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## **The Europeanisation of gender issues in the labour sector: Normative vs. Cognitive Adaptation**

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### **Introduction**

Social transformation in Europe is a complex process which is generally pertinent to four kinds of pressures: (1) globalisation; (2) the EU enlargement process; (3) the gradual deepening of the EU; and (4) varying national developments.<sup>1</sup> In the past, there was an effort by some scholars—e.g. Esping-Andersen<sup>2</sup>, Leibfried<sup>3</sup>—to classify and idealise the way in which models of welfare state systems emerge, develop and transform. This effort seems to be wanting. Critics of this approach contend that the attempt to model welfare systems fails to record the peculiarities of distinct national experiences and the way in which the process of social transformation interacts with external pressures.<sup>4</sup> Regardless of these criticisms however, the modelling of the process of (social) transformation must not be discarded.

The Europeanisation approach has in recent years provided us with a novel apparatus for understanding the transformation process in EU member states and in states that are in the process of EU accession. Although Europeanisation cannot be taken as an unproblematic concept, we may use it as a conceptual background for dealing with particular aspects of European integration.<sup>5</sup> With regard to the transformation of national policies, Europeanisation demonstrates three particular dynamics: (1) the internalisation of EU imperatives, logic and norms into domestic policy; (2) the empowerment of policy-makers to change specific policies and reform political institutions; and (3) the creation of policy space for novel initiatives.<sup>6</sup> Europeanisation must be understood as a process that intertwines endogenous and exogenous pressures in a country-specific way, rather than as a process that aims to homogenise the national and transnational levels.

In the literature on Europeanisation, there seems to be a consensus on the interplay between the EU and national policy-making mechanisms. The EU's political, economic and social dynamics become part of the organisational logic of national politics and policy-making, while pre-existing national frameworks mediate the process of adjustment in both formal and informal ways.<sup>7</sup> In a previous work, we examined the way in which pre-existing social mechanisms and institutionalised practices in the industrial relations sector in Cyprus mediated the impact of EU pressures during the adaptation process in the period preceding the country's accession.<sup>8</sup> In that context, we delved into the established corporatist practices in the social policy field, which seem to have acted as a medium in the process of directive transposition in the labour sector. In this chapter we draw on this previous work in order to examine the way in which the concept of Europeanisation is used to illustrate Cyprus' effort to transform the normative framework of gender equality in the labour sector.

Prior to proceeding with this analysis, however, it is necessary to acknowledge certain limitations to this study. First, the discussion that follows is concerned with the process of Europeanisation in the areas under the control of the Government of the Republic of Cyprus.<sup>9</sup> Second, it is worth emphasising that this is a significantly under-researched area in the context of Cyprus and thus literature pertaining to this topic is relatively narrow.<sup>10</sup> Third, public discussion on this issue is limited in Cyprus, as there is a considerable lack of systematic public policy debate. This owes primarily to the prevalent view among Cypriots that the unresolved political problem of the island must be prioritised over other issues. This attitude is pertinent to a particular political culture that we later explore.

The discussion begins with a general overview of the state of play in the social and societal setting of the country. We examine the way in which a normative framework in the field of gender equality in the labour sector has emerged, elaborated and transformed following the country's independence in 1960. The changing social role and identity of women in the Cypriot society in general and in the labour sector in particular, triggered a process of transformation and adjustment. It is demonstrated that pressures for transformation derived from varying domestic developments, as well as from the country's participation in the International Labour Organisation. By juxtaposing the Cypriot regulatory framework in this field with the relevant EU *acquis*, we find that considerable legislative gaps existed in the country, which needed to be bridged in the process of harmonisation. We suggest that the pre-existing culture of corporatism in the labour sector acted as a readily available medium for addressing these legal requirements. We also contend that gender issues (like a number of other issues) gained 'high' political attention in the short-term owing to the government's goal to accede to the EU speedily. We conclude that the Europeanisation of this field was insufficient. Even though the legal and institutional aspects of the adjustment process were realised, the cognitive aspects of this process have been watered down. The considerable gaps between the Europeanised normative

framework and actual policies in the gender sector must be traced to social and cultural biases in the country.

## **SECTION 1**

### **SOCIAL ARRANGEMENTS AND EMERGING NORMS**

There is a pervasive view that small western European states tend to regulate their social systems more actively than larger ones.<sup>11</sup> Small states are susceptible to external shocks, owing to their size, as well as their weak and fragile international position. According to Katzenstein, this is the result of an effort to off-set the negative effects brought upon them due their size, and they thus seek to “complement their pursuit of liberalism in the international economy with a strategy of domestic compensation.”<sup>12</sup> The regulatory process in the labour sector of Cyprus seems to fit this model.<sup>13</sup> We demonstrate, however, that particular socio-cultural aspects of the Cypriot society have had an impact on this process over time. We argue that, the basic characteristic of the regulatory process in the sector under scrutiny here (i.e. gender equality in the labour sector) is the gradual enhancement of the normative/legal framework, whereas the actual implementation of this framework is quite problematic.

