

## The Europeanization of Cypriot Social Policy: An "Apolitical" Europeanization Process

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### Abstract

Cyprus' recent entry in the European Union (EU), on May 1, 2004, entailed a long process of efforts to comply with the *acquis communautaire*. In the social policy field, this process entailed the transposition of a set of EU Directives in the national legal system. By studying the provisions that existed prior to adaptation in three selected social policy fields, namely employment rights and working conditions, health and safety at work, and gender equality in the labor sector, and examining their course of adjustment to the *acquis communautaire*, it is observed that the changes effected were extensive and radical. Nevertheless, it is also surprisingly observed that these changes took place time-efficiently and in the profound absence of any political conflict. I thus term this adjustment an "apolitical" one, drawing attention in this way to the lack of any political contentions between the actors involved in, and affected by, the social policy Europeanisation process. A number of questions are posed as the puzzle of the politics of adjustment, or rather the lack of politics in the process, is constructed.

### Introduction

This article seeks to examine the politics of social policy adaptation in the national setting of Cyprus, in view of the country's recent efforts to comply with the *acquis communautaire* and enter into the ranks of the EU. The social policy fields chosen for investigation are specifically employment rights and working conditions, health and safety at work, and gender equality in the labor sector. The discussion focuses upon identifying the legislative programming that was drawn up in the beginning of the process of *acquis* harmonization (in 1999), and testing whether, and the extent to which, this program was actually followed. It is examined whether any serious delays can be reported, and whether any serious problems came up in the process of transposition of the *acquis*, and if so, how these problems were eventually overcome. What was the role of organized interests (trade unions, employers associations), in other words, which have traditionally played a key role in the Cypriot system of industrial relations?

As the process of adaptation and the politics that underlay this process are investigated, attention centers upon identifying the actual extent to which we actually witness Europeanisation taking place in Cyprus in relation to the policy fields being examined. I set the conceptual margins of Europeanisation by drawing mainly on the works of Ladrech (1994), Radaelli (2000, 2003, 2004), Bulmer and Radaelli (2004), Börzel (2002), Featherstone 2003, Risse et al. (2001), Papadimitriou and Phinnemore (2003), Papadimitriou (2005), Kioukias (2003), and Venieris (2003).

The main findings of the investigation of the social policy adjustment process in Cyprus, point to the direction of an "apolitical" Europeanisation process. I define "apolitical" as the absence of political conflict in the process of adjustment. This is determined here by comparing the extent and magnitude of the change that was being effected by the new

EU directives that had to be transposed in the Cypriot legal system, with the degree of smoothness and time-efficiency of the transposition process. In fact, the incredible smoothness and time-efficiency that is recorded in the transposition process in the social policy field in Cyprus – despite the large changes that were being introduced – points to the argument that I propose of an apolitical adjustment.

The argument is advanced in three sections: the first deals with a review of some of the main notions of the Europeanisation literature, in order to set the conceptual margin of this analysis; the second sections deals with the investigation of the social policy adjustment process in Cyprus, by looking into the three selected fields; finally, the third section assesses where the Cypriot case of social policy adaptation stands in the Europeanisation literature, by identifying the main peculiarities that emerged from the study conducted.

### 1. Setting a Conceptual Margin

The currently and newly fashionable label of the "Europeanisation" has been widely used in academic literature in recent years. The term is used to connote both the process of European integration, as well European harmonization and/or convergence, even though its boundaries stretch even further. In an early definition offered by Ladrech (1994), Europeanisation is described as a process that reforms politics and policy-making in a way that adjusts the national and sub-national levels with the supranational. Even though essentially a study in the process of Europeanisation in France, and its impact upon domestic politics and institutions, the definition given by Ladrech, has been widely used by many scholars over the years: "Europeanization is an incremental process reorienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organizational logic of national politics and pol-

icy-making' (Ladrech 1994: 69). Implicit in Ladrech's definition and in his notion of "organisational logic of politics and policy-making," is a reference to the role of actors in the process of Europeanisation, and their ability to adapt to a changing environment: "I am proposing a definition broad enough to include governmental and non-governmental actors" (Ladrech 1994: 71). Despite the fact that Ladrech's focus is on a country specific case, his assertion is that his findings bear a wider significance.

Radaelli (2000) builds upon Ladrech's early definition of Europeanisation and attempts to broaden his conception of the process. He argues that, at this early stage of research in the field, the analytic grid has to be rather broad, so as to be able to accommodate a wide range of empirical observations; by contrast, a narrow definition threatens to limit the scope of analysis in the area (Radaelli 2000: 4). In this respect, Radaelli's boundaries of Europeanisation stretch to include "processes of cultural change, new identity formation, policy change, administrative innovation, and even modernisation" (Radaelli 2000: 4). Ultimately, Europeanisation represents "the formation of European public policy and the effects of EU decisions on national systems" (Radaelli 2000: 4).

In his 2003 and 2004 studies, drawing once again from Ladrech's early conceptual idea and building upon this early notion, Radaelli offers a broad, yet clear definition of Europeanisation (this definition is also given in Bulmer and Radaelli 2004). From this perspective, the concept refers to:

Processes of (a) construction, (b) diffusion, and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, "ways of doing things," and shared beliefs and norms which are first defined and consolidated in the making of EU public policy and politics and then incorporated in the logic of domestic (national and subnational) discourse, identities, political structures, and public

policies (Radaelli 2003: 30; see also Radaelli 2004: 3; Bulmer and Radaelli 2004: 4).

