Introductory Note by the Commissioner for Administration

The Equality Authority was established in 2004, on the basis of the European Acquis in the area of combating discrimination, its terms of reference are to eradicate all forms of discrimination in the area of employment on the grounds of gender, age, ethnic descent, religion or other belief, sexual orientation and disability. The terms of reference were extended, at a later stage, in particular in respect of discrimination on the grounds of gender, to access to goods and services and to the provision of the same.

In the following six years this independent mechanism ripened and is now well established. There are clear examples of the effective intervention on the part of the Authority regarding current, and often controversial issues, in eradicating discrimination in the area of employment, work and professional training.

The experience the Authority has acquired in its six years of existence has, nevertheless, shown that despite the existence of a satisfactory legislative framework in Cyprus, we are far from perfect. The discrimination prohibited by law, those that represent a violation of the express provisions of the law, which are uncovered when investigating relevant complaints, only constitute one aspect of the entire problem. The other aspect, the most difficult to handle, is non-respect for something different, deriving from stereotypes, prejudices, homophobia, xenophobia and even racism.

Having to face this reality, the Equality Authority promotes actions not only in combating discrimination on an institutional level but, also to reform public opinion and public awareness on issues as to being different and in changing perceptions and mentalities that marginalise and victimise groups of persons on the basis of their gender or sexual orientation, their religion or belief, their descent, age or disability.

In every instance the creation of mechanisms to combat discrimination is the first positive step. The existence of more than one mechanism to combat discrimination, and I am referring to the institution of Equality Inspectors, must be faced positively and without concern as to the possible overlapping of jurisdictions. And this because it concerns mechanisms that co-exist aimed at handling behaviours infringing the principle of equal treatment in a different way, serving, in the end, the same purpose, that of protecting and rehabilitating victims of discrimination.

Eliza Savvidou
Commissioner for Administration


Race. Nationality. Colour. R
Sexuality. Disability. Race. Nation
Gender. Age. Sexuality. Disabili
Religion. Belief. Gender. Ag
Nationality. Colour. Religion.
Disability. Race. Nationalit
Gender. Age. Sexuality. Disabilit
Religion. Belief. Gender
Race. Nationality. Colour. R
Sexuality. Disability. Race. N
Belief. Gender. Age. Sexuality
Colour. Religion. Belief. Ge
Race. Nationality. Colour. R
Sexuality. Disability. Race. Na
Belief. Gender. Age. Sexuality
Colour. Religion. Belief. Gen

An Analysis of the Jurisdictions of the Equality Authority

An Analysis of the Jurisdictions of the Equality Authority

The Equality Authority has been established as an independent body in combating discrimination in the field of employment and work, in the private but also in the wider public area, since 2004, by incorporating community Directives 2000/43/EU and 2000/78/EU in our national legislation.

The main jurisdiction of the Equality Authority is to investigate complaints, through out-of-court procedures, submitted by persons who believe they are victims of discrimination in employment or at work on grounds relating to their racial or ethnic descent, their religion of belief, their age, their special needs, their sexual orientation or gender. In 2008 the jurisdictions of the Authority were extended to cover the ability to investigate complaints concerning discrimination on the grounds of gender, in the area of access to goods and services and the provision thereof, including insurance and financial services in the private and public sector.

The institutional framework that regulates the jurisdictions of the Equality Authority is of a complex character as it covers the entire range of labour relations in the area of employment and work, in the public and private sector, on the basis of specialised legislation that was put into effect in harmonisation with the relevant European Directives. The legislation is the following:

- **On Combating Racial and Certain Other Discriminations (Commissioner) Law of 2004, in harmonisation with directive 2000/43/EU**
- **The Equal Treatment in Employment and at Work Law of 2004, in harmonisation with directives 2000/78/EU and 2000/43/EU**
- **The Persons with Disabilities Laws of 2000 to 2007, in harmonisation with directive 2000/78/EU**
- **The Equal Treatment of Men and Women in Employment and Professional Training Laws of 2002 to 2009, in harmonisation with directive 2002/73/EU**
- **The Equal Pay Between Men and Women for Equal Work or for Work of Equal Value Laws of 2002 to 2009, in harmonisation with directive 2006/54/EU.**

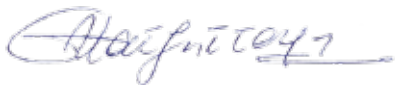
This complete legislative framework is a clear indication of the determining significance the equality authority has in the internal law of the European Union. Article 23, as amended, of the Charter of Fundamental Rights of the European Union, now confirms, in a most powerful way, that gender equality is a basic principle and a fundamental human right. This regulation

provides gender equality with a meaning of "purpose" that the Community is obliged to achieve in all its activities. The new arrangements that were laid down in 2010, such as Directive 2010/41/EU on the application of the principle of equal treatment of men and women engaged in an activity in a self-employed capacity or Directive 2010/18/EU implementing the revised framework agreement on parental leave, burden the Community and also the member states with the positive obligation to promote and protect gender equality within the framework of all community and national activities.

Article 8 of the Treaty on the functioning of the European Union provides that the Union shall aim to eliminate inequalities and promote equality between men and women in all its activities. The meaning of inequality is wider and by nature different from discrimination, because inequalities in respect of gender are de facto situations. They mainly affect women due to prejudices and stereotypes as to their role and abilities. The increase in complaints as to sexual harassment at work indicates that the particular phenomenon that is taking on even greater dimensions exists and is a serious one, because it confirms and perpetuates the female role stereotypes, because the perpetrator's behaviour is to do with power relations between the two sexes and the prevailing culture that legitimises these values.

These prejudices and stereotypes have sunk deeply into social and financial structures resulting in their eradication a particularly difficult task from the perceptions of a patriarchal structured society.

With its interventions, the Equality Authority aims at contributing positively in overcoming these restrictive approaches and reforming a new social framework in which efforts as to public awareness to new forms of diversity are of the utmost priority. Through long-term planning achieving substantial, true equality is not utopian but a real possibility.



Eleni Hadjittofi
Head of Equality Authority

Legislative Developments

Legislative Developments

ON A EUROPEAN LEVEL

Ensuring the maintenance of the principle of equality as a fundamental principle of community law which is continuously developing and is heading for an extended widening in the field of work and employment including access to goods and services, requires continuous re-examination, modernisation and rewriting the provisions of the existing legislation, in order to develop the management of gender equality.

In 2010, the European Parliament and Council issued Directive 2010/41/EU on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity, repealing Directive 86/613/EEC. It was considered that the latter was not particularly effective and the scope of application ought to be re-examined, because differential treatment on the grounds of gender and harassment also appeared in areas other than salaried work.

The determination of this new scope was deemed necessary, to secure the rights relating to maternity and paternity of non-salaried workers and their spouses that assist them. According to article 2 of the Directive, the scope of the Directive covers:

a) self-employed workers, namely all persons pursuing a gainful activity for their own account, under the conditions laid down by national law;

(b) the spouses of self-employed workers or, when and in so far as recognised by national law, the life partners of self-employed workers, not being employees or business partners, where they habitually, under the conditions laid down by national law, participate in the activities of the self-employed worker and perform the same tasks or ancillary tasks.

Directive 2010/18/ EC ratified the content of the reviewed agreement-scope that had been signed, repealing Directive 96/34/EC and securing equality between men and women in respect of opportunities in the labour market throughout the Union and also improving the reconciliation of professional, private and family life for working parents. Indicatively, with the new adjustment of Directive 2010/18/EC, parental leave increases to 4 months, with the possibility of transferring it between the parents in the fourth month, whereas there is also increased protection from dismissal and wider differential treatment as to granting parental care.

Because discrimination does not only appear in the work area but also in accessing goods and services, such as education, transportation and health, the European Commission has prepared a proposal for a new directive to combat discrimination. The object of the new proposal is to apply the principle of equal treatment between persons irrespective of religion or belief,

disability, age or sexual orientation, outside the labour market. The present proposal refines the scope to prohibit discrimination on the grounds of the abovementioned characteristics and establishes a unified minimum level of protection within the European Union for persons who have been victims of such discrimination. The new proposal supplements the existing legislative scope of the European Union, within which, at the present stage, prohibiting discrimination on the grounds of religion or belief, disability, age or sexual orientation only applies to the field of employment, work and professional training.

The new directive shall be entitled "Directive on the application of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation". It originated from the priorities of the Renewed Social Agenda: Opportunities, Access and Solidarity in 21st Century Europe" and accompanies the announcement entitled: "Combating discrimination and equal opportunities: a new commitment".

The new directive on combating discrimination aims, on the one hand, to strengthen the protection of persons from discrimination covering certain gaps that were found in applying the existing legislation and, on the other hand, to harmonise European legislation with the provisions of the United Nations Convention on the Rights of persons with Disabilities. The convention has been signed by member states and by the European Union and is based on the principles of non-discrimination, participation and integration into society, equal opportunities and accessibility.

The new proposal is based on the strategy developed from the time of the Amsterdam Treaty to combat discrimination and is in line with the horizontal goals of the European Union, and in particular with the Lisbon strategy for development and employment and with the goals set by the EU within the scope of social protection and social integration. The new directive shall widen the fundamental rights of citizens, according to the EU Charter of Fundamental Rights. It is based on directives 2000/43/EC, 2000/78/EC and 2004/113/EC, which prohibit discrimination on the grounds of gender, racial or ethnic descent, age, disability, sexual orientation, religion or belief. Discrimination on the grounds of racial or ethnic descent is prohibited in employment, at work and in professional training, and also in areas which are not related to employment, such as social protection, health care, education and access to goods and services, including housing, provided to the public. Discrimination on the grounds of gender is prohibited in the same areas, with the exception of education, the media and advertising. Nevertheless, discrimination on the grounds of age, religion or belief, sexual orientation and disability is prohibited only in the areas of employment, work and professional training.

With the new directive, the scope of application is extended to prohibiting discrimination on the grounds of religion or belief, disability, age or sexual orientation. Directive 2000/78/EC restricted the application in prohibiting discrimination to access in employment, professional training and further training, the terms and conditions of employment and to trade union rights. The new scope of application of the directive covers the following areas:

- **Social protection, including social security and health care, social benefits,**
- **Education and**
- **Access to goods and services which are available to the public, and the provision thereof, including housing.**

On the 2nd April 2009, the new proposed Directive was approved by the European Parliament. The proposal must subsequently be unanimously approved by all the member states in the European Council in order for it to become European legislation.

ON A NATIONAL LEVEL

In 2010, within the scope of harmonising the above-mentioned Directive 2010/18/EU, the amendment Law on Parental Leave and Leave on the Grounds of Force Majeure was published, in order to reconcile professional and family life and to encourage further use of parental leave by working parents. Among the amendments to the Law, an extension to the period of parental leave has been established until the child reaches the age of 8 and extending the maximum duration of parental leave per annum from 4 weeks (irrespective of the number of children) to 5 weeks in the case of one or two children and to 7 weeks in the case of three and more children.

Furthermore, the natural/foster father has the right to take parental leave immediately after the birth/adoption of the child, including the right to the father to transfer 2 weeks to the mother from his own remaining parental leave, provided he shall have received at least 2 weeks parental leave, in order to encourage fathers to make use of parental leave. Finally, facilities are provided to parents with children with disabilities including children with serious illnesses.

The publication of the Hiring Persons with Disabilities in the Public Sector (Special Provisions) Law (L. 146(I)/2009), which came into operation by publication in the Official Gazette of the Republic on 23.12.2009, marks a new era in securing the rights of persons with disability in the field of employment and work. This Law establishes the hiring of persons with disabilities who satisfy specified objective criteria at a rate of 10% of the posts to be fulfilled in the wider public sector. The purpose of the Law is to promote the employment opportunities of persons with disabilities, counterbalancing the reduced opportunities they have due to their disability, following the guidelines provided in international conventions, community and national law, aimed at taking positive measures for persons with disabilities. The Social Integration of Persons with Disabilities Department of the Ministry of Labour and Social Insurance is the competent department to monitor the results in applying the Law as to the integration of persons with disabilities in employment and, in cooperation, with the appointed bodies, to coordinate and evaluate its application.

Within the scope of modifying the correct social state policy, Cyprus signed the UN Convention

on the Rights of Persons with Disabilities and its Optional Protocol on the 30th March 2007. The ratification of the said Convention and Optional Protocol was expected to be effected by a Law of the House of Representatives in the following year. In the year this Annual Report was issued, the Republic of Cyprus ratified the Convention with the On the Convention on the Rights of Persons with Disabilities and Related Matters (Ratifying) Law of 2011, L. 8(III)/2011 which was published in the Official Gazette of the Republic on 4.3.2011. By voting the Law, the Convention and Protocol are incorporated in Cypriot legislation.

Signing the said Convention was a historic moment for persons with disabilities. This innovative Convention is not only the first official recognition of disability as a matter of human rights but it is also the first Convention on Human Rights that is signed by the European Union as an entirety, from the beginning of its accession process. The obligations established under the Convention are of significant importance for persons with disabilities because discrimination against persons with disabilities is prohibited in all sectors of life and not just in the field of employment, as provided for in Directive 2000//78/EC.

Article 33 of the Convention makes provision for an independent mechanism to monitor the application of the UN Convention on the Rights of Persons with Disabilities. On this basis, the Ministry of Labour and Social Insurance proposed to the Equality Authority, within the scope of the Combating Racial and Certain Other Discriminations (Commissioner) Law (L. 42(I)/2004), to take on the role of the independent mechanism, a proposal which was accepted by the Commissioner for Administration.

In the 2009 Annual Report, the Commissioner for Administration stressed the non-effective protection of pregnant women from being dismissed on the basis of the Maternity Protection Law. It was ascertained that the existing regulation deactivated the absolute protection Directive 92/85/EEC provided to protect pregnant working women from being dismissed and permitted the violation of the general prohibition for dismissal of pregnant working women in cases where the pregnancy of a working woman was made known in the working area prior to filing the relevant medical certificate. On this basis, the Labour Department of the Ministry of Labour and Social Insurance, accepting the suggestions of the Commissioner for Administration, promoted a relevant bill to amend the Maternity Protection Law in such a way that pregnant women are protected from being dismissed from the beginning of their pregnancy.

The Equality Authority Staff

In 2010, as in previous years, the Equality Authority continues to be understaffed. Its personnel is made up of two officers, Mrs Eliza Savvidou, an advocate, as Head of the Authority and Mrs Niovi Georgiades, an economist, who left the office in July 2010, to take on duties as an Officer of the Programme and Policy Coordination Unit of the Secretariat of the Cyprus Presidency of the European Union Council for 2012. Since October 2010, Mrs Despina Mertakka, an advocate, was placed as an officer of the Office of the Commissioner for Administration in the Equality Authority.

Mrs Eirini Peppou took on the role of secretarial support for the Equality Authority and processing statistical data.

Race. Nationality. Colour.

Sexuality. Disability. Race.

Belief. Gender. Age. Sexuality.

Colour. Religion. Belief.

Race. Nationality. Colour.

Sexuality. Disability. Race.

Belief. Gender. Age. Sexuality.

Colour. Religion. Belief.

Race. Nationality. Colour.

Sexuality. Disability. Race.

Belief. Gender. Age. Sexuality

Colour. Religion. Belief.

Race. Nationality. Colour.

Sexuality. Disability. Race.

Information and Training Activities

Information and Training Activities

The Commissioner for Administration, within the scope of her jurisdictions, as an Equality Authority and an Anti-Discrimination Body, secured funding - through the "PROGRESS" programme - from the European Commission's "Directorate General for Employment, Social Affairs and Equal Opportunities" to organise events/activities within 2010 aimed at combating discrimination.

The following events took place:

1. A campaign in the Media to raise public awareness in Cyprus on issues of discrimination

The public awareness campaign included televised, radio and printed messages, presented to the Media in June and July 2010. The messages promoted respect for differences, indicating that affection, death, happiness, pain, love, time, do not discriminate because they affect all people and ended with the following main message: "Who are you to make distinctions?". These messages may be seen or heard on the following website: htpp://www.no-discrimination.ombudsman.gov.cy/diafimistiki-ekstratia-eisagogi

2. The issue of a code of practice in respect of discrimination on the grounds of disability at work and in employment.

The aim of the Issue, in addition to consolidating the legislative framework and setting out good practices in combating and eradicating discrimination, is the beginning of a new public dialogue relevant to regulating significant issues relating to the movement for the disabled, always in cooperation with the movement itself that shows its presence. (The Code of good practice on discrimination on the grounds of disability at work and in employment was prepared by Dr. Nikos Trimikliniotis and Mrs Corina Demetriou from the Agency on Racism and Xenophobia (RAXEN) and is set out in the Appendix to the Report).

3. The issue of Guidelines to the Media against racism, xenophobia and discrimination.

The Issue, in addition to encoding general principles and suggestions for the Media's positive contribution in handling phenomena such as racism and xenophobia, also sets out, generally and specially in respect of the Media's functioning, the European and national institutional framework against discrimination.

4. **The publication of leaflets with information as to the jurisdictions of publication of leaflets the Equality Authority and the Anti-Discrimination Body.**

5. **Providing grants to a theatrical group to perform a play on a subject related to discrimination.**

The scenario concerned a young woman who immigrated to Cyprus to work as a housemaid and the difficulties she was facing from the xenophobic and racist attitude of the members of the family and their friends who employed her. There were a total of 6 shows in February and March 2010.

6. **Funding the "Cyprus Gender Research Centre" (CGRC) to conduct a survey and to present the results of a survey in respect of the profile of women immigrants in Cyprus and their needs for education and professional training.**

The survey was presented on the 1st June 2010.