#### **The Social Setting**

The process of regulation in the social setting of the country in general and the industrial relations field in particular, following independence, can be divided into three historical periods:<sup>14</sup> (1) 1960-74; (2) 1974-98; and (3) 1998-2004.<sup>15</sup>

In 1960, the young Cyprus Republic inherited a colonial legacy with certain basic structural characteristics, such as a probation service, a child care programme and a Public Assistance Scheme for the relief of poverty. Drawing upon these basic structures and institutions, the Republic of Cyprus initiated its own social welfare services, which have been embodied in the Department of Social Welfare Services. The leading institution that administered the country’s social welfare system was the Ministry of Labour and Social Insurance. Although to a certain extent the Government of Cyprus built these upon a pre-existing colonial framework, it had to come to terms with the realities of the Cypriot society and deal with new challenges.

The Cypriot economy of the early 1960s was underdeveloped and mostly depended on agriculture.<sup>16</sup> This largely agrarian society was characterised by a traditional social structure, within which family was the most influential institution.<sup>17</sup> The Cypriot family was relatively conservative and patriarchal, yielding some strongly embedded role-identities. These role-identities – namely the leading and superior role of the father and the inferior role of the mother – were taken as externally given and unproblematic. It must be noted, however, that even though the structure of the family was such that the woman was seen as the traditional housekeeper, she also contributed to the production of wealth through manual labour in the fields. This female participation to the labour force was not however officially recorded most of the times. Moreover, the conditions of work were largely unregulated. In addition, the children also contributed to

this manual labour in the agrarian society of the country. It ought to be noted that, within this context, education was not a primary concern in the early 1960s.

This societal structure exhibited a gradual transformation over the years, prompted primarily by the changing structure of the Cypriot economy. In 1960-74, the growth of the secondary and tertiary sectors of the economy brought about a reduction in the size of the primary economic sector. Even though in this period Cyprus faced both internal and external political shocks, economic growth and development were recorded in the country.<sup>18</sup> This resulted in transformations in the structure of the society, such as urbanisation, as well as the formal participation of increasing numbers of women in the labour market. Overall the Cypriot society acquired characteristics of an industrial society.<sup>19</sup>

These changes were complimented by a number of policy initiatives from the part of the Government, which concentrated upon providing the people with basic social welfare needs. Emphasis was given on health, education and social security. According to Astarita, the Cyprus Government recognised that health, education and other social considerations were intertwined with a vast complex of variables that determined the country's social and economic development.<sup>20</sup> These first initiatives of the Government of the Republic of Cyprus provided the foundations of the country's social welfare system. The ultimate goal was to improve living standards and working conditions, by creating, at the same time, conditions of full employment.

This gradual socio-economic transformation was interrupted in 1974 by the Turkish invasion. This was the greatest external shock in the history of the Republic that led to the territorial division of the island and its society. The 37% of the island's territory that came under Turkish occupation represented about 70% of the natural resources and economic potential of the country. The economic problems created were further compounded by social dislocation. Over one third of the Greek-Cypriot population was displaced and unemployment rose to unprecedented levels. The mass emigration that occurred in that period was a direct consequence of the political and economic situation in the island in the aftermath of the invasion.<sup>21</sup>

These events led to changes in the social structure of the country.<sup>22</sup> One of the most important developments in this period was the participation of a growing number of women in the labour market. This was initially the result of dire financial needs, especially among families of displaced people. Gradually however, the growing number of women in the labour sector fashioned a new norm: women were not only considered to be 'eligible' for the labour market, but they were an indispensable part to the country's efforts for economic reactivation following the economic catastrophe of 1974. Clearly, the participation of women in the labour market transformed a facet of their social identity. There was a growing awareness and acceptance of women's involvement in the labour force.<sup>23</sup>

Nonetheless, this cognitive shift was not complemented by practical policy initiatives. Although the country's Constitution, as well as a number of International Conventions ratified by the Republic, established a normative framework that provided for equality of men and women, this was not totally reflected in the terms of employment, as discrimination between men and women was evident in the labour market (see Section 3).

In addition, the gaps between the country's normative framework and the established practices of the labour market persisted. Although these gaps were acknowledged, other welfare concerns seemed to dominate the country's policy agenda. The immediate economic and social problems created by the invasion had to be dealt with. This became the primary concern of the authorities and indeed, by the late 1970s, economic progress was achieved. According to Christodoulou, by 1978 the Cypriot economy managed to recover and exhibit rapid reactivation.<sup>24</sup> External economic assistance was very crucial, especially in the early years following the invasion, in order to meet the basic needs of special groups of people (i.e. refugees and relatives of dead and missing persons).

