

Working Group on Discrimination Against Women in Law and in Practice

Questionnaire on Good Practices

I. Identification of the law that has eliminated or substantially reduced discrimination and supported women empowerment.

Title of the legislation:

1. Equal Pay between Men and Women for the Same Work or for Work to which Equal Value is attributed Law (L.177(I)/2002)

2. *Date the law passed and came into force:* 1/5/2004.

3. Was it a new Law or an amendment of an existing legislation: A new Law which replaced an existing legislation - Equal Pay between Men and Women for Work of equal Value Laws (L. 158/1989) and Regulations.

4. The legislation focused specifically on the equal pay between men and women.

5. The main provisions of the legislation are:

- The law applies to all employees for all activities related to employment, except the self-employed.

- The principle of equal pay means the absence of any kind of discrimination based on sex, as regards pay for the same work or for work to which equal value is attributed.

- Every employer must provide equal pay to men and women for the same work or for work to which equal value is attributed, regardless of the sex of the employee and without exercising direct or indirect discrimination regarding remuneration or other benefits, either in money or in kind.

- Any existing legislative provisions which is contrary to the provisions of the law shall be abolished at the part where it directly or indirectly discriminates against one sex. If the discrimination consist in granting of a right or other benefit only to persons of one sex, such right or benefit shall be automatically extended to persons of the other sex.

- The Minister of Labour, Welfare and Social Insurance has the responsibility for the application of the law and therefore appoints inspectors. The inspectors may either carry out of an ex officio investigation or examine complaints for infringements of the provisions of the law.

- The Labour Disputes Court has the jurisdiction to hear disputes arising from the law.

Online link:

[http://www.mlsi.gov.cy/mlsi/dlr/dlr.nsf/All/C18782A972810903C2257A8000219FB3/\\$file/The%20Equal%20Pay%20Laws%20of%202002-2004.pdf?OpenElement](http://www.mlsi.gov.cy/mlsi/dlr/dlr.nsf/All/C18782A972810903C2257A8000219FB3/$file/The%20Equal%20Pay%20Laws%20of%202002-2004.pdf?OpenElement)

6. *Date of adoption:* 27/9/2002.

7. Yes (see the answer for question 5).

8. Yes (Article 5 of the above mentioned Law).

9. Yes (Articles 2) of the above mentioned Law as stated below:

Direct discrimination means less favorable treatment clearly related to a person's sex.

Indirect discrimination exists when a provision, practice, term or criterion which appears to be neutral, affects a considerably higher percentage of persons belonging to one sex, unless such provision practice term or criterion may be justified by objective factors not relating to sex.

10. The Constitution has the equality and non-discrimination provision (Article 28) of the above mentioned Law.

11. For the purposes of comparing the value of work, the above mentioned Law states certain criteria which are relevant to the specific occupational category or field of economic activity and particularly the following:

- The nature of duties
- The degree of responsibility
- The qualifications, skills and seniority
- The requirements relating to physical or mental qualifications
- The condition of work
- The importance of frequency of disputes in the workplace in relation to the total of work.

12. The state, public authorities/bodies, civil society organization, private companies individuals are bound by the law.

II. How the Law came into being and was implemented

1. The need for harmonization with European acquis and specifically Directive 75/115/EC. The previous legislation was enacted for the enforcement of the relevant ILO Convention.

2. No.

3. *Government Ministries:* Ministry of Labour, Welfare and Social Insurances
Other Social Groups: Social Partners

4. No.

5. No.

6. No.

7. EC directives

8. No.

9 and 10. The Department of Labour Relations implemented the Project "**Actions for reducing the gender pay gap**", which was co-financed by the European Social Fund. The budget of the Project was 2 million Euros. The implementation of the Project started in July 2010 and concluded at the end of 2015.

The different actions of the Project were:

i. Publicity

The Publicity Consultant was responsible for promoting the implementation of the Project activities and for raising public awareness about the problem of the gender pay gap in Cyprus. The Publicity Consultant used all appropriate and necessary means and procedures to promote the Project, as well as the implementation of its specific actions.

ii. Tripartite Conference on the exchange of best practices regarding equal pay between member states of the EU.

A Tripartite Conference was organized on the 29th and 30th of October 2012 (during the Cyprus Presidency of the Council of the EU) for the exchange of good practices between all the member states, on how to reduce the gender pay gap. The participants were governmental officials, trade unions and employer organizations representatives.

iii. Improvement of inspection mechanisms for Equal Pay legislation (Equal Pay between Men and Women for the Same Work or for Work to which Equal Value is attributed Law 2002 – 2009).

This action included theoretical as well as on-the-job training of Officers and Inspectors of the Department of Labour Relations (DLR) and the Department of Labour, of the Ministry of Labour and Social Insurance, as well as Officers of the Ombudsman Office, regarding the enforcement of equal pay and equal treatment in employment legislation. The training started in October 2012 and concluded in December 2013.

iv. Printing of manuals, guides, educational material and information material.

This action included the printing of manuals, guides, educational material and information material relating to the rest of the actions of the Project.

v. Establishment of a Gender Equality Certification Body

The Gender Equality Certification Body was established in April 2014. The supreme body that makes decisions is the Council, which is tripartite and consists of representatives of employers' associations and trade unions, and is chaired by the Permanent Secretary of the Ministry. The aim of the Certification Body is to award enterprises that incorporate equal treatment and/or equal pay principles in their working environment, or apply best practices regarding equal treatment, equal opportunities, reconciliation of work and family life, or equal pay. Two types of certifications are awarded, namely (a) the "Equality Employer" certification to companies that implement comprehensive policies to promote gender equality, and (b) the "Best Practice" certification to companies that apply best practices promoting gender equality. Applications from 40 companies have been received so far, and 20 certifications have already been awarded during special ceremonies organised by the Ministry.

vi. Consultants supporting enterprises to be certified

Various consultants, who were specially trained for this purpose, provided consultation to enterprises interested to be certified by the abovementioned Gender Equality Certification Body.

vii. Examination of collective agreements

This action included examination of all collective agreements in Cyprus for the identification of discrimination regarding pay.

viii. **Activities in the Education sector for eliminating occupational and sectoral segregation by gender.**

This action comprised of measures for eliminating occupational and sectoral segregation by gender, which included interventions in education issues, such as specialised training programmes for careers advice professionals as well as for 10,000 primary and secondary education teachers. It also included information activities for parents, regarding their children's education and occupation choices.

ix. **Guide and consultation services towards employers**

This action included development of guide and training of managerial staff of enterprises.

x. **Guide for the guiding trade-union members, for promoting equal pay during collective bargaining and training members of professional associations and members of trade unions and employers associations**

This action included training programmes for trade unions, employers associations and professional associations and also development of guide.

11. No.

12. The civil society/women's organizations are organizing seminars for informing the public about the provisions of the legislation.

III. **The impact that the law has had for women on the ground**

1. No.

2. No.

3. The gender pay gap in Cyprus further declined to 15.4% in 2014, compared to 15,8% in 2013, 16.2% in 2012, 16.4% in 2011 and 24% in 2006. (according to EUROSTAT official data).

4. No.

5. 1000 inspections were conducted by the Department of Labour Relations in 2014-2015 in relation to this legislation.

6. No.

7. No.