

The Impact of the EU Accession on Promoting Equal Pay and Female Voices in Cyprus

CHRISTIANA CLERIDOU¹

Abstract

This article aims to investigate whether EU membership has contributed to the promotion of female voices in the formulation of legislation relating to gender equal pay in Cyprus. It focuses particularly on the impact of EU accession on the national industrial relations system and on the involvement of social partners and broader civil society in the legislative process. Finally, it explores the post-accession development of NGOs specialising in women's issues (women's organisations).

Keywords: gender equal pay, European Union, Cyprus, female voices, social partners, industrial relations, civil society, women's NGOs

Introduction

The European Union (EU) is a gender equality actor in local, regional and global levels. In the general framework of gender equality protection in the EU, the principle of equal pay has a prominent role. It is a fundamental principle in the EU and was included in the founding Treaty of Rome.² The protection of equal pay has since been developed through legislation and case law, while the complex causes of inequality made necessary the gradual complementary use of hard and soft law instruments.

The impact of EU in relation to the transposition and implementation of gender equality *acquis*, including that of equal pay, in Member States has been the subject of a number of studies. This article aims to go a step further in contributing to the understanding of EU impact on the promotion of female voices in the formulation of legislation relating to gender equal pay at the level of the Member State. Thus, it examines women's participation within the structures of actors involved in the legislative process in Cyprus and whether women are provided with effective op-

¹ Christiana Cleridou, Adjunct Lecturer, Department of Law, University of Cyprus.

² Art.119 now Art.157 Treaty on the Functioning of the European Union (TFEU).

portunities to give voice to their needs, interests and perspectives³ and to shape the outcome.⁴

Legal analysis was combined with a limited number of elite-interviews at the national level with key people from the main actors involved in the legislative process, namely the two biggest trade unions, one (out of two) employers' associations, the Ministry of Labour, Welfare and Social Insurance (MLWSI) and one women's NGO. The aim was to shed light to the role of these stakeholders in promoting the equal pay principle and women's voices and whether EU membership enhanced their role.

Cyprus was chosen as a case study because of its industrial relations characteristics, such as a developed social dialogue. Also, it is a relatively new Member State of the EU⁵ and this made the interviewing of actors directly involved possible in the harmonisation process. In addition, Cyprus has achieved a substantial reduction in gender pay gap: from 36,2% in 1998 when the accession process started to 13,7% in 2017,⁶ thus making it an interesting case study on the impact of the EU in this area.

The paper is divided into three sections. The first outlines the Cypriot context in relation to the Industrial Relations System (IRS) and explores the impact of EU accession on its voluntary nature and collective agreements. In the second section, the impact of EU accession on the involvement of the national social partners and broader civil society in legislative processes, including that relating to equal pay is explored. The third section analyses the post-accession development of NGOs specialising in women's issues (women's organisations). The aim is to examine whether EU accession has contributed to the promotion of women's voices in the legislative process at the national level as well as within the structures of the actors involved in this process.

The Industrial Relations System in Cyprus

The Cypriot Constitution protects the right to freedom of peaceful assembly and freedom of association with others. This includes the right to form or join a trade union (Art.21); recognises the possibility of adopting legislation to provide for

³ Iris Marion Young, *Inclusion and Democracy*, (Oxford: Oxford University Press, 2000) 119.

⁴ Simon Deakin and Aristeia Koukiadaki, 'Capability theory, employee voice and corporate restructuring: Evidence from UK case studies' (2011) 33(3) *Comparative Labour law and Policy Journal* 434.

⁵ Cyprus became an EU Member State on the 1st May 2004.

⁶ European Commission, 2019 Report on equality between women and men in the EU, DG Justice and Consumers 66.

collective labour contracts of obligatory fulfilment (Art.26), even though such a law was never adopted, and recognises, with some exceptions, the right to strike (Art.27).⁷ The current IRS was consolidated with the establishment of the Republic of Cyprus in 1960⁸ and is based on the fundamental principles of voluntarism, collective bargaining and tripartite cooperation.

Voluntarism and Collective Bargaining

The heart of the IRS in Cyprus is the Industrial Relations Code (IRC)⁹, a gentlemen's agreement signed by the trade unions, employers' organisations and the government¹⁰ in 1977¹¹. The IRC was adopted under very difficult circumstances, just three years after the Turkish military invasion and the illegal occupation of 37% of the island's territory¹². These circumstances had a decisive effect on its nature and importance, since the essential contribution of the trade unions (TUs) to economic recovery, in the form of a number of concessions¹³ and refraining from any claims,

⁷ The Constitution of the Republic of Cyprus 1960- English version available at <[http://www.presidency.gov.cy/presidency/presidency.nsf/all/1003AEDD83EED9C7C225756F0023C6AD/\\$file/CY_Constitution.pdf](http://www.presidency.gov.cy/presidency/presidency.nsf/all/1003AEDD83EED9C7C225756F0023C6AD/$file/CY_Constitution.pdf)> accessed 02/06/2017.

⁸ Matina Yannakourou and Evangelia Soumeli, 'The evolving structures of collective bargaining in Europe 1990-2004', Research Project Co-financed by the European Commission and the University of Florence (2003), VS/2003/0219-SI2.359910, available at <http://adapt.it/adapt-indice-a-z/wp-content/uploads/2014/08/matina_yannakourou.pdf> accessed 31/01/2020.

⁹ Industrial Relations Code English Version, available at <[http://www.mlsi.gov.cy/mlsi/dlr/dlr.nsf/F2D01AEC93C7C090C22578AA0023C4B6/\\$file/Industrial%20Relations%20Code.pdf](http://www.mlsi.gov.cy/mlsi/dlr/dlr.nsf/F2D01AEC93C7C090C22578AA0023C4B6/$file/Industrial%20Relations%20Code.pdf)> accessed 23/05/2017.

¹⁰ The signatories were the following: Cyprus Employers Federation, the Pancyprian Federation of Labour, the Cyprus Workers Confederation and the Minister of Labour and Social Insurance (now Minister of Labour, Welfare and Social Insurance).

¹¹ The IRC succeeded an earlier simpler agreement (the Basic Agreement) which was signed in 1962, available at <http://www.mlsi.gov.cy/mlsi/dlr/dlr.nsf/page05_en/page05_en?OpenDocument> accessed 20/05/2017.

¹² Christina Ioannou and Giorgos Kentas, 'The Europeanisation of gender issues in the labour sector: normative vs cognitive adaptation', 13th International Conference of International Society for the Study of European Ideas in cooperation with the University of Cyprus (2012), available at <<https://lekythos.library.ucy.ac.cy/bitstream/handle/10797/6169/ISSEIproceedings-Ioannou%20Giorgos%20Giorgos%20Kentas.pdf?sequence=1>> accessed 01/06/2017.

¹³ For example, the TUs consented to the government's proposal to suspend the automatic indexation system (Cost of Living Allowance-COLA system) in 1974. The COLA system was re-introduced in 1978, see Christina Ioannou 'The Development of the "Cypriot Corporatist Model": the Emergence of a "Corporatist Culture" and its Impact on the Process of Europeanisation', (2009) 10 *Cyprus and European Law Review* 719.

was recognised by the institutional integration of the working class and its representatives into the system of tripartite cooperation.¹⁴

The IRC essentially regulates the collective bargaining process (in the private and the semi-public sector)¹⁵ and provides for a conflict resolution mechanism when employers and employees representatives fail to reach a mutually acceptable outcome.¹⁶ Collective bargaining takes place at sectoral and company level and has traditionally played a primary role in regulating labour relations. The terms and conditions of employment, in particular financial terms such as salaries and benefits, were set by collective agreements, which, however, are not legally enforceable documents.¹⁷

Any disputes arising in relation to them are dealt with according to the provisions laid out in the IRC and cannot be settled in the labour disputes court. Nevertheless, the provisions of collective agreements in the employer's company, plus any other existing practices concerning terms and conditions of employment, are taken into consideration in cases before the Court.¹⁸ As it will be analysed below, the EU accession had a direct impact on the voluntary nature of the IRS and collective agreements.

The success of IRC can be attributed to the well established' employers organisations and TUs, which with their strong and effective organisational structures¹⁹ have managed to effectively deal with arising problems and crises. Equally important was the role of the government, which supported the interaction of independent social partners between them and with the government as equal partners in order to achieve steady and sustained socio-economic progress and development.²⁰ Consequently, despite the absence of legal sanctions for violations, the IRC has

¹⁴ Gregoris Ioannou, 'Labour Relations in Cyprus: Employment, Trade Unionism and of Class Composition' (DPhil thesis, University of Warwick, 2011) 43.

¹⁵ Evangelia Soumeli, 'Capacity building for social dialogue in Cyprus', Eurofound (2006), available at <<http://www.eurofound.europa.eu/pubdocs/2006/517/en/1/ef06517en.pdf>> accessed 10/10/2013.