In the beginning of the 1980s, the Government of Cyprus defined its basic social priorities as follows: (1) secure a minimum acceptable standard of living for all citizens; (2) attain a more equitable distribution of national income and tax burden, both between different income groups as well as regions, with special emphasis on improving the income position of the displaced; and (3) implement and improve existing social programmes by preparing the introduction of new institutions.<sup>25</sup> Apart from these basic social priorities, it ought to be noted that, since 1979, successive National Development Plans of the Government contained provisions for advancing the position of women in the labour market (see Section 3).

Despite these provisions, there were a number of obstacles that hindered the narrowing of the gap between the normative framework and the established practices. The principal obstacle had to do with the main priorities of the country's social welfare system. It is clear that gender equality did not constitute a primary objective, as more basic needs of the society topped the social agenda. Even in the period following the economic recovery (after the Turkish invasion), when basic social needs were addressed, gender issues did not significantly inform the Government's (or the private sector's) policy concerns.

This tendency had a particular source of legitimisation, pertinent to the post-1974 political environment. This concerns a pervasive view that rests on a distinction between 'high' and 'low' politics in the country. The Cyprus problem was the primary issue of concern on the political agenda. Political elites cultivated a notion that the solution of this problem should be prioritised over any other issue. Hence the politics of the Cyprus problem constituted a 'higher' political concern. At the same time, however, there was an effort to present a number of issues which were not directly related to the Cyprus problem as 'high' politics on an ad hoc basis, for reasons of promoting particular sectors.<sup>26</sup> It is thus difficult to

categorise issues of 'high' and 'low' politics in a clear manner. What seems to be the problem with the distinction between 'high' and 'low' politics in the Cypriot context is the way in which some issues attained higher political attention than others. It is thus more appropriate, in this setting, to differentiate between issues of 'high' and 'low' political attention, rather than a clearly defined border between 'high' and 'low' politics.

The reason why gender equality issues did not attain a 'high' degree of political attention must be traced to traditional norms, which were so strongly embedded in the Cypriot society, that they resisted deep-seated change. In this respect, an important obstacle that hindered the narrowing of the gap between the normative framework and the established practices in the labour sector was the conservative outlook of the Cypriot society. Neither the extended normative frame in this field nor the proliferation of a number of women's organisations (both party affiliated ones and others) during these years, had a far-reaching impact on this outlook.

### **External Pressure**

Change on a normative level (i.e. the enhancement of the legal and regulatory framework) became a requirement in the late 1990s, following the positive *Avis* of the European Commission in 1993 and the country's accession negotiations with the EU which began in 1998. Under these new circumstances of the 1990s, the Strategic Development Plan for the period 1994-98 recognised the need for a gradual convergence with the EU *acquis*.<sup>27</sup> During the screening process, there was a cognitive growth among technocrats and elites regarding the necessary normative changes required for harmonisation with the European *acquis*. This comprised changes in the labour sector in general and gender equality in particular.

Within the process of negotiations, a number of issues received 'higher' political attention—including the need for reform in the labour sector. They received this attention as harmonisation was linked to the country's political consideration for achieving EU membership as quickly as possible, as a means of shaping its future political condition. As argued in an earlier work, this formed part the country's 'national mission': EU accession was used as a means for promoting a solution to the Cyprus problem that would be compatible with the *acquis* and the founding principles of the EU.<sup>28</sup> According to Cyprus' chief negotiator with the EU, Mr. Vassiliou, during the period of harmonisation, the negotiating team was fully aware that it "could not afford, under any circumstances, to fall behind."<sup>29</sup> Issues that traditionally received 'low' political attention were treated as issues of 'high' priority. Within the framework of such an 'instrumental logic',<sup>30</sup> changes in the labour sector in general and the gender sector in particular, were also elevated to issues of 'high' political significance.

This alone, however, can explain neither the speed nor the ease with which the transformation of the normative framework in the Cypriot labour sector seems to have been achieved.<sup>31</sup> The pre-existing culture of corporatism in Cyprus was

deemed a readily available mechanism which could be used as a medium for a fast and smooth change. This is where we now turn our attention in order to explicate the way in which corporatism acted as a mediating instrument for dealing with the process of transformation in the labour sector.

## **SECTION 2**

### **THE MEDIATING IMPACT OF CORPORATISM IN CYPRUS<sup>32</sup>**

According to Schmitter, the notion of corporatism denotes a system of interest intermediation in the field of industrial relations, which involves three parties: trade unions, employers' representatives and the Government.<sup>33</sup> Ioannou suggests that the origins of the corporatist tradition in Cyprus must be traced to the 1962 Basic Agreement.<sup>34</sup> This Agreement is generally considered as the first "social contract" between the social partners that standardised some basic procedures for dealing with industrial relations and endowed the parties involved with some fundamental rights and obligations. It is worth noting however that this Agreement was not legally binding, but depended rather on the good will of the parties involved to abide by its provisions. Hence, tripartite cooperation engendered a well embedded norm-guided behaviour in the industrial relations sector.