Radaelli stresses that this definition outlines the importance of change in the logic of political behavior. This change is not only limited to national politics and policy-making, but it includes also identities and the cognitive component of politics (Radaelli 2003: 30).

Bringing domestic politics forcefully into the scene is the key to understanding the Europeanisation process. This is essentially what differentiates and distinguishes the study of Europeanisation from the traditional focus on the theories of European integration. As Radaelli remarks, Europeanisation is "a set of post-ontological puzzles" (Radaelli 2004: 2). The underlying assumption in the notion is that European integration is already under way, and thus it is not concerned with the question of why and how member states produce this integration process, nor is it in search of a theory to account for this process (e.g. inter-governmental or supranational process). It is not, in other words, concerned with "the nature of the beast" (Radaelli 2004: 3). The study of Europeanisation focuses rather upon the domestic consequences of the integration process: 'the theoretical effort in Europeanisation as a research agenda is all about bringing domestic politics back into our understanding of European integration' (Radaelli 2004: 3).

Nonetheless, it is also important to clarify that, in many studies of Europeanisation, the latter is not perceived as a uni-directional process. The traditional top-down approach, which assumes causality from the EU to the member states, has been re-considered in some studies carried out in recent years (Börzel 2002; Featherstone 2003: 18; Papadimitriou and Phinnemore 2003):

"Europeanization is a two-way process. It entails a 'bottom-up' and a 'top-down' dimension. The former emphasizes the evolution of European insti-

tutions as a set of new norms, rules and practices, whereas the latter refers to the impact of these new institutions on political structures and processes of the Member States" (Börzel 2002: 193).

Risse et al. advance the "goodness of fit" argument. This is linked to the idea of "adaptational pressures". The suggestion is that, the domestic effects of Europeanisation, and the degree of adaptational pressure that is produced in the process, are most felt in cases where EU policy proves difficult to absorb at the domestic level: "The degree of adaptational pressure generated by Europeanization depends on the 'fit' or 'misfit' between European institutions and the domestic structures" (Risse et al. 2001: 7). In other words, if a particular policy of a country is completely different from the EU policy (low "fit", or high "misfit."), then adaptational pressures would be high, as the country would find it difficult to adapt.

The exact dynamics of Europeanisation also depend on whether the policy area under question witnesses positive or negative integration. In areas of positive integration, the EU has a negotiated policy template that it should enforce in member states. In these cases, the main mechanism of Europeanisation is a vertical one, as the template has to be "downloaded" to the state (Bulmer and Radaelli 2004: 6). In areas of positive integration then, the "goodness of fit" argument is usually employed. On the other hand, in the absence of a policy template, the mere removal of national barriers creates market-making rules, and regulatory competition defines the process of Europeanisation. Such areas witness negative integration (Bulmer and Radaelli 2004: 16).

In relation to country-specific studies in the literature on Europeanisation that demonstrate the varying effects of the EU upon national structures by using specifically social policy as their case study, it is worth considering those that in-

volve the Greek experience. This is so because in the process of adjustment in Cyprus, the authorities tried to draw some lessons from the Greek experience, by bringing experts from the country, as well as by relying to a great extent on country studies that referred to the Greek example. Papadimitriou (2005), Kioukias (2003), and Venieris (2003), analyze the social policy of the Greek state. They record a failure in its responsiveness to EU adaptation, owing mainly to an un-cooperative climate between the social partners, and a failure on the part of the state to give them adequate incentives to get involved in the adaptation process. It is worth examining, in this respect, whether, and how, the Cypriot authorities have used this example in a constructive way, and whether this has affected the Europeanisation process.

Having set these rather broad margins, the aim of the rest of this discussion is to examine where the Cypriot experience, in the social policy field, stands in relation to this conceptual understanding of the notion of Europeanisation.

## **2. Social Policy Adjustment in Cyprus**

The industrial relations structure of Cyprus has over the years been defined by cooperation among three parties: the trade unions, the employers' representatives and the government. Clearly then, organized interests – in the form of organized employers and organized labor – have played a central role in this structure, as they were actively incorporated into the policy-making process. Most labor relations issues were determined in Cyprus through tripartite dialogue between the social partners (trade unions, employers' representatives and the government, through the Ministry of Labor and Social Insurance), and through the conclusion of collective agreements.

Collective agreements, which are basically gentlemen's agreements, are not legally binding. What this means is that the parties involved in collective agreements do not face

sanctions in cases of violation, which in theory makes it easier for either side to breach them. It also means that collective agreements do not have the so-called *erga omnes* (or "coverage for all") effect, as they cannot be imposed upon, and enforced in, the whole sector. They are, rather, only applicable to those members of the workforce that are covered by them; they do not apply, for example, to non-members of the signing organisations.

Clearly then, in the case of Cyprus, the lack of *erga omnes* in the industrial relations system that prevailed prior to harmonization with the *acquis communautaire*, meant that collective agreements could be violated at any point, as the reliance of the system on respect did not necessarily guarantee future stability. Arguably, there was a need, in the European context, for a more solid system that would enjoy greater legal foundations and would be universally binding at the national level. The necessity for this was clearly indicated in the 2000 EU Common Position Paper:

While the funding and organisation of social protection systems remain the responsibility of individual Member States, they must have the capacity to develop and operate sustainable and universally applicable social protection systems in line with the Treaty objectives' (European Commission 2000: 2).

