

European Employment Laws on Health and Safety

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ABSTRACT

The need for continuous improvement of the working environment makes the use of law even more important in order to control the implementations and operations of an organisation. Managers should have the knowledge and skills to inform their employees about chances in the global and local market and drive them to the right way in order to achieve the targets of an organisation.

The aim of this article is to present the important role of a healthy and safe working environment for employees. It presents implementations of health and safety in the education sector and explains regulations and strategic decisions of managers.

The role of the European Union and The Lisbon Treaty, gave new legislative powers to the European Parliament and put it on an equal footing with the Council of Ministers in deciding on EU actions and expenditure, which can affect the way organizations in the European Union are operating, behave and implement managerial decisions.

Keywords: Health and Safety, Employment Law, European Union, Human Resources, Business Law

1. INTRODUCTION

1.1 Background of the study

The need to create regulations on occupational safety and health had been enacted since the beginning of 1974. That Act also establishes the Health and Safety Commission and the Health and Safety Executive. However, the significant development of these regulations began in the beginning of 1993. The laws that were created concerned the work activity in the workplace, and the regulations set the duties of the employers in order to ensure the protection of the employees in the working environment.

These regulations also covered the self-employed who also have the obligation and duty under the new regulations to protect themselves. The regulations apply the Community directives on health and safety at work constructed in accordance with Article 118a of the Treaty of Rome, which have been added for this purpose, creating a set of regulations and directives.

1.2 Aims and objectives of the study

The need to make decisions about the tasks of safety and health regulations is not entirely new. Those who used to follow regulations on duties and responsibilities in this field should not consider the new regulations that are being introduced as unknown, as they come to improve the existing ones but also make them more efficient in order to create a better and safer working environment.

This article presents the management's decisions and actions based on empirical investigations of current higher education institutes in the Republic of Cyprus. The overall objectives of this study is: a) to examine the role of leadership in a teamwork in order to implement health and safety, b) to examine the implementation of regulations from the side of employees, c) to examine the strategic directions made by top managers to assure the quality of final results, and the value of health and safety for their employees, d) to critically analysis current actions, e) to critically present investments on training for the improvement of current working environment.

1.3 Statement of the problem

The scope of this research is to find answers on the following questions: a) "How leaders' actions could affect the team to act under the health and safety regulations?", b) "How the

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stakeholders decisions are implemented in practice safely?”, c) “What are the regulations that exist now in the Republic of Cyprus and on what level those are followed at workplace by organisations in the higher education sector?”, d) “Does organisations prepare any training courses for their employees in order to teach them how to behave in their working environment?”, e) “How managers acted in accidents happened in the past, and f) “What they have done to avoid the repeating of similar mistakes?”.

2 RESEARCH METHODOLOGY

2.1 Introduction

The management’s decisions are very important to follow existing regulations of the industry in order to protect their employees, and avoid any sanctions. Cyprus as a member of the European Union, has to follow EU laws or vote any new that do not currently exist in the country. Organisations, even they know their duties, often are asked to improve their regulations which will support their actions. By creating a healthy working environment, as a result will be the creation of productivity.

2.2 Research Design

According to Saunders (2008:136) there are three layers in order to create a research designing: “the research strategies, the research choices and the time horizons, which can be thought of focusing on the process of research design that is turning the research question into a research project”. Higher Education institutions are part of a local community, and their role is very important on developing the knowledge of people. Any support should be decided jointly with students, organizations, governments in local communities in order to meet the needs that arise, but acting within a framework of safety and health for the entire population.

Organisations, in this case higher education universities and colleges, are trying to be as much as possible closer to the society, and very often try to satisfy needs and wants on education, or supporting their in different ways like financially(scholarships) or by creating events and other activities.

2.3 Data collection

According to Robson (2002:178), “An eempirical investigation of a particular contemporary phenomenon within its real life context should use multiple sources of

evidence". All investigation environments should be clearly understood by researchers in order to behave with respect, and to follow ethical rules. Any empirical investigation should be realistic, achievable and measurable, and can be successful only when researchers decode clearly the messages received by participants and thru data collection. A well-managed research requires having good planning, careful implementation, and sensitive involvement of the participants.

2.4 Study population

2.4.1 The Republic of Cyprus

Cyprus is a beautiful island in the Mediterranean Sea at the crossroads of Europe, Asia and Africa. Cyprus is the third largest island in the Mediterranean with a population of approximately 800,000. In January 2008, Cyprus joined the Economic and Monetary Union (EMU) and the Euro(€). The official languages of the Constitution of Cyprus are Greek and Turkish, but English is widely spoken. According to the Cyprus Tourism Organisation: "The country's economy has emerged as one of the leading business and financial centres in the region. Various sectors of the economy like tourism, banking, insurance and telecommunications provide the economy with a cutting edge".