The Basic Agreement was replaced by the Industrial Relations Code in 1977. Like its predecessor, this Code was a gentlemen's agreement (not governed by law), regulating the collective bargaining process. Collective agreements were thus not legally binding. Nonetheless, the practice of corporatism has generally been very successful in Cyprus over the years and cooperation between the parties involved has been relatively good. In fact, collective bargaining, based on the principle of tripartite cooperation, has traditionally played a chief role in regulating industrial relations in the country. At the same time, legislation has largely constituted a secondary tool for regulation.<sup>35</sup> This limited role of statutory regulation in the Cypriot labour market has been one of the key features of the 'Cypriot Corporatist Model'.<sup>36</sup>

Both the fact that collective agreements could in theory be violated without serious repercussions, as well as the fact that collective agreements are not universally applicable, brought about the need for a more solid system in the European context, which would enjoy a greater legal foundation and would be universally binding at the national level. The necessity for this was demonstrated in the 2000 EU Common Position Paper, which stated that, "[w]hile 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".<sup>37</sup> There was clearly a need for introducing legislation, which would render policy absolutely obligatory. It is worth stressing, however, that 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*' arrangements. As a result there were important legislative gaps that had to be closed.

In the sector under scrutiny in this article (i.e. gender equality in the labour sector) the corporatist culture was utilised as a readily available medium that was conveniently deployed to carry out the reforms required effectively and efficiently. In other words, when gender issues attained 'high' political attention owing to Europeanisation pressures, this culture of corporatism offered a convenient device that could facilitate a fast adjustment process.

In the following section we consider the legal and regulatory framework in the labour sector, in relation to gender issues, before and after the harmonisation process. This will illustrate the far-reaching changes that have been effected in the country. The fact that these changes took place in a relatively conflict-free environment and within pre-established time frames leads us to the conclusion that the 'Cypriot Corporatist Model' proved to be a successful mechanism during the process of Europeanisation.

### **SECTION 3 THE CASE OF GENDER EQUALITY IN THE CYPRIOT LABOUR SECTOR**

#### **The state of play prior to adjustment**

Gender equality has been one of the goals of the Cypriot Government even prior to the process of *acquis* harmonisation. From the time of the birth of the Republic of Cyprus in 1960, the Constitution endorsed the principle of equality of treatment among the citizens and forbade any type of discrimination. More explicitly, Article 28 of the Constitution outlined the principle of equal treatment. This specifically stated that, "all persons are equal before the law, the administration and justice and are entitled to equal protection thereof and treatment thereby".<sup>38</sup> Moreover, Article 28 made it explicit that everybody should enjoy the same rights and liberties: "Every person shall enjoy all the rights and liberties provided for in this Constitution without any direct or indirect discrimination against any person on the ground of his community, race, religion, language, sex, political or other convictions, national or social descent, birth, colour, wealth, social class, or on any ground whatsoever [...]".<sup>39</sup> Clearly the Constitution provided for the equality of all citizens before the law, the administration and justice, and prohibited *inter alia*, gender-based discrimination. In fact, Article 28 had, in a number of cases, formed the grounds upon which gender related cases were filed and were brought before the Supreme Court.<sup>40</sup>

In addition to these early constitutional provisions and case law developments, legislation in Cyprus also developed by adopting some international agreements and conventions, which were ratified over the years. These were endorsed in the Republic with Article 169 of the Constitution. Most notable among these have been the European Convention against human rights abuses and in support of the basic freedoms (Law 39/62),<sup>41</sup> and the International Convention by the

United Nations against every form of discrimination against women (Law 78/85). Moreover, a number of Conventions by the International Labour Organisation (ILO) have been ratified over the years (also recognised by Article 169 of the Constitution). More specifically, these have included ILO Convention 100/1951 for equal pay between men and women for work of equal value (Law 213/87), and ILO Convention 111/1958 against discrimination in employment (Law 3/68).

Further to these European and International Conventions, which signified in Cyprus the *de jure* equality between men and women, some national legislation in the country also covered aspects of social security, maternity protection, protection of pregnant women and equal pay. These provisions, however, were not adequate for compliance with the *acquis communautaire*.

Despite these inadequacies, it must be pointed out that, in the late 1970s, the issue of gender equality started to be promoted as part of the Government's general social and economic policy. The underlying objectives were to eventually increase the number of women in the workforce and, at the same time, to strengthen their position at a more social level as well. The various Strategic Development Plans of the Government aimed, among other things, to advance these goals: "The Strategic Development Plans targeted the expansion of facilities to help reconcile family and employment responsibilities, the creation of a legal framework which could effectively deal with gender discrimination, and which generally aimed at improving the position of women in economic and social life".<sup>42</sup>

It is indeed true that, in all National Development Plans since 1979, there have been explicit pronouncements concerning the issue of combating discrimination against women and advancing their position in the labour market, as well as in the society in general. National Development Plans "have resulted in increased numbers of women joining the work force while protecting equal opportunities in promotion, pay and equal advancement".<sup>43</sup>