There was clearly a need for introducing legislation, which would render policy absolutely obligatory, and indeed there was an apparent emergence of consensus that a legally enforceable system was needed as a condition for EU membership.

From the beginning of the adjustment process, taking seriously into account the problems that were experienced in the case of Greece, the government felt the need to get the social partners involved in the process of drafting and introducing new legislation in order to ensure a smooth ad-

justment course. The feeling was that their good record of cooperation over the years would render the process smooth and conflict-free. So in the end, the technical committees that were made up consisted of legal drafters and the social partners (trade union officials and employers' representatives). These technical committees had the task of drafting the bills, prior to presenting them to the competent department of the Ministry of Labor and Social Insurance, which then prepared a draft law in cooperation with the Law Office of the Republic. Once the draft law was prepared, it was re-submitted to the technical committees as a working document for discussion. At this stage, the technical committees also had the task of preparing a report expressing the views of the parties concerned.<sup>1</sup>

Adjustment to the provisions of the *acquis* involved a great number of changes in the social policy field, where regulation was largely determined, until that time, through *a-legal* norms. As a result, there were important legislative gaps that had to be filled. By way of example, we can consider the bulk of directives that had to be transposed in three social policy fields in order to comply with the European *acquis*. These are namely, employment rights and working conditions, health and safety at work, and gender equality in the labor sector.

In the area of employment rights and working conditions, first of all, the legislative gaps that existed in the country necessitated the enforcement of legal statutes that were based on eleven different issues. These issues formed the basis of EU directives in relation to collective redundancies, transfer of undertakings, employer insolvency, information on individual employment conditions, working time, health and safety in fixed-term and temporary employment, part-time and fixed-term work, young people at work, the posting of workers, and the establishment of European Works Councils. In the area of health and safety at work the gaps in

existing legislation in the country necessitates the enforcement of legal statutes that were based on twenty-two different issues. These generally related to provisions for workplaces and work equipment, for different sectors of activity, certain specific risks, the manual handling of loads, visual display units, exposure to carcinogens, chemical agents, biological agents, physical agents, and asbestos, as well as the protection of different categories of workers. Finally, in the area of gender equality, the legislative gaps made it necessary to enforce legal statutes that were based on the following issues: equal pay for men and women, equal treatment for men and women as regards access to employment, vocational training and promotion, equal treatment for men and women engaged in an activity in a self-employed capacity, the protection of self-employed women during pregnancy and motherhood, the health and safety at work of pregnant workers and workers who have recently given birth or are breastfeeding, parental leave, equal treatment in matters of social security and in occupational social security schemes, and the burden of proof in cases of discrimination based on sex.

Tables 1-3 below present the EU directives and directive references, which are relevant to the issues listed above – in the three different policy areas, respectively – and also give an indication of the date by which Cyprus had agreed to adopt each of these directives. This is the timetable that was agreed in 1999, when harmonization with Chapter 13 of the *acquis* (Employment and Social Affairs) began.

**Table 1: Employment Rights and Working Conditions – Timetable for Harmonization<sup>2</sup>**

	Area regulated by EU Directive	References of EU Directive	Date Envisaged for Future Introduction
1	The employer's obligation to inform employees of the conditions applicable to the contract or employment relationship	91/533/EEC	01/01/2001
2	The safeguarding of the employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses	77/187/EEC 98/50/EC 2001/23/EC <sup>3</sup>	01/01/2002
3	The approximation of the laws of the member states relating to collective redundancies	75/129/EEC 92/56/EEC 98/59/EC <sup>4</sup>	01/01/2001
4	The approximation of the laws of the member states relating to the protection of employees in the event of the insolvency of their employer	80/987/EEC 2002/74/EC	01/01/2001
5	The protection of young people at work	94/33/EC	01/01/2003
6	The organisation of working time	93/104/EC 1999/63/EC <sup>5</sup> 2000/34/EC <sup>6</sup> 2000/79/EC <sup>7</sup> 2003/88/EC	01/01/2003
7	Health and Safety in fixed-term and temporary employment	91/383/EEC	01/01/2003
8	The establishment of European Works Councils for the purposes of informing and consulting employees	94/45/EC 97/74/EC <sup>8</sup>	01/01/2003
9	A framework agreement on part-time work	97/81/EC 98/23/EC <sup>9</sup>	01/01/2003

10	A framework agreement on fixed-term work	1999/70/EC	01/01/2003
11	The posting of workers (from one member state to another) in the framework of the provision of services	96/71/EC	01/01/2001

**Table 2: Health and Safety at Work – Timetable for Harmonization<sup>10</sup>**

	Area Regulated by EU Directive	References of Directive	Date Envisaged for Future Introduction in Cyprus
1	Framework on the introduction of measures to encourage improvements in the safety and health of workers at work	89/391/EEC	01/01/2003
2	Minimum safety and health requirements for the workplace	89/654/EEC	01/01/2003
3	Minimum safety and health requirements for the use of work equipment by workers at work	89/655/EEC	01/01/2003
4	Minimum safety and health requirements for the use by workers of personal protective equipment at the workplace	89/656/EEC	01/01/2003
5	Minimum safety and health requirements for improved medical treatment on board vessels	92/29/EEC	01/01/2003
6	Minimum safety and health requirements for work on board fishing vessels	93/103/EC	01/01/2003
7	Minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres	1999/92/EC	01/01/2003