¹⁶ Christina Ioannou and Giorgos Kentas, 'The Mediating Impact of Corporatism on the Europeanisation of the Cypriot Labour Sector' (2009) 21(2) *The Cyprus Review* 125.

¹⁷ There is also no legal mechanism for the extension of collective agreements, *ibid*.

¹⁸ Department of Labour Relations (MLWSI), Main characteristics currently applied in the Industrial Relations Code, available at <http://www.mlsi.gov.cy/mlsi/dlr/dlr.nsf/page40_en/page40_en?OpenDocument> accessed 03/06/2017.

¹⁹ Department of Labour Relations (MLWSI), The role of social partners, available at <http://www.mlsi.gov.cy/mlsi/dlr/dlr.nsf/page37_en/page37_en?OpenDocument> accessed 29/05/2017.

²⁰ Mikis Sparsis, *Tripartism and Industrial Relations: The Cyprus Experience* (Nicosia, 1998) 25.

rarely been violated, since the social partners exhibit responsibility and respect towards adhering to its provisions.²¹

Tripartite Cooperation

Tripartite cooperation is deeply embedded in the Cypriot IRS²² and the formulation and implementation of almost all legislative proposals and policies regulating industrial relations is the result of social dialogue between the government,²³ the TUs and the employers' associations.²⁴ Cooperation is achieved through a number of tripartite social dialogue bodies²⁵ functioning under the auspices of the MLWSI, which is responsible for supervising the overall administration of the labour market and overseeing the IRS.²⁶ The existence of these bodies, through which social partners express their views, as well as the many informal contacts that usually take place between the actors involved and which are facilitated by the small size of the Cypriot industrial sector, contribute to the good climate of smooth co-existence between the parties.²⁷

The Labour Advisory Board (LAB) is the highest level advisory body to the MLWSI, since the social partners' representatives are of the highest level (for example trade unions are represented by their general secretaries).²⁸ It is considered as the most important mechanism of tripartite cooperation²⁹ because every proposed piece of labour legislation, social programme and every labour market policy more generally, is discussed in the LAB before being presented to parliament.³⁰ The LAB is such a respected and powerful mechanism that the parliament will rarely over-

²¹ Department of Labour Relations (MLWSI) (n 17).

²² *ibid.*

²³ The Government is represented by the Ministry of Labour, Welfare and Social Insurance in relation to labour market and IRS issues and by the Ministry of Finance and the Planning Bureau in relation to the economic aspects of the IRS, see Ioannou C. and Kentas (2009) (n 15) 125.

²⁴ Soumeli (2006) (n 14).

²⁵ Such bodies include the Labour Advisory Board, the National Employment Committee, and the Social Security Committee.

²⁶ Department of Labour Relations (MLWSI), Social Dialogue, available at <http://www.mlsi.gov.cy/mlsi/dlr/dlr.nsf/page08_en/page08_en?OpenDocument > accessed 19/05/2017.

²⁷ Ioannou C. and Kentas (2009) (n 15) 125.

²⁸ Interview with trade union official (B) on 26/06/2013.

²⁹ Evangelia Soumeli, 'Cyprus: Working life country profile, European Observatory of Working Life', Eurofound (2015), available at <<https://www.eurofound.europa.eu/print/observatories/eurwork/comparative-information/national-contributions/cyprus/cyprus-working-life-country-profile> > accessed 19/05/2017.

³⁰ Ioannou C. (2009) (n 12) 726.

turn unanimous recommendations from LAB, even when it has taken contrary positions prior to receiving such recommendations.³¹

It should be noted that only the three biggest trade union confederations and the two employers' organisations³² participate as social partners in the LAB. Indeed, the representation of only a very small number of TUs at confederation level in this body (and the other official bodies of tripartite representation) and the exclusion of the other TUs has been criticised during the last ten years by a number of TUs, mainly single-sector TUs (i.e. ETYK which is the banking sector TU).³³ The relatively limited social dialogue agenda has also been criticised, whereas it has been argued that the social partners lack initiative to expand into new areas such as economic and monetary issues.³⁴

Moreover, and as it will be analysed subsequently, women are under-represented in the decision-making bodies of the social partners and this has an impact on their participation and on how their concerns are voiced at the level of the LAB. For example, while departments dedicated to women issues within the trade unions would raise concerns such as paternal leave and equal treatment at work for many years prior to accession, the adoption of relevant legislation was only made possible during the harmonisation process, because they had to accept it.³⁵

EU Impact on the Cypriot IRS

In the process of becoming a member of the EU, Cyprus had to introduce extensive and radical changes³⁶ in labour and social law areas (including gender equal pay and gender equality at work). The harmonisation of the national legislation on these areas was timely, swift and straightforward.³⁷ This can be attributed to two reasons.

Firstly, harmonisation and achieving EU accession as quickly as possible became a national mission.³⁸ EU accession was seen as a means for promoting a solu-

³¹ *ibid.*

³² However, depending on the issue in question, representatives from other TUs or employers' associations might be invited on ad hoc basis as observers, Soumeli (2015) (n 28).

³³ Soumeli (2015) (n 28).

³⁴ *ibid.*

³⁵ Personal interview with trade union official (A) on 26/6/2013.

³⁶ Christina Ioannou, 'The Europeanization of Cypriot Social Policy: An "Apolitical" Europeanization Process', (2008-9) 25-26 *Journal of Modern Hellenism* 97.

³⁷ Ioannou C. and Kentas (2009) (n 15) 131.

³⁸ Ioannou C. and Kentas (2012) (n 11) 6.

tion to the Cyprus political problem with the active involvement of the EU³⁹ that would be compatible with the *acquis communautaire* and the founding principles of the EU. Further, timing was of the essence since the Cypriot government's purpose was for island to accede to the EU before the latter reached a decision on the opening of accession negotiations with Turkey.⁴⁰ Thus the national mission created adaptation pressure and indeed Cyprus was the first country (among the other nine candidate countries) to successfully conclude its accession negotiations within the agreed timeframe.⁴¹

Secondly, the adaptation pressure was combined with the capacity of the existing institutional and organisational structures of the industrial relations in Cyprus⁴² to implement the *acquis* on labour and social areas. The government recognised the importance of the embedded role of the social partners in the decision-making process and actively involved them in drafting and introducing new legislation during the harmonisation process. For this purpose, tripartite technical committees (consisting of legal drafters, trade union officials and employers' representatives) were appointed by the LAB with the task of drafting the bills.⁴³ These bills were presented to the competent department of the MLWSI, which in cooperation with the law office of the Republic, prepared draft laws,⁴⁴ which were resubmitted to the technical committees for discussion, whereas reports were prepared expressing the views of the parties involved.⁴⁵

As social dialogue was already highly developed in Cyprus, there was no need for this to be further promoted with the accession to membership of the EU. However, accession had a direct impact on the agenda of social dialogue. With the accession, 'more issues were put on the table, which we needed to see under the prism of European realities and we needed to learn some things in relation to how these European procedures work [...]. The accession did not develop the social dialogue [...] our

³⁹ Ioannou C. and Kentas (2009) (n 15) 116.

⁴⁰ *ibid* 123.

⁴¹ Embassy of the Republic of Cyprus in Washington D.C., available at <<http://www.cyprusembassy.net/home/index.php?module=page&cid=31>> accessed 29/04/2017.

⁴² Ioannou C. (n 35) 111.

⁴³ *ibid* 105.

⁴⁴ *ibid*.

⁴⁵ *ibid*.

accession just gave to the social dialogue some other parameters’,⁴⁶said an official, Employers’ Organisation.

In addition, from the beginning of the harmonisation process it became obvious that in the European context, a more solid legally enforceable national industrial relations system was needed. A system based on the voluntary cooperation of the social partners to adhere to the terms of collective agreements, which in any case lack of *erga omnes* effect⁴⁷ (coverage for all),⁴⁸ was clearly not enough. Legislation applicable to all at the national level and in line with the *acquis communautaire* was required as a condition for EU membership.

Consequently, the harmonisation process critically changed the direction of the Cypriot IRS to a more statutory legislation. The voluntary system of regulating industrial relations, where statutory and State intervention was limited, was transformed to a system that guarantees and compulsory promotes the rights and freedoms of the whole workforce.⁴⁹ While collective agreements still remain important, the new legislation which transposed the EU *acquis*, provides for minimum terms and conditions of employment for non-unionised employees and for employees in enterprises that have not agreed to or signed a collective agreement.⁵⁰ Further, provisions in collective agreements providing for less favourable terms than this legislation had to be amended to reach the legislative minima.⁵¹

Cyprus accession to the EU had also a profound transformative effect on the national legal framework regarding women’s rights. For the purposes of harmonisation with the *acquis communautaire* and within specified time limits, a very important legislation was adopted affecting women’s lives such as on equal pay, equal treatment in employment and training, special advantages for pregnant and breastfeeding women, maternity benefits and parental leave.⁵² Furthermore, legislation particularly affecting equal pay, such as legislation in social security, social

⁴⁶ Personal interview with employers’ organisation official on 26/06/2013.