7. **Funding the "Mediterranean Institute of Gender Studies" (MIGS) in organising a Seminar on the 21st June 2010 on the subject of: "Gender Mainstreaming in Migration Policies and Practices".**

8. **Constructing the website containing information in particular with regard to the jurisdictions of the Equality Authority and the Anti-Discrimination Body, aiming at the interactive internetwork communication with the public. (http://www.no-discrimination.ombudsman.gov.cy)**

9. **Organising a "Workshop" on issues relating to the Maronite, Armenian and Latin religious groups.**

The Workshop was held on the 11th October 2010 and involved two parts. In the first part a Seminar was held on the rights and the protection of the Minorities, with speakers from Cyprus and abroad and in the second part an artistic / cultural event by the organised bodies of the Religious Groups aimed at making known their culture and history.

10. **Organising a seminar on training trade unionists on the legislation against discrimination, in cooperation with the Cyprus Labour Institute INEK - PEO.**

The seminar took place at the PEO Lecture Hall on the 29th September, 2010.

11 Funding the Cyprus Labour Institute INEK – PEO to:

a) upgrade its website against discrimination (www.stop-discrimination.org.cy) and

b) conduct a survey as to the extent and forms of discrimination with regard to immigrants working in the hotel and catering industry and housework.

Constructing a website containing information in particular on the jurisdictions and actions of the Equality Authority and the Anti-Discrimination Body.

As mentioned in the paragraph hereinabove, the Equality Authority and the Anti-Discrimination Body in their action programme in combating discrimination during 2010 which received funding from the European Commission, included the construction of a website providing information in particular with regard to the two Authorities. The website was designed and constructed in such a manner so as to be easily accessible for persons with disabilities, in accordance with WAI/WCAG 2.0 level AA, an international guideline, and is hosted on the following website: www.no-discrimination.ombudsman.gov.cy

Through the website a citizen may receive information as to the background of the two Authorities, their jurisdictions, their important findings / reports in respect of the complaints they examined, their actions and the manner in which victims of discrimination may seek help and protection from the authorities.

The website also contains the following: on-line communication and the ability to submit complaints, copies of the Annual Reports of the Authorities and other Publications, links with other websites that are related to issues on discrimination.

It is important to note that, at the same time as informing the public, the purpose and ambition of this website is to also act as an open line of communication with the public at large so that the views and opinions and suggestions of active citizens as to the activities of the Authorities and their development, be heard and taken into account.

THE INTERMEDIARY ACTION OF THE EQUALITY AUTHORITY

The Equality Authority, on the basis of its legislative powers developed a strong intermediary activity during 2010. This occurred in instances where the Authority ascertained a prima facie validity of the complaint and intervened – in writing and/or verbally – to the public Authority involved and succeeded in completing outstanding issues and/or in satisfying certain demands made by the complainants.

The most noteworthy instances where the Authority intervened / mediated, with a positive conclusion, is the case of the complainant whose request for a temporary interruption from

her attendance at the Open University of Cyprus for a year, for serious health problems, was rejected. Following the intervention of the Authority, the President of the Governing Board of the Open University of Cyprus proposed to the Senate of the University that the fees already paid, minus 10% as administration costs, be credited to the following academic year **(A.K.I 63/2010)**. In another instance, a Cypriot citizen with disabilities, living in Limassol, filed a recourse with the Equality Authority alleging that although his name was included on the list of prospective appointees for temporary employment with the Ministry of Commerce, Industry and Tourism, he was proposed for work in the Larnaka or Nicosia district which he could not accept due to his disability. Following the intervention of the Authority, the complainant was appointed and placed in the District Office of the Ministry concerned in his place of residence. **(A.K.I 19/2010)**. Another noteworthy case concerned a complaint for the non renewal of a contract of employment of a pregnant employee. The Equality Authority investigated the complaint under the jurisdictions vested in it by the Equal Treatment of Men and Women in Employment and Professional Training Laws according to which any adverse treatment of a woman on the grounds of pregnancy establishes a direct discrimination by law on the grounds of sex. The intervention of the Authority resulted in the renewal of the complainant's contract **(A.K.I 101/2009)**. The intervention of the Authority in respect of a complaint as to the delay in examining an application for Public Assistance was catalytic, as following the said intervention, the complainant received supplementary public assistance and an amount within the scope of the Social Cohesion Measures she was entitled to as a single parent. She also received extra assistance which included the complainant's retroactive rights from the month the application for public assistance was submitted **(A.K.I 92/2009)**.

PARTICIPATION IN CONFERENCES/SEMINARS

The Equality Authority, since its establishment in 2004, has focused its attention on international meetings, conferences and seminars, but also on events organised in Cyprus, and which provide the public with the opportunity of being informed as to its activities and the work it accomplishes, thus contributing in strengthening its cooperation with the public. International participation is of great importance to the Authority because the intensive cooperation and exchange of know-how with other equality bodies, contribute to strengthening relationships and in the continuous updating of the officers of the Authority in respect of the latest developments and legislation of the European Court of Justice as to applying the directives of the EU on prohibiting discrimination and gender equality.

The Equality Authority is part of the European Network of Independent National Institutions for Gender Equality (Gender Equality Bodies Network) which were established in harmonisation with European directive 2006/54/EC. Representatives of the Equality Authority participated in the annual meetings of the Network which take part twice a year in Brussels. Mrs Eliza Savvidou, Head of the Equality Authority, attended the first annual meeting on the 26th March 2010 on "Coexistence and conflict of rights", and Mrs Despina Mertakka, an

officer, attended the second annual meeting on the 19th November 2010 on "Equality of self-employed women and men". Mrs Savvidou also took part in a legal seminar organised by the European Commission in Brussels on the 9th November 2010 on "Making equality rights work in practice". On the 15th and 16th November 2010, Mrs Katerina Charitou, an officer at the Office, took part in a seminar organised in Brussels on "Equality and diversity in Employment".

The Commissioner for Administration and Officers of the Authority took part in 2010 in a number of events in Cyprus organised by Bodies/Services that are active on matters of discrimination. The participation/presence of the Authority is mentioned in the following events:

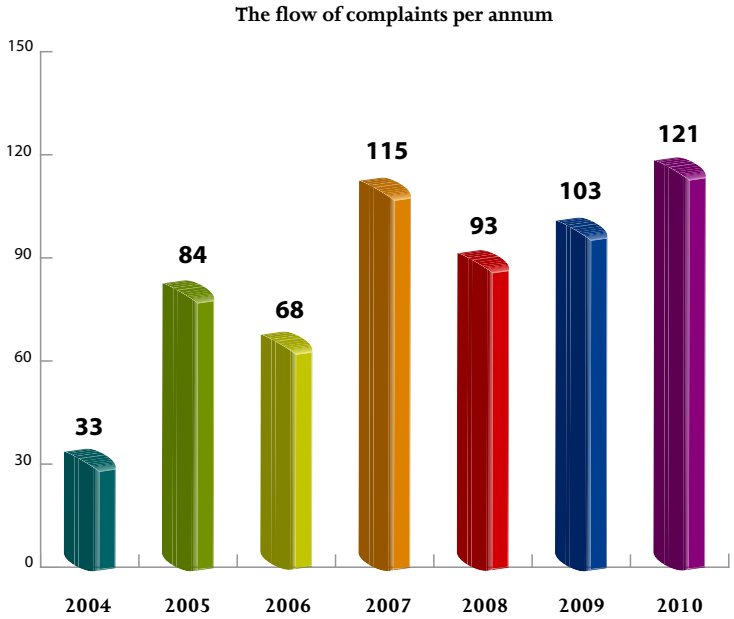
- **On the 11th October 2010 the Commissioner for Administration addressed the Workshop organised by the representatives of the Maronites, Armenian and Latin in the House of Representatives in cooperation with the Ministry of Justice and Public Order and the Office of the Commissioner for Administration, within the scope of the "PROGRESS" VP/2009/04 Community programme, on "The Contribution, the Rights and Protection of the Minorities in Cyprus Society".**
- **The Head of the Authority, Mrs Eliza Savvidou, took part in a television discussion on the 13th July 2010 on CyBC on discrimination on the grounds of sex.**
- **On the 1st June 2010, the Commissioner for Administration gave an introductory speech within the framework of a workshop organised by the Cyprus Gender Research Centre (CGRS) in cooperation with the Office of the Commissioner for Administration on "Female Immigrants: the known –unknown of Cyprus society".**
- **In June 2010, Mrs Niovi Georgiades, an Officer of the Authority, organised an informative lecture, following the request of the Commissioner of the Cyprus Agricultural Payments Organisation, to the employees of the Organisation on "Code of Practice and the Policy on Approaching Sexual Harassment and Harassment at Work".**
- **On the 4th November 2010, the Commissioner for Administration presented the Annual Report of the Equality Authority for 2009. At the same event the "Guidelines for the Media on Discrimination" and the "Code of Good Practice on Discrimination on the grounds of disability" were also presented.**

In addition to participation in events and seminars on combating discrimination, it must be noted that the Equality Authority, provides direct information and data on these issues, on a regular basis, to many bodies that address the Authority, such as: research centres, private and public organisations, interested citizens, students including international and European organisations. To grant such information, very often, questionnaires are completed and letters are drafted containing statistical information as to the activity of the Authority and information on cases examined and submitted Reports.

Statistical Data

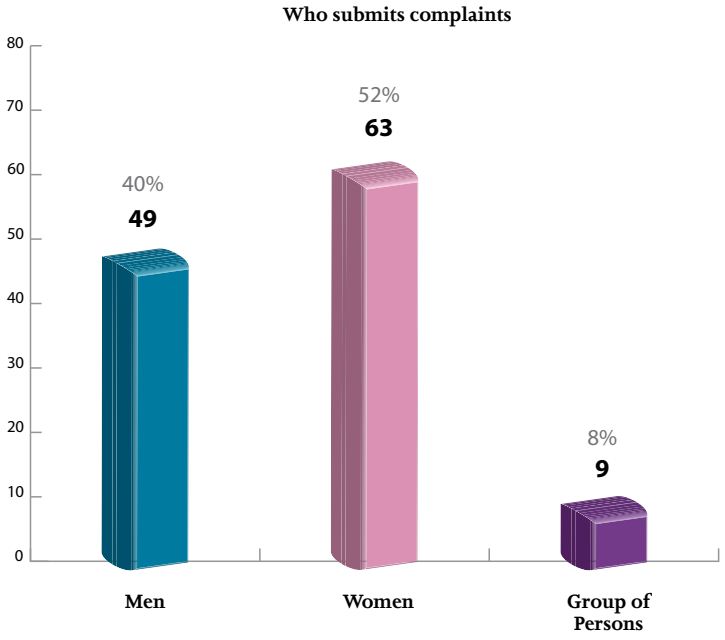
Statistical Data

From its establishment in May 2004 and until the end of 2010, the Equality Authority received 61 complaints. The complaints submitted in 2010 amounted to 121, an increase in number in comparison to the equivalent complaints submitted in 2009.