Cyprus Law provides for ensuring safety, health and welfare of persons at work in all sectors and economic activities, as well as it protects anyone against safety and health risks in relation to the activities of persons at work. According to the Cyprus Law regarding Health and Safety mentions (2011), "'Workplace' means any air, ground, subterranean, submarine, submarine in which they are located or possible have persons at work at any time. For this purpose the Law contains general principles regarding occupational risk prevention, safety protection and elimination of workers' risk factors accidents and occupational diseases, the prevention of serious accidents and reducing the consequences of such accidents, information, consultation, balanced participation in accordance with provisions of this Law, the training or education of employees and their representatives, as well as the rules for the application of these general principles. The Employment Law of the Labor Inspection Department also has as its objective the definition and the implementation of measures to improve and promote security and health in workplaces and facilities.

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2.4.2 Higher Education in Cyprus

English is mainly the language of instruction in the private institutions of tertiary education for the vast majority of their programs of study. In May 2004, Cyprus joined the European Union and that encouraged European and International students to apply for studies in Cyprus. The Treaty of Lisbon gives the EU full legal personality and is an international agreement that amends form the constitutional basis of the European Union (EU). The Lisbon Treaty, which entered into force at the end of 2009, gave new legislative powers to the European Parliament and put it on an equal footing with the Council of Ministers in deciding on EU actions and expenditure. Parliament's way of working with the other institutions and strengthened the influence of MEPs on who runs the EU. These reforms ensure that voting in European elections is even more important for the direction Europe is taking. According to the principle of subsidiarity, policies for higher education and continuous training are set at the level of the individual EU Member States. Therefore, the EU mainly plays a supporting and coordinating role. Union's main objectives and actions in the field of higher education include enhancing the mobility of students and university staff, encouraging the mutual recognition of degrees and periods of study and promoting cooperation between higher education institutions.

According to Title XII Article 165 paragraph 1 of the Treaty of Lisbon of the EU: " the European Union shall contribute to the development of education encouraging cooperation between Member States and, if so required, supporting and complementing their action, while respecting them the full competence of the Member States for the content of teaching and the organization of the educational system, as well as the cultural and linguistic their diversity."

3. PRESENTATION OF RESULTS

3.1 Introduction

Organizations which until recently followed health and safety legislations are not expected to have any significant differences from the guidelines that followed before. The new legislations in Cyprus concerning health and safety issues is coming to improve the existing ones and should not be considered as something unknown or new that should afraid the top managers.

3.2 Management of Health and Safety at Work Regulations 1999 (SI 1999/3242)

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According to Riches and Allen (2009), the latest version of regulations came into force on 29 December 1999. They set out the general duties of employers in regards to the management of health and safety for organizations:

- According to these regulations, every organization should take the responsibility to follow the business law about health and safety for the employees and record the significant findings of the risk assessment together with means by which the employer controls them.
- Employers must make arrangements for the implementation of health and safety measures to avoid the risks might appear during production.
- In case where organizations have more than five employees, problems must be identified and put these into written form for improvement.
- The managers responsible for the safety issues should have the knowledge of implementing health and safety rules, and should participate on training courses or take higher level degrees (e.g. Master) which will support them with the implementation of health and safety measures.
- These persons may come from within the organization which depends on the size of it, or from outside by buying services of health surveillance of employees if necessary.
- All procedures must be put in place immediately in case of health and safety emergencies.
- All employees must be informed about arrangements and must be prepared to use health and safety during their daily operations. That must be translated as a responsibility from the side of employees to be sufficiently competent at their jobs to avoid the risk of danger.
- Employers must also give health and safety information to temporary workers, and encourage them to become part of their team so that all co-operate to share the same workplace.
- There is an approved code of practice to accompany the 1999 regulations, so any leaders' duties should follow health and safety instructions and always report danger.

3.3 General duties of employees at work

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It is the duty of every employee to be careful and follow reasonable actions, both for him or her protection as well as the safety of his or her colleagues during the whole time at work. Human resource departments (if available) should take the responsibility to inform employees about regulations of the Acts of Parliament (local or EU rules), to co-operate with colleagues so far as is necessary to enable that duty or requirement to be carried out or complied with. For example, if the employer is required to provide his workers with protection glasses, the workers have a duty to wear them. This is something that is related to a law but on the same time can protect the person itself 'to do the job'.