⁴⁷ The collective agreements cannot be imposed upon and enforced in the whole sector: they apply only to the members of the workforce that are covered by them and not to the non-members of the signing organisations, see Ioannou C. (n 35) 104.

⁴⁸ *ibid.*

⁴⁹ *ibid* 124.

⁵⁰ Department of Labour Relations (n 17).

⁵¹ Christophoros Christophi (2014), Lawyer, available at <<http://www.lawyer.com.cy/docs/cyprus-employment-law-2014.pdf>> accessed 06/06/2017.

⁵² *ibid* 4.

pension and occupational security was amended in order to provide equality between men and women.⁵³

The pre-accession national legislation on equal pay (the Equal Pay Law L.158/1989) as amended in 2000, which was never put into practice due to gaps and inconsistencies,⁵⁴ was repealed in 2003 by the equal pay between men and women for the same work or for work of equal value law,⁵⁵ as amended by Laws L.193(I)/2004, L.38(I)/2009, L.151(I)/2014 (the Equal Pay Laws 2002-2014). The Equal Pay Laws 2002-2014 transposed the Equal Pay Directive⁵⁶, the Burden of Proof Directive⁵⁷ and the Recast Directive⁵⁸ on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation. This legislation introduced new concepts such as direct and indirect discrimination based on sex and the principle of equality in pay for work of equal value. In fact, the definitions contained in the Recast Directive are virtually replicated in the national law.⁵⁹ The introduction of these new concepts in the national labour market policy discourse clearly demonstrates the EU impact in the area of gender equal pay.

Moreover, the accession had an important impact regarding gender equality in the context of collective bargaining and collective agreements. According to the provisions of the Equal Pay Laws 2002-2014, all provisions containing direct or indirect discrimination based on gender in existing collective agreements have to be abolished, whereas any such provisions in new collective agreements will be considered invalid.

⁵³ *ibid.*

⁵⁴ The only achievement was the replacement of the (discriminatory) terminology man's salary and woman's salary from collective agreements by the new terms worker A, which referred to men and worker B, which referred to women, see Anna Pilavaki, 'Equal Pay Internationally and in Cyprus', Equality and Equal Treatment Department, DEOK (2004), available at <[http://www.mjpo.gov.cy/mjpo/mjpo.nsf/28496476922F8D3BC2257B880027911B/\\$file/%CE%94%CE%95%CE%9F%CE%9A-%CE%9F%CE%94%CE%97%CE%93%CE%9F%CE%A3%20%CE%99%CE%A3%CE%9F%CE%9C%CE%99%CE%A3%CE%98%CE%99%CE%91%CE%A3.pdf](http://www.mjpo.gov.cy/mjpo/mjpo.nsf/28496476922F8D3BC2257B880027911B/$file/%CE%94%CE%95%CE%9F%CE%9A-%CE%9F%CE%94%CE%97%CE%93%CE%9F%CE%A3%20%CE%99%CE%A3%CE%9F%CE%9C%CE%99%CE%A3%CE%98%CE%99%CE%91%CE%A3.pdf)> accessed 01/06/2017.

⁵⁵ Law 177(I)/2002

⁵⁶ Directive 75/117/EEC, relating to the application of the principle of equal pay between men and women.

⁵⁷ Directive 97/80/EC on the burden of proof in cases of discrimination based on sex.

⁵⁸ Directive 2006/54/EC.

⁵⁹ Nicos Trimikliniotis and Corina Demetriou, 'Evaluating the Anti-Discrimination Law in the Republic of Cyprus: A Critical Reflection' (2008) 20(2) *The Cyprus Review* 93.

In 2008, the Women’s Bureau of the Pancyprian Federation of Labour⁶⁰ completed a study on the ‘Equality between women and men in collective agreements’,⁶¹ which was the first of its kind at the national level.⁶² The study found direct discriminatory provisions regarding pay in two collective agreements (one at sectoral and one at company level).⁶³ In relation to indirect discrimination, the study focused on issues relating to job segregation, given its role in maintaining the wage gap and in many collective agreements examined that women’s labour participation was generally restricted to unskilled, low qualified or the lowest paid jobs.⁶⁴

Also substantive discrimination as well as verbal inequality was observed in relation to the language used to define occupations: ‘in some collective agreements at sectoral and company level, numerous occupations were defined as typically female roles, i.e. cleaning lady, chambermaid, female phone operator and female secretary’.⁶⁵ This implies that these jobs were ‘either held by or intended only for women’,⁶⁶ therefore perpetuating stereotypes and occupational segregation. Important was also the fact that in almost all of the agreements examined, provisions were made in relation to maternity leave, although provisions on other aspects of equality laid down in law, such as parental leave and affirmative action were absent.⁶⁷

It has been argued that overall the efforts to bring collective agreements into compliance with the principle of equality appeared to be focused on linguistic corrections (replacing gender discriminatory terms of job titles with gender neutral definitions) or on the formal abolition of directly discriminatory provisions and clauses, instead

⁶⁰ Set up in September 2004.

⁶¹ Anthoula Papadopoulou, ‘Equality between women and men in collective agreements’, Mechanism for Monitoring the Implementation of the Legislation on Equality through Collective Agreements (2008) Women’s Bureau of PEO, Sponsored by the National Mechanism on Women’s Rights, available in Greek at <[http://www.eif.gov.cy/mlsi/dl/genderequality.nsf/All/FB5C9EA03FA20611C22579A7002FEF6C/\\$file/%CE%B9%CF%83%CF%8C%CF%84%CE%B7%CF%84%CE%B1_%CF%83%CF%84%CE%B9%CF%82_%CF%83%CF%85%CE%BB%CE%BB%CE%BF%CE%B3%CE%B9%CE%BA%CE%AD%CF%82_%CF%83%CF%85%CE%BC%CE%B2%CE%AC%CF%83%CE%B5%CE%B9%CF%82_%CE%B5%CF%81%CE%B3%CE%B1%CF%83%CE%AF%CE%B1%CF%82.pdf](http://www.eif.gov.cy/mlsi/dl/genderequality.nsf/All/FB5C9EA03FA20611C22579A7002FEF6C/$file/%CE%B9%CF%83%CF%8C%CF%84%CE%B7%CF%84%CE%B1_%CF%83%CF%84%CE%B9%CF%82_%CF%83%CF%85%CE%BB%CE%BB%CE%BF%CE%B3%CE%B9%CE%BA%CE%AD%CF%82_%CF%83%CF%85%CE%BC%CE%B2%CE%AC%CF%83%CE%B5%CE%B9%CF%82_%CE%B5%CF%81%CE%B3%CE%B1%CF%83%CE%AF%CE%B1%CF%82.pdf)> accessed 15/01/2020.

⁶² Anthoula Papadopoulou and Evangelia Soumeli, Cyprus Labour Institute (INEK-PEO), ‘Gender equality lacking in collective agreements’, European Observatory of Working Life, (2008) Eurofound, available at <<https://www.eurofound.europa.eu/observatories/eurwork/articles/gender-equality-lacking-in-collective-agreements>> accessed 22/02/2017.

⁶³ Papadopoulou and Soumeli (2008) (n 61).

⁶⁴ *ibid.*

⁶⁵ *ibid.*

⁶⁶ *ibid.*

⁶⁷ *ibid.*

of more ‘effectively promoting and applying the principle of workplace gender equality.’⁶⁸ According to Papadopoulou and Soumeli this ‘legalistic and rather superficial approach’ reflects ‘the more general approach adopted in Cyprus, as regards gender equality in the workplace and in employment’.⁶⁹ It can to some extent be further attributed to the under-representation of women in collective bargaining.⁷⁰

Finally, the changes effected by the accession made necessary the modernisation of the industrial relations. To this end, the three biggest union organisations compromised their previous divergence of opinions and in 2006, with a joint letter to the MLWSI (also communicated to the employers’ organisations), requested the initiation of social dialogue in modernising industrial relations.⁷¹ In the letter, they emphasised that the underlying philosophy of the existing IRS based on voluntarism, collective bargaining and tripartite cooperation should be maintained,⁷² but proposed that collective agreements should become legally enforceable.⁷³ Extensive consultations were held before the competent tripartite technical committee set by a decision of the LAB, where it was agreed that there was a need to introduce new regulatory provisions relating to the stage prior to the application of the provisions of the IRC.⁷⁴ Therefore, as part of a package of legislative measures for the modernisation of the IRS, a new legislation was passed in 2012,⁷⁵ which includes a number of provisions on strengthening rights to bargain collectively and to give TU representatives access to workplaces, while still respecting employers’ rights.⁷⁶ Further, the law ratifying ILO Convention 135 on worker representatives was amended (L.10(III)/2012).⁷⁷

⁶⁸ *ibid.*

⁶⁹ *ibid.*

⁷⁰ 9th National Report on the implementation of the European Social Charter submitted by the Government of Cyprus (Articles 1,9,10,15,18, 20 and 24 for the period 01/01/2007-31/12/2010) 44.