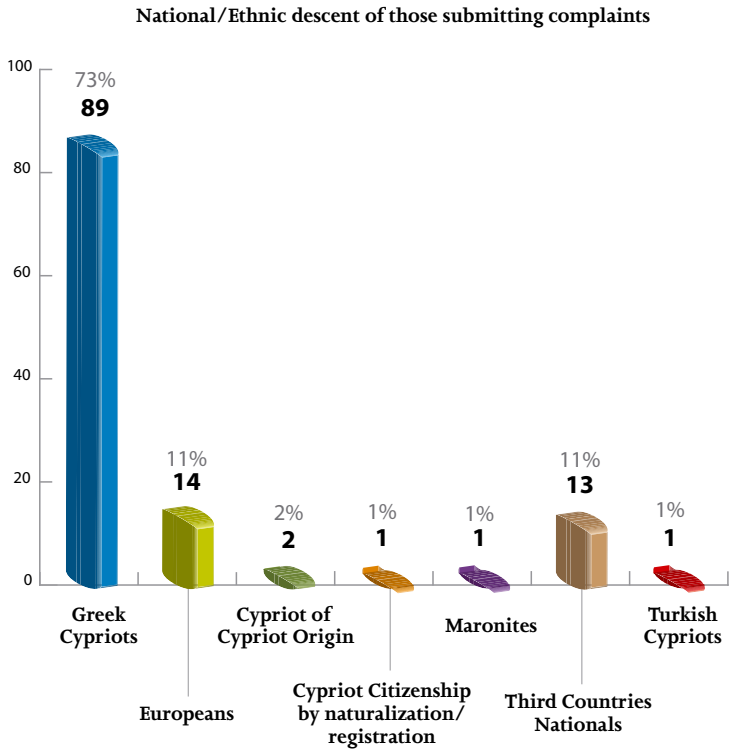


Graph 1

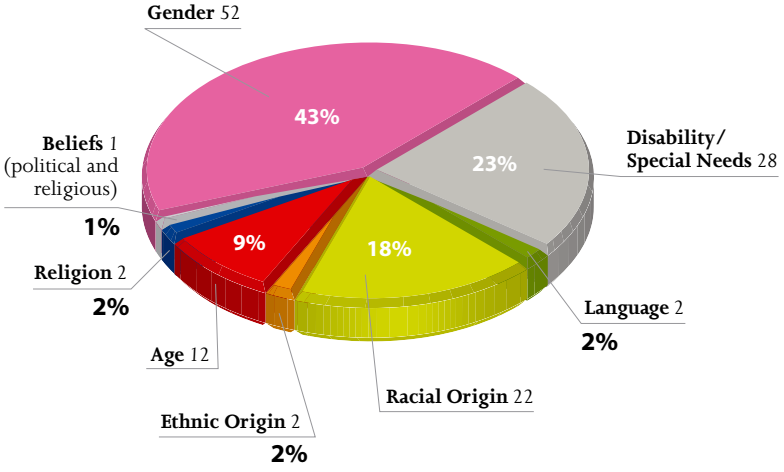
Graph 2



Graph 3

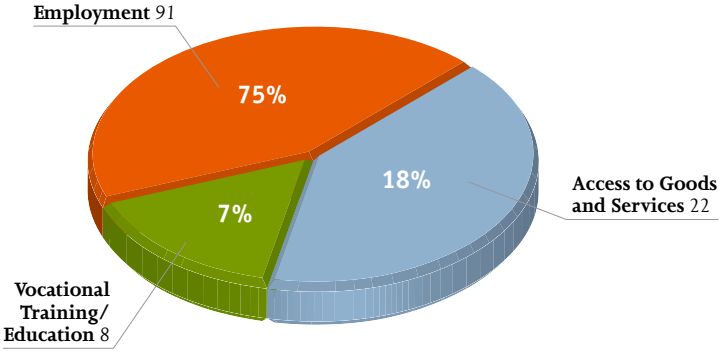


Types of Discriminations



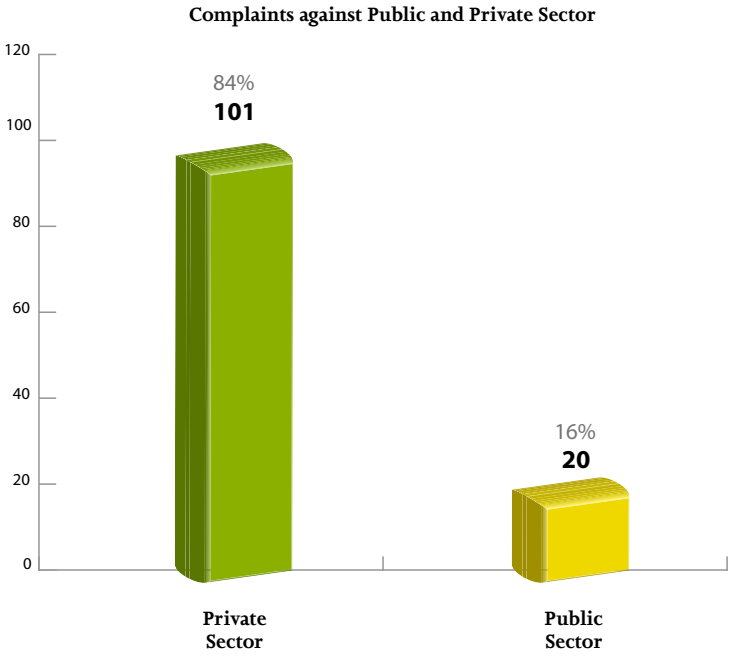
Graph 4

Thematic categorization of Complaints

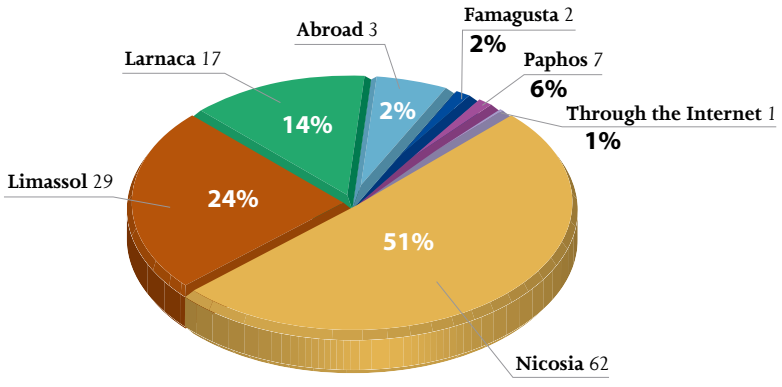


Graph 5

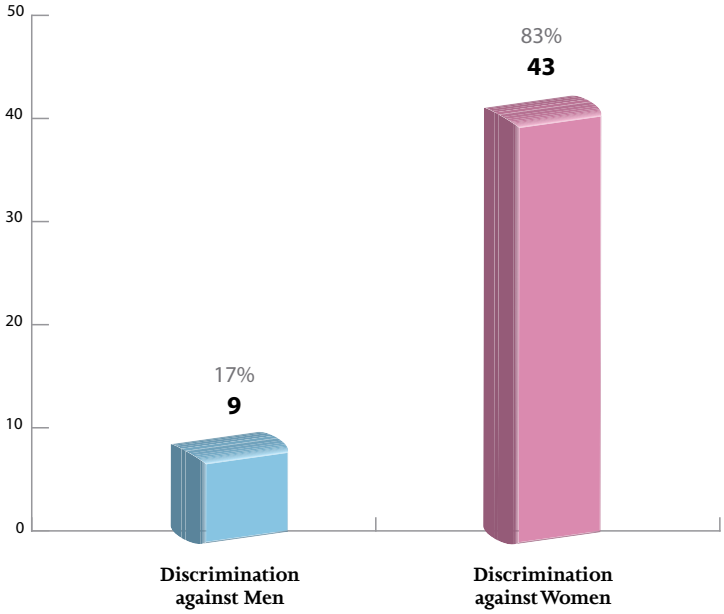
Graph 6



Graph 7

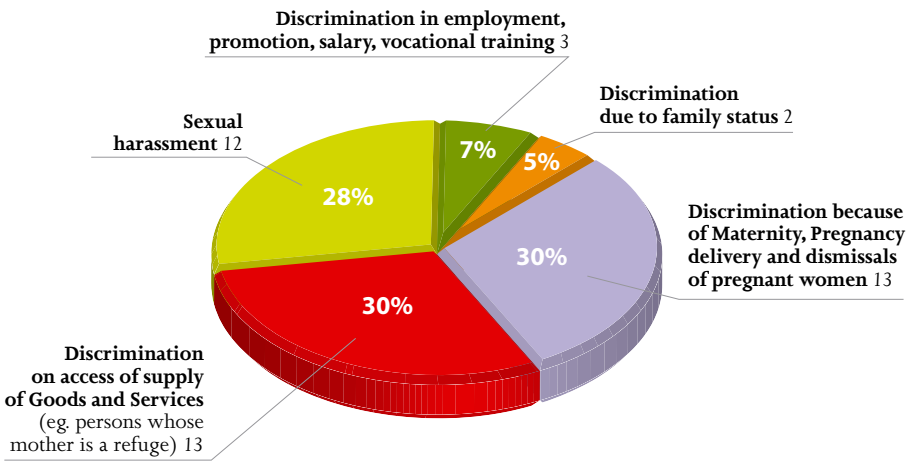


Complaints submitted for Discrimination on the grounds of Sex/Gender



Graph 8

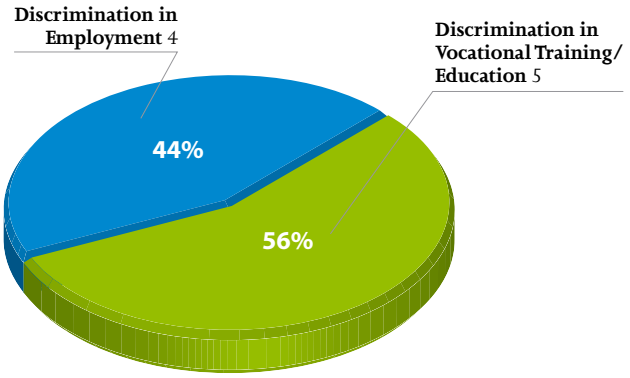
Types of Discrimination against Women



Graph 9

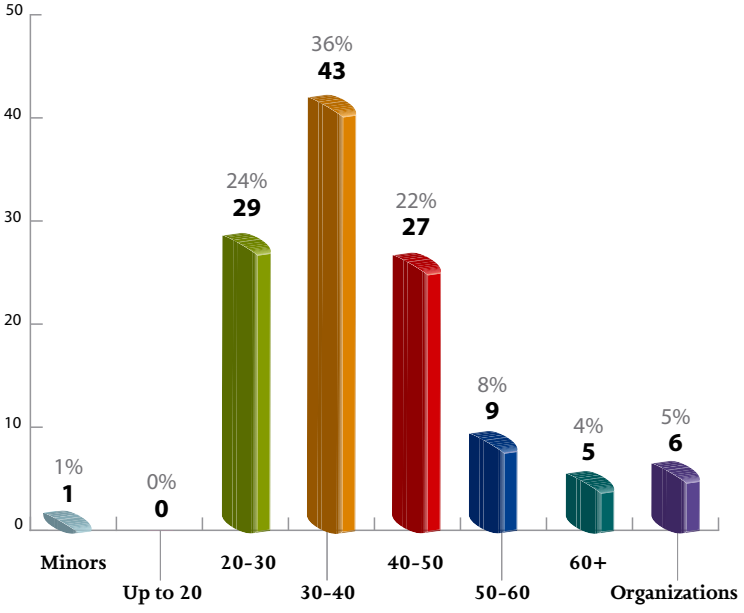
Graph 10

Types of Discrimination against Men



Graph 11

Categorization by Age of people who submitted a complaint



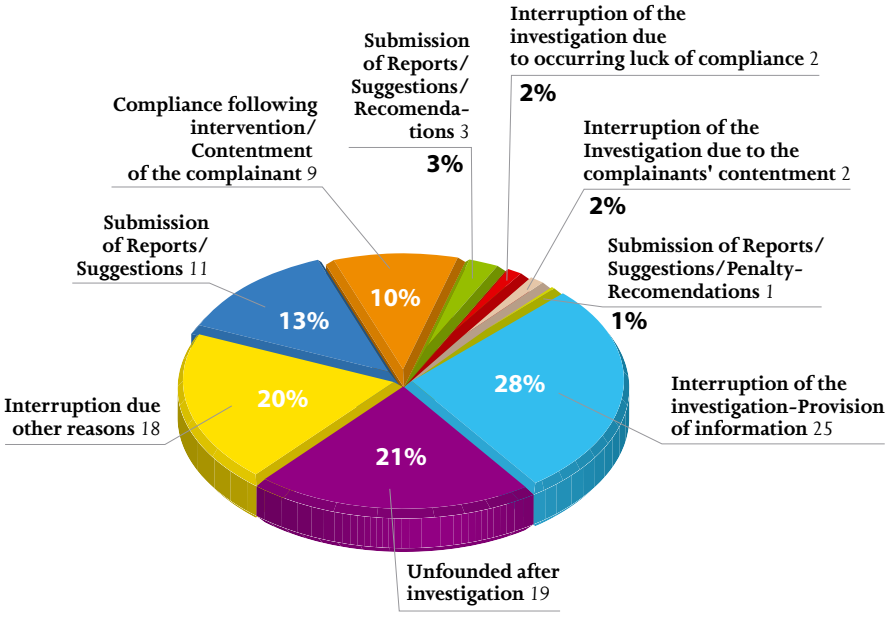
General Appraisal with Regard to the Activities of the Equality Authority

General Appraisal with Regard to the Activities of the Equality Authority

ANALYSIS OF THE STATISTICAL DATA

Based on the statistical data of the past three years (2008-2010) on average 105 complaints on discrimination were submitted every year. This number does not satisfy the Equality Authority and for this reason it continued its information campaign to the public as to its powers in 2010. Adequately informing the public as to the work carried out by the Authority is a necessary condition for citizens to claim their rights under the relevant legislation.

Chart of complaints which have been handled



Graph 12

Of particular concern is the fact that 84% of the complaints submitted are against the public sector and only 16% are submitted against the private sector in which the main infringements that have been noted are breaches of the labour legislation and cases in breach of equal treatment. Taking into account the economic crisis that plagues society and the increasing trend in cases of dismissal in this sector, the need to continue the informative efforts not only of employees but also of employee organizations so as to evaluate the mechanisms suppressing discrimination, whether or not out of court, has become even more necessary.

In 2010, 76% of the complaints were submitted by Greek Cypriots, 11% by European citizens, 11% by immigrants from third countries and only 1% by a Turkish Cypriot and a Maronite. Although the number of complaints submitted by foreigners has increased in comparison to the percentage in 2009 (5%), nevertheless, it is low, taking into account the large number of foreigners working in Cyprus. This confirms that it is the most socially isolated and unorganized group of workers and the least informed group as to the ability in claiming their rights in the field of employment and work.

As to the type of complaints submitted in 2010, as in the previous year, the largest number of complaints was for discrimination on the grounds of sex (43%); the second were complaints of discrimination on the grounds of disability (23%) and the third were complaints on discrimination on the grounds of nationality/ethnic descent (20%). Then follow complaints on discrimination on the grounds of age (9%), on the grounds of language (2%) and belief (3%).

As far as the complaints of discrimination on the grounds of sex are concerned, 83% were submitted for discrimination against women and 17% were for discrimination against men. As to the type of complaint submitted with regard to discrimination against women, these mainly concerned discrimination on the grounds of maternity, pregnancy and childbirth (30%), discrimination on the ground of marital status (5%) and discrimination in the sector of access to work, progress, remuneration and training (7%). Of particular importance is the increase of complaints as to sexual harassment/exploitation (28%). Sexual harassment mainly against women in the work area is a social phenomenon that insults human dignity and at the same time infringes the principle of equal treatment.

On the other hand, the complaints as to discrimination against men were mainly in the field of professional training/education (56%) and in the field of employment in general (44%). From this data it is confirmed once again, that maternity, pregnancy and marital status constitute the main factor of the most adverse treatment of women at work.

A significant number of complaints as to discrimination on the grounds of sex as to access to goods and services and the provision of the same (30%) were also submitted to the Equality Authority.

COOPERATION WITH PARLIAMENTARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES

The well-established good cooperation of the Equality Authority with the legislative body also continued in the year under review. The Authority's relationship with the House is mainly developed through the Parliamentary Committees of Employment and Social Insurance, Education, Equal Opportunities between Men and Women, and Legal Committees, to which the Commissioner is called to discuss either the Authority's Reports or legislative bills or proposals, on matters that fall within its jurisdiction as a body combating discrimination. Indicatively, the following meetings are mentioned:

- **A meeting of the Parliamentary Committee on Employment and Social Insurance, on 11 November 2010, on the need to evaluate and investigate the present condition as to discrimination at work against pregnant women.**
- **Meetings of the Parliamentary Committee on Education, on 9 November and 15 June 2010 on (a) the report of the Commissioner of Administration, file no. A.K.I 27/2005, A.K. I 28/2005, A.K.I 47/2005, A.K.I 52/2005 on the points awarded to educators who have completed their National Guard service and are on the list of prospective appointees and (b) on information and discussion on the list of appointees and the complaints made by the men who serve the National Guard at the age of 18 and thereafter commence their studies.**
- **Meetings of the Parliamentary Committee on Equal Opportunities between Men and Women, on 3 November, 27 October and 17 March 2010, on the presentation and implementation of the goals of the National Action Plan on Equality of Men and Women 2007-2013.**
- **Meeting of the Parliamentary Committee on Equal Opportunities between Men and Women, on 13 October 2010, on Equal Treatment of Men and Women to Access to Goods and Services (Provision of Independent Assistance) Regulations of 2010.**
- **Meeting of the Parliamentary Committee on Equal Opportunities Between Men and Women, on 26 May 2010, on re-evaluating remuneration in professions that are traditionally considered for women.**
- **A meeting of the House Legal Committee on 18 February 2010, on discussing the proposal of a bill to amend the Pension Law to lift the discriminatory treatment of a group of policemen as to the age of obligatory retirement by extending the said limit to the sixty third year to be in line with the relevant limit of public servants.**


Race. Nationality. Colour.
Sexuality. Disability. Race.
Belief Gender. Age. Sexuality.
Colour. Religion. Belief.
Race. Nationality. Colour.
Sexuality. Disability. Race.
Belief. Gender. Age. Sexuality.
Colour. Religion. Belief.
Race. Nationality. Colour.
Sexuality. Disability. Race.
Belief. Gender. Age.
Colour. Religion.
Race. Nationality.
Sexuality. Disability. Race.

Important Reports

Important Reports

DISCRIMINATION ON THE GROUNDS OF GENDER

1. The Equality Authority's position on reconciling professional life with family life of female public servants who apply for a transfer to their place of residence on grounds related to their pregnancy (A.I.T. 3/2009).

Following a request from the Accountant General of the Republic, the Equality Authority took a stance as to handling requests submitted by permanent or casual female employees of the General Accounts for a transfer to the district where they reside due to problems during pregnancy and or for the purpose of taking advantage of the right to special facilitations during a period of nine months after birth.

The issue as to the measures imposed to protect pregnant women, women who have recently given birth or women who are breastfeeding has concerned the Equality Authority in the past **(A.K.I 7/2008, 38/2008)**[1].

The developments in the past few years, at a community level and also at a national level, in reconciling professional and family life for women, the ultimate aim of which is to promote equality of the sexes, are of particular importance. During the year in question, on a European level, the Roadmap for Equality Between Men and Women 2006-2010 was the main policy of the EU initiatives to promote gender equality. The Roadmap outlined six priority areas for 2006-2010, one of which was to harmonise professional, family and private life. The national policies which either directly or indirectly promote this issue are set out in a series of policy documents, such as the Strategic Development Plan 2007-2013, the National Action Plan for Equality Between Men and Women (NAPE) 2007-2013, the National Reform Programme of the Lisbon Strategy on Cyprus 2008-2010, the National Strategy on Social Protection and Social Integration (NSPI) 2008-2010 and the National Strategic Reference Framework (NSRF) 2007-2013.

On a legislative level the Maternity Protection Laws of 1997 to 2008 secure the right of a working woman, who has either just given birth and/or is breastfeeding, to enjoy amenities for breastfeeding and increasing child care. Under section 5(1) "A female, for breastfeeding purposes and/or the increasing care required in bringing up her child is entitled for a period of nine months from childbirth or from the date maternity leave commences in the case of adoption, to either interrupt her work for one hour or to attend an hour later or leave an hour earlier every day". The same law secures rights for a pregnant woman such as, for example, the provision of 18 weeks maternity leave (section 3), a prohibition to terminate the employment of a pregnant employee, which commences with the notification she gives her employer as to her pregnancy and is extended to a period of three months from the expiry of the maternity

1. 2007-2008 Annual Report.

leave (section 4) and does not affect the employee's seniority or her right to promotion or return to the work she carried out prior to maternity leave or to work of a similar nature with the same remuneration (section 7).

In the Maternity Protection Law, in harmonisation with directive 92/85/EEC, the health and safety at work of women who are pregnant, have recently given birth or are breastfeeding, is protected with Regulations issued under the Health and Safety at Work Laws of 1996 to 2002. It is to be noted that the laws referred to determine the health, safety and welfare of all his employees, with special reference to his obligation to protect women employees for the duration of their pregnancy from any dangers to the embryo and for a sufficient time after birth from danger to themselves or the newly born child for the duration of breastfeeding, as a general obligation of the employer (section 13(1) and (8)). In the preamble of Directive 92/85/EEC pregnant workers, workers who have recently given birth or who are breastfeeding must be considered a specific risk group, in many respects, and their protection must not work to their detriment in the labour market and must not work to the detriment of directives on Equal Treatment for Men and Women.

The application of the principle of no discrimination on the grounds of gender is secured by the Equal Treatment of Men and Women in Employment and Professional Training Laws of 2002 to 2009. Under section 5(1), in combination with section 3 of the Laws under reference, men and women enjoy equal treatment in employment and, inter alia, as to the terms and conditions of employment, no direct or indirect discrimination is permitted on the grounds of sex, connected in particular with married or family life. Section 8(1)(b) provides that men and women enjoy equal treatment as to the determination and application of terms and conditions in employment including the criteria for transfer or relocation. Subsection (1) of section 11 clarifies that the provision of the above-mentioned section 8 also applies in the case of any direct or indirect adverse treatment of women due to pregnancy, childbirth, breastfeeding, maternity or illness due to pregnancy or childbirth.

The same law permits the taking of positive action for the purpose of achieving substantial equality between men and women in employment (section 6). Of significant importance is that, as defined in section 2, the measures to protect women who are pregnant, have given birth, are breastfeeding or on maternity leave, do not constitute positive actions. This provision makes it clear that the measures to protect women for reasons relating to pregnancy and maternity in particular are obvious and are an obligation on the part of the employer. According to established case law of the European Court of Justice, the legality of protection is recognised in relation to the principle of equal treatment between the sexes, on the one hand between a woman's biological condition during pregnancy and the period thereafter and on the other hand of the special relationship between a woman and her child during the period that follows pregnancy and childbirth. In other words, it is not deemed discrimination on the grounds of sex where a pregnant worker is treated more favourably for the time and in the manner determined in national legislation, since her protection is the duty and the employer's aim, whether he is an individual or the state.

The Maternity Protection Laws and the Laws on Equal Treatment of Men and Women in Employment and Professional Training apply in respect of every worker, irrespective as to whether he is in full time or part time employment, for an indefinite or fixed or continuous period, whether in the public or private sector. Consequently, women's requests for special facilitations on the grounds that they are in a state of pregnancy, have recently given birth or are breastfeeding are to be handled in the same way, irrespective as to whether they are in permanent or casual employment.

On the basis of the above legislative framework, the Commissioner for Administration concluded that the fact that a woman is pregnant does not in itself result in the obligation on the part of the employer to take steps, such as, for example, relocating her closer to her place of residence. The employer does, however, have an obligation to take steps to change her working conditions or even her working hours (in the case of night work or shift work) on condition that there are physical or chemical or ergonomic or biological and or factors related to the industrial process which are considered hazardous for the health and safety of the pregnant woman and the embryo.