Furthermore, according to the Department of Labour Inspection of the Ministry of Labour, Welfare and Social Insurance in the Republic of Cyprus, "an Employee Act provides that no person shall intentionally or recklessly interfere with or misuse anything provided in the interests of health, safety or welfare, e.g. remove a safety guard from a machine", as this is an offence for which the employee can be prosecuted. Some workers are reluctant to use safety equipment, for example a machine guards, because they feel it slows them down or prevents the most efficient operation of the machine in terms of its production. If the employee's wages depend, because of the system of payment, upon his production, then it is even more difficult to gain his acceptance of safety plans which might affect production the total production and as a result his or her salary. "Therefore, it should be noted that an employee's consent to a dangerous practice, or his willing participation in it, is no defence for an employer who is prosecuted under the Act".

3.4 Notification of Work Accidents

New regulations came into an effect on the 6th of October 2017 concerning the reporting of Accidents and Dangerous Occurrences according to the Ministry of Labour of the Republic of Cyprus, defined an accident "as a discrete event which causes physical or mental harm or loss of life". According to that regulation, an accident is defined as notifiable when it concerns an employee or a self-employed person causing him/her loss of life or making him/her unable to perform normal at workplace for more than three consecutive calendar days (excluding the day of the accident).

Accidents in some cases are not notifiable. This happens when accidents resulting from: a) intentional or self-harm injuries, b) accidents from pathological causes (heart attacks), c)

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activities of the Armed Forces, d) ships and aircraft travelling, e) sports, entertainment or leisure activities, and f) medical activities outside work (patient).

The reporting of a serious accident as described above should be a responsibility of the employer (HR department) or himself/herself if self-employed. Reporting should be sent to the District Labour Inspection Office as well as the District Social Insurance Offices with fifteen(15) days of the date of the accident by submitting the right notification form called 'Claim for an Injury benefit/Accident Notification'.

3.5 The Safety and Health at Workplaces legislation (R.A.A. 494/2004)

According to the Minimum Requirements for Safety and Health at the Workplace of the Ministry of Labour of the Republic of Cyprus (R.A.A. 494/2004):

A. The working environment: These include provisions relating to temperature, and effective provision must be made for securing and maintaining a reasonable temperature in rooms where persons are employed other than for short periods. If the work being done does not involve serious physical effort, a temperature of not less than 16° C (60.8° F) after the first hour is reasonable. There are now in force regulations implementing an European Union Directive which require all legislation and other materials, such as guidance notes concerning health and safety, to be in metric units of measurement. A thermometer must be provided in a conspicuous place on each floor of the premises, and temperature should be checked on each room (for example goods are stored at 16° C). However, employees who work in such rooms must be provided with convenient, accessible and effective means of warming themselves. Every room in which persons are employed must be adequately ventilated and supplied with fresh or artificially purified air. There must also be suitable, sufficient lighting – either natural or artificial in all parts of the premises.

B. Safety: Floors, pathways and stairs must be of sound construction, properly maintained and kept free from obstruction and slippery substances. Handrails must be provided on stairways, and where a stairway is open on both sides there must be two handrails and both sides must be guarded to prevent persons slipping between the rails and the steps. All openings in floors must be fenced, except where the nature of the work makes fencing impracticable.

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C. Health: Suitable and sufficient toilets must be provided. These must be kept clean and be properly maintained, lit and ventilated. Where there are male and female employees, separate toilets must be provided for each sex. Suitable and sufficient washing facilities must also be provided. This includes a supply of clean running hot and cold water, soap and clean towels or other suitable means of drying. In this regard there is an approved code of practice which accompanies the regulations.

The number of persons at work is to be taken as the likely maximum number in the workplace at any one time. Where men and women are employed, the calculation should be carried out separately for each sex. An adequate supply of wholesome drinking water must be made available. If the supply is not piped, it must be contained in suitable vessels and must be renewed daily. If water is supplied other than by jet, a supply of disposable drinking vessels must be available, and if washable non-disposable vessels are used there must be a supply of clean water in which to rinse them. Suitable and sufficient provision must be made for clothing which is not worn at work, and so far as is reasonably practicable arrangements must be made for drying the clothing. Where reasonable opportunities exist for sitting during working hours, suitable sitting facilities must be made available, and those who sit to do their work must be provided with a seat together with a footrest if, for example, an employee is short-legged and cannot support his or her feet comfortably without one.

D. Facilities: All premises, furniture, furnishings and fittings must be kept clean and properly maintained and suitable drainage of the premises must be provided. It should be noted that other people connected with the workplace are involved, so that the owner of a building leased to one or more employers or self-employed people must ensure that requirements falling within his control are satisfied, as where the owner provides jointly used toilet facilities.