⁷¹ Evangelia Soumeli, ‘Unions seek social dialogue on modernization of industrial relations’, European Observatory of Working Life, (2006) Eurofound, available at <<https://www.eurofound.europa.eu/is/observatories/eurwork/articles/unions-seek-social-dialogue-on-modernisation-of-industrial-relations>> accessed 11/05/2017.

⁷² *ibid.*

⁷³ This proposal was abandoned in 2013.

⁷⁴ Department of Labour Relations, The Future/Modernization of Industrial Relations System, available at <http://www.mlsi.gov.cy/mlsi/dlr/dlr.nsf/page07_en/page07_en?OpenDocument> accessed 09/10/2016.

⁷⁵ L. 55(I)/2012 on the Recognition of Trade Union Organization and the Right to Provide Trade Union Facilities for Recognition Purposes.

⁷⁶ Soumeli (2015) (n 28).

⁷⁷ Department of Labour Relations (n 73).

Social Partners in Cyprus

Trade Unions

Currently, there are two dominant multi-sectoral trade union confederations at a national level of broadly similar size. Firstly, the Pancyprian Federation of Labour (PEO), which has a stronger basis among blue collar workers (especially in the construction industry), and strong links with the left-wing (communist) party. The second dominant confederation is the Cyprus Workers Confederation (SEK)⁷⁸ which has a strong presence in the semi-public sector, and is closer to the parties of the right-wing and centre-right. The third in size confederation is the Democratic Labour Federation of Cyprus (DEOK),⁷⁹ which has links with the social democratic party, whereas a much smaller union is the Pancyprian Federation of Independent Trade Unions (POAS).⁸⁰ Additionally, there are a number of significant independent/autonomous sectoral employees' organisations.⁸¹

Relations between the different trade union organisations are generally good and despite ideological and political differences or different affiliations,⁸² 'they have been able to achieve unity in their pay claims and other activities.'⁸³ It should be further noted that the Cypriot TUs are well networked at European and international levels, although given Cyprus' small size their involvement is neither central nor a priority.⁸⁴

There are no official figures available after 2008 regarding TU membership density in Cyprus. The Trade Union Registrar and the TUs estimate that the union density is now below 50%; a considerable reduction from the 76,1% in 1990.⁸⁵ The

⁷⁸ SEK was founded in 1949.

⁷⁹ DEOK was created from a split of SEK in 1962.

⁸⁰ POAS was founded in 1956.

⁸¹ Such as the Pancyprian Union of Public Servants (PASDYD), the Pancyprian Organisation of Greek Teachers (POED), the Organisation of Greek Secondary Education Teachers (OELMEK), the Union of Banking Employees of Cyprus (ETYK) and the Independent Union of Cyprus' Public Employees (ASDYK).

⁸² Soumeli (n 14): 3.

⁸³ Lionel Fulton, 'Worker representation in Europe' (2015) Labour Research Department and ETUI, available at <<https://www.worker-participation.eu/National-Industrial-Relations/Countries/Cyprus/Trade-Unions>> accessed 01/06/2017.

⁸⁴ Gregoris Ioannou and Sertac Sonan, 'Trade Unions In Cyprus: History of Division, Common Challenges Ahead' (2014) Friedrich Ebert Stiftung 18.

⁸⁵ It should be noted that TU density in the public, the semi-public and the banking sector approaches 100%, see Ioannou G. and Sonan, *ibid* 5.

decrease in union membership is one of the most vital problems the TU movement is facing and causes a number of difficulties, including issues with finances (due to loss of income from subscription fees).⁸⁶ The severe banking crisis in 2012 and the resulting rise of the unemployment level (at 15,1% in 2015 in comparison to 6,3% in 2010)⁸⁷ had an adverse impact on TU membership levels. Despite the recent decrease of the unemployment levels at 7,6% (December 2019),⁸⁸ the trade unions' power has been gradually eroded by the deregulation trend, since collective agreements are undermined by the gradual individualisation of labour relations and the rise of personal contracts.⁸⁹

Additionally, the austerity measures adopted by the Cypriot government in the period 2013-2016,⁹⁰ with 'the implementation of major fiscal, structural and institutional reform measures in the context of the Memorandum of Understanding (MoU) on Specific Economic Policy Conditionality'⁹¹ further eroded TUs' power. During the duration of the Economic Adjustment Programme, the traditional tripartite decision-making mechanisms were not used and decisions were unilaterally taken at the political and technocratic levels.⁹² TUs were thus unable to promote their positions and faced 'difficulties to provide even the most basic protection to their members'.⁹³ In addition, the MoU 'has inflicted powerful changes in areas previously governed by the collective agreements'.⁹⁴ It is too early to assess the long-term impact of this situation on the industrial relations functioning. However, it

⁸⁶ Soumeli (2015) (n 28).

⁸⁷ Soumeli (2015) (n 28).

⁸⁸ Eurostat-Statistics explained, Unemployment statistics, available at <https://ec.europa.eu/eurostat/statistics-explained/index.php/Unemployment_statistics> accessed 30/01/2020.

⁸⁹ Yiannos Katsourides, 'Political Parties and Trade Unions in Cyprus', (September 2013) GreeSE Paper No.74 Hellenic Observatory Papers on Greece and Southeast Europe, London School of Economics 32, available at <<http://eprints.lse.ac.uk/52625/1/GreeSE%20No74.pdf>> accessed 11/06/2017.

⁹⁰ Cyprus agreed with Troika (a group of international lenders comprised of the European Commission, the European Central Bank and the International Monetary Fund) an Economic Adjustment Programme on 02/04/2013 for the period 2013-2016. The Programme aimed at addressing the country's financial, fiscal and structural imbalances and involved a package of €10 billion. The main aims and expected outcomes of the Programme were included in a Memorandum of Understanding (MoU) between the European Commission and the Republic of Cyprus, see Odysseas Christou, Christina Ioannou and Anthos Shekeris, 'Social Cohesion and the State in times of Austerity-Cyprus'(September 2013) Friedrich Ebert Stiftung.

⁹¹ Soumeli (2015) (n 28).

⁹² Ioannou G. and Sonan (n 83) 6.

⁹³ *ibid.*

⁹⁴ Katsourides (n 88) 36.

has been argued that the consent of the State and employers to TUs' demands in the previous years was linked with the power of the TUs and it is anticipated that there is a possibility of escalation of tension with the decline of the TUs' power.⁹⁵

Women's Voices and the TUs

The difficult economic conditions after 1974 forced an accelerated entry of women into the labour market, since the male wage was not enough to support the family.⁹⁶ Although women were concentrated in temporary, part-time, non-skilled and low-paid positions, their entry into the labour market was a decisive step in the struggle for gender equality.⁹⁷ According to the latest statistics concerning women in Cyprus by the national Statistical Service in March 2017, women now constitute the 48% of the total labour force of Cyprus, whereas they embody the majority of the population at 51%.⁹⁸ Women's employment is characterised by a horizontal and vertical segregation.⁹⁹

According to research, women's membership in the TUs in Cyprus varies from 13% to 76%, but only a limited percentage of employees of the TUs are women.¹⁰⁰ Within the TUs a strong male hierarchy exists¹⁰¹ and despite the existence of women's departments, their gender's participation in the decision-making bodies of the TUs is very limited. It is then worth noting that in 2003, the Cyprus Gender Equality Observatory (CGEO), which is affiliated with DEOK, called on the whole Cypriot TU movement to adapt a charter for the incorporation of gender equality in all the policies of the TU movement.¹⁰² However, the majority of the TUs did not agree on the basis that they have already set gender equality issues in their priorities.¹⁰³ In addition, the TUs do not have a common position in relation to the use of quotas.

⁹⁵ *ibid.* 33.

⁹⁶ Ioannou G. (n 13) 47.

⁹⁷ *ibid.*

⁹⁸ Statistical Service of Cyprus, Press Release: The Woman in Cyprus in Figures, 07/03/2017, available at <[http://www.cystat.gov.cy/mof/cystat/statistics.nsf/All/73F947E6E0470DD2C22580D80037BA90/\\$file/Woman_in_CY-EN-070317.pdf?OpenElement](http://www.cystat.gov.cy/mof/cystat/statistics.nsf/All/73F947E6E0470DD2C22580D80037BA90/$file/Woman_in_CY-EN-070317.pdf?OpenElement)> accessed 25/06/2017.

⁹⁹ Anna Pilavaki, 'Woman in Modern Society Internationally and in Cyprus: Personality and Factors of Success' (2008) Cyprus Gender Equality Observatory (CGEO) Publication 43.

¹⁰⁰ *ibid.*

¹⁰¹ *ibid.* 43.

¹⁰² *ibid.* 48.

¹⁰³ *ibid.* 48.