The rejection of the pregnant woman's application to be transferred closer to home, for reasons relating to her own health and safety and that of the embryo, on the grounds that the business needs do not justify such a transfer, runs the risk of the Directorate of the General Accounts being accused of treatment that establishes a direct discrimination on the grounds of sex. When examining such applications by not taking into account the particularities of every pregnant worker separately equates to a breach of the rule that defines that the common denominator in equality is homogeneity of the objects and subjects of the law excluding the equation between dissimilarities or the discrimination between similarities. The lack of homogeneity between situations or the position or the condition of people for the purposes of equal treatment is not defined in a minute or trivial way but in light of the essential relationship between them. Pregnant women or women who are in the crucial post natal nine (9) month period, for which the Maternity Protection Laws provide additional facilities, cannot be deemed to be on the same equal basis as women who are not pregnant or in the abovementioned post natal period and/or their male colleagues. Therefore, their treatment must be adjusted accordingly, in accordance with the needs that arise with every case, in light of protecting pregnant women until the expiration of the abovementioned periods.

The Commissioner also expressed the view that in the criteria taken into account to transfer employees of the General Accounts Department to their place of residence, the state of pregnancy (or illness related to pregnancy) of the worker who is applying for the transfer must also be taken into account. In the said criteria, cases of problematic pregnancies that need immediate handling, in accordance with medical opinion on the matter, must also be taken into special account. Furthermore, it must be ensured that, after the crucial period of childbirth, the right to amenities for the increasing child care for the worker who is breastfeeding is not only to be recognised, but it must be ensured that there is the ability to exercise such a right. For example, when a worker is using public transport with a fixed schedule to get to and from work, it is practically impossible to exercise the right she has under section 5 of the Maternity

Protection Law, to either arrive at or leave work one hour later or earlier, accordingly, for a period of 9 months after childbirth. It is understood that any transfer of a pregnant woman or of a woman who is breastfeeding is temporary and/or restricted for the period of time deemed necessary. If it is practically impossible to temporarily transfer a pregnant woman, whose pregnancy has been certified as particularly problematic, to another post, then the only solution in order to protect the health of the woman and/or the embryo is to grant sick leave due to grounds of pregnancy.

2. Dismissals / Constructive dismissal of women during their pregnancy

- Dismissal of a pregnant woman -

The Equality Authority dealt with the increasing phenomenon of dismissal or constructive dismissal of working women on the grounds of pregnancy. It is worth noting the case of an employee who was dismissed by the company in her fourth month of pregnancy **(A.K.I 79/7009)**.

When investigating the case, the employer initially alleged that the services of the complainant in question were terminated due to a reduction in business. The employer then alleged that the real reason for dismissing the complainant was her inappropriate behaviour towards the shop's customers. The complainant's view was that the real reason for her dismissal was her pregnancy, which she had verbally notified to her employer.

According to the Maternity Protection Laws, (section 4), an employer is prohibited from giving notice of termination of employment to an employee for the period which commences from the time the employee notifies her pregnancy with a certificate issued by a registered doctor to the employer, to the time of expiry which lapses three months after the end of maternity leave, subject to the proviso that there is no other ground for dismissal, unrelated to pregnancy, which justifies dismissal. According to article 10.1 of directive 92/85/EEC, member states are obliged to take the necessary measures in order to prohibit the dismissal of working women, within the meaning of article 2, for the period which extends from the commencement of their pregnancy to the end of maternity leave.

The Commissioner for Administration had taken a stance in previous Reports **(A.K.I 43/09)** as to the compatibility of the conditions established in section 4 of the Maternity Protection Laws with directive 92/85/EEC. For the purposes of the case under examination she repeated that section 4 of the Maternity Protection Laws is not compatible with section 10 of directive 92/85/EEC, given that it does not prohibit the termination of women from the beginning of their pregnancy, but from the period of time they lodge a doctor's certificate with their employer confirming their pregnancy. This is a provision which deactivates the absolute protection from dismissal the directive provides for pregnant workers, including cases where pregnancy is made known in the work place prior to lodging the relevant medical certificate.

In her Report the Commissioner for Administration pointed out that complaints of dismissal of pregnant women are no longer examined within the scope of the provisions of the Maternity Protection Laws but also in the light of the provisions of the Equal Treatment of Men and Women in Employment and Professional Training Laws of 2002 to 2009. Under section 5(1) of the Laws in question, in combination with section 3 of the same laws, men and women enjoy equal treatment with regard to employment and, inter alia, with regard to the terms and conditions of dismissal, prohibiting any direct or indirect discrimination on the grounds of sex, and in particular in relation to married or family life. As to dismissal in particular, section 9(1) determines that men and women enjoy equal treatment prohibiting any direct or indirect discrimination on the grounds of sex as to the terms and conditions of dismissal from any post of employment or work. Subsection (1) of section 11 clarifies that the proviso in the above-mentioned section 9 also applies in the case of any direct or indirect adverse treatment of women on the grounds of pregnancy, childbirth, lactation, maternity or illness due to pregnancy or childbirth. Finally, in the interpretation provisions of the said laws, it is defined that "discrimination on the grounds of sex means every direct or indirect discrimination, including sexual harassment and any adverse treatment of a woman related to pregnancy...".

From the research data it transpired that the dismissal of the complainant was due to her pregnancy and was therefore direct discrimination on the grounds of sex, contrary to the Equal Treatment of Men and Women in Employment and Professional Training Laws. The Commissioner imposed an administrative fine of two hundred euro on the company. Furthermore, the Labour Department of the Ministry of Labour and Social Insurance, accepting the recommendations of the Equality Authority, decided to promote the amendment of section 4 of the Maternity Protection Laws in such a way so as to ensure the protection of pregnant women for the period commencing from the beginning of their pregnancy to three months from the end of their maternity leave.

- Constructive dismissal of a pregnant woman -

A worker submitted a complaint to the Equality Authority as to the pressure she was put under by the management of the company to resign from her post due to pregnancy **(A.K.I 40/2009)**.

The complainant, when appointed, put a condition as to her acceptance to the post, that she would be granted one free afternoon per week due to a previous commitment, which her employer had agreed to. When the complainant notified her employer as to her pregnancy, presenting a relevant certificate, the latter changed the staff working hours, informing her that she would also have to work every afternoon. The management of the company alleged that the changes to the working hours was effected within the scope of a general restructure of the company's working hours and concerned all members of staff. As soon as the complainant notified her employer that this change was violating her terms of employment she was told that if she did not agree to the new status it would be better if she resigned from the company.

She had the same response every time she needed to be absent from work due to illness related to problems with her pregnancy. The negative climate led the complainant to resign.

In her report, the Commissioner for Administration, pointed out the difference between the general working hours for the staff and the working hours of the complainant, who, on the basis of her terms of employment, from the beginning worked less hours than the rest of the staff. Based on the facts of the case, the Commissioner concluded that the condition of not working Wednesday afternoons was an essential term of her employment when hired. On this basis, the Commissioner expressed the view that although the employer undoubtedly had the managerial right to take every step he deems suitable as to the management of the business in organising the same, nevertheless, the exercise of this managerial right is restricted by the determining factors of the terms of employment. The Commissioner stressed that every time the employer arbitrarily imposes a condition on the worker which is contrary to the clear and express terms of agreement that regulates the employer/employee relationship, the change is unlawful and need not be investigated as to whether it is harmful or not. On the basis of the above, the Commissioner concluded that the treatment the complainant suffered was related to her pregnancy with an aim to her constructive dismissal, thus establishing direct discrimination on the grounds of sex, prohibited by law.

Once the Equality Authority issued the results of the investigation the complainant recoursed to the Industrial Tribunal, being the competent court, claiming damages.

3. Sexual harassment at work

The Equality Authority handled the phenomenon of sexual harassment at work in 2010, which is acquiring even greater dimensions. It is to be reminded that the Equality Authority, recognising the fact that complaints on sexual harassment require particular and delicate handling, issued a Code of Practice in 2007 as to handling sexual harassment at work and launched a large campaign to inform employers in the private but also public sector including employees.

At this point it is to be stated that in cases where complaints for sexual harassment or harassment at work are submitted, the object of the research is restricted to inspecting the obligation of the employer to provide protection to the person who submitted the complaint of sexual harassment at work and does not extend to examining the complaint of sexual harassment in substance (as to whether sexual harassment occurred or not). The employer's obligation is determined in the Equal Treatment of Men and Women in Employment and Professional Training Laws of 2002 to 2009.

The Equality Authority investigated a complaint relating to the complainant's repeated non-promotion in the Bank in which she was employed, which, according to her, was due to the fact that she had filed a complaint against the Assistant General Manager for sexual harassment **(A.K.I 42/2008).**

The complainant started working for the Bank in 1999. In 2005 she noticed a change in the Assistant General Manager's behaviour which then became apparent to her colleagues and took the decision to report him to the Manager of the Nicosia Region. The Management of the Bank, having investigated the matter, found the complaint was valid and having assured the complainant that further action would be taken, the complainant agreed to withdraw the complaint.

It transpired from the investigation that the complainant remained professionally stagnant for five years, from the time she reported that she was a victim of sexual harassment by her superior and that her non professional progress was due to the fact that she had submitted the particular complaint.

According to the Equal Treatment of Men and Women in Employment at Professional Training Laws of 2002 to 2009, sexual harassment is defined as "any unwanted behaviour by the recipient of a sexual nature which may be expressed verbally or in action, the purpose or result of which is to insult the dignity of the person, especially when it creates a fearful, hostile, humiliating, demeaning or aggressive environment, in employment or during professional education or training or during access to employment or professional education or training). According to the Laws under reference, an employer is obliged, in cases of sexual harassment, to act in a preventative and suppressive manner, otherwise he is considered as fully liable as the perpetrator. An employer is obliged to take steps to put a stop to, prevent the repetition and remove the consequences of the actions which establish sexual harassment. Furthermore, under the said Laws, acts of revenge, at the expense of persons who submit a complaint or the injurious change of their terms of employment is prohibited.

The Commissioner for Administration concluded that the Management of the Bank had initially taken steps to cease the actions and ensure the non repetition of the same that may establish sexual harassment, but the complainant's professional standstill was as a result of this complaint and is contrary to section 17 of the Equal Treatment of Men and Women in Employment and Professional Training Laws of 2002 to 2009. Finally, the Commissioner noted that, given this treatment is connected with the complaint on sexual harassment, discrimination on the grounds of sex, prohibited by law, is established.

Under section 22 of the Combating Racial and Certain Other Discriminations (Commissioner) Law of 2004, the Commissioner made a Recommendation to the Bank, calling upon it to ensure that the adverse treatment suffered by the complainant cease and in the event of upgrading/promotions of personnel her candidacy shall be evaluated objectively and having in mind the inconvenience the complainant has suffered to date.

4. Evaluation of a pregnant permanent public servant who was absent for a lengthy period of time from work on grounds related to her pregnancy.

A permanent public servant submitted a complaint with the Equality Authority against the Mental Health Services as to her evaluation during the preparation of the Annual Report of the Service for 2008 **(A.K.I 25/2009)**.

The complainant alleged that the decision of the competent evaluation group in reducing her evaluation form from "exceptional" to "very satisfactory" in respect of her performance, her interest to the service and cooperation was misleading because the evaluation was for the entire year in 2008, whereas in reality, due to serious health problems she was facing during her pregnancy, she could only work for 2 months, in November and December of 2008.

Acting as an Equality Authority, on the basis of the powers deriving from sections 10 and 11 of the Law to Combat Racism and Certain Other Discriminations (Commissioner) of 2004 (L. 42(I)/2004), in combination with section 17 A (2) of the Equal Treatment of Men and Women in Employment and in Professional Training Laws of 2002 to 2009, the Commissioner for Administration ascertained that when the complainant was evaluated there was a mistake of facts, because the three member evaluation group failed to take into account essential real facts. In particular, it failed to lodge a separate note that the complainant was absent on health grounds, related to problems and complications due to her pregnancy for a period of around 10 months in 2008 and to attach the same to the Report. Taking this factor into account, it could not, on the face of it, keep and/or apply a unified measure of judgment between the complainant and the remaining officers in Occupational Therapy because the complainant's case was completely different from her colleagues.

The Commissioner stated that the manner in which the Service involved approached and/or handled the matter, was in conflict and inevitably led to infringement, of the legislative framework applicable to the complainant. According to subsection (2) of section 11 of the Equal Treatment of Men and Women in Employment and Professional Training Laws of 2002 to 2009, the adverse treatment of the complainant, who was absent for a long period of time from work for health reasons related to her pregnancy, is presumed, until the contrary is proved, that is due to her above-mentioned condition. Furthermore, section 7 of the Maternity Protection Laws of 1997 to 2008, establishes the general rule that the seniority or the right to promotion or the return to work, of a woman who is returning to work from maternity leave is not to be treated adversely on the grounds that she was absent on maternity leave. The Commissioner for Administration stressed that the provision ensuring the rights of working women to work after childbirth, interpreted in combination with the absolute prohibition of discrimination on the grounds of illness due to pregnancy, makes it quite clear that when a working woman returns to work after maternity leave, for as long as she was absent because of pregnancy problems, her work is not to be affected in any way whatsoever with regard, inter alia, to the prospect of professional progress.

On the basis of the above legislative arrangements, the Commissioner concluded that the three member evaluation committee erred in applying the unified measure of judgment between the complainant and her remaining colleagues. This approach led to adverse discrimination on the grounds of sex within the meaning of the Equal Treatment of Men and Women in Employment and Professional Training Laws of 2002 to 2009. Adverse discrimination means the application of the same rule in different circumstances. In particular, the Mental Health Services, ignoring the fact that the lengthy period of absence on the part of the complainant was due to the health problems she was facing because of complications in her pregnancy, a situation which differentiated her case from her remaining colleagues and imposed the application of a different legislative scope, that of the Equal Treatment of Men and Women in Employment and Professional Training Laws of 2002 to 2009, also applied in her case the provisions of the Public Service (Assessment of Staff) Regulations of 1990 to 2009. Furthermore, the failure on the part of the evaluation group to prepare a separate note to attach to the Report mentioning that the complainant's evaluation is only limited to the 2 months of active service renders her evaluation vulnerable.

The Commissioner, because of the facts of the case under examination, deemed it necessary to commence a dialogue regarding the issue as to the evaluation of public servants who for various reasons are absent from their work for lengthy periods of time, a suggestion which was accepted by the Public Administration and Personnel Department.

5. Discrimination on the grounds of sex by inserting the name of the father on the surname of the recruits on the forms of the Ministry of Defence

The Equality Authority examined a complaint by a mother **(A.K.I 65/2010)** in respect of the practice followed by the Ministry of Defence in inserting on various forms concerning the enlistment and discharge of recruits the name of their father to the surname in the possessive case (for example Andreas Constantinou son of Nicolaos).

The complainant brought to the Commissioner's attention that this practice was also applied to various forms relating to her son's enlistment in the army. The complainant claimed that the abovementioned practice violated the constitutional principle of equality and the Law which regulates custody issues in accordance with which both parents have the same responsibility and the same rights in bringing up their children. She also supported the view that the manner of writing the names of the recruits reproduces discriminatory perceptions of a patriarchal society structured on the insignificance of the mother in the family.

The Commissioner clarified in her Report that she examined the issue complained of not from the scope of processing personal data but as a matter of unequal treatment of the two sexes. Undoubtedly, as the Commissioner pointed out, adding the name of the father after the recruits surname in the possessive case (such as Christos Christodoulou, son of Georgios) indicates inevitably the possession of the child by the father and reproduces the ideology and the stereotypes of the patriarchal structure in the family.

On a legislative level, in addition to the principle of equal treatment irrespective of sex[1] safeguarded by the constitution, the equal participation of both parents in their relationship with their children was safeguarded in a law since 1990, with a radical reform and modernisation of the then family law.

Also relevant is the Relationship of Parents and Children Law which establishes that custody of a minor child ("custody") is a duty and a right of parents who exercise the same jointly[2]

The Commissioner also noted in her Report that in addition to the fact that inserting the name of the father to the surname of recruits to forms provided violates the equality of parents in their relationship with their children as safeguarded by legislation, this practice places soldiers who were born out of wedlock and whose father is either unknown or has not recognised paternity of the child, in a particularly difficult position, because it reveals very sensitive personal data, which is not even required to confirm their identity. She also noted that the legislator, within the scope of modernising family law, reinstated the equal treatment of children born out of wedlock with those born during a marriage[3].

On the basis of the data from the investigation and the applicable legislative status, the Commissioner suggested to the Ministry of Defence to stop inserting the name of the father on military identities, military vehicle driving licences and on the special posting order. Given that on these documents the identity number and the ARR of the soldiers is inserted, the insertion of their own surname is more than sufficient to confirm the identity of the holder of the document.

The Ministry of Defence agreed that where it was necessary that the names of both parents are to be inserted and committed itself to examining the suggestion, taking into account the financial cost but also the fact that the entire public sector retains the same unified practice.

6. Discrimination on the grounds of sex by inserting the name of the father in addition to the surname on the school leaving certificates

The insertion of the father's name in addition to the pupils surname on school leaving certificates of a school was the subject matter of two complaints submitted by the mothers of pupils **(A.K.I. 58/08 & A.K.I. 60/10)**, who raised the issue of discrimination on the grounds of sex.

The third complaint was submitted by OELMEK **(A.K.I. 62/10)** who disagreed with the decision of the Ministry of Education and Culture to stop the practice of inserting the name of the father to the pupils surname.