3.6 Health and Safety in education

3.6.1 Young people and new and expectant mothers

The regulations include provisions relating to what should be done to protect the health and safety at work of new and expectant mothers and young persons. A new or expectant mother is defined as an employee who is pregnant or who has given birth within the previous six

months or who is breastfeeding. A young person means any person who has not attained the age of 18.

3.6.1.1 Young persons

- the main regulations as outlined above do not apply fully to young persons who are involved in occasional or short-term work on domestic service in a private household or a family business where the work is not harmful, dangerous or damaging to young people;
- there are provisions requiring employers to give certain information to the parents of a child they intend to employ, e.g. regarding the risks to health and safety identified by a risk assessment and the preventive and protective measures to be taken;
- there are additional requirements in regard to the risk assessment process in the case of young persons which must take account of, e.g. inexperience and immaturity.

3.6.1.2 New and expectant mothers

- a regulation is added requiring assessment and avoidance of risks to health and safety from any processes or working conditions or physical, chemical or biological agents;
- there is a regulation regarding night work under which the employer is required to operate a suspension from work at night upon receipt of a certificate from a medical practitioner or midwife that night work should not be undertaken for a specified period;
- a regulation requires employers to pay particular attention in any risk assessment to the health and safety of new and expectant mothers. Where it is not possible to take steps to avoid any risk, the woman should be suspended from work. Where it is necessary for her health and safety, a new or expectant mother should be removed from night work.

Employees with work-related stress or other personal injuries have now an additional claim for damages for breach of statutory duty in addition to any negligence or contractual claims. Employers also have a right to claim at civil law against employees for loss caused by the employee's breach of health and safety duties placed on him or her.

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3.6.2 Health and Safety in higher education

Fresh students that arrive to the country of Cyprus for the first time have the option (by some universities) to transfer from the airport to their accommodation (hostels) or the university that are going to study. Students participate on an orientation week programme that the university will inform them about basic information about their registration, and also make them a quick tour around the building in order to get use of their new study environment. That tour also includes exit doors and fire extinguishers position.

Foreign students have also the opportunity to get information about the closer hospital and local rules regarding their health care, as well as the closer police station and emergency call numbers. International department might also inform them about how to open of a bank account, and how to take some language courses at the university which are going to study for better communication within the local community. All their needs and questions are usually answered with pleasure from well trained employees, who also give support on difficulties and special needs if necessary or needed.

Some local universities which offer hostels are secured, and some has a 24h support service for students, ensuring about their safe stay and good conditions of living. Cypriots are open-minded and extremely friendly. There is no racism and local people are always grateful and pleased to help during the whole stay in the Republic of Cyprus.

3.6.3 Administrative Staff at a private university

A Human Resource Officer at a private university mentioned during the interview that “the University organizes twice a year a training course for administrative staff, as well as special needs courses for academic staff in order to support them on how to handle students’ satisfaction.

3.6.4 Training and Development Center at a private university

The ‘Continuing Education and Professional Development Training Centre’ offers basically courses related to technology improvement for local businesses which are operating in the Republic of Cyprus. According to the Training Manager of the Center, because the compulsory regulation of the European Union which encourage all staff to have knowledge on health and Safety and behave base on those rules, organisations are asking from the centre to support them. The centre prepares courses and train employees

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but can always offer flexible options in order to satisfy organisations' and employees' needs. Training is scheduled on updated contents and regulations on health and safety, and special arrangements can be done based on the sizes of the organizations (in house or at the university). The manager argued that: "they give the tools for the improvement of needs in someone's career"..... "The high standards and excellent facilities that ensure a learning success for the organizations"... "Personal development or training courses, can gain skills regarding health and safety which helps to avoid feelings that can affect their daily life at workplace".

4. CONCLUSIONS AND RECOMMENDATIONS

This article presented the results collected from the Ministry of Labour of the Republic of Cyprus and more specific the Department of Labour Inspection in regards to the health and safety regulations at workplace. Also, the article presented current business and employment laws and how are implemented in practice by taking example for the education sector. Finally explained the relationship between those regulations with the fact the Cyprus is a member state of the European Union, which supports and controls all organisations in order to operate in a safe working environment, and under healthy conditions.

It is obvious that all European organizations have both strengths and weaknesses which they must try to control or to solve but always having as a priority the health and safety of their employees. The continuous improvement of laws and the importance of employee performance management, create healthy organisations and safe environment in a global competition for all stakeholders.

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