Both participants from the TUs cited that the reconciliation of family/professional life is problematic and prevents women from pursuing higher positions, which ‘require more time’.¹⁰⁴ Therefore, the increased economic independence of women did not extend to the private/home context and did not liberate them from the burdens of housework.¹⁰⁵ This is not only evident by the absence of women in leadership roles in the TUs but also from their absence in prominent positions in the political parties or in occupying important roles of the State in areas of economy and industry.¹⁰⁶

The absence of women from decision-making positions within the TUs and generally the limited number of women employees within the central organisation of the TUs could also explain to a great extent why equality issues are not raised in collective bargaining and subsequently not included in collective agreements.¹⁰⁷ Women negotiators for collective agreements are virtually absent, whereas there is a lack of interest from women to apply for such a post.¹⁰⁸ Further, ‘there is a perception that trade unionism is more a male job’ and ‘women need encouragement to participate in decision-making centres [...] it is a continuous effort to convince women [...] that if their voices are heard it helps [...] and it will also help them to develop as persons’,¹⁰⁹ were the comments of an official from a trade union.

Employers’ Organisations

Two employers’ organisations exist in Cyprus: the Employers and Industrialists Federation (OEB)¹¹⁰ and the Cyprus Chamber of Commerce and Industry (CCCI),¹¹¹ where between them they represent nearly the entirety of the business/entrepreneurial community of Cyprus, since it is understood that all individual professional/industrial associations are affiliated with either the OEB or the CCCI or in some cases with both.¹¹² Individual enterprises can become direct members to either, or both, of these organisations, or they can be affiliated to them through their mem-

¹⁰⁴ Personal interview with trade union official (A) on 26/6/2013.

¹⁰⁵ Ioannou G. (n 13) 47.

¹⁰⁶ Maria Hadjipavlou and Biran Mertan, ‘Cypriot Feminism: An Opportunity to Challenge Gender Inequalities and Promote Women’s Rights and a Different Voice’ (2010) 22(2) *The Cyprus Review* 261.

¹⁰⁷ 9th National Report on the implementation of the European Social Charter submitted by the Government of Cyprus (Articles 1,9,10,15,18, 20 and 24 for the period 01/01/2007-31/12/2010) 44.

¹⁰⁸ Personal interview with trade union official (B) on 26/06/2013.

¹⁰⁹ Personal interview with trade union official (A) on 26/06/2013

¹¹⁰ The OEB was established in 1960.

¹¹¹ The CCCI was established in 1927.

¹¹² Department of Labour Relations (n 17).

bership to their professional association, which in turn is a member of the employers' organisations.¹¹³ The grouping of all forces into two umbrella organisations acting as the coordinating bodies on behalf of the business community in all sectors of economic activity, as well as the high level of representation, have contributed decisively to the shaping of well organised employers.¹¹⁴

OEB and CCCI have equal representation in the various tripartite bodies but in general, 'OEB is by far the more influential, taking part in all negotiations with PEO and SEK' and 'has to large extent undertaken the role of a coordinating body in the field of employers as a whole'.¹¹⁵ Further, in terms of representation in collective bargaining, OEB's members employ almost 65% of the private sector employees.¹¹⁶

In both employers' associations women are under-represented in all decision-making positions. For example, women are absent from the executive committee of the CCCI, which is the highest decision-making body of the organisation comprising of 17 members. In OEB out of the 120 members of the council of management only ten are women and there is only one woman out of 21 members in the executive committee.¹¹⁷ Nevertheless, it should be noted that the statute of OEB was amended in 2016 and now the promotion of equality between men and women in employment, the encouragement of women's entrepreneurship and the promotion of equal representation of the two genders in decision-taking positions are included in the purposes of the organisation.¹¹⁸ This is an important development, where the impact of which remains to be seen in the future.

EU Impact on Social Partners

As explained in the previous section, the harmonisation process, acted as a catalyst for the adoption of legislation promoting gender equality at work and equal pay more specifically. In this process the social partners were actively involved and through the already established mechanisms of tripartite cooperation, women in TUs were empowered and were given the opportunity to make their voices heard.

¹¹³ *ibid.*

¹¹⁴ Evangelia Soumeli and Theodoros Giovanni, 'Cyprus – Developments in social partner organisations: employer organisations' (2010) Eurofound, available at <<https://www.eurofound.europa.eu/observatories/eurwork/comparative-information/national-contributions/cyprus/cyprus-developments-in-social-partner-organisations-employer-organisations>> accessed 19/06/2017.

¹¹⁵ Soumeli (2006) (n 14) 3.

¹¹⁶ Soumeli and Giovanni (n 113).

¹¹⁷ Yearly Report of the Council of Management of OEB for 2018 dated 14/05/2019.

¹¹⁸ Yearly Report of the Council of Management of OEB for 2016 dated 11/05/2017.

This was particularly important because, at the time of the accession, women had very few opportunities to make their voices heard: they were underrepresented in decision-making positions within the social partners, in the parliament and government,¹¹⁹ whereas women's NGOs were weak.

After Cyprus accession to the EU, gender equality in general and equal pay in particular were discussed in the LAB, in the context of the strategic plan for reconciliation (in 2009), where the TUs put forward their views.¹²⁰ While 'some issues were implemented regarding amendment of legislation and some not',¹²¹ the process was interrupted by the economic crisis. Indeed, this crisis negatively affected the agenda of social dialogue in terms of gender equality, since this issue was not seen as a priority.¹²² Therefore it could be argued that the normative changes brought with harmonisation were not internalised into the IRS. Nevertheless, with the exit of Cyprus from the Economic Adjustment Programme in March 2016, it seems that issues of gender equality and reconciliation are coming back on the agenda. This is evident by the first time adoption of a legislation regarding two weeks paid paternity leave which entered into force on 1 August 2017.

In relation to the internal structures of the social partners, it seems that little has changed with the EU accession, since women remain underrepresented in the decision-making bodies. Especially in relation to trade unions and even in female dominated sectors such as education, trade unions are led by men even though 80% of teachers and educators in Cyprus are women.¹²³ More positive steps towards this direction were taken by OEB, one of the two employers' associations, with the amendment of its statute in 2016.

Broader Civil Society in Cyprus

Due to Cyprus' late independence, the intercommunal violence that followed and the events of 1974, there was little change for the development of civil and dem-

¹¹⁹ The accession negotiations started in 1998 and were concluded in 2002. During this period the representation of women in the Parliament was between 5.4% and 10.7% and there was only one women Minister out of eleven in the government, Statistical Service of Cyprus, Press Release: Portrait of Women in Cyprus 2012, 15/10/2012, available at <[http://www.cystat.gov.cy/mof/cystat/statistics.nsf/All/D95240D3A523C89BC2257A9800307B94/\\$file/Potrait_of_Women_in_Cyprus-2012-151012.pdf?OpenElement](http://www.cystat.gov.cy/mof/cystat/statistics.nsf/All/D95240D3A523C89BC2257A9800307B94/$file/Potrait_of_Women_in_Cyprus-2012-151012.pdf?OpenElement)> accessed 05/09/2016.

¹²⁰ Personal interview with trade union official (B) on 26/06/2013.

¹²¹ Personal interview with trade union official (B) on 26/06/2013.

¹²² Personal interview with MLWSI official on 26/06/2013.

¹²³ Personal interview with women's NGO official 27/06/2013.

ocratic culture.¹²⁴ The unresolved Cyprus political problem has monopolised the political life of the island and contributed greatly to the politicisation of Cypriot society and the prominence of political parties.¹²⁵ It has been argued that the ideology of nationalism, which was dominant throughout the 20th century, translated into lack of tolerance and reluctance to engage in social criticism, which suppressed the development of civil society. A lack of participatory civil culture among Cypriots compared to other established democracies has been noted.¹²⁶ In addition, the dominance of the Cyprus problem on the political agenda resulted in an environment which was not conducive to civil society activism.¹²⁷ ‘The government did not know what civil society was [...]. I mean NGOs and civil society organisations were not at all included in a policy dialogue. There was no policy dialogue [...] that is the environment we are coming from’.¹²⁸

It was as late as the 1990s, that non-governmental organisations (NGOs), which were independent of the State and the political parties, started to develop. The UN and the EU systems emerged as a major and constant source of ‘path-breaking changes that have strengthened and empowered democratic institutions and civil society organisations at national level’¹²⁹. Especially the EU accession favoured the development of civil society as the EU encourages dialogue with civil society.¹³⁰

Women’s NGOs

The women’s NGO movement, in the sense of independent non-governmental organisations not linked to political parties or trade unions and with the specific aim of promoting gender equality, is still a new concept to the Cypriot society which started developing mainly since 2000. This can be partly explained by the fact that Cypriot women did not have to struggle to gain their right to vote by ‘engaging in a process of politicisation and raising gender consciousness awareness.’¹³¹ Instead, they were given this right with the establishment of the Republic of Cyprus.¹³²

¹²⁴ Katsourides (n 88): 9.

¹²⁵ *ibid.*: 11.

¹²⁶ *ibid.* 25.