From the investigation carried out it transpired that on 25 May 2010 the Ministry of Education and Culture issued a Circular informing the Headmasters/Headmistresses of all Secondary Education Schools that it had decided to stop inserting the name of the father and the place of

[1] Section 28 of the Constitution of Cyprus.
[2] Section 5(1)(a).
[3] The Children (Affinity and Legal Status) Law of 1991 to 2008 is of relevance.

birth on school leaving certificates and on all school reports. With this regulation in future only the identity card number, the register number, surname and place of birth of the pupils would be inserted on school leaving certificates/reports. In the Circular, the Ministry of Education and Culture clarified that the decision not to insert the name of the father and place of origin would apply for school leaving certificates for the 2009/2010 school year and for the issue of reports from September 2010. Furthermore, the Circular provided the necessary technical instructions so that the Secretariat of every school would be in a position to implement the decision electronically as far as the school leaving certificates were concerned for graduates.

OELMEK reacted requesting the withdrawal of the said Circular because it considered the deletion of the name of the pupil's father and place of birth from the school leaving certificates/reports unnecessary; the Commissioner for Administration disagreed. The deletion of the pupil's place of birth, the Commissioner stressed in her Report, was decided on the basis of observations made by the Commissioner for the Protection of Personal Data, whose powers include issues such as data processing. As she pointed out, personal data in order to be lawfully processed must be related, appropriate and not more than necessary in view of the purpose of the process. In the case at hand the purpose of the process is to confirm the identity of the pupil. By extension, the place of birth is redundant given that on the school leaving certificates, in addition to the name and surname of the pupil, the identity number and register number is inserted so that every pupil is distinguished even in cases where they have the same surnames. On the basis of the above, the decision of the Ministry to stop inserting the place of birth was mandatory.

The Commissioner clarified in her Report that her intervention was restricted to the insertion of the father's name next to the pupil's surname, not from the scope of processing personal data but as a case of unequal treatment of the sexes, concluding that the decision of the Ministry of Education and Culture to cease the insertion of the name of the father on school leaving certificates/reports was correct.

DISCRIMINATION ON THE GROUNDS OF ETHNIC DESCENT

Discrimination on the grounds of ethnic descent at the expense of persons who are under international protection in the area of access to positions of employment by private employment agencies providing security services

The Equality Authority examined a complaint against the Police in respect of discrimination against persons who are under international protection and who by definition come from third countries, in the field of access to positions of employment by private employment agencies providing security services. **(A.K.I. 95/2009 and A.K.I. 6/2010)**.

The complainant, acting as a representative of the United Nations High Commission for

Refugees brought to the attention of the Equality Authority that persons who have been recognised as refugees or who have been granted supplementary protection and who worked in private employment agencies providing security services, received notices of termination from 17/12/2009, as a result of instructions given by the Police. These instructions were based on the provisions of section 7(1)(a) of the Private Employment Agencies Providing Security Services Laws of 2007 to 2009 which provides that no licence to exercise the profession of a security guard or private guard is to be issued by the Chief of Police to a person who is not a citizen of the Republic or other member state of the European Union.

The instructions of the Police resulted in a massive dismissal of refugees and of persons with a supplementary protection status by the private agencies providing security services.

The Commissioner extensively referred to the right to work and how this is safeguarded by the International Agreement on Financial, Social and Cultural Rights, the Law on Combating Racial and Certain Other Discriminations (Commissioner) of 2004 (L. 42(I)/2004) and on the Equal Treatment in Employment and at Work Law (L. 58(I)/2004). According to the Commissioner it transpires that the restrictions to the right of employment of foreigners must be lawful, must not offend the core of the right and aim at facilitating the general welfare of the population. Restrictions on the grounds of the nationality or ethnic descent or race alone of the foreigners are not tolerated.

In compliance with the above guidelines, in Cyprus, the restrictions on the right of foreigners to work are not based on racial/ethnic descent but on the policy applied as to employment which aims at a better utilization of the local work force. Thus, the main criterion for granting a short-term employment permit to foreigners from third countries is the weakness in finding local staff to satisfy the needs of the employer and that is why the employment permits that are granted concern specific areas of employment or specific professions and are connected with a specific employer.

These restrictions concern the financial immigrants, meaning foreigners who come to our country to find employment. Persons who are recognized as refugees or are granted supplementary protection are an entirely different group of foreigners from third countries. They come to our country not seeking work but seeking asylum. These are persons who are under international protection and who are literally, even on a temporary basis, trapped in the country where they have sought asylum, where they have to survive and meet their daily needs. The Commissioner, therefore, stressed that due to the unusual circumstances they are living in, on a community and national level, the right to work is recognized as if they were subjects of the country in which they are seeking asylum, making reference to sections 21B and 19(5)(c) of the Refugee Law, in combination with the Order issued by the Ministry of Interior dated 17/8/2007. On this basis, the recognized refugees are subject to the same treatment provided to citizens of the Republic under the relevant Laws and Regulations in respect of the right to profitable work; as for persons to have been granted with supplementary protection have the right to any salaried or independent professional activity in accordance with the regulations and terms that are generally applied to the

profession or public administration after the expiry of one year from the time they were granted the said status.

As for European citizens, the Commissioner noted that on the basis of the traditional definition of nationality, they are also foreigners. However, within the scope of the Conventions for the EU, they also have at the same time the so-called nationality of the Union which complements nationality but does not replace it (article 17 ECT). No restrictions to the right of employment of European citizens are imposed by article 39 of the Convention on the Establishment of the European Community which safeguards the right to free movement of workers within the community without discrimination on the grounds of nationality. Nevertheless, under paragraph 4 of Article 39 of the Convention, restrictions may also be imposed on the right of Europeans to work within the Community without discrimination on the grounds of nationality as to positions of employment in the public sector. The European Court of Justice (ECJ) has interpreted this deviation in a very restrictive manner. On the basis of established case law of the ECJ, member states are permitted to restrict positions of employment in public administration only to their citizens, if directly connected with the particular activities of public administration, meaning those which include the exercise of public power and the responsibility to safeguard the general interests of the state. For example such posts are positions in the diplomatic corps, the judicial power, the army etc.

The ECJ dealt with another issue, that of positions in the private sector which include some exercise of public power and the conditions under which member states may restrict access to them to their citizens only. The ECJ has already legislated that private security guards do not constitute a section of public service and that Article 39, paragraph 4 of the EC Convention does not apply to them, whatever the employee's duties.

On the basis of the above legislative outline, and also on the basis of the facts that resulted from the investigation, the Commissioner for Administration concluded that the refugees, from the moment their identity has been recognized as refugees, and persons who have the status of supplementary protection within one year from being granted this status, are entitled to have access to positions of employment as do Cypriot citizens.

The Chief of Police, however, supported the argument that the Private Employment Agency for the Provision of Security Law is a special Law and any attempt to relate the above provisions of the Refugee law with this law shall lead to a non-application of an express provision of the special law. The Commissioner however did not agree with this argument. As the representative of the United Nations High Commission for Refugees noted, the provisions of sections 21B and 19(5)(c) of the Refugee Law incorporate into our national law provisions of the community directive 2003/83/EC. Therefore, she noted, there is no substance in entering into a discussion as to whether there is a conflict of a general and special law or newer with an older law, given that in this case, there is an issue of community law prevailing over national legislation, as a central principle of community law. Furthermore, she stressed that in accordance with established ECJ case law on this matter, in the event a provision of the law conflicts with the provision of another law which incorporates certain

provisions of a community directive, the administration is obliged to apply the provisions of the community directive.

Finally, the Police supported the argument that European law permits the safeguarding of access to certain professions only to Cypriot citizens and to Europeans and that this is justified because in relation to these professions that are restricted in number, grounds of national security apply. The Commissioner characterized the argument as unfortunate and dangerous in that it implies that European citizens are more trustworthy and honest in comparison with foreigners from third countries, referring to paragraphs 2, 3 and 4 of her Report under which conditions any restrictions to access to positions of employment of foreign workers in general, whether from third countries or from the community, are tolerated. She repeated that as far as foreigners from third countries are concerned, the restrictions which apply to their access to the labour market are not due to their national descent but are based on the employment policy applied by the government, whose main aim is how to utilize local work force is the best possible manner. As far as Europeans are concerned, from the time of Cyprus' accession to the EU, the principle of free movement of workers within the community applies, without discrimination on the grounds of nationality. As an exception, a restriction may be imposed of the right of Europeans to have access to positions of employment in Cyprus as to positions in the public service and under the condition that these positions include the exercise of public power and responsibility to safeguard the general interests of the state. Given that the term "national security" falls within the term "safeguarding the general interests of the state", when in relation to a position of employment a matter of national security is raised, access to the same must be reserved only for Cypriot citizens.

The Commissioner for Administration concluded that the grounds for their dismissal was the fact that their national origin was from third countries, contrary to section 6 of the Equal Treatment in Employment and at Work Law. Taking into account that the dismissal of the persons in question was the result of instructions given to their employers by the Police, this also raised the issue of discriminatory treatment due to racial / ethnic descent contrary to the same law.

The Commissioner, under section 22(1) of The Combating Racial and Certain Other Discriminations (Commissioner) Law of 2004, recommended that the Police notify the private employment agencies for the provision of security services in writing that recognized refugees and persons who have been granted the status of supplementary protection in one year from when they were granted such a status, may, under the provisions of the Refugee Law, be employed in such positions, subject, of course, to the provisions of the remaining conditions established by the Private Employment Agencies Providing Security Services.

The Chief of Police disagreeing with the content of the above Recommendation, sent a letter to the Attorney General seeking an opinion on the matter. Because the Attorney General gave an opinion that as the law stands, it does not cover citizens from third countries, the Equality Authority deemed it necessary to send a letter to the Attorney General, under section 39 of The Combating Racial and Certain Other Discriminations (Commissioner) Law

of 2004, asking him to examine the possibility of amending the Private Employment Agencies Providing Security Services Laws of 2007 to 2009 in such a manner so as to be in line with the provisions of the Refugee Law, in an attempt to resolve the issue once and for all.

DISCRIMINATION ON THE GROUNDS OF DISABILITY / SPECIAL NEEDS

1. Dismissal of a person with physical disadvantage

The Equality Authority examined a complaint against the Nicosia General Hospital and against the Department of Public Administration and Personnel in respect of the dismissal of an employee with a physical disadvantage (slowness in the expression of speech) from the post of hourly governmental staff **(A.K.I. 10/2010)**.

In particular, the complainant argued that one week after her appointment in December 2006 to the post of a General Assistant (hourly staff) at the Nicosia General Hospital, she was dismissed without notice.

According to the facts of the case, the complainant is a person with a disability in that she has a slight disadvantage in her speech and in particular she is slow in the expression of speech. From the investigation carried out it transpired that prior to the complainant's appointment to the post of General Assistant there was a verbal interview which meant that the members of the Committee who conducted the interview must have perceived her slowness in speech. Despite this they found her eligible and suitable to carry out the duties of the post in question. One week after her appointment she was dismissed on grounds relating only to her difficulty in speech, as it transpired from the written position of the Ministry, and not due to her unwillingness or her inability to open patients files, which was the main duty assigned to her. The Commissioner notes in her Report that even if she accepts the argument that the then Director of Personnel of the Nicosia General Hospital asked the DPAP to place the complainant in another more suitable post for her, as corresponding to the real facts, it is certain that no such action was taken in this respect.

According to the Persons with Disabilities Laws of 2000 to 2007, a disadvantage constitutes disability. In particular, in the interpretation given for disability it is stated that "disability" in respect of a person means any form of deficiency or disadvantage which causes permanent or indefinite physical, mental or psychic restriction to a person which, taking into account the background and other personal details of the said person, substantially reduces or excludes the ability to perform one or more activities or operations that are considered normal and essential for the quality of life of every person of the same age who does not have such deficiency or disadvantage.

Furthermore, section 5(1)(c) of the same Law provides that in the field of employment the principle of equal treatment applies and for this purpose any discrimination against a person with a disability as to working conditions and terms of employment, including dismissal and remuneration, is prohibited. It is noted that directive 2000/78 and the law in harmonization of the same, do not restrict the administrative right of the employer to dismiss an employee who is a person with a disability, provided however, that the dismissal is connected either with the refusal to perform his duties or with his unsuitability to perform his duties and under the main condition that the necessary reasonable measures for adjustment have been taken. On the basis of all the circumstances of the case under examination, the DPAP and the Directorate of the Nicosia General Hospital did not respond to this basic principle. On the contrary, instead of taking the necessary reasonable measures for adjustment, which in this particular instance simply involved the assignment of more suitable duties to the complainant, they dismissed her. The complainant's dismissal establishes direct discrimination on the grounds of disability.

The Commissioner, under section 22(1) and (3) of The Combating Racial and Certain Other Discriminations (Commissioner) Law of 2004, following deliberations, sent a Recommendation to the Ministry of Health and the DPAP to endeavour to appoint the complainant in another hourly staff post, where she meets the required qualifications and the duties of which she is in a position to perform. There was full compliance with the Commissioner's recommendation by the services involved, given that the complainant was appointed to the post of Porter/ Messenger at the Nicosia General Hospital.

2. Facilitating the employment of persons who care for persons, as dependents, with disabilities.

Since the establishment of the Equality Authority in 2004, a significant number of complaints have been submitted by women who are either employed in public education or the public service at large, concerning the lack of measures in reconciling professional life with family life. In all the cases the complainants were either pregnant or had recently given birth. From the investigation of these complaints, the Commissioner ascertained that not only the various departments in the public service but also the ESC examine the applications of pregnant women or mothers for transfer or relocation to their place of residence without always taking into account the particularities of their situation.

The Services argue that in examining such applications the interests of the service must prevail and whether the needs justify their being met. Certain departments in the state machinery supported the argument that favourable treatment of women due to maternity and or family obligations in their placements or transfers places their colleagues at a disadvantage. The Commissioner also ascertained that public administration, as an employer, is even more negative in satisfying women's applications for special amenities due to maternity or family conditions when employed as casual employees. Despite the interventions of the Equality Authority on the issue

from time to time, **(A.K.I. 9/2008 and A.K.I. 67/2008, A.K.I. 7/2008 and A.K.I. 38/2008, A.T.I. 3/2009)**, it transpired that there is still an unwillingness from various ministries, departments or services to develop reconciliation policies resulting in this issue being raised in 2010. In particular, an Information/Computer Science teacher under contract submitted a complaint against the Educational Service Committee concerning her placement to a school outside the base of her residence, despite the fact she had a ten month old child with a disability **(A.K.I. 82/2009)**.

From the investigation it transpired that the complainant, at the material time, was a mother of two children and lived in the Larnaka district. Her second child was born with paralysis in the right hand and doctors recommended that the child underwent systematic physiotherapy, hydrotherapy and occupational therapy. The complainant was offered casual employment for the 2009-2010 school year in schools in Limassol, when her child was ten months old. The complainant accepted the appointment, submitting at the same time an objection as to her placement for 24 teaching units in schools in Limassol. She notified the Educational Service Committee that she had a child less than a year old with a disability, whose needs for care were increased and asked to be transferred to a school in Kiti. She submitted this request having in mind that under Regulation 11(1) of the Educational Officers (Placements, Transfers and Relocation) Regulations, the ESC is entitled to transfer educational officers, following their application on the grounds that they are pregnant or care for a child under twelve months. The ESC failed to submit any argument as to the complainant's request.

According to the Equal Treatment of Men and Women in Employment and Professional Training Laws of 2002 to 2009, the "principle of equal treatment" means the absence of gender discrimination, whether direct or indirect, in relation to married or family status, in respect of any of issues regulated by the present law" and safeguards the ability to take positive actions defining that "positive actions" means measures which, for the purpose of ensuring complete and substantial equality of men and women in employment, provide special advantages for persons of the gender which is less represented in employment positions or grades of professional hierarchy or areas of professional education, and mainly for women, so as to assist them in carrying out a professional activity or which prevent or counterbalance disadvantages in such persons professional career. The Commissioner stated that the provision of the abovementioned law that "measures to protect women due to pregnancy, childbirth, breastfeeding or maternity" do not constitute positive measures is of utmost importance. It is on the basis of this exception that the extent of protection of working women who are pregnant or mothers is noticeable. Protection measures for pregnant women or working mothers are considered obvious, and therefore need not be included in the category of positive actions. It is evident that the legislator, in making provision for this exception, defined the employer's obligation for a positive intervention in favour of pregnant or working women, aiming to retain their employment and creating equal opportunities in their entire professional career.

The Commissioner concluded that the Maternity Protection Law and the Equal Treatment of Men and Women in Employment and Professional Training Law apply to every employee irrespective as to whether he works in full time or part time employment, for a fixed or unspecified period, continuous or not, whether in the public or private sector. In other words,

applications by women for special amenities must be treated in the same way, irrespective as to whether they work on a permanent basis or a casual or temporary basis.

In the case under examination, taking into account that the teacher had a child with a disability, the Commissioner also examined the complaint under the scope of the Persons with Disabilities Law, which prohibits discrimination on the grounds of disability in the field of employment. This prohibition is not however only in respect of persons who have a disability but also employees who are not persons with a disability but have the main duty of care towards a person with a disability. The ECJ legislated in particular that the interpretation of sections 1 and 2 in that the prohibition to adverse discrimination should only be limited to the employee itself with special needs is contrary to the scope of directive 2000/78/EC on the equal treatment in employment and at work. On the basis of the above, the Commissioner found that treatment in which an employee, who has the main duty of care of a person with special needs, is indirectly dismissed, is direct discrimination on the grounds of disability in relation to the absence of corresponding treatment of other employees without children with special needs.

