



## NEWS REPORT

**Date:** 30 December 2010  
**Expert :** Corina Demetriou  
**Title:** Annual Report of the Equality Authority  
**Country:** Cyprus  
**Context**

**Issue at stake:** The Equality Authority<sup>1</sup> publishes its annual report for the year 2009.

**Ground of discrimination:** All grounds

**Source:** Annual Report of the Equality Authority 2009

**Field:** Employment

**Legislative provisions:** N/a

### **Content**

**Brief summary of the Annual Report:** The introductory section of the report introduces a brief analysis of the competencies of the Equality Authority. In the text, the term “Equality Authority” is used interchangeably with the term “Commissioner for Administration (Ombudsman)”. Particular emphasis is placed on the body’s powers to issue binding recommendations and to impose fines (which however have never been used so far). The section on information and training activities demonstrates an emphasis on gender, as seven out of 12 activities listed were gender-focused.<sup>2</sup> For the year under review (2009) the report records the following statistical data:

- A total of 103 complaints were received in 2009. A further 58 pending complaints were carried over from previous years.
- In terms of the profile of the complainants, 52% were women, 37% men and 11% organisations. Seventy-five per cent of complainants were

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<sup>1</sup> The Equality Authority is one of the two bodies comprising the national Equality Body. Its competencies cover all grounds (including gender and nationality) in the field of employment.

<sup>2</sup> Please refer to Flash Report dated 07.01.2010 presenting the Equality Authority’s Annual Report for the years 2007-2009, wherein it is stated that in 2008 the mandate of the equality authority was extended by a new gender discrimination law, which resulted in a rapid increase of gender complaints received. Indeed, in 2008 55 per cent of the complaints submitted to this body concerned gender discrimination.

Greek-Cypriots, 15% were EU nationals, 5% were third country nationals and only 1% were Maronites, Armenians or Turkish Cypriots (i.e. 1% from each community). Thirty-nine complainants were aged 31-40, 19% were aged 41-50, 13% were aged 21-30, 8% were aged over 60, 6% were aged 51-60 and 4% were aged under 20 (11% of complaints were submitted by organisations).

- In terms of ground, 50% concerned gender, 17% disability, 16% race or ethnic origin, 14% age, 2% belief and 1% sexual orientation.
- In terms of field, 71% concerned employment, 19% access to goods or services and 10% vocational training.
- Eighty-two percent of complaints were directed against the public sector and only 17 percent against the private sector (1% was not directed against any sector).

In its analysis of the above data, the report expresses concern over the low number of complaints received (on average 103 annually); the fact that only 17% of complaints are directed against the private sector; the reluctance of homosexuals to use the complaints procedure for fear of their sexual identity to become known; the fact that hardly any victims of discrimination take their cases to Court;<sup>3</sup> the challenge of involving trade unions in the fight against discrimination; and finally the fact that only 5% of complaints originate from third country nationals, despite the fact that they form up a significant part of the workforce in Cyprus. From these considerations it emerges that efforts to inform vulnerable groups of the procedure before the Equality Authority must be intensified.

The report locates certain gaps in the legislative framework, most of which relate to gender discrimination. One of these gaps however may have an impact on discrimination complaints on other grounds too, even though the report does not expressly locate a gap beyond gender discrimination. The gap concerns the Annual Holidays with Pay Law according to which an application to the Industrial Disputes Tribunal must be submitted within 12 months from the date when the claim arose. Therefore whenever a complaint submitted to the Equality Authority is not examined within the year prescribed by the law, the complainant loses the right to apply to the

<sup>3</sup> Since 2004 when the equality body was set up, only two cases of discrimination reached the court following a decision of the equality body: one concerning gender discrimination which was successful and another concerning age discrimination where the court found it had no jurisdiction to try the case.

Tribunal to secure compensation under the Annual Holidays with Pay Law. This may effectively result in violation of article 17 of the gender equality Directive (2006/54/EC) which requires effective recourse to the Courts. Even though the report does not expressly state so, a provision identical to article 17 of the gender equality Directive may be found in article 9(1) of the Employment Framework Directive (2000/78/EC). The report recommends that the law be amended to the effect that the one-year limitation applicable to the procedure before the Tribunal starts to run after all other out of court procedures are exhausted, including the procedure before the Equality Authority. Until the time of writing, this law had not as yet been amended.

The report finally refers to a campaign initiated by the equality authority addressing discrimination contained in job advertisements. Although orally the officers of the Equality Authority informed the expert that the campaign addressed discrimination on all grounds, the report records that the campaign was aimed at eliminating gender discrimination.

**Internet link source:**

The report is available at the Equality Body's newly launched website at [http://www.no-discrimination.ombudsman.gov.cy/sites/default/files/etesia\\_ekth\\_aim\\_2009\\_0.pdf](http://www.no-discrimination.ombudsman.gov.cy/sites/default/files/etesia_ekth_aim_2009_0.pdf)