8	Minimum requirements for the provision of safety and/or health signs at work	92/58/EEC	01/01/2001
9	Implementation of minimum safety and health requirements at temporary or mobile construction sites	92/57/EEC	01/01/2002
10	Minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling	92/91/EEC	01/01/2003
11	Minimum requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries	92/104/EEC	01/01/2001
12	Minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers	90/269/EEC	01/01/2003
13	Minimum health and safety requirements for work with display screen equipment	90/270/EEC	01/01/2003
14	Protection of workers from the risks related to exposure to carcinogens at work	04/37/EC <sup>11</sup>	01/01/2001
15	Protection of the health and safety of workers from the risks related to chemical agents at work	98/24/EC	01/01/2001
16	Establishment of indicative occupational exposure limit values on risks related to chemical agents at work	2000/39/EC	01/01/2001
17	Protection of workers from the risks related to exposure to biological agents at work	2000/54/EC <sup>12</sup>	01/01/2001
18	Establishment of indicative to limit values on risks related to exposure to chemical, physical and biological agents at work	91/322/EEC	01/01/2001
19	Protection of workers from the risks related to exposure to physical agents (noise) at work	86/188/EEC 2003/10/EC 2002/44/EC <sup>13</sup> 04/40/EC <sup>14</sup>	01/01/2003

20	Protection of workers from the risks related to exposure to asbestos at work	2003/18/EC <sup>15</sup>	01/01/2001
21	The introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding	92/85/EEC	01/01/2002
22	Protection of young people at work	94/33/EC	01/01/2001

**Table 3: Gender Equality in the Labor Sector – Timetable for Harmonization<sup>16</sup>**

	Area regulated by EU Directive	Reference of EU Directive	Date Envisaged for Future Introduction
1	The approximation of the laws of the member states relating to the application of the principle of equal pay for men and women	75/117/EEC	1/1/2003
2	The implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions	76/207/EEC 2002/73/EC <sup>17</sup>	1/1/2003
3	The application of the principle of equal treatment for men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood	86/613/EEC	1/1/2001
4	The introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding	92/85/EEC	1/1/2002

5	A framework agreement on parental leave	96/34/EC	1/1/2003
6	The burden of proof in cases of discrimination based on sex	97/80/EC	1/1/2003
7	The progressive implementation of the principle of equal treatment for men and women in matters of social security	79/7/EEC	1/1/2001
8	The implementation of the principle of equal treatment in occupational social security schemes	86/378/EEC	1/1/2001

From the beginning of the process of harmonization, it was judged by the Cypriot authorities that Cyprus had the capacity to achieve full compliance, as the machinery was largely in place: “The necessary institutional and organisational structures to implement the *acquis* in this area are generally in place” (Republic of Cyprus 1999: 2). The Position Paper also made clear that problems associated with the lack of “*erga omnes*” effect that characterized collective agreements in the past, would be overcome, as laws would become enforceable in the whole sector, covering everyone involved (Republic of Cyprus 1999: 2). The Ministry of Labor and Social Insurance was specified as the “competent authority” for labor legislation, acting as the central body of labor administration (Republic of Cyprus 1999: 2). Clearly then, the potential was believed to be there from the beginning and the harmonization process was viewed with optimism: “the sound industrial relations system of Cyprus and the highly unionised labor force will further facilitate the implementation of the *acquis*” (Republic of Cyprus 1999: 2).

As regards the timing of the harmonization process, the Republic of Cyprus clearly stated from the beginning that full compliance would be achieved by the time of accession of the country to the Union. As a working hypothesis, the

deadline was set for 1 January 2003:

As a working hypothesis the Government of the Republic of Cyprus considers that accession to the European Union will take place not later than 1 January 2003 (31 December 2002). [...] The existing framework is partly in conformity with the *acquis* and full compliance will be achieved gradually by 1/1/2003 (Republic of Cyprus 1999: 1-2).<sup>18</sup>

The indicated date was considered to be a theoretical target for serving the purpose of legislative programming. It can be commented here that the optimism that was expressed in the 1999 Position Paper of the Republic was surely astonishing, considering especially the fairly extensive adjustments that needed to be made to the existing regulatory framework in the country. As can be seen from the tables above, it was visualised that the adoption of the bulk of the laws would be concluded by the target date set (January 1, 2003). Clearly then, Cyprus had set high hopes and expectations, and thus an intensive process of negotiations had to take place.

In order to set these anticipated goals for harmonization against the actual eventual performance of Cyprus on this field, and assess the credibility of the timetable that was originally drafted, we have to investigate whether the country actually conformed to the targets and objectives specified in the program. Tables 4-6 below present the laws that were passed in Cyprus in the three social policy sectors, together with the date that was envisaged for their introduction in 1999, and the date that each law actually came into effect. This will facilitate a comparison between the target dates set prior to the harmonization process and the realisation of these objectives, so as to assess the credibility of the timetable that was originally drafted, and the degree to which the authorities succeeded in fulfilling their early hopes and expectations.