Based on the above, the Commissioner concluded that the negative attitude of the ESC to grant, in the case of teachers, who are employed on a casual basis, special amenities due to increased and special needs to care for their children, cannot exclude the possibility of leading to multiple discrimination on the grounds of sex and on the grounds of disability.

The Commissioner carried out Negotiations with the parties involved and made a Final Recommendation to the Educational Service Commission to place the complainant in a school as close to her residence as possible.

Rejection of a public servant's application to transfer the employee to her place of residence due to the increasing need to care for her child, who is a child with special needs.

The Equality Authority had the opportunity to repeat the above arguments during the investigation of a complaint made against the General Accounts Department in respect of the rejection of an application made by a casual accounts officer to be transferred to her place of residence due to the increasing need to care for her child who was a child with special needs **(A.K.I. 100/2009)**.

From the investigation it transpired that the complainant asked to be transferred from Nicosia to Limassol, the district in which she resided, because she was in her sixth month of pregnancy and had premature contractions due to travelling by bus on a daily basis, with a risk of premature birth. This request was dismissed. After childbirth she applied to be transferred to the district in which she lived until her newborn child was 9 months old so as to take advantage of the right established in the Maternity Protection Law in leaving one hour earlier or coming

into work one hour later for breastfeeding purposes. The General Accounts department gave her a negative response and informed her that she could make use of the paternal leave of up to twelve weeks without pay. Finally, the complainant was forced to take advantage of the right to paternal leave without pay. The complainant subsequently submitted yet another application for her transfer to her place of residence, this time on the grounds of the increasing needs to care for one of her three children, who was a person with disabilities. And this application was rejected.

As to not satisfying the first two requests the complainant had submitted during her pregnancy and the period following the same, the Directorate of the General Accounts Department stated a real inability to satisfy the requests of accounts officers for special amenities due to pregnancy or maternity, invoking service needs and service circumstances. The Commissioner noted that this absolute stance is contrary to and, unavoidably leads to violation of the legislative scope in protecting working women who are pregnant, have recently given birth or are breastfeeding. The Commissioner underlined that, on the basis of the legislative scope, the interest of the service loses ground against the need to protect the health and safety of the pregnant woman and the embryo. The law not only permits favourable treatment of working women who are pregnant, just give birth or are breastfeeding, but it also obliges the employer to take action towards this direction, particularly in the cases where there are grounds that it may place the health and safety of the pregnant woman and the embryo at risk. If it is objectively impossible to even temporarily transfer the employee, whose pregnancy has been certified as particularly problematic to another post, the only remaining solution, in order to protect the health of the pregnant woman and/or the embryo, is to grant sick leave on the grounds of pregnancy.

The Commissioner also found that the practice followed by the Directorate of the General Accounts Department, which leads employees who request a transfer near their homes, due to problems in their pregnancy or maternity, to remain at home without pay, problematic, as in the case of the complainant. On a community level, particular significance is given to women employees retaining their remuneration or a suitable benefit throughout the period they are pregnant, have just given birth or are breastfeeding. Rightly so in the preamble of directive 92/85/EEC it is stated that "... measures for the organisation of work concerning the protection of the health of pregnant workers, workers who have recently given birth or workers who are breastfeeding would serve no purpose unless accompanied by the maintenance of rights linked to the employment contract, including maintenance of payment and/or entitlement to an adequate allowance and moreover, provision concerning maternity leave would also serve no purpose unless accompanied by the maintenance of rights linked to the employment contract and or entitlement to an adequate allowance …".

On the basis of the above, the Commissioner stressed that as to handling the complainant's request to be transferred to her place of residence, due to the increasing needs of her second child, who is a child with special needs, this request was rejected without it being examined in the light of the Persons with Disabilities Law, which, on the one hand prohibits any direct or indirect discrimination on the grounds of disabilities and on the other hand obliges the employer to adopt measures counterbalancing the disadvantaged position his employee is found due to

a disability. The Commissioner concluded that the treatment towards the complainant, which may eventually lead her to resign from her work, constitutes direct discrimination on the grounds of disability.

In order to resolve this issue there were a number of negotiations with the General Accounts Department and the complainant.

3. Improper handling on the part of the competent authorities in respect of a request for the payment of a disability benefit to a person with disabilities

A complaint was presented to the Equality Authority against the Social Welfare Services (S.W.S.) in respect of their failure to reply to the request submitted by the complainant in 2005 for the payment of a disability benefit in addition to the public assistance **(A.K.I. 76/2010 and Α/Π 1840/2007)**.

In her Report, the Commissioner noted that the handling of the complainant's request was not only indifferent, for reasons she could not understand, but also, from a perspective of administrative law, entirely wrong. The request for disability benefits, which from its nature required immediate action on the part of the administration, lasted five years, for reasons which were not the fault of the complainant.

From the information obtained from the administrative file it transpired that in September 2005, when the grant for public assistance was approved, there already was a clear picture of the complainant's condition. On the basis of the medical reports presented at the time and the confirmation of the Officer who had visited him at home in 2005, the complainant had difficulty in moving around and needed support, he found it difficult to help himself, had a special splint in the knee and could not work. Given that due to his physical condition his ability to help himself was substantially reduced and the ability to work was excluded, he fulfilled all the criteria established by the relevant legislation, to be considered a person with a disability in order to be granted a disability benefit.

Despite the above, the complainant was asked to present further medical certificates, which he duly presented. Two years later, in 2007, the District Officer rejected the recommendation of the competent Officer and Supervisor to approve a disability benefit, giving instructions to refer the matter of the complainant to the medical council for the latter to decide whether or not he was a person with disabilities. The Commissioner noted that on the basis of the information on file, it was obvious that the complainant's condition had in the meantime worsened.

The complainant was referred twice to the medical council (in 2007 and 2008), which, in both cases, only mentioned the initiating cause of the problems he was facing, meaning his ailment and that he was incapable to work. The Commissioner clarified that it is not within the terms of reference for the medical council to determine whether a person fulfills the criteria

established by the relevant legislation within the definition of the term "disability", so as to determine whether he is deemed entitled to the payment of a disability benefit. This power vests in the Director of the S.W.S.

The Commissioner was particularly concerned by the decision, after another two years of unjustified delay, to grant the complainant a disability payment from the 15th June 2010. Note that the administrative bodies are to exercise the powers vested in them within a reasonable time, so that the decision is current in respect of the real or legal facts to which is refers. Furthermore, an administrative act cannot have retroactive effect unless it is permitted by law. And one of the instances where retroactive effect is permitted to be granted in respect of an administrative act is when it is imposed to restore injustice towards a person due to failure on the part of an action of the administration. Taking this into account, the Commissioner suggested that the decision to grant the disability benefit to be granted to the complainant have retroactive effect from September 2005.

Based on the suggestions of the Commissioner for Administration the Services involved approved the payment of monthly public assistance, including the disability benefit and additional Social Cohesion Measures to the complainant but did not agree to grant the same from 2005.

DISCRIMINATION ON THE GROUNDS OF AGE

1. Discrimination on the grounds of age in the terms of employment of the school crossing patrol (lollipop men and women)

The Equality Authority examined a complaint in respect of discrimination on the grounds of age in the terms of employment of the school crossing patrols in Limassol **(A.K.I. 76/2009)**.

The reason the 59 year old working woman submitted the complaint was the fact that the Municipality of Limassol announced that it had decided to terminate the employment of all school crossing patrol men and women who complete their 60th year.

From the investigation carried out it transpired that the complainant had worked as a lollipop woman since 1995 and was trained by the Limassol Police. In the last 16 years of carrying out such duties no complaint was ever made in respect of her duties, either by her immediate supervisor, who is in charge of the school crossing patrol, or by the bodies involved, the Municipal authorities, the School Board and the Police.

According to subsection (2)(a) of section 88 of the Municipalities Laws of 1985 to (No. 2) of 2009, the Council of any Municipality may, having first obtained the advice of the Chief of Police, appoint capable and suitable persons as the school crossing patrol and under terms defined by the Council. In the same subsection it is stated that the provisions of the Law in question in respect of municipal employees, including provisions as to discipline and dismissals, also apply

to the school crossing patrols. One such provision in respect of municipal employees which also applies to school crossing patrols is that of section 54(4A), according to which the age for compulsory retirement of municipal employees who have completed their sixtieth year after the 1st July 2008 is sixty three.

From the information of the investigation it transpired that for a number of years the choice of school crossing patrols and the assignment of their duties was made on an informal basis, without any written agreement clarifying the status of their employment and the terms regulating the same. In any event the choice of school crossing patrols was made by the Limassol Municipality, in cooperation with the Association of School Crossing Patrols and the consent of the Chief of Police and those selected are trained by the Police. It was ascertained that the employment status of school crossing patrols is unusual. Based on the information of the investigation, the Limassol school crossing patrols do not come under the permanent staff of the Limassol Municipality but are under the supervision of the Chief of Police; their employment may be described as part time (eight hours per week) in the form of an informal assignment or purchase of services. What is certain is that there is provision of services for remuneration. The Limassol Municipality contributes ½ of the remuneration and the remaining ½ is paid by the Ministry of Education and Culture.

In July 2007, the Limassol Municipality dealt with the issue of there not being a written agreement between the Municipality and the school traffic patrols and as a result a document was drafted with the essential terms regulating the provision of services provided by the school crossing patrols entitled "An Agreement Granting Authorisation on the Basis of the Municipality Law and Municipal Traffic Regulations".

In paragraph 4(b) of the abovementioned document it was determined that "The period of authorisation (of the school crossing patrol) shall be renewed and shall apply for every subsequent school period until the authorised person completes the age of sixty if it is not terminated ... automatically ... (a) by revoking or cancelling the consent of the Chief of Police, (b) when the authorised person completes the age of sixty".

In her Report, the Commissioner extensively referred to the general scope to combat discrimination on the grounds of racial or ethnic descent, religion or belief, age or sexual orientation in the field of employment and at work, established by the Equal Treatment in Employment and at Work Law of 2004, in harmonisation with directive 2000/78/EC and 2000/43/EC. She pointed out that the scope of application of the said law extends to working conditions and the terms of employment, including the provisions concerning dismissal and remuneration. An employee, within the meaning of this law, is every person who is working or learning under full or part time employment, for a specific or unspecified, continuous or not time, irrespective of the place of employment (section 2). Under section 6, any direct or indirect discrimination on the grounds of, inter alia, age in employment is expressly prohibited. Section 8 establishes the conditions for permitted deviation to the principle of equal treatment irrespective of age. In particular, subsection (1) of section 8 defines that different treatment due to age does not constitute discrimination if it is justified objectively and reasonably by a

legitimate goal, especially by legitimate goals concerning policies in the field of employment, the purchase of work and professional training and provided the means of achieving these goals are appropriate and necessary.

The Limassol Municipality supported the view that the main reason for setting the age limit of 60 for the authorised school crossing patrols is because the particular service has a direct connection with the safety of children crossing the road and requires excellent physical condition and extremely good reflexes, which have been proved to deteriorate with age. The Commissioner expressed the view that the safety of pupils crossing roads is clearly a legitimate goal. The selection however of the criterion for the highest age limit for school crossing patrols as a measure to achieve this goal is neither appropriate nor necessary. Unquestionably, the physical condition and reflexes of any person weaken with the passing of time, without this meaning that every 60 year old person is not in such a physical condition that would allow him to carry out the duties of a school crossing patrol or that the physical condition of every person under 60 is such that would allow him to work as a school crossing patrol. Such a view if based on a general and vague case, particularly damaging for those persons in the 60's and over age group, who from a health point of view and physical condition are capable of carrying out the duties of the school crossing patrol.

Furthermore, the Limassol Municipality supported the view that the decision to place a limit on the age for employing school crossing patrols was also based on the fact that there is a large list of interested persons and the possibility must be given to other persons to be employed in this field. The Commissioner pointed out that the policy in the field of employment, in particular with regard to the employment of the unemployed is not drafted by employers (in this case the Municipality) but the competent state bodies. The reason for not employing school crossing patrols after the age of 60 in order to employ other unemployed/interested persons could be considered as a justified deviation from the principle of non discrimination if it is in line with national policy to create posts for the unemployed.

Based on the above legislative outline, and also on the basis of the facts arising from the investigation, the Commissioner for Administration came to the conclusion that the age limit of 60, which was decided as the limit for not renewing the agreement authorizing school crossing patrols constitutes discrimination on the grounds of age contrary to section 6 of the Equal Treatment in Employment and at Work Law.

The Commissioner, under section 22(1) of the Combating Racial and Certain Other Discriminations (Commissioner) Law of 2004, made a final recommendation to the Limassol Municipality to eradicate the discrimination prohibited by law on the grounds of age contained in the terms of authorization for school crossing patrols and not to terminate the employment of the complainant on the basis of her age. The Municipality, in disagreement with the Final Recommendation of the Commissioner for Administration, filed a recourse in the Supreme Court which is still pending. The complainant also had recourse to the Industrial Courts claiming damages as a victim of discrimination on the grounds of age. The trial of the abovementioned case is still pending.

2. Indirect discrimination on the grounds of age as to the point system criteria in applications for entry into the Open University of Cyprus

On the basis of a complaint made against the Open University of Cyprus, the Equality Authority intervened as of right, in respect of the criteria on points awarded on candidates applications for enrolment and whether they contain a condition which establishes discrimination on the grounds of age.

In particular, the criterion which was the subject matter of the investigation is that of the number of years that have passed since receiving the school leaving certificate (apolyterion) for the reason that however many more years have passed since graduation from secondary education, then the candidate is treated more favourably in being awarded more points, and as a result, it is possible for older candidates to find themselves in a more favourable position.

The Open University, with regard to the criterion in question, supported the view that the number of years that have passed since receiving the Lyceum school leaving certificate is used with some weight, mainly due so as not to discriminate against candidates who graduated years ago in comparison with recently graduated candidates, who have ample opportunities to attend conventional universities.

According to section 6 of the Equal Treatment in Employment and at Work Law of 2004, any direct or indirect discrimination in the field of employment on the grounds, inter alia, of age is prohibited. This prohibition also extends to the field of access to any type and to all levels of professional orientation, professional training, further training and professional retraining (section 4(b)). According to established case law of the European Court of Justice (ECJ), higher education is considered professional education and training. Section 8 of the law in question sets out the conditions permitting a deviation to the principle of equal treatment irrespective of age. In particular, subsection (1) defines that different treatment due to age does not constitute discrimination if it is justified objectively and reasonably by a legitimate goal, particularly by legitimate goals concerning policies in the field of employment, the purchase of work and professional training and provided the means of achieving these goals are appropriate and necessary.

The Commissioner noted that the application of the criterion in question may lead to adverse treatment, on the grounds of age, of younger candidates in comparison with candidates of an older age. This may occur for example in the case of a candidate of an older age who has already completed a first cycle of studies in a conventional university and who has applied to the Open University for obtain an additional academic qualification for the purpose of professional progress and or professional retraining. His application, because of his age, will be treated more favourably in comparison with an application of a candidate of a younger age who does not have the ability, either for financial reasons or family reasons, to attend a conventional university. The Commissioner found that the reason given by the Open University to justify the goal to be achieved by the point system does not concern the policy in the field of

employment and the purchase of work. By extension, the different treatment on the grounds of age which may be caused by the criterion in question cannot come within the permitted deviation from the principle of equal treatment irrespective of age established in section 8 of the Equal Treatment in Employment and at Work Law.

Based on the above, the Commissioner concluded that the point system of applications of candidates on the basis of the number of years that have passed from the time of receiving the Lyceum school leaving certificate establishes indirect discrimination on the grounds of age and recommended that they cease applying the said criterion immediately.

Appendix

Code of good practice in respect of discrimination on the grounds of disability at work and in employment

Guide for employers and employees

Equality Authority
Commissioner for Administration (Ombudsman's Office)

September 2010

Part 1: General Review

A. Generally

Discrimination in Cyprus was prohibited in the Constitution of the Republic of Cyprus in 1960. Article 28 of the Constitution ensures the principle of equality and prohibits differential treatment for whatever reason. In 2000 a law was enacted for the rights of persons with disabilities[1], however, the most important tool against discrimination on the grounds of disability was enacted in 2004[2], as a result of harmonising Cyprus legislation with the European acquis and in particular with Directive 2000/78/EC on equal treatment at work and in employment (the amendment law shall hereinafter be referred to as "the Law"). From the time it was enacted, the Law underwent various minor amendments to correctly convey the abovementioned European directive in Cypriot legal order.

Based on the estimates of the International Labour Organisation, 10% of the world's population or 610 million people have disabilities. The unemployment rate of such persons is much higher than the equivalent for non-disabled persons. In the United Kingdom the unemployment rate of persons with disabilities is 13%, or twice that of the non-disabled persons workforce. In Germany the unemployed rate of persons with disabilities is 18% and in many developing countries it is estimated at 80% and more[3].