¹²⁷ *ibid.*

¹²⁸ *ibid.*

¹²⁹ Cyprus National Report on the Implementation of the Beijing Platform for Action (1995) and the outcome of the twenty-third Special Session of the General Assembly (2000), (2004) Nicosia 7.

¹³⁰ Katsourides (n 88): 21.

¹³¹ *ibid.*

¹³² Hadjipavlou and Mertan (n 105) 255.

In the absence of women's NGO movement, 'women's avenues or avenues for activism were [...] naturally, through trade unions and political parties,'¹³³ said an official from the woman's NGO. Women's organisations affiliated to political parties are 'an important part of the national scene'¹³⁴ and they were the prime drivers behind women's movement and some of their members had been elected to parliament.¹³⁵ However, it has been argued that 'now political affiliations are actually detrimental to the scope of action of the women's movement because their priorities are always shaped by the priorities of the [...] political party itself'.¹³⁶

Further, 'the structures of the political parties are so exclusive [...] that the structures themselves exclude women, because they failed to implement quota even when they have them'.¹³⁷ There was never a woman leader of a political party in Cyprus, except recently of the newly-formed Solidarity Movement¹³⁸ (in 2016), the founder and president of which is a woman. 'The patriarchal attitudes towards female politicians, lack of support from male political networks and insufficient media representation prevent women from equal participation in political life'.¹³⁹

According to Hadjipavlou and Mertan,¹⁴⁰ the majority of Cypriot women's organisations affiliated to political parties 'did not have the opportunity to develop a different women's voice on women's rights'. This is firstly attributed, to the dominance of the national problem on the political agenda and secondly, to the fact that political parties are male-dominated.¹⁴¹ A positive development is that awareness campaigns and other measures resulted in a small increase in the participation of women in parliament in 2016 (from 10,7% to 17,85%).¹⁴²

¹³³ Personal interview with women's NGO official on 27/06/2013.

¹³⁴ Hadjipavlou and Mertan (n 105) 255.

¹³⁵ UN Press Release (WOM/1563), Cyprus delegation tells women's anti-discrimination committee about sweeping legal changes aimed at achieving de facto gender equality, 25 May 2006, available at <<https://www.un.org/press/en/2006/wom1563.doc.htm>> accessed 01/06/2017.

¹³⁶ Personal interview with women's NGO official on 27/06/2013.

¹³⁷ Personal interview with women's NGO official on 27/06/2013.

¹³⁸ A nationalist political party.

¹³⁹ UN Committee on the Elimination of Discrimination against Women, Concluding observations on the combined sixth and seventh periodic reports of Cyprus adopted by the Committee at its fifty fourth session (11 February – 1 March 2013) 5, available at <<http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW.C.CYP.CO.6-7.pdf>> accessed 13/06/2017.

¹⁴⁰ Hadjipavlou and Mertan (n 105) 247.

¹⁴¹ *Ibid* 247.

¹⁴² UN Women, Cyprus commits to scale up support for gender equality rooted in a new national action

Funding is crucial for the very existence and development of NGOs in general, whereas lack of funding was cited as another limitation for civil society activism in Cyprus. It is interesting that the growth of women's NGOs was initially based on funding received by the UN Development Programme (UNDP) in 2000 in relation to peacebuilding cooperation.¹⁴³ The goal of the UNDP was to bring women closer from both communities¹⁴⁴ in bi-communal structures. However, women's roles were not elevated within the actual framework of the negotiations for the settlement of the Cyprus problem.¹⁴⁵

It is a paradox that, while the focus on finding a solution to the political problem was seen as the main obstacle for the development of the women's NGOs movement in the previous decades, in 2000 the funds received in the framework of a UN programme directly linked to this obstacle provided the opportunity for the development of the women's NGOs movement in Cyprus.

EU Impact on Women's NGOs

The accession to the EU was a catalyst to the development of NGOs specialising in women's issues, and of NGOs in general. This can be attributed firstly to the availability of funding. Through various European programmes, women's NGOs receive funding in order to carry out actions promoting gender equality such as training and awareness campaigns. For example, the European Social Fund (ESF) co-financed the budget of EUR3 million for the project 'Actions for Reducing the Gender Pay Gap' which was developed by the MLWSI.¹⁴⁶ Women's NGOs (as well as social partners) were involved in the different actions of this project, which 'consisted of a broad mix of measures, aiming in combating the root causes that create and sustain the gender pay gap'.¹⁴⁷ In addition, funding is provided for studies and research, which is extremely important since research in the area of gender equality, was very limited prior to EU membership.

plan (updated), available at <<http://www.unwomen.org/en/get-involved/step-it-up/commitments/cyprus>> accessed 29/05/2017.

¹⁴³ *ibid.*

¹⁴⁴ Greek Cypriots and Turkish Cypriots.

¹⁴⁵ Hadjipavlou and Mertan (n 105).

¹⁴⁶ The project was launched in 2011 and completed in 2016

¹⁴⁷ Project 'Actions for reducing the pay gap'- Cyprus, available at <http://www.gender-equalpay.com/english_info.htm> accessed 19/05/2017.

Funding coming from the European level is considered vital for the NGOs and at for some NGOs 80% of their funding is coming from the European Commission.¹⁴⁸ An annual grant is given by the government, through the National Machinery for Women's Rights (NMWR),¹⁴⁹ to all organisations working on equality between women and men. However, the state funding is very limited and was affected by the crisis.¹⁵⁰ For example, the budget of the NMWR has considerably decreased from EUR980,000 in 2008 to EUR225,000 in 2017.¹⁵¹

Secondly, national women's NGOs have the opportunity to interact with women's NGOs in other EU countries as well as women's NGOs organised at the European level. For example, in 2008, the Cyprus Women's Lobby (CWL) was formed,¹⁵² which is an umbrella network of 16 women's organisations and non-governmental establishments¹⁵³ aiming 'to amplify the voices of advocates for women's rights and gender equality'¹⁵⁴ and 'to give a channel for more unified voice'.¹⁵⁵

¹⁴⁸ Personal interview with women's NGO official on 27/06/2013.

¹⁴⁹ The NMWR under the Ministry of Justice and Public Order is the main coordinating body for the promotion of gender equality in Cyprus and it 'serves as a cooperation channel between the Government and women's organisations and NGOs working on gender equality and women's rights', see Susana Pavlou and Josie Christodoulou, 'The Policy on Gender Equality in Cyprus', (2012) Directorate General For Internal Policies, European Parliament Policy Department C: Citizens' Rights And Constitutional Affairs, Gender Equality.

¹⁵⁰ Personal interview with women's NGO official on 27/06/2013.

¹⁵¹ Cyprus National Report on the Implementation of the Beijing Platform for Action (1995) and the outcomes of the twenty-third Special Session of the General Assembly (2000), in the context of the twentieth anniversary of the Fourth World Conference on Women and the adoption of the Beijing Declaration and Platform for Action 2015, (2014) Nicosia 8, available at <http://www.unecce.org/fileadmin/DAM/Gender/publications_and_papers/Cyprus_FINAL_REPORT_BEIJING_20.pdf> accessed 28/01/2020. See also Marios Demetriou, 'Opposite the deep state...the Commissioner for Equality' 24h Newsletter (Cyprus, 26/03/2017), available in Greek at <<http://24h.com.cy/2017/03/26/apenan-ti-stovathy-kratos-i-epitropos-isotitas/>> accessed 02/07/2017.

¹⁵² 'Her mission is the promotion of gender equality and women's empowerment, to combat all forms of discrimination and violence against women, and to ensure the full participation and active involvement of women in decision making processes' available at <<http://www.womenlobby.org/Cyprus-Women-s-Lobby>> accessed 30/03/2017.

¹⁵³ Including most of the women's organisations affiliated to political parties and one Turkish Cypriot organisation.

¹⁵⁴ Association for Women's Rights in Development (AWID) 'What is the State of Women's Rights in Cyprus', 18 August 2010, available at <<https://www.awid.org/news-and-analysis/what-state-womens-rights-cyprus>> accessed 01/06/2017.

¹⁵⁵ Personal interview with women's NGO official on 27/06/2013.

CWL is the national coordinator of the European Women's Lobby (EWL) in Cyprus.¹⁵⁶ 'Through our membership we have a voice on the European level because we help [...] shape the policy direction of the lobby [...] with our voice. But they also help shape our priorities as well [...] sort of guidance [...] what is going on in the European level [...] what is important, what can we do in Cyprus, how we can coordinate our activities'.¹⁵⁷ Further, as the EWL works together with the European Institute on Gender Equality and they extend invitation to members (such as the Cyprus Women's Lobby), 'we were given the opportunity to participate as well [...] through our give and take, through our exchange we build capacity. [...]. It is really important our contact with the European level [sic], with organisations working on, in other countries, on different issues, the exchange of ideas, of knowledge, of experience and another important result of this exchange is common projects'.