**Table 4: Employment Rights and Working Conditions – Timetable Set and Target Realization**

	Cyprus Law – Reference and Title <sup>19</sup>	Date Envisaged for Introduction	Date the Law Was Put into Effect
1	Law 100(I)/2000, 100(I)/2002: A Law to provide for the employer's obligation to inform employees of the particulars of their contract of employment or their employment relationship	01/01/2001	07/07/2000
2	Law 104(I)/2000, 39(I)/2003: A Law to provide for the safeguarding and protection of employees' rights in the event of the transfer of undertakings, businesses or parts thereof	01/01/2002	07/07/2000
3	Law 28(I)/2001: Collective Redundancies Law	01/01/2001	09/03/2001
4	Law 25(I)/2001: A Law to provide for the safeguarding and protection of employees in the event of insolvency of their employer	01/01/2001	09/03/2001
5	Law 48(I)/2001: Protection of Young Persons at Work	01/01/2003	06/04/2001
6	Law 63(I)/2002: A Law to provide for the organisation of working time	01/01/2003	01/01/2003
7	Law 68(I)/2002: A Law to provide for the establishment of a European Works Council for the purpose of safeguarding the employees' rights for information and consultation in Community-scale undertakings and Community-scale groups of undertakings	01/01/2003	01/05/2004

8	Law 76(I)/2002 A Law to provide for part-time employers (elimination of unfavourable treatment)	01/01/2003	01/01/2003
9	Law 98(I)/2003: A Law to provide for fixed-term work employees (prohibition of discriminatory treatment)	01/01/2003	25/07/2003
10	Law 137(I)/2002: A Law to provide for the posting of workers in the framework of services provision	01/01/2001	01/05/2004

**Table 5: Health and Safety at Work – Timetable set and Target Realization**

	Cyprus Law/Regulation – Title <sup>20</sup>	Reference	Date Envisaged for Introduction	Date the Law/Regulation was put into Effect
1	The Safety and Health at Work Law of 2002	Law 25(I)/2002	01/01/2003	01/01/2003
2	The Management of Safety and Health Issues at Work Regulations of 2002	KDP 173/2002	01/01/2003	01/01/2003
3	The Minimum Requirements for Safety and Health at the Workplace Regulations of 2002	KDP 174/2002	01/01/2003	05/04/2002
4	The Minimum Requirements for Safety and Health (Use of Work Equipment at Work) Regulations of 2001	KDP 444/2001	01/01/2003	30/11/2001
5	The Minimum Requirements for Safety and Health (Use of Personal Protective Equipment at Work) Regulations of 2001	KDP 470/2001	01/01/2003	14/03/2002

6	The Merchant Shipping (Minimum Requirements on Medical Treatment on Board Vessels) Law of 2002	Law 175(I)/2002	01/01/2003	27/09/2002
7	The Merchant Shipping (Minimum Requirements on Safety and Health at Work on Board Cyprus Fishing Vessels) Law of 2002	Law 160(I)/2002	01/01/2003	09/08/2002
8	The Safety and Health at Work (Minimum Requirements for the Protection of Persons at Work from Risks from Explosive Atmospheres) Regulation of 2002	KDP 291/2002	01/01/2003	30/06/2003
9	The Minimum Requirements for Safety and Health Signs at Work Regulations of 2000	KDP 212/2000	01/01/2001	21/07/2000 <sup>21</sup>
10	The Safety and Health (Minimum Requirements for Temporary or Mobile Construction Sites) Regulations of 2002	KDP 172/2002	01/01/2002	05/04/2002
11	The Minimum Requirements for Safety and Health at Work (Extracting Industries Through Drilling) Regulations of 2002	KDP 274/2002	01/01/2003	01/01/2003
12	The Minimum Requirements for Safety and Health at Work (Surface and Underground Extracting Industries) Regulations of 2002	KDP 275/2002	01/01/2003	01/01/2003
13	The Safety and Health at Work (Manual Handling of Loads) Regulations of 2001	KDP 267/2001	01/01/2003	06/07/2001
14	The Minimum Requirements for Safety and Health at Work with Visual Display Screen Equipment Regulations of 2001	KDP 455/2001	01/01/2003	01/01/2002

15	The Safety and Health at Work (Carcinogenic and Mutagenic Agents) Regulations of 2001	KDP 153/2001	01/01/2001	06/04/2001 01/01/2003 <sup>22</sup>
16	The Safety and Health at Work (Chemical Agents) Regulations of 2001	KDP 268/2001	01/01/2001	06/07/2001
17	The Safety and Health at Work (Biological Agents) Regulations of 2001	KDP 144/2001	01/01/2001	06/04/2001
18	The Safety and Health at Work (Protection from Noise) Regulations of 2002	KDP 230/2002	01/01/2003	01/01/2003
19	The Asbestos (Health and Safety of Persons at Work) Law of 2000	Law 47(I)/2000	01/01/2001	14/04/2000 <sup>23</sup>

**Table 6: Gender Equality in the Labor Sector – Timetable set and Target Realization**

	Cyprus Law – Reference and Title <sup>24</sup>	Date Envisaged for Introduction	Date the Law was put into Effect
1	Law 177(I)/2002: A Law to provide for equal pay between men and women for the same work or for work to which equal values is attributed	01/01/2003	01/01/2003 <sup>25</sup>
2	Law 205(I)/2002: A Law to provide for equal treatment for men and women in employment and vocational training	01/01/2003	01/01/2003 <sup>26</sup>
3	Law 64(I)/2002: The protection of maternity Law	01/01/2002	31/05/2002
4	Law 69(I)/2002: A Law to provide for parental leave and leave on grounds of <i>force majeure</i>	01/01/2003	01/01/2003