B. Scope of the Code

The Code explains how persons with disabilities are protected from discrimination if they work, if they intend to work or of they are employed in any occupation, either as employees or are self-employed. Despite the fact that discrimination against such persons has been placed outside the law since 2004, currently, a large percentage of such persons is not working despite

[1] A Law to provide for Persons with Disabilities L. 127(I)/2000. The law was based on relevant resolutions and proclamations of the United Nations and the European Union safeguarding fundamental rights of persons with disabilities such as timely diagnosis of the disability, preventing further consequences, providing health care, restoring functions, the psychological and other support for the person and his family, support with aides, appliances or services such as an interpreter, a companion etc, accessibility to housing, buildings, streets and to the environment in general, public means of transport and other communication means, access to integrated education, information and communication with special means, to socially and financially integrated services, professional evaluation and orientation, professional training and employment in the open labour market and so on and so forth
[2] L.57(I)/2004.
[3] The International Labour Organisation Code of Practice (I.L.O.) http://www.ilo.org/public/english/standards/relm/gb/docs/gb282/tmemdw-2.pdf

the fact they are willing and capable to do so. This Code sets out how we perceive the law as it applied in May 2010 and aims at informing employers and employees as to their rights and obligations respectively. Furthermore, its ambition is to contribute to cultivating a working philosophy reinforcing safety at work, continuous employment to the extent this is possible and to create flexible practices which correspond to the needs of the multiple-mode work force, removing the hurdles that affect uninterrupted access to the benefits of employment. Encouraging good practices, the Code aims at helping employers to avoid labour disputes and to work towards eradicating discrimination in their area of work.

C. Legal status of the Code

This Code is issued in accordance with section 40 On Combating Racial and Certain Other Discriminations (Commissioner) Law of 2004 and is of a binding character and may be used as evidence in legal proceedings. Any interpretation of the Law contained in the Code is not binding because the interpretation of any legislation is the exclusive jurisdiction of the Courts. Furthermore, the examples of cases given and of good practices set out are aimed at making the provisions of the Law more understanding and are not binding interpretations of the Law. Despite the above, many of the examples set out are real cases examined by the Equality Authority whereas other cases are set out to show the ways in which the law may be applied in practice. Employers who comply with these examples may prevent adverse legal or out of court cases against therm.

D. Further information

The text of the Law, the cases of the Equality Authority and of the Commissioner for Administration in respect of discrimination on the grounds of disability and this Code are provided free of charge on the website of the Commissioner for Administration on www.no-discrimination.gov.cy

Copies of the Code and of the relevant decisions of the Equality Administration and the Commissioner for Administration are also available free of charge from the Office of the Commissioner for Administration at the following address:

Era House 2 Diagorou Street

1097 Nicosia

Telephone: 22 405501, Fax: 22 672881

E-mail: ombudsman@ombudsman.gov.cy

Part 2: How to avoid discrimination

A. Introduction

Prevention is better than cure. There are many ways in which employers may avoid discrimination against persons with disabilities. In this way, employers may not only avoid costs and time that legal proceedings entail, but they may also improve their public image, productivity and quality of work in their business. This chapter aims at providing certain guidelines to this direction.

B. The social dimension of discrimination

The meaning of adverse discrimination in the Law is based on the understanding that whatever operational restrictions derive from the disability of a person do not unavoidably lead to restricting the ability of such persons to fully participate in society. Usually it is not inability which stems from disability that prevents persons with disabilities from participating but environmental factors, such as the layout and accessibility of a structure or the working practices of a business. This is the basic principle on which the obligation of an employer is based to make reasonable adjustments to facilitate persons with disabilities to have access to work.

Employers may obtain significant benefits from employing persons with disabilities who may substantially contribute to a business, in posts which suit their abilities and skills, provided there is a suitable management of issues that relate to disability. This hypothesis is based on facts which indicate that business may benefit from retaining an experienced workforce in their business by persons who are disabled. It is also based on the facts that show that a business may save resources from medical expenses, premia and loss of time if it applies an effective strategy on managing disability[4].

C. Understanding the diverse nature of disability

There are thousands of people with disabilities in Cyprus[5]. The nature and extent of their disability differs significantly, as do their needs.

It is important for employers to understand the consequences of their actions and decisions on persons with disabilities. Many of the measures that need to be taken in order to avoid discrimination either cost very little or nothing at all and may easily be implemented.

[4] The International Labour Organisation Code of Practice (I.L.O.) http://www.ilo.org/public/english/stanrds/relm/gb/docs/gb282/tmemdw-2.pdf
[5] There is not a generally accepted number. There are different estimates that reach different numbers.

D. Avoid jumping to conclusions

A disability may affect persons in many and varied ways and their needs may be different. A disability may have a minimum effect in their efficient participation in production. The following suggestions may help you in avoiding discrimination:

- **Do not conclude that a person does not have a disability because he does not have a visible disadvantage.**
- **Do not conclude that an organisation does not employ persons with disabilities because you do not know whether persons with disabilities work there.**
- **Do not assume that most persons with disabilities use a wheelchair**
- **Do not assume that persons with learning difficulties cannot complete mental tasks**
- **Do not assume that persons with mental health problems cannot complete demanding tasks**
- **Do not assume that all blind people read Braille or have guide dogs at their disposal**
- **Do not assume that all deaf people know sign language**
- **Do not assume that a person with a disability who has less experience in a particular filed (in comparison to a non-disabled person) shall contribute less than the non-disabled person. Surveys have shown that the productivity of persons with a disability is either the same or greater than the productivity of non-disabled workers.**

E. Cooperate with the persons with disabilities

Everyone knows his needs better than anyone else and the best way of meeting them. Listening to the wishes of working persons with a disability, employers will find it easier in fulfilling their obligations in respect of reasonable adjustments required by employers.

The timely diagnosis of the needs and continuous consultations with those affected, usually has the effect of taking measures with a minimum costs and without inconvenience. Furthermore, this cooperation has been shown[6] to assist employers in establishing the needs of their disabled clients thus widening their clientele.

Organisations for disabled persons all over Europe demand the application of the principle that "nothing about us without us". This signifies the importance that persons with disabilities place on consultation and cooperation in respect of the measures that affect them and their determination to have a say and play a part in the final proceedings in respect of managing disabilities.

[6] The British Equality Authority and Human Rights http://www.equalityhumanrights.com/advice-and-guidance/information-for-advisers/codes-of-practice/

F. Planning for the future

Despite the fact that there is no legal obligation on the part of employers to take preventative measures, employers have more of a chance of complying with their obligations and avoiding lawsuits against them if they maintain in effect policies and practices against discrimination. Such policies may include:

- **Training all employees on issues of discrimination and disability so that they all understand their obligations established by the Law. Persons who have managerial positions may have to attend more specialised programmes[7]**
- **The immediate and effective response to complaints made by persons with a disability as to discrimination from their colleagues**
- **Implementing regulations as to leave in respect of a disability of a worker**
- **Retaining a record to lodge all decisions taken in respect of managing disability in the work area.**

It is a good practice to regularly evaluate the effectiveness of measures taken for the benefit of persons with a disability in cooperation with the persons affected, if it concerns reasonable adjustments or in cooperation with the organisations of persons with disabilities if it concerns positive actions that affect the larger number of persons with disabilities.

It is also good practice for employers to think carefully as to the phraseology used in announcements as to vacancies in their place of work. For example:

- **Announcements informing interested applicants that a flexible working schedule may be offered in order to encourage persons with a disability to apply**
- **It is also good practice to advertise vacancies through the electronic, acoustic or printed forms of persons with disabilities such as "Psilafismoi", the electronic and digital magazine published by the Pancyprian Organisation for the Blind etc.**

It is also good practice for an employer in promoting his positive image by confirming that the image portrayed to the world shows an employer who supports diversity and understands the needs of a diverse work force.

For example:

- **A large employer may in his advertising brochure publish photographs showing persons with disabilities at work**
- **A small employer may refer in advertisements for vacancies that persons with a disability are encouraged to submit an application.**

[7] Training programmes against discrimination are often funded by the European Commission and are provided free of charge to interested persons. Employers may obtain information from the Employers and Industrialists Federation or from organisations who offer such training. A list of member organisations of the Cyprus Confederation of Disabled Persons is set out at the end of the Code.

G. Resolving disputes

Maintaining policies and practices against discrimination and regular consultations with employees may reduce labour disputes. But once such disputes arise, it is in the interest of the employer to resolve them as soon as possible, before they turn into large problems. Complaints procedures offer a golden opportunity for the employee to make his complaint known to his employer and find a mutually acceptable solution before the dispute takes on a different dimension and misunderstandings are caused, resulting in the affected party not to have any other recourse than to apply either to the Equality Authority or to the Court. For example, complaints procedures may show that some reasonable adjustments are necessary so that a person with a disability may carry out his duties effectively and with dignity. It is important that complaints procedures are accessible to persons with disabilities.

Part 3: Who has rights and who has obligations

A. Who has rights?

a. Persons with a disability

Persons with disabilities are protected by Cypriot and European law. The European Court of Justice (ECJ) has interpreted that persons who have physical, mental and psychological impairments/weaknesses which hinders the participation of the person concerned in professional life[8] are persons with disabilities. The Law in Cyprus provides a more restrictive interpretation:

"disability" means any form of deficiency or disadvantage which causes permanent or for an indefinite period physical, mental or psychological restriction to a person which taking into account the background and other personal details of the said person substantially reduces or excludes the ability to perform one or more activities or functions that are deemed natural and essential to the quality of life of every person of the same age who does not have such deficiency or disadvantage (the emphasis on certain words was added to show the differences of Cypriot Law with the interpretation given by the ECJ to the term disability).

The most supreme Law is of course the European Law and the interpretation to be adopted is that of the ECJ. Therefore, hindering participation in professional life need not be either substantial or complete and the duration of the disability does not need to be permanent or of an indefinite period. Nevertheless, "disability" must be distinguished from "illness" despite the fact that many times disability is caused by illness: the latter is not covered by the prohibition of discrimination either on a national or on a European level.

There are various laws in the Cyprus legal system which contain different interpretations of the term "disability", for the purpose of granting benefits or quotas, such as the Social Insurance Law and the Public Service Law. This Code shall not deal with these interpretations as they do not concern the issue of discrimination.

[8] Chacon Navas v. Eurest Colectividades SA (C-13/05) [2007] ALL ER (EC) 59.

b. Persons who are responsible for caring for persons with a disability

This category includes persons who are responsible and/or have the care of persons with disabilities.[9] When an employer treats a worker who does not have a disability in an adverse manner from other employees due to the disability of his child, whose care is mainly undertaken by the employee then there is direct discrimination and therefore a breach of the Law.

Example: K. Worked as a secretary in an office until she had a child with a disability. When she returned to work after her maternity leave, her employer did not allow her to return to the position she had previously and refused to grant her the flexible hours and same terms of employment he granted to parents of non-disabled children. When K. Requested leave to care for her child, he told her she was lazy, whereas parents of non-disabled children were entitled and took leave. Insulting comments were made as to herself and her child, which were not made to parents of non-disabled children and whenever she was late coming into work because she had to care for her child, he threatened her with dismissal, something which would not have occurred to parents with non-disabled children if they happened to be late for the same reason. The ECJ decided that the employer's behaviour constituted harassment prohibited by Law, which also covers persons who although they do not have the same disability, have under their care and responsibility persons with a disability. (ECJ case Coleman v. Attridge Law & Steve Law, Case C-303/06)

c. Persons who had a disability in past

These persons are protected against discrimination as are persons with a disability, even if their disability no longer existed when they suffered differential treatment.

Example: A woman who submits an application for a vacancy discloses on the application form that from 1998 to 2000 she suffered with clinical depression as a result of her mother's death. The decision of the employer not to call her in for an interview constitutes discrimination on the grounds of disability. The fact that the disability preceded the enactment of the Law does not affect the protection the Law provides her today.

d. Workers, employees under contract, self-employed and trainees

The categories of persons described in paragraphs a, b and c hereinabove, are protected from discrimination in the work place when they are:

- **Employees, permanent or temporary**
- **Under contract and self-employed who provide services on the basis of a works contract**
- **Persons who are under training with an employer (for example, lawyers who are doing their pupilage) or other personal contract.**

[9] The ECJ in Case C-303/06 Coleman v. Attridge Law and Steve Law.

e. Persons who are connected with persons with a disability or persons whom an employer perceives as having a disability

Persons who do not have a disability but are connected with persons with a disability are protected against discrimination. For example, when an employer refuses to appoint a woman because her husband has a mental disability this constitutes direct discrimination on the grounds of disability.

Also, persons who are not disabled but are perceived as disabled, and as a result suffer differential treatment, are protected from discrimination. For example, when an employer refuses to promote a worker because in his opinion she suffers from clinical depression or HIV/AIDS, this constitutes discrimination even if the employee does not have clinical depression or HIV/AIDS.

Representation by organisations

Victims of discrimination may be represented at any stage and at any level (meaning in Court, the procedure before the Equality Authority, etc) by organisations that are considered to have a "legal interest" to support victims of discrimination or to file lawsuits on behalf of and on their account (with their consent). Also, organisations or other legal persons may also recourse on behalf of persons with disabilities whose charter includes the eradication of discrimination on the grounds of disability (for example organisations of persons with disabilities).

B. Who has obligations?

Employers in the public and private sector have obligations, whether they are natural persons, or companies or organisations. As to the public sector, an employer may be, inter alia:

- **The Public Service**
- **The Judicial Service**
- **The Public Education Service**
- **Self-governing Authorities**
- **The Armed Forces**
- **Security Forces**

As mentioned hereinabove, the Law demands from natural or legal persons not to treat the persons with a disability whom they are employing or training, or who are self-employed and have been assigned with a works contract or other persons under contract, less favourably.

C. Implementation in the spectrum of work and employment

The prohibition of discrimination covers the wider spectrum of work and employment, providing protection in the following sectors:

- **Access to employment, self-employment and work (including promotion).**
- **Access to professional orientation and professional training and further training**
- **In working conditions and terms of employment, including dismissal and remuneration**
- **In the capacity of a member and participation in an organisation for employees (for example a union) or employers or in any other organisation the members of which carry on a particular profession (for example the bar association, the medical association, architects and civil engineers association, contractors association etc).**

Part 4: Forms of prohibited discrimination

A. What is discrimination?

The law prohibits adverse discrimination against persons with disabilities. To "discriminate" means to treat differently when there is no relative difference between two persons or situations, or treating situations as the same when in reality they differ.

The following forms of discrimination are prohibited:

a. Direct discrimination

When a person is treated or the behaviour towards him is less favourable than that towards others or would have been under similar circumstances on the grounds of disability, then there is direct discrimination. For example, a person with a disability is not taken on or is not promoted at work on the grounds of his disability.

In order to conclude whether there is discrimination, we must find that person whose conditions may be compared to the conditions of a person with a disability. If the person with a disability suffered adverse discrimination in relation to this person, then there is discrimination.

Example: A person with arthritis applies for a job as a typist but is rejected. Due to arthritis this person is slow in typing and has difficulty in walking. This job is clearly clerical and does not involve walking. A non-disabled person is employed. To ascertain whether there is direct discrimination, the measure of comparison is a person without a disability who is equally slow in typing and with the same abilities as to the task in question (for example, the same knowledge as to computers) but it is not necessary for this person to have difficulty in walking as this is irrelevant to the applicant's ability to complete the task in question.

b. Indirect discrimination

When a prima facie neutral provision, criterion or practice causes less favourable treatment of a person with a disability in relation to other persons, then there is indirect discrimination. An exception to this rule is a provision, criterion or practice which:

- **is objectively justified by a legitimate goal and**
- **where the means to achieve this goal are appropriate and necessary.**

Example: The criteria for admission to a nursing school dictate, inter alia, that the applicants have excellent eye sight, are not less than 1.53m tall, do not weigh more than 35% of the norm, are in excellent health and do not stutter. The justification provided by the nursing school for this regulation was that good eye sight is necessary so that the nurse can distinguish as to whether there is anything worrying as to the patient's colour, good articulation so that they may communicate with the patient, physical shape so that they can move the patient, if necessary and to immediately respond to emergencies. The Commissioner for Administration decided that the criteria constituted discrimination against applicants with a disability. The aim of these criteria, as explained by the nursing school, were objectively legitimate (communication with the patient, moving him etc) but the means to achieve them were not appropriate and necessary, given that in this day and age there is a wide range of posts for nursing school graduates where excellent eye sight, articulation and ideal physical shape are not demanded. The nursing school amended its criteria in accordance with the suggestions of the Commissioner.

c. Harassment

Harassment is defined as unwanted behaviour connected with the disability of a person for the purpose of or resulting in:

- **insulting the dignity of a person or**
- **creating a fearful, hostile, demeaning, humiliating or aggressive environment,**

and includes a wide range of unwanted behaviour. To ascertain whether there is harassment within the meaning of the law, we do not need to determine the suitably comparable factor.

If the purpose of certain behaviour is to insult a person with a disability or to create a hostile environment, then there is harassment, irrespective as to whether or not it had any effect on the affected person.

Example: A person with learning difficulties is often commented by his colleagues as an "idiot" and "incapable". This constitutes harassment even if the affected person was not present when these comments were made.

If however the behaviour was not intended to insult a person or to create a hostile or

fearful environment, then it only constitutes discrimination if it can reasonably be considered that it resulted in creating a hostile or fearful or humiliating or demeaning environment or insulted the dignity of the person.

1st Example: A person with a stutter feels insulted because his manager usually jokes about people with stutters. He asked his manager to stop this behaviour and he responded that it was just a joke, not intending any harm and that he usually makes jokes about other types of people. This behaviour is discrimination because it may reasonably be considered that he insulted the dignity of the person.