Thirdly, with the EU accession civil society was introduced in the political arena through legislation and policies. 'We have all these new laws starting to come out and they gave [...] a foundation with which to work on and all sort of funding started to come in. And so we were more able to put gender equality on the political agenda because of our membership in the EU [...]. The government because it is been obliged to [...] or because it wants to, [...] or whatever, has been including NGOs in various consultations on policy'.¹⁵⁸

Art.6B of the Equal Pay Laws of 2002-2014¹⁵⁹ provides that the relevant authority (in this case the MLWSI) shall conduct dialogue with non-governmental organisations which according to their memorandum have a legitimate interest to contribute to the elimination of gender discrimination, with objective purpose the promotion of the principle of equal pay between men and women.¹⁶⁰ However, the legislation does not specify on how the dialogue with the NGOs will take place, whether any decisions taken are documented and how this is followed up.

¹⁵⁶ *ibid.*

¹⁵⁷ *ibid.*

¹⁵⁸ *ibid.*

¹⁵⁹ Transposing Directives 75/117/EEC, 97/80/EC and 2006/54/3C.

¹⁶⁰ Art.6B original text in Greek: «Η αρμόδια αρχή διεξάγει διάλογο με τις μη κυβερνητικές οργανώσεις που έχουν σύμφωνα με το καταστατικό τους νόμιμο συμφέρον να συμβάλλουν στην καταπολέμηση των διακρίσεων λόγω φύλου, με αντικειμενικό σκοπό την προαγωγή της αρχής της ίσης αμοιβής μεταξύ ανδρών και γυναικών».

Conclusion

This article aimed to demonstrate the profound impact of Cyprus accession to the EU in the area of gender equal pay and how this have influenced women's voices at the national level. A comprehensive analysis of the Cypriot context for the formulation of legislative proposals regulating labour issues relating to equal pay was provided, including the actors involved, namely trade unions and employers' organisations as 'social partners' as well as broader civil society groups. The analysis of the IRS, revealed that tripartite cooperation plays a primary role in this entity and it is achieved through social dialogue within well-established mechanisms (i.e. LAB), despite the absence of legal underpinning. Indeed, social dialogue between the government¹⁶¹ and the social partners is an essential part of the legislative processes in relation to labour issues. In addition, the power equilibrium of the two sides of the industry, which existed until very recently, contributed to the smooth functioning of the tripartite mechanisms. The harmonisation process changed the direction of the IRS towards more government regulation, since with the transposition of the EU *acquis* minimum terms and conditions of employment became applicable to all employees (unionised and non-unionised). Nevertheless, harmonisation was achieved in an orderly and timely manner through the already established tripartite mechanisms. Thus, the IRS retained its solid basis of cooperation with strong social dialogue, collective bargaining and autonomous social partners.

However, the economic crisis and the disregard towards the traditional tripartite decision-making mechanisms during the period of the Economic Adjustment Programme (2013-2016) had a negative influence on the established features of the IRS, but it is still too soon to evaluate any long term effects. Further, the cognitive growth and learning during the harmonisation process in relation to gender equal pay was confined to the bureaucratic level and was not internalized into the IRS.

In addition, high unemployment levels reduced TU membership and consequently the TUs' power, whereas it appears that the employers' associations' membership has increased. The change in the balance of power could possibly negatively

¹⁶¹ The Government is represented by the Ministry of Labour, Welfare and Social Insurance in relation to labour market and IRS issues and by the Ministry of Finance and the Planning Bureau in relation to the economic aspects of the IRS, see Ioannou and Kentas (2009) (n 15) 125.

affect the tripartite cooperation and lead to escalation of tension.¹⁶² Therefore, in view of the above, the resilience of tripartite social dialogue remains to be tested.¹⁶³

Finally, Cyprus accession to the EU seems to be the turning point for the development of specialised NGOs promoting women's rights. External influence coming from the UN and EU levels in the form of funding has been decisive for this development. A variety of projects, research and awareness campaigns were funded, regarding gender equality issues in general and equal pay in particular. The enhanced legal framework and the introduction of new concepts such as gender mainstreaming as well as the establishment of equality bodies (which falls outside the scope of this article) provided leverage to include gender equality and equal pay on the social agenda and gave visibility to women's issues. Further, the interaction of the stakeholders at the national level with other stakeholders at the EU level introduced a learning process and led to capacity building. All the above resulted in the gradual building of women's voices in civil society, including in the structure of employers' organisations.

References

- Association for Women's Rights in Development (AWID), 'What is the State of Women's Rights in Cyprus', 18 August 2010 <<https://www.awid.org/news-and-analysis/what-state-womens-rights-cyprus> > accessed 01/06/2017.
- Charalambous C., Polemidiotis M. and Roussos A. (2016), 'Wage Dynamics Network: Wage and Price Setting Practices of Cypriot Companies During the Period 2010-2013', Central Bank of Cyprus, Working Paper Series 2016(3).
- Christophi Christophoros (2014), Lawyer, <<http://www.lawyer.com.cy/docs/cyprus-employment-law-2014.pdf>> accessed 06/06/2017.
- Cleridou C. (2017), 'Women voices in hard and soft law: the case of equal pay in Cyprus' (DPhil thesis, University of Bristol).
- Cyprus Women's Lobby website: <<http://www.womenlobby.org/Cyprus-Women-s-Lobby> > accessed 30/03/2017.
- Deakin S. and Koukiadaki A.(2011), 'Capability theory, employee voice and corporate restructuring: Evidence from UK case studies', *Comparative Labour law and Policy Journal* 33(3): 427-458.

¹⁶² Katsourides (n 88) 33.

¹⁶³ European Commission, 'Industrial Relations in Europe 2014' (2015) Directorate-General for Employment, Social Affairs and Inclusion, Unit B.1. 77.

- Department of Labour Relations (MLWSI), Main characteristics currently applied in the Industrial Relations Code, <http://www.mlsi.gov.cy/mlsi/dlr/dlr.nsf/page40_en/page40_en?OpenDocument> accessed 03/06/2017.
- Department of Labour Relations (MLWSI), Social Dialogue, <http://www.mlsi.gov.cy/mlsi/dlr/dlr.nsf/page08_en/page08_en?OpenDocument> accessed 19/05/2017.
- Department of Labour Relations (MLWSI), The role of social partners, <http://www.mlsi.gov.cy/mlsi/dlr/dlr.nsf/page37_en/page37_en?OpenDocument> accessed 29/05/2017.
- Department of Labour Relations, The Future/Modernization of Industrial Relations System, <http://www.mlsi.gov.cy/mlsi/dlr/dlr.nsf/page07_en/page07_en?OpenDocument> accessed 09/10/2016.
- Demetriou M., 'Opposite the deep State...the Commissioner for Equality' 24h Newsletter (Cyprus, 26/03/2017), <<http://24h.com.cy/2017/03/26/apenan-ti-stovathy-kratos-i-epitropos-isotitas/>> accessed 02/07/2017.
- Embassy of the Republic of Cyprus in Washington D.C., <<http://www.cyprusembassy.net/home/index.php?module=page&cid=31>> accessed 29/04/2017.
- European Commission (2015), 'Industrial Relations in Europe 2014, Directorate-General for Employment, Social Affairs and Inclusion, Unit B.1.
- European Commission (2018), Report on equality between women and men in the EU, - DG Justice and Consumers.
- Fulton L. (2015), Worker representation in Europe, Labour Research Department and ETUI, <<https://www.worker-participation.eu/National-Industrial-Relations/Countries/Cyprus/Trade-Unions>> accessed 01/06/2017.
- Hadjipavlou M. and Mertan B. (2010), 'Cypriot Feminism: An Opportunity to Challenge Gender Inequalities and Promote Women's Rights and a Different Voice', *The Cyprus Review* 22(2): 247-268.
- Industrial Relations Code- English Version: <[http://www.mlsi.gov.cy/mlsi/dlr/dlr.nsf/F2D01AEC93C7C090C22578AA0023C4B6/\\$file/Industrial%20Relations%20Code.pdf](http://www.mlsi.gov.cy/mlsi/dlr/dlr.nsf/F2D01AEC93C7C090C22578AA0023C4B6/$file/Industrial%20Relations%20Code.pdf)> accessed 23/05/2017.
- Ioannou C. (2008-9), 'The Europeanization of Cypriot Social Policy: An "Apolitical" Europeanization Process', *Journal of Modern Hellenism* 25-26: 97-128.