In the National Action Plan 2004-2006, it is stated that, "the promotion of the access of women to the labour market is an important element of the comprehensive strategy for the improvement of both the quality and the quantity of the labour force as well as for the upgrading and better use of human capital".<sup>44</sup> According to Samuel, human capital constitutes the basic and most valuable contributor of production, and so it is imperative to encourage its growth. This should mainly be achieved through capitalising upon the female part of the workforce and treating women equally.<sup>45</sup>

Despite the fact that from the infant days of the Republic, a number of constitutional and other legal provisions existed on gender issues (based on national legislation, as well as on European and International Conventions ratified over the years) and a number of measures were further introduced to develop awareness, these were not sufficient, when judged from the point of view of EU membership compliance requirements. In the context of the EU, further

measures were necessary in order to improve the position of women in economic activity (and in society more generally). As a result, harmonisation with the *acquis communautaire* was essential for further promoting women's rights in the labour sector. In fact, the Strategic Development Plan 1999-2003, stressed the importance of the harmonisation process through the adoption of the relevant Commission directives on this field.<sup>46</sup>

### **Legislative gaps**

The extent of the problem in the country's regulatory framework can be appreciated by considering the pressing need, which for years existed in Cyprus, for legal adjustment on the issue of equal pay. Until the late 1990s, this problem had not been dealt with, and it was not until 1989 that a law providing for equal pay among men and women for work of equal value was passed. This law was initially given a trial period of three years, but unfortunately, it was never actually implemented. This was due to a number of weaknesses that existed in the body of the specific law and because of an apparent vagueness in its wording.

The legal framework in Cyprus on the issue of gender pay gaps seriously lagged behind. The most noteworthy achievement perhaps, that was made in this area before harmonisation, was a very basic one, which concerned the elimination of the distinction between "*male salary*" and "*female salary*" from collective agreements that characterised their terminology until the late 1990s. This distinction made a discriminatory division between the salaries of men and women. According to the Cyprus Position Paper, with regard to the various provisions, the existing legislation on equal pay that safeguarded the right on equal pay for work of 'like or substantially like nature' had to be amended in order to cover work of equal value of 'unlike nature'.<sup>47</sup>

Moreover, the legislation regarding the protection of pregnant women and those who have recently given birth, had to be amended in order to provide for entitlement to leave from work for ante-natal examination and also had to be supplemented by the introduction of regulations issued under the existing law on health and safety issues. Similarly, the law on social insurance and on occupational social security schemes also had to be amended for the purposes of full compliance. In the case of social insurance, all discriminatory provisions on the basis of sex, concerning the self-employment of women in agriculture, had to be eliminated, as well as the payment of increases for dependents and the payment of marriage grants. In the case of occupational social security schemes, the Provident Fund Law had to be amended, in order to ensure that provisions contrary to the principle of equality in provident fund rules were eliminated. Finally, new laws had to be introduced on the issue of equal treatment of men and women in employment, to cover cases of indirect discrimination, as well as on parental leave, so as to comply with the relevant directive.<sup>48</sup>

### **Filling in the Gaps**

In the time frame envisaged, Cyprus declared that full compliance with the *acquis* would be achieved by 1 January 2003.<sup>49</sup> The legal structure that existed in Cyprus

clearly suffered from a great number of gaps. As a result, the harmonisation process in this sector, not only acted as a catalyst in the improvement of existing legal clauses, but it also brought the introduction of completely new legislation.

In the area of gender equality in the labour sector, the legal statutes enforced in the country were mainly based on eight issues, reflecting the areas that the relevant EU directives in this sphere cover. These are (1) equal pay for men and women, (2) access to employment, vocational training, promotion and working conditions, (3) equal treatment for men and women engaged in an activity, in a self-employed capacity and on the protection of self-employed women during pregnancy and motherhood, (4) health and safety at work of pregnant workers and workers who have recently given birth or are breastfeeding, (5) parental leave, (6) burden of proof in cases of discrimination based on sex, (7) equal treatment in matters of social security, and (8) equal treatment in occupational social security schemes. By studying the provisions of these new laws, the following can be deduced:<sup>50</sup>

- In the legislation on social security (Law 51(I)/2001) and occupational social security schemes (Law 133(I)/2002), discrimination on the grounds of sex has been abolished. Women engaged in agriculture, for example, can now be insured as self-employed individuals – without any restrictions – as is the case with men. Moreover, marriage grants are now paid to both the husband and the wife (receiving half each), whereas under the old system, they were only paid to the wife. Finally, there is no longer any form of discrimination with regard to increases to benefits for dependant people.
- Under Law 177(I)/2002 equal pay has been advanced, not only for work of the same or of similar nature, but also for work of equal value. In cases where a system of professional classification is used for the determination of pay, this must now be based on common criteria for male and female employees. Any sort of discrimination based on sex must be excluded and so these systems must be designed accordingly.
- Law 64(I)/2002 on the protection of maternity has brought marked maternity benefits. Under this law, the health and safety of pregnant and breastfeeding women in the workplace is now cared for. The new legislation has granted the right to pregnant women to be absent from their work for reasons of medical examinations, without loss in their earnings. Any employed woman is entitled to maternity leave of up to sixteen weeks, provided that she presents a certificate from a registered medical practitioner, stating the expected week of her confinement. During maternity leave, the woman is allowed to receive a grant. Moreover, under Law 64(I)/2002, the employer is obliged to assess the dangers that a particular post bears for the employed woman, and to reassign the affected party to another post if danger is involved, without any

repercussions upon her earnings. Similarly, the employer must remove her from any sort of night work, on the proof of a relevant medical certificate.