5	Law 51(I)/2001: The implementation of the principle of equal treatment for men and women in matters of social security	01/01/2001	06/10/2003
6	Law 133(I)/2002: The implementation of the principle of equal treatment for men and women in occupational social security schemes	01/01/2001	01/01/2003

By studying Tables 4-6 above, it can be argued that the targets that had been set out in the legislative programming were in most cases realized. Most of the laws were enforced in Cyprus by the target date set, even though there were some notable exceptions where the date of enforcement seems to have beaten the target date set. But even in the case of the latter, and even in cases where the date of enforcement even seems to have beaten the deadline for full compliance (January 1, 2003), all the new laws, with just two exceptions (Law 68(I)/2002 and Law 137(I)/2002), were enforced before the country's actual accession into the EU on May 1, 2004.

The relative success of legislative programming can be closely correlated with the fact that not many problems were encountered in the country during the process of directive transposition. The limited problems that were encountered were not particularly serious. One of these had to do with the terminology used during the drafting process of the law dealing with collective redundancies (Law 28(I)/2001), when disagreement arose on the actual definition that should be used, as the national definition for redundancies did not exactly correspond to the one used in the actual directive (the national definition was not as broad as that used in the directive and did not thus cover all types of dismissals). Yet this problem was relatively easily and smoothly overcome,

as it was finally decided that the national law would incorporate the definition of the relevant directive.

The only case that faced a fairly more serious problem was that regarding the law dealing with fixed-time employees (Law 98(I)/2003). The fact that under the provisions of the law, fixed-term contracts could be terminated or not renewed upon expiration, without any notification or any kind of compensation, created problems, as the Parliament was reluctant to approve such legislation (Ioannou 2005: 204). Nevertheless, despite the ostensible dimension of this problem, the legislation was approved as it was, only with a few months' delay and without causing intense debate. Moreover – as extensive search in newspapers<sup>27</sup> and other public sources confirmed – the legislation was approved without gaining any publicity whatsoever.

In the area of health and safety at work, the only problem that arose in the negotiation procedures in relation to health and safety matters concerned specifically the “phasing in” provision that some of the health and safety directives contained, and the possibility of requesting derogation. The importance of the “phasing in” provision contained in some health and safety directives is that it gives EU member states a certain period of “grace.” Within this period, employers must take up all the obligations of the *acquis*, as these are set out in the directives. For example, workplaces (including vessels and fishing vessels) and work (protective) equipment must be made to comply with the various provisions; the different sectors of activity (such as mobile construction sites, surface and underground mineral-extracting industries) must improve their health and safety protection measures; specific risks (such as the manual handling of loads and the use of visual display units, as well as the use of carcinogens, asbestos, chemical, biological and physical agents) must be addressed in all enterprises; and specific categories of workers (such as young people, pregnant women and women who

have recently given birth or are breastfeeding) must be protected. The problem with this provision is that, in the case of acceding EU countries, the phasing in provision only applies as long as it falls within the deadlines of the date of accession. The period of grace is only given to the potential entrant state, in other words, during the harmonization phase, and no additional grace period can be granted if this exceeds the accession date. Any request for the phasing in provision for a period past the accession date is regarded by the EU as a request for derogation (Ioannou 2005: 216).

This apparent complication with the phasing in provision of directives led to tensions in the technical committees during the adjustment process, as employers felt that the financial burden upon them was too heavy to bear in such a short period of time. Having to comply with health and safety directive provisions in relations to all aforementioned issues (workplaces and work equipment, different sectors of activity, specific risks, as well as specific categories of workers), involved an extensive process of change that would also prove to be very costly. This heavy financial burden on employers gained even more significance in view of the small size of the enterprises in the island. The Cypriot employers felt themselves to be at a disadvantage against other EU employers in existing member states, and they also felt discontented with the Cypriot authorities, as the negotiating team did not wish to ask for derogation. As stated in the official Position Paper of the Republic, “no problems are foreseen in accepting the *acquis* [...] and no derogation or transitional period is requested” (Republic of Cyprus 1999: 10). Indeed, the negotiating team decided not to make a request for derogation, and the directives were thus transposed within the accession date deadline. So despite the obvious significance of this problem, the laws in the area of health and safety were passed, in most cases, without any delays. It was only in relation to six issues that delays were recorded (see Table 5)

and, even in those cases, the delays were only a matter of a few months. Moreover, the controversy that developed with the phasing in provision of the health and safety directives, gained no wider significance in the press and, as in the case of the problems encountered in the area of employment rights and working conditions, the contested issue was ostensibly solved with a remarkable straightforwardness. Negotiators even seem to have overridden the wishes of a potentially powerful group – the employers. This enhances the argument proposed here of the lack of politics in the process.

Finally, in the area of gender equality in the labor sector, the only notable problem that actually developed in the course of harmonization was in relation to Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions. In theory, in order to fully harmonize with the provisions of this directive, the Government of the Republic should first renounce ILO Convention No. 45, which deals with underground work for women: “Full harmonization with this Directive will occur only when Cyprus renounces ILO Convention No. 45 on underground work for women, which according to the ECJ violates the principle of equal treatment” (Ioannou 2005: 208). Nevertheless, the Convention could not be renounced prior to May 30, 2007. This meant that the Cypriot government should ask for derogation on this issue, until the date that the Convention could be renounced. Nevertheless, no derogation was requested by the Government; the latter merely offered assurance that it would renounce the Convention on the date that this was possible, and until that time both parties (the Cypriot government and the European Commission) agreed that the issue had no practical significance as no underground activities existed in Cyprus which could occupy the Cypriot workforce, such as for example mines or quarries (Ioannou 2005: 208). Once again, the issue gained absolutely no press

attention and even in the phase of such an inconsistency, no controversies developed. Once again, no politics in the form of contentions or conflicts, governed the process.