- Ioannou C. (2009), 'The Development of the "Cypriot Corporatist Model": the Emergence of a "Corporatist Culture" and its Impact on the Process of Europeanisation', *Cyprus and European Law Review* 10: 700-737.
- Ioannou C. and Kentas G. (2012) 'The Europeanisation of gender issues in the labour sector: normative vs cognitive adaptation', 13th International Conference of International Society for the Study of European Ideas in cooperation with the University of Cyprus, <<https://lekythos.library.ucy.ac.cy/bitstream/handle/10797/6169/ISSEIproceedings-Ioannou%20Kentas.pdf?sequence=1>> accessed 01/06/2017.
- Ioannou C. and Kentas G. (2009), 'The Mediating Impact of Corporatism on the Europeanisation of the Cypriot Labour Sector', *The Cyprus Review* 21(2): 115-135.
- Ioannou C. and Kentas G. (2012), 'The Europeanisation of gender issues in the labour sector: normative vs cognitive adaptation', 13th International Conference of International Society for the Study of European Ideas in cooperation with the University of Cyprus, <<https://lekythos.library.ucy.ac.cy/bitstream/handle/10797/6169/ISSEIproceedings-Ioannou%20Kentas.pdf?sequence=1>> accessed 01/06/2017.
- Ioannou G. (2011), 'Labour Relations in Cyprus: Employment, Trade Unionism and of Class Composition', A thesis submitted to the University of Warwick for the degree of Doctor of Philosophy in the Faculty of Social Sciences.
- Ioannou G. and Sonan S. (2014), 'Trade Unions In Cyprus: History of Division, Common Challenges Ahead', Friedrich Ebert Stiftung.
- Katsourides Y. (2013), 'Political Parties and Trade Unions in Cyprus', GreeSE Paper No.74 Hellenic Observatory Papers on Greece and Southeast Europe, London School of Economics, <<http://eprints.lse.ac.uk/52625/1/GreeSE%20No74.pdf>> accessed 11/06/2017.
- Papadopoulou A. (2008), 'Equality between women and men in collective agreements', Mechanism for Monitoring the Implementation of the Legislation on Equality through Collective Agreements, Women's Bureau of PEO, Sponsored by the National Mechanism on Women's Rights.
- Papadopoulou A. and Soumeli E. (2008), Cyprus Labour Institute (INEK-PEO): Gender equality lacking in collective agreements, European Observatory of Working Life, Eurofound, <<https://www.eurofound.europa.eu/observatories/>>

- eurwork/articles/gender-equality-lacking-in-collective-agreements> accessed 22/02/2017.
- Pavlou S. and Christodoulou J. (2012), 'The Policy on Gender Equality in Cyprus', Directorate General For Internal Policies, European Parliament Policy Department C: Citizens' Rights And Constitutional Affairs, Gender Equality.
- Pilavaki A. (2004), Equal Pay Internationally and in Cyprus, Equality and Equal Treatment Department, DEOK, <[http://www.mjpo.gov.cy/mjpo/mjpo.nsf/28496476922F8D3BC2257B880027911B/\\$file/%CE%94%CE%95%CE%9F%CE%9A-%CE%9F%CE%94%CE%97%CE%93%CE%9F%CE%A3%20%CE%99%CE%A3%CE%9F%CE%9C%CE%99%CE%A3%CE%98%CE%99%CE%91%CE%A3.pdf](http://www.mjpo.gov.cy/mjpo/mjpo.nsf/28496476922F8D3BC2257B880027911B/$file/%CE%94%CE%95%CE%9F%CE%9A-%CE%9F%CE%94%CE%97%CE%93%CE%9F%CE%A3%20%CE%99%CE%A3%CE%9F%CE%9C%CE%99%CE%A3%CE%98%CE%99%CE%91%CE%A3.pdf)> accessed 01/06/2017.
- Pilavaki A. (2008), 'Woman in Modern Society Internationally and in Cyprus: Personality and Factors of Success', Cyprus Gender Equality Observatory (CGEO) Publication.
- Project 'Actions for reducing the pay gap'- Cyprus, <http://www.gender-equalpay.com/english_info.htm> accessed 19/05/2017.
- Republic of Cyprus (2010), 9th National Report on the implementation of the European Social Charter submitted by the Government of Cyprus (Articles 1,9,10,15,18, 20 and 24 for the period 01/01/2007-31/12/2010).
- Republic of Cyprus (2014), Cyprus National Report on the Implementation of the Beijing Platform for Action (1995) and the outcomes of the twenty-third Special Session of the General Assembly (2000), in the context of the twentieth anniversary of the Fourth World Conference on Women and the adoption of the Beijing Declaration and Platform for Action 2015, Nicosia 2014.
- SEK website,<<http://www.sek.org.cy/> > accessed 01/06/2017.
- Soumeli E. (2006), Capacity building for social dialogue in Cyprus, Eurofound: 9.<<http://www.eurofound.europa.eu/pubdocs/2006/517/en/1/ef06517en.pdf>> accessed 10/10/2013.
- Soumeli E. (2006), Unions seek social dialogue on modernization of industrial relations, European Observatory of Working Life, Eurofound, <<https://www.eurofound.europa.eu/is/observatories/eurwork/articles/unions-seek-social-dialogue-on-modernisation-of-industrial-relations>> accessed 11/05/2017.
- Soumeli E. (2009), Cyprus: Wage formation, European Observatory of Working Life, Eurofound,<<https://www.eurofound.europa.eu/observatories/eurwork/>

- comparative-information/national-contributions/cyprus/cyprus-wage-formation> accessed 29/05/2017.
- Soumeli E. (2015), Cyprus: Working life country profile, European Observatory of Working Life, Eurofound, <<https://www.eurofound.europa.eu/print/observatories/eurwork/comparative-information/national-contributions/cyprus/cyprus-working-life-country-profile> > accessed 19/05/2017.
- Soumeli E. and Giovanni T. (2010), Cyprus – Developments in social partner organisations: employer organisations- Eurofound, <<https://www.eurofound.europa.eu/observatories/eurwork/comparative-information/national-contributions/cyprus/cyprus-developments-in-social-partner-organisations-employer-organisations>> accessed 19/06/2017.
- Sparsis M. (1998), *Tripartism and Industrial Relations: The Cyprus Experience*, Nicosia.
- Statistical Service of Cyprus, Press Release: Portrait of Women in Cyprus 2012, 15/10/2012, <[http://www.cystat.gov.cy/mof/cystat/statistics.nsf/All/D95240D3A523C89BC2257A9800307B94/\\$file/Potrait_of_Women_in_Cyprus-2012-151012.pdf?OpenElement](http://www.cystat.gov.cy/mof/cystat/statistics.nsf/All/D95240D3A523C89BC2257A9800307B94/$file/Potrait_of_Women_in_Cyprus-2012-151012.pdf?OpenElement)> accessed 05/09/2016.
- Statistical Service of Cyprus, Press Release: The Woman in Cyprus in Figures, 07/03/2017, <[http://www.cystat.gov.cy/mof/cystat/statistics.nsf/All/73F947E6E0470DD2C22580D80037BA90/\\$file/Woman_in_CY-EN-070317.pdf?OpenElement](http://www.cystat.gov.cy/mof/cystat/statistics.nsf/All/73F947E6E0470DD2C22580D80037BA90/$file/Woman_in_CY-EN-070317.pdf?OpenElement) > accessed 25/06/2017.
- The Constitution of the Republic of Cyprus 1960- English version: <[http://www.presidency.gov.cy/presidency/presidency.nsf/all/1003AEDD83EED9C-7C225756F0023C6AD/\\$file/CY_Constitution.pdf](http://www.presidency.gov.cy/presidency/presidency.nsf/all/1003AEDD83EED9C-7C225756F0023C6AD/$file/CY_Constitution.pdf)> accessed 02/06/2017.
- The Mediterranean Institute of Gender Studies (MIGS) website, <<http://www.meditinstgenderstudies.org/welcome/> > accessed 10/07/2017.
- Trimikliniotis N. and Demetriou C. (2008), 'Evaluating the Anti-Discrimination Law in the Republic of Cyprus: A Critical Reflection', *The Cyprus Review* 20(2): 79-116.
- UN Committee on the Elimination of Discrimination against Women, Concluding observations on the combined sixth and seventh periodic reports of Cyprus adopted by the Committee at its fifty fourth session (11 February – 1 March 2013): 5, <<http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW.C.CYP.CO.6-7.pdf>> accessed 13/06/2017.

UN Press Release (WOM/1563): Cyprus delegation tells women's anti-discrimination committee about sweeping legal changes aimed at achieving de facto gender equality, 25 May 2006, <<https://www.un.org/press/en/2006/wom1563.doc.htm> > accessed 01/06/2017.

UN Women, Cyprus commits to scale up support for gender equality rooted in a new national action plan (updated) <<http://www.unwomen.org/en/get-involved/step-it-up/commitments/cyprus> > accessed 29/05/2017.

Yannakourou M. and Soumeli E. (2003), 'The evolving structures of collective bargaining in Europe 1990-2004', Research Project Co-financed by the European Commission and the University of Florence, VS/2003/0219-SI2.359910.

Yearly Report of the Council of Management of OEB for 2016 dated 11/05/2017, available in Greek at: <<http://www.oeb.org.cy/wp-content/uploads/2017/05/EKΘΕΣΗ-2016.pdf> > accessed 12/06/2017.

Young I.M. (2000), *Inclusion and Democracy*, Oxford University Press.