- Under Law 69(I)/2002 any employed parent is entitled to unpaid<sup>51</sup> parental leave of duration up to thirteen weeks in total, by reason of birth or adoption of a child.<sup>52 53</sup>
- Law 205(I)/2002 provides for equal treatment with respect to employment, access to vocational guidance, vocational education and training, as well as the conditions of their provisions, including professional development, and the conditions and preconditions of dismissal. The law prohibits any direct or indirect discrimination due to pregnancy, childbirth, breastfeeding, maternity, or illness due to pregnancy or childbirth. Furthermore, the law makes specific reference to the issue of sexual harassment. Specifically, the law states that, *'[...] any act that constitutes sexual harassment or causes direct or indirect discriminatory treatment shall be prohibited'* (Laws on Gender Equality). It must also be noted that in the provisions of this law there is a recommendation for the establishment of a *'Gender Equity Committee'*. This is a tripartite body, made up of representatives of the social partners and employees from a number of ministries. This Committee must be consultative in character. Among others, its main responsibilities must be to consult in matters of national policy, to advise on the enactment of legislation, to supervise the implementation of the law, to suggest the introduction of programmes for the promotion of equality for men and women, and to promote studies and research. This is indeed a significant statutory innovation in the Cypriot legislative system.

In the light of this account it can be argued that, the measures reviewed above amount to very significant changes in the legal framework of the country. Indeed, the momentousness of the issues covered by the new legislative framework in the country marked a critical change of direction in the system. As already identified earlier, what is remarkable is how these changes were effected within the time frames set and without any serious contentions.

## **Conclusion**

Women's increasing participation in the Cypriot labour force engendered pressures for regulation. We argued that, prior to adjustment with the *acquis*, pressures for regulation were subject to varying social and political developments, external shocks and compliance with international conventions. We also demonstrated that throughout the years there was a steady enhancement of the normative framework regarding gender equality in the labour sector. Due to deeply embedded cultural and social biases, however, some considerable gaps were created between the (normative) regulative framework and the actual practices in the workplace. Owing to the process of Europeanisation there was a cognitive growth in relation to these gaps. This cognitive growth, however, was evanescent and confined to a technical/bureaucratic level for as long as the

process of harmonisation lasted. Hence, there is an issue of cognitive deficit which is subject to the degree of internalisation of the normative changes as a result of harmonisation.

From a legal and institutional perspective, the process of adjustment was successful because it was framed around a long-established tradition of collaboration between the social partners. It is also worth noting that the harmonisation pressure experienced derived from the 'high' political attention that the sector received, as fulfilment of the *acquis* (and accession to the Union) was closely associated with the country's political problem. As it was demonstrated in Sections 2 and 3, this instrumentalised logic of harmonisation dominated the process of adjustment in the labour sector. Whereas Cyprus had hitherto a voluntary and very incomplete system, the significant reform that it underwent moved it sharply to the direction of more legal regulation. The implementation of this framework however, is lacking and this is overtly acknowledged by the Government of the Republic of Cyprus,<sup>54</sup> as well as by researchers<sup>55</sup>.

In a nutshell, this paper has illustrated three types of gaps between the normative framework of gender equality and the actual practices in the labour sector that correspond to four historical periods. In the periods 1960-74 and 1974-98 the normative framework was steadily improved as a result of collective agreements, new legislation and ratification of international conventions. In the period 1998-2004 the normative framework was improved owing to the process of harmonisation. Finally in the period following 2004, there is a Europeanised normative framework, even though this still does not seem to entirely suffice for changing the realities in the labour sector. We can thus conclude that in the case of Cyprus and the sector under scrutiny, Europeanisation did not occur at full scale. Even though the legal and institutional aspects of the process were realised, the cognitive aspect of change is yet to be felt.

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<sup>1</sup> Klaus Schubert et. al, 'European Welfare Systems', in K. Schubert et. al., *The Handbook of Welfare Systems* (London: Routledge, 2009).

<sup>2</sup> Gøsta Esping-Anderson, *The Three Worlds of Welfare Capitalism* (Princeton University Press, New Jersey, 1990).