The evidence presented point to the conclusion that the whole process of harmonization with the *acquis communautaire* in the Republic of Cyprus – in all three sectors scrutinized – was largely “apolitical,” in the sense that overt political conflict was seriously lacking. The adjustment process, in relation to the matters covered under the directives on employment rights and working conditions, health and safety at work, and gender equality in the labor sector, took place with a remarkable straightforwardness in most of the cases. Even issues that proved to be relatively problematic were easily and smoothly resolved: neither was there any serious delay observed, nor was there any derogation or period of grace requested by the Cypriot government. By May 1, 2004, when Cyprus officially acceded to the EU, the greatest bulk of the directives that made up the framework of the aforementioned policy areas had been transposed.

### 3. The Peculiarities of Europeanisation in the Social Policy Field in Cyprus

The first thing that can be determined in relation to Europeanisation in the social policy field in Cyprus is that, in the cases examined the process has almost totally entailed a “top-down” dimension. As Bulmer and Radaelli suggest in relation to social policy, the main mechanism of Europeanisation is a vertical one, as the template is “downloaded” to the state (Bulmer and Radaelli 2004: 6). This was indeed the case in the social policy fields examined, where a completely vertical process of “downloading” the EU policy template was recorded. The cases were thus areas of positive integration, where no regulatory competition was experienced.

According to Radaelli’s definition reviewed earlier, Europeanisation represents “the formation of European pub-

lic policy and the effects of EU decisions on national systems" (Radaelli 2000: 4). The importance is on the change in the logic of political behavior, and this change is not only limited to national politics and policy-making, but it includes also identities and the cognitive component of politics (Radaelli 2003: 30). So where does the Cypriot experience, in the policy areas examined in this study, stand in relation to this conceptual understanding?

As argued earlier, the expectation had been that Cyprus would be faced with many practical problems in its adjustment path. As a result, we should be able to record many findings as to "the formation of European public policy and the effects of EU decisions on national systems" (Radaelli 2000: 4). We should also be able to tell an insightful story regarding processes of "construction," "diffusion," and "institutionalization" of rules, procedures and other practices. Nevertheless, in the sectors examined, very little of substance can be recorded with regard to the actual politics of public policy – or at least to a conflictual politics.

Judging by the speed of the adjustment process, it seems that the adaptational pressure was far too important for the Cypriot authorities. This even made some serious problems that arose seem almost insignificant. The adaptational pressure, however, had nothing to do with the "goodness of fit" argument. According to the literature, the domestic effects of Europeanisation, and the degree of adaptational pressure that is produced in the process, are most felt in cases where EU policy proves difficult to absorb at the domestic level. According to Risse et al., the degree of adaptational pressure depends on the "fit" or "misfit" between European institutions and the domestic structures. In the case of Cyprus, however, even though in the policy areas examined a relatively high level of "misfit" can be reported between European- and domestic-level processes and policy practices prior to adjustment, the adaptational pressures experienced had nothing to

do with that. This clearly adds to the puzzle of the "apolitical" adjustment.

A final finding that can be recorded is that, in contrast to the Greek state, where a failure in the responsiveness of social policy to EU adaptation is recorded (Papadimitriou 2005, Kioukias 2003, and Venieris 2003), Cypriot social policy experienced a smooth adjustment in the sectors examined. As explained earlier, the Greek "failure" was due mainly to an un-cooperative climate among the social partners, and a failure on the part of the state to provide them with adequate incentives to get involved in the adaptation process. By contrast, in the Cypriot case it was the strong corporate tradition and the cooperative climate among the social partners that supported the adjustment process. The state got the social partners involved in the adaptation process by including them in the technical committees as discussed earlier, thus giving them a further incentive to cooperate closely for the purposes of achieving full adjustment. So the cooperative climate among the social partners was also an outcome of the incentives given to them by involving them in the process. In this sense, the nature of the industrial relations structure was important in shaping the extent of Europeanisation in the country. The "tradition" of maintaining a rather peaceful climate of cooperation among the social partners over the years, and the already established mechanisms for debating policy issues among these parties, had a positive impact on the process of Europeanisation. What should also be noted is that Cyprus is a country where political dealings rely heavily on informality. These key elite figures usually tend to know each other, and thus informal channels of communication tend to emerge between them, which speed up the formal process of cooperation. So by involving the social partners in the process of adjustment, and changing, in this way, "the ways of doing things," as Radaelli suggests (2003, 2004; see also Bulmer and Radaelli

2004), the process of Europeanisation was shaped in a way that fit the adjustment process.