2nd Example: An employee in a company sends a joke to his colleague about autistic persons by e-mail. An employee with autism receives it and feels insulted. This act may constitute discrimination despite the fact it was not intended to insult this person.

d. Instruction to discriminate

An instruction to discriminate is deemed discrimination and is therefore prohibited. This occurs when a key member of staff instructs an employee to do something which is discriminatory, or when an employer assigns the hiring of new employees to a professional office instructing them not to hire persons with disabilities.

e. Victimisation

The Law prohibits victimisation of persons in response to a complaint filed or for participation in proceedings against the employer for discrimination against a person with a disability. Adverse treatment of a person constitutes prohibited discrimination when such treatment is due to the fact that the person (who may or may not be disabled):

- **Gave information or testified against the employer in court or other proceedings investigating a discrimination complaint by a person with a disability**
- **Alleged that an employer violated the Law against a person with a disability**
- **Encouraged or provided support to a person with a disability in order to submit a complaint or to file a lawsuit on discrimination.**

It is not necessary for the victim to have really assisted in completing the complaint against the employer provided that the employer took actions against him which constitute victimisation because he believed or suspected that he did so or intends to do so.

Example: An employee in a company was dismissed as redundant after he appeared in Court to support a colleague with a disability during the trial of a discrimination case by his colleague against the employer. This dismissal equates to victimisation and is unlawful.

B. Exceptionsç

Certain activities are excluded from the provisions of the Law. With these activities, less favourable treatment of persons with a disability may not constitute discrimination (and consequently not prohibited), provided that certain conditions are fulfilled.

In activities where the nature of the work is such that a certain characteristic or ability are an essential and determining professional condition, the less favourable treatment of persons with disabilities may be permitted provided that:

- **The goal is legitimate and**
- **The condition is equivalent and**
- **The possibility of adopting reasonable measures to permit persons with disabilities to perform such duties has been examined and exhausted.**

1st Example: A person with arthritic problems in the hands applies for a job as a typist in a company. Due to his disability, his maximum speed in typing is 20 words a minute. If the employer however provides him with a special keyboard, the employee can type 50 words a minute. The employer rejects his application and hires a person without disabilities who can type 50 words a minute without the special keyboard. The employer claims that the nature of the work is such that it demands speed in typing text. The employer's decision does not fall within the exceptions of the Law and constitutes prohibited discrimination because, at a minimal cost, he could have changed the working conditions in such a manner that the applicant with a disability could have had the same speed as the person without a disability.

2nd Example: The admission criteria to the nursing school requiring excellent eye sight, health and physical articulation and clear speech, exclude persons with disabilities. The nursing school claims that due to the nature of the work of a nurse, it is necessary to be able to communicate with the patient without any problem (clear speech), to move the patient and to respond to emergencies (physical articulation) and to be able to diagnose from the colour of the patient's skin whether there is something worrying (vision). The Commissioner for Administration decided that the admission criteria must only relate to whether or not the characteristics of the applicants affect their ability as students and not in the future performance of their duties as workers. Furthermore, the duties of nurses are continuously expanding and to date there are many duties for which excellent eyesight or physical condition are not necessary. Therefore whereas the goal was legitimate, the severe admission criteria were not equivalent to the circumstances.

The armed forces are excluded to the extent that the nature of the work is such that cannot be performed by persons with disabilities. For example, a person with a mobile disability cannot undertake educating new recruits but he may perform clerical duties.

Measures are also excluded that are taken on the basis of legislative provisions and which are necessary for the safety, the protection of order and the prevention of criminal offences, for the protection of health and the rights of others. Within the scope of such measures, less favourable treatment of persons with disabilities does not amount to discrimination.

C. Positive actions

Favourable treatment of persons with disabilities in relation to other employees does not amount to discrimination. Whereas prima facie it might appear that certain measures appear to be unfair to other employees, favourable treatment of persons with disabilities aims at preventing or counterbalancing the historically disadvantaged treatment persons with disabilities have undergone and undergo. Such favourable treatment does not violate the principle of equality because the relevant European Directive[10] which provides for positive actions supersedes Cypriot legislation, including the Constitution. We usually refer to these measures as positive actions and they may include:

- **Flexible working hours or reduced working hours**
- **Support measures at work (such as a companion, technological means of access and support, interpreter in sign language etc)**
- **Education and training of employees with a disability to new technologies and new duties**
- **Support measures in respect of access to work, including the route a person with a disability has to take to reach work. These measures may include a transport benefit, specially adapted parking areas etc**
- **Training the remaining staff on non-discrimination issues**
- **Creating posts especially for persons with disabilities**
- **Incentives to employers to take on persons with disabilities**
- **Announcing vacancies with accessible means to encourage persons with disabilities to submit an application**
- **Reduced working hours in certain professions**
- **To grant a rest period in addition to that granted to articulate members of staff for particularly tiring work**
- **Granting a number of days as educational leave to train the employee with a disability on issues relating to his disability, such as new technologies, the use of machines or software programmes etc**
- **Granting a number of days as sporting leave to enable the employee with a disability to participate in sport events abroad (for example Paralympic Games).**

[10] Directive 2000/78/EC of the Council dated 27th November 2000 on reforming the general scope for equal treatment in employment and at work

Some of the positive actions mentioned above, which are optional to employers, may, under certain conditions, become obligations on an employer to adjust his working environment to the needs of persons with disabilities. This matter is examined in the following unit.

Part 5: Reasonable adjustments for persons with disabilities

A. Obligation of the employer to take reasonable adjustment measures

Employers are obliged to take reasonable measures, depending on the needs that arise, so that a person with a disability:

- **has access to a working position**
- **has access to his place of work**
- **can perform or be promoted in his profession**
- **be provided with training**

αρκεί τα μέτρα αυτά να μη προϋποθέτουν δυσανάλογη επιβάρυνση για τον εργοδότη.

B. Which factors are taken into account in determining what amounts to disproportionate charge?

What amounts to disproportionate charge depends on:

- **the cost in relation to the effectiveness of the measure aimed at avoiding or restricting the disadvantage for persons with disabilities,**
- **how practical the measure is,**
- **the possible upheaval or reorganisation for the business during the adjustment period,**
- **the costs in relation to the financial ability of the employer,**
- **the nature, the type and size of the business,**
- **access to financial or other support to implement the measure (for example, support measures from the Ministry of Labour, funding from European programmes etc).**

C. What are the consequences of not making reasonable adjustments?

Failure on the part of the employer to make reasonable adjustments is unlawful discrimination and is punishable with a fine or even imprisonment, as are all other forms of discrimination.

D. What is the purpose of reasonable adjustments?

The duty for reasonable adjustments is based on the principle that the measure ought to ensure equality in opportunities and not the result. Therefore, the measures employers are obliged to take must be such that they provide the person with a disability with the same opportunities as a person who is non-disabled. For example, persons with arthritis who apply for the post of a typist, they must be allowed to use a special keyboard so as to compete on an equal basis with the other applicants in typing speed. Also, in examinations for admission to working posts, persons with disabilities must be granted such facilities that would permit them to compete with non-disabled persons on an equal footing.

E. Under which circumstances is an employer obliged to make reasonable adjustments?

The obligation exists when a provision, criterion or regulation which is applied by the employer or the manner in which the working area is set out in such a way that places persons with a disabilities in an adverse position in comparison with persons with no disabilities.

Example: A wheelchair user responds to an advert for an administrative assistant. The place of work is on the 4th floor. If the employer retains offices on various floors, including the grounds floor, then he is obliged to make arrangements so that the work of the administrative assistant may be performed on the ground floor and move another employee who does not have mobility problems to the 4th floor. If however the employer retains offices only on the 4th floor and there is no lift, then there is no obligation for reasonable adjustment because the employer cannot take any measures without there being a disproportionate charge.

The extent to which an employer is obliged to take reasonable measures also depends on the needs of the person with a disability. There is an extended obligation on the part of the employer towards existing employees in comparison to future or previous employees.

The right to training that a person with disabilities has means that the employer is obliged to take the appropriate measures so that a person with disabilities may attend the same.

Example: For a deaf employee to have professional training, the employer is obliged to provide an interpreter in sign language.

The argument that the cost is disproportionate is not a defence where funding or other assistance is available under such circumstances to employers.

F. What adjustments are considered necessary?

An exhaustive list of adjustments is not available. Nevertheless, there are guidelines:

- **Structural adjustments (for example constructing a ramp for wheelchairs or a special toilet for persons with disabilities, Braille to be inserted on the numbers for floors in lifts etc)[11]**
- **Re-assigning duties between employees, by assigning duties an employee with disabilities is not in a position to perform, to another employee**
- **Transfer to another post, if available**
- **Granting sick leave for therapy purposes**
- **Training and education programmes, including training programmes directly connected with the disability of an employee, such as training in new technologies or the use of machinery or software which will assist his skills**
- **Facilitating in the development of trade union action**
- **Upgrading the existing equipment, mechanism, appliances, instruments etc**
- **The support or other form of assistance.**

G. Examples

The following are examples of reasonable adjustments:

- **Professional rehabilitation of persons with disabilities within the business in which they suffered the disability when at work.**

Example: After an industrial accident, a building maintenance worker at a hotel loses the fingers of a hand and cannot continue to perform his manual tasks. The hotel is obliged to provide him with suitable professional training so he may perform other duties (such as clerical work) and to assign him other tasks.

- **The provision of facilities and accessibility in the work place, including the necessary conversions or adjustments so that the work place is accessible to persons with disabilities.**

Example: An applicant who suffers from chondroplasia was rejected by an accounting firm, to which she had applied to for work, due to being short. The firm justified its decision claiming that it was a small business with three employees and did not have the financial ability to assign the applicant with duties suitable to her skills, alleging that the post advertised including placing files and equipment on high shelves, which the applicant could not reach. The Equality Authority reached the conclusion that rejecting

[11] The Streets and Buildings Regulations of 1999 provide for a series of structural specifications for access in respect of public buildings and buildings which are accessible to the public, such as malls, clinics etc. Non-compliance with these regulations, however, does not amount to discrimination

the applicant amounted to direct discrimination because the problems mentioned by the firm could easily be overcome at a minimal costs and minor adjustments, such as placing a ladder or even re-classifying the records and the equipment on lower shelves.

- **Reassigning and re-organising the work, by creating partial or varied working hours, by reducing the working hours and/or granting additional rest leave in professions that are particularly tiring for persons with a specific disability, by obtaining new or varying the existing equipment, the mechanism, appliances, instruments, the means and any facilities and services.**

1st Example: To provide a blind employee the opportunity to attend work more easily and safely, the employer may readjust the working hours of the specific employee so that he attends work out of peak hours.

2nd Example: Teachers with disabilities asked the Ministry of Education to reduce their teaching hours. The Ministry applied to the Equality Authority for an opinion as to whether reducing the working hours amounted to a reasonable adjustment and was therefore binding on the Ministry, given that a reduction in the hours would presuppose great expense on the part of the Ministry. The Equality Authority gave an opinion that reducing the working hours may be a reasonable measure of adjustment when the existing working hours cause pain or exhaustion to the educator. As for the expense this measure may entail, the Equality Authority pointed out that it is possible to obtain funding from community funds which will render the costs of the measure in question as not disproportionate.

- **Reforming the policy on transfers of employees in such a manner that the needs of persons with disabilities is taken into account.**

1st Example: A teacher with a serious visual disability is transferred every year to a new school on the basis of the transfer schemes, without taking into account her need for a stable and secure environment and without any reasonable adjustment measure being made in the new school so that she may move around in her new and unknown environment, such as, assistance in reading the pupils' files and to print the necessary documents in an enlarged size. After an investigation, it transpired that the only criterion for a transfer of an educator was the needs of the service and no weight was given to the disability of an affected educator. In many cases the body that decided on the transfers did not even know whether an educator had a disability. The Equality Authority decided that this practice amounted to indirect discrimination and asked the services involved to prepare a list of all the educators with a disability, so that their disability may be taken into account when deciding on their transfer.

2nd Example: A blind telephonist who used to work in the old Nicosia General Hospital was transferred to the new hospital where he had to handle a much more complicated telephone system, with more lines and more adverse working hours. The Equality Authority decided

that the management of the hospital was obliged to assign persons without disabilities as telephonists in the new hospital and leave the blind telephonists in an environment they could perform. She stressed that equal treatment may also mean different treatment of dissimilar conditions.

- **Controlling the work place to ensure uninterrupted access of an employee or a self-employed person with a disability.**

1st Example: A blind employee at a hospital had access problems to the work place, on the one hand because the area leading to the entrance was often full of obstacles and on the other hand because the parking space allotted to him was often taken up by cars either belonging to visitors or suppliers. The Equality Authority decided that the management of the hospital had an obligation to maintain the access area to the entrance free of any obstacles and to monitor the complainant's parking area to ensure that it was always available. Alternatively, the management of the hospital is obliged to indicate and adjust another suitable parking area for the complainant.

2nd Example: The local authorities of a mountainous tourist village cancelled the parking places for the disabled in the centre of the town and created alternative parking areas for disabled vehicles in a spot which was not central (in the village school). One of the parking areas in the centre of the village was permanently used by a disabled lottery seller to sell his lotteries, who used to park his car on a daily basis and for hours on end and tried to prevent non-disabled persons from parking their cars there unlawfully, preventing them from leaving and reporting them to the police, a practice which did not meet the approval of the local authorities. The lottery seller reported the cancellation of the disabled parking areas to the Equality Authority. The local authorities claimed that the parking areas were cancelled "to facilitate the public". The Equality Authority concluded that cancelling the parking areas was aimed at the complainant, but also adversely affected not only him but also other persons with disabilities who were entitled to park their cars in the centre of the village, whereas there was a clear attempt to serve the interests of those who parked unlawfully in areas destined for disabled vehicles. The cancellation of the parking areas therefore amounted to discrimination against all persons with disabilities who may wish to park in the centre of the village.

Part 6: Procedure for lodging a complaint and proof

A. Competent Bodies and Penalties

A person who suffers adverse treatment on the grounds of either his disability or that of another person who is under his care, including a person who is or is not disabled, who is victimised, because he assisted in promoting a complaint against an employer, may recourse to the Court, which has the power to impose a fine of up to 6,835 Euro to natural persons and up to 11,961 Euro to legal persons, including imprisonment up to 6 months. The victim of discrimination may also claim damages through the legal channels.

In addition to the legal channels, there is also the out-of-court procedure. The Competent authority on issues of discrimination on the grounds of disability is the Equality Authority which operates at the office of the Commissioner for Administration, to which victims may apply. The main duties of the Authority are to investigate complaints, carry out investigations as of right, make recommendations which are binding and to impose penalties on the perpetrators.

B. Shifting the burden of proof

Recognising the difficulty in proving discrimination, the legislator made provision for shifting the burden of proof. Thus, when a person considers that he has been discriminated against he presents the true circumstances of the case to the Court, where it is presumed there has been discrimination and it is up to the defendant-employer to prove that there was no discrimination. In other words the burden of proof is on the employer.

Useful contact details

1. PANCYPRIAN ORGANISATION FOR THE BLIND

P.O. Box 23511, 1684 Nicosia, Tel.: 22813382/383/386, Fax: 22495395
• email: pot@logos.cy.net

2. CYPRUS PARAPLEGIC ORGANISATION (OPAK)

P.O. Box 28410, 2094 Nicosia, 20 28th October Street, 2012 Strovolos, Nicosia,
Tel.: 22496494, Fax: 22423540
• email: opak@cytanet.com.cy

3. PANCYPRIAN ASSOCIATION OF PARENTS OF RETARDED PERSONS

P.O. Box 23359, 1682 Nicosia, Tel.: 22311685, Fax: 22513418
• email: pasygoka@cytanet.com.cy

4. THE ORGANISATION OF STUDENTS AND ALUMNI OF THE CENTRE FOR THE VOCATIONAL REHABILITATION OF THE DISABLED KEAA

P.O. Box 23526, 1684 Nicosia, Tel.: 22313205
• email: omakeaa@cytanet.com.cy

5. PANCYPRIAN ASSOCIATION FOR PERSONS WITH MULTIPLE SCLEROSIS

Agios Nicolaos 6769, 2408 Nicosia, Tel.: 22590949, Fax: 22590979
• email: **multipscy@cytanet.com.cy**

6. CYPRUS FEDERATION FOR THE DEAF

P.O. Box 21725, 1512 Nicosia, Tel.: 22464196, 22305423, Fax: 22464197
• email: cyprusdeaf@cytanet.com.cy

7. PANCYPRIAN ORGANISATION FOR THE REHABILITATION OF THE DISABLED (POAA)

P.O. Box 28627, 2081 Strovolos, 50 Pantelis Street, Nicosia
Tel.: 2242630, Fax: 22313250, 25877878
• email: organofdisabled@cytanet.com.cy

8. CYPRUS ASSOCIATION FOR MYOPATHY SUFFERERS

P.O. Box 23462, 1683 Nicosia, Tel.: 22392610, 97681818, Fax: 22392719
• email: mda@cing.ac.cy

9. CYPRUS ASSOCIATION OF RHEUMATOLOGY

16 Onysilou Street, Aglangia, 2121 Nicosia, P.O. Box 24966, 1306 Nicosia
Tel.: 22482285, Fax: 22428288
• email: cyplar@cytanet.com.cy

10. HANDICAPPED REHABILITATION ORGANISATION

12 Phediou Street, 6011 Larnaka, Tel.: 99648850, Fax: 24621472
• email: agftmi@cytanet.com.cy

12. CYPRUS CONFEDERATION OF ORGANISATIONS OF DISABLED PERSONS

P.O. Box 23513, 1684 Nicosia, Tel.: 22318465, Fax: 22318463
• email: ccod-kysoa@cytanet.com.cy
www.kysoa.org.cy

13. EUROPEAN DISABILITY FORUM

39-41 Rue du Commerce, 1000 Brussels Belgium
Tel.: +32 2 282 46 00, Fax: +32 2 282 46 09
• email: secretariat@edf-feph.org
www.edf-feph.org

P.I.O. 294/2011-750 ISSN: 1986-2997
Published by the Press and Information Office