<sup>3</sup> Stephan Leibfried. 'Towards a European Welfare State?', in C. Jones (ed), *New Perspectives on the Welfare State in Europe* (London: Routledge, 1993); Stephan Leibfried, 'National Welfare States, European Integration and Globalization: A Perspective for the Next Century', *Social Policy & Administration* 34, 1, 2000, pp. 44-63.

<sup>4</sup> Cf. Klaus Schubert et. al. op. cit., 2009.

<sup>5</sup> Heather Grabbe, *The EU's Transformative Power*. (Hampshire: Palgrave, 2006).

<sup>6</sup> Ibid.: 51-52.

<sup>7</sup> Robert Ladrech, 'Europeanisation of domestic politics and institutions', *Journal of Common Market*, 32, 1, 1994, 69-88.

<sup>8</sup> Christina Ioannou, Giorgos Kentas, 'The mediating impact of corporatism on the Europeanisation of the Cypriot labour sector', *Cyprus Review*, 21, 2, 2009, 115-135.

<sup>9</sup> Treaty of Accession, Protocol 10.

<sup>10</sup> Cf. Angelos Sepos, *The Europeanisation of Cyprus* (Hampshire: Palgrave, 2008); Anthos Shekeris, Christina Ioannou and Christos Panayiotopoulos, 'Social Policy in the Shadow of the National Question:

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The Welfare System of Cyprus', in Klaus Schubert, et. al. eds., *European Welfare Systems* (London: Routledge, 2009).

<sup>11</sup> Peter Katzenstein, *Small States in World Markets: Industrial Policy in Europe* (Ithaca: Cornell University Press, 1985).

<sup>12</sup> Ibid, p.47.

<sup>13</sup> After independence in 1960, albeit the fact that Cyprus adopted a western-style political system (democratic system of governance, open market economy), it followed a non-aligned foreign policy. Even though the process of "westernisation" was difficult, owing to inter-communal conflict and external intervention, the country was officially accepted in the western community in 1972, when it signed an Association Agreement with the EEC.

<sup>14</sup> The choice of these three specific periods owes to the fact that these dates mark some critical junctures in the history of Cyprus.

<sup>15</sup> The analysis of the three periods is relatively succinct. For a more systematic discussion, see Anthos Shekeris, Christina Ioannou and Christos Panayiotopoulos, op. cit., 2009; Giovanna Astarita, *Welfare in the Mediterranean Countries: Republic of Cyprus*, C.A.I.MED. - Centre for Administrative Innovation in the Euro-Mediterranean Region 2, 2004, T. Kouloumou, *Children's Welfare and Everyday Life in Cyprus: A Family Affairs with International Implications*. (COST: Action, 2003).

<sup>16</sup> In the early 1960s, the agricultural sector accounted in fact for over 45% of labour market activity and over 16% of the country's GDP (Republic of Cyprus, Labour Force Survey, Annual (Nicosia: Statistical Service, 2003).

<sup>17</sup> The Greek Orthodox Church was another influential institution that played a significant role in the provision of social services to the people. Muslim institutions provided similar services to the Turkish-Cypriots Shekeris, et. al. op. cit. 2009.

<sup>18</sup> Republic of Cyprus, *Strategic Development Plan 1999-2003* (Nicosia: Planning Bureau, 2003).

<sup>19</sup> Ernest Gellner, *Nations and Nationalism* (New York: Cornell University Press 1983), Ch. 3.

<sup>20</sup> Astarita, op. cit. 2004.

<sup>21</sup> For a succinct analysis on the economic situation in Cyprus in the post-1974 era, see European Commission. 'Regular Report on Cyprus' Progress Towards Accession', November 1998.

<sup>22</sup> For a more detailed discussion on the consequences of the 1974 Turkish invasion, see Shekeris, et. al. op. cit. 2009; Astarita, op. cit. 2004.

<sup>23</sup> Gradually women started to pursue higher education and attain more qualifications than what they used to in the past. This was an additional factor that strengthened the position of women in the labour market.

<sup>24</sup> Dimitris Christodoulou, *Inside the Cyprus Miracle: Labours of an Embattled Mini-Economy* (University of Minneapolis: Modern Greek Studies, 1992).

<sup>25</sup> Shekeris, et. al. op. cit. 2009, p. 85.

<sup>26</sup> An example of an issue that was portrayed as part of the country's 'high' politics has been tourism. As the Cypriot economy became over the years a service sector economy to a large extent, with tourism occupying a significant amount of the country's GDP share, this industry was often linked to 'higher' political considerations. A robust Cypriot economy rested, to a significant extent, on income from this industry. It was thus important to pursue objectives for a strong tourist industry in order to maintain a strong economy able to withstand the pressures of the country's political problem. This also meant of course pursuing policies that contained 'leaks' of this industry to the northern part of the country.

<sup>27</sup> Republic of Cyprus, 'Address by the Minister of Finance before the House of Representatives on the occasion of the debate on the budget for 1995', Nicosia, 22 December 1994.