### Conclusion

The investigation of the politics of adjustment in the social policy field in the national setting of Cyprus has revealed some unexpected conclusions. Contrary to what we had expected to find, the momentousness of the issues covered by the new legislative framework in the country, and their potential impact upon the whole of the workforce, marked a critical change of direction in the system. Cyprus had hitherto a voluntary and very incomplete system; has moved to one that guarantees and compulsorily promotes the rights and freedoms of the whole of the workforce. What we have here then is a significant reform of the system, which moved it sharply in the direction of more legal regulation, and which extended the legal rights of workers at the expense of employers. What we have expected to find is that employers would have resisted this, and that the process of transposition would have been difficult and conflict laden. On the contrary, the adjustment process took place in a predominantly conflict-free environment, and it was a generally smooth procedure without any significant problems arising. It was thus proposed that Cypriot social policy went through a process of “apolitical” Europeanisation; a process that was also dominated by a number of peculiarities. Both its “apolitical” nature and its peculiarities pose a number of additional puzzles; these however will form part of a future new research agenda.

### Notes

<sup>1</sup> For a detailed explanation of the process, see Stefanou 2005.

<sup>2</sup> Source: The dates presented in this table have been taken from the Republic of Cyprus 1999: 10-11. The source of the directives and their refer-

ences was Europa 24.03.2007.

<sup>3</sup> This Directive consolidated Directives 77/187/EEC and 98/50/EC.

<sup>4</sup> This Directive consolidates Directives 75/129/EEC and 92/56/EEC.

<sup>5</sup> This Directive specifically concerns the organisation of working time of seafarers.

<sup>6</sup> This Directive amends Directive 93/104/EC, concerning certain aspects of the organisation of working time to cover sectors and activities excluded from the original Directive.

<sup>7</sup> This Directive specifically concerns the organization of working time of mobile workers in civil aviation.

<sup>8</sup> Directive 97/74/EC extended to the United Kingdom of Great Britain and Northern Ireland, Directive 94/45/EC on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees.

<sup>9</sup> Directive 98/23/EC extended to the United Kingdom of Great Britain and Northern Ireland, Directive 97/81/EC on the framework agreement on part-time work.

<sup>10</sup> Source: The dates presented in this table have been taken from the Republic of Cyprus 1999: 15-16. The source of the directives and their references was Europa 22.03.2007.

<sup>11</sup> This codification repealed Directives 90/394/EEC, 97/42/EC and 1999/38/EC on the protection of workers from the risks related to exposure to carcinogens at work.

<sup>12</sup> This codification repealed Directives 90/679/EEC, 95/30/EC, 97/59/EC and 97/65/EC on the protection of workers from the risks related to exposure to biological agents at work.

<sup>13</sup> This Directive refers specifically to noise arising from vibrations.

<sup>14</sup> This Directive refers specifically to noise arising from electromagnetic fields.

<sup>15</sup> This Directive amended Directives 91/382/EEC and 83/477/EEC on the protection of workers from risks related to exposure to asbestos at work.

<sup>16</sup> Sources: The dates presented in this table were taken from the Republic of Cyprus 1999: 12. The source of the directives and their references was Europa 20.03.2007.

<sup>17</sup> This Directive amended Directive 76/207/EEC.

<sup>18</sup> It must be clarified that this date (January 1, 2003) was only set as a target, or as a “working hypothesis,” whereby all the chapters of the *acquis*, including the chapter on social policy, would be concluded.

<sup>19</sup> The Laws were accessed in the Cyprus Government Gazette (see List of Sources).

<sup>20</sup> The Laws were accessed in the Cyprus Government Gazette (see List

of Sources).

<sup>21</sup> This date applied to safety and health signs used for the first time after 22/07/2000. For signs already in use at that time, employers had to change them and conform by the regulations by 21/01/2002 at the latest.

<sup>22</sup> Part of the Regulations came into effect on 06/04/2001 and part of it on 01/01/2003.

<sup>23</sup> Additional regulations in relation to asbestos were introduced on 01/10/2002 (KDP 104/2000), and amending regulations were again introduced on 01/05/2004 (KDP 495/2004).

<sup>24</sup> The Laws were accessed in the Cyprus Government Gazette (see List of Sources).

<sup>25</sup> A Law of amendment was later enforced, in relation to this issue, on 01/05/2004 (Law 193(I)/2004).

<sup>26</sup> A Law of amendment was later enforced, in relation to this issue, on 01/05/2004 (Law 191(I)/2004).

<sup>27</sup> The newspapers searched were the main daily newspapers in Cyprus, namely *Alitheia*, *Charavgi*, *Phileleftheros*, *Politis*, and *Simerini*, as well as the weekly newspapers *Cyprus Mail* and *Cyprus Weekly*.

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## Loizidou vs. Turkey and the Future of Property Compensation for Refugees in Cyprus and Beyond

Vasilios S. Spyridakis

*Oh country and home,  
Never, never may I be without you,  
Living the hopeless life,  
Hard to pass through and painful,  
Most pitiable of all.*

- Euripides, *Medea*

The invasion of Kuwait by Iraq in 1990, which prompted immediate military intervention by the United States and ignited the abysmal U.S.-Iraqi conflict which continues to date, brought back into focus an analogous event in recent history, that of the invasion of Cyprus in 1974 by Iraq's neighbor, Turkey. While the United States and Great Britain were quick to defend the territorial sovereignty of Kuwait and zealously uphold the pertinent United Nations resolutions condemning the invasion, similar interest remains to be shown for the plight of Cyprus. Over thirty years after the Turkish military invasion of the Mediterranean island created over 200,000 Greek-Cypriot refugees, Turkey continues to occupy northern Cyprus notwithstanding the countless resolutions issued by the United Nations General Assembly