<sup>28</sup> Ioannou and Kentas op. cit. 2009.

<sup>29</sup> George Vassiliou, 'Foreword by President Vassiliou' in C. Stefanou ed., *Cyprus and the EU: The Road to Accession* (Aldershot: Ashgate, 2005), p. xii.

<sup>30</sup> This concept is defined and discussed in Ioannou and Kentas, op. cit. 2009.

<sup>31</sup> For an empirical analysis of this, see Christina Ioannou, 'The Europeanisation of Cypriot social policy: an apolitical Europeanisation process', *Journal of Modern Hellenism*, 24-25, Winter 2008-2009, where the transposition process of the bulk of directives that were transposed in three social/industrial policy fields in order to comply with the European *acquis* is examined (employment rights and working conditions, health and safety at work, and gender equality in the labour sector). It is observed that the changes effected were extensive and radical, yet they surprisingly took place time-efficiently (even ahead of the deadlines set in most cases) and in the profound absence of any political conflict.

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- <sup>32</sup> For a more detailed discussion on this, see Ioannou and Kentas op. cit. 2009, pp. 124-132.
- <sup>33</sup> P. Schmitter, 'Still the Century of Corporatism?' in P. Schmitter and G. Lehmbruch eds., *Trends Towards Corporatist Intermediation* (New York: Sage, 1979), pp. 7-52.
- <sup>34</sup> Christina Ioannou, 'The development of the 'Cypriot Corporatist Model': the emergence of a 'corporatist culture', *Cyprus and European Law Review*, 10, November 2009, 700-736.
- <sup>35</sup> Matina Yannakouroua and Evangelia Soumeli, *The Evolving Structure of Collective Bargaining in Europe 1990-2004* VS/2003/0219-S12.359910 (Research Project co-financed by the European Commission and the University of Florence. 2004), p. 29.
- <sup>36</sup> Also see Ioannou op. cit. (2009).
- <sup>37</sup> European Commission, *European Union Common Position, Chapter 13: Employment and Social Affairs*, Conference on Accession to the European Union - Cyprus, CONF-CY 9/00, Brussels, 15 March 2000, p. 2.
- <sup>38</sup> Constitution of the Republic of Cyprus 1960.
- <sup>39</sup> Ibid.
- <sup>40</sup> A notable example of these cases is the 1986 Case *The Republic v Alexia Christoforou*, which in fact included considerable case law developments, as an extension of the principle of equal treatment came to also cover issues of indirect discrimination.
- <sup>41</sup> Numbers after the (/) indicate the year that the law is voted in Parliament.
- <sup>42</sup> Republic of Cyprus, *National Action Plan 2004-2006* (Nicosia: Planning Bureau, 2004), p. 1.
- <sup>43</sup> Ibid.
- <sup>44</sup> Ibid., p. 27.
- <sup>45</sup> Lenia Samuel, 'Equality in the Workplace' (speech in Greek), Seminar organised by the Women's Organisation of the Cyprus Democratic Party, Limassol, 10-11 May 2003.
- <sup>46</sup> Republic of Cyprus, *Strategic Development Plan 1999-2003* (Nicosia: Planning Bureau, 2003), p. 3.
- <sup>47</sup> Republic of Cyprus, *Chapter 13: Employment and Social Affairs, Position Paper CONF-CY 9/00* (Nicosia: Office of the Coordinator for Harmonisation, 1999), pp. 3-4.
- <sup>48</sup> Ibid, p. 4.
- <sup>49</sup> Ibid, p. 3.
- <sup>50</sup> The findings of this section have been concluded by studying the provisions of the laws.
- <sup>51</sup> Just to emphasise this point, during the leave, the parent does not get paid, either the full salary, or a fraction of it.
- <sup>52</sup> In the case of the former the leave can be taken within the period commencing after the expiration of the maternity leave and ending when the child has completed his/her sixth year of age, whereas in the case of the latter the leave is to be taken within a period of six years commencing on the date of the adoption and after the maternity leave has been taken, given that the child will not be over twelve years old. The Law also grants the right to any employee for unpaid leave of up to seven days a year, on grounds of *force majeure* by reason of a family emergency and related to an illness of, or accident to, any dependent of the employee.
- <sup>53</sup> According to Samuel, op. cit. 2003, it is also hoped that, the Law providing for parental leave and leave on grounds of *force majeure*, will, at some point, help to transform mentalities as with regard to the traditional roles of the two sexes. Eventually, this might lead to the accomplishment of the goal of reconciling working life with family life for both men and women.
- <sup>54</sup> Phileleftheros (Cypriot daily) 9 March 2010, p. 20.
- <sup>55</sup> Cyprus Federation of Women Entrepreneurs and Professionals, Equality - equal pay in the workplace, research results presented by Eleni Stavrou Costea and Leonidas Paschalides, Nicosia, 18 March 2010. The research was conducted by CYMAR. We would like to thank Ms A. Attalidou for bringing this information to our attention.