

CAP. 176.

CYPRUS

ACCIDENTS AND OCCUPATIONAL
DISEASES

CHAPTER 176 OF THE LAWS

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1959

CHAPTER 176.

ACCIDENTS AND OCCUPATIONAL DISEASES.

ARRANGEMENT OF SECTIONS.

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A LAW TO PROVIDE FOR THE NOTIFICATION OF ACCIDENTS AND OCCUPATIONAL DISEASES.

32 of 53.
23 of 57.

[30th September, 1953.]

Short title.

1. This Law may be cited as the Accidents and Occupational Diseases (Notification) Law.

Interpretation.

2. In this Law, unless the context otherwise requires—
 " Commissioner " means the Commissioner of Labour and includes the Assistant Commissioner of Labour;
 " employer " includes any body of persons corporate or unincorporate and the legal personal representative of a deceased employer, and, where the services of a worker are temporarily lent or let on hire to another person by the person with whom the worker has entered into a contract of service or apprenticeship, the latter shall, for the purposes of this Law, be deemed to continue to be the employer of the worker whilst he is working for that other person. In relation to a person who is a member of a registered co-operative society and engaged in work carried out by that co-operative society, the co-operative society shall, for the purposes of this Law, be deemed to be the employer notwithstanding that such person is remunerated in

whole or in part by shares in the profits or gross earnings of the co-operative society; and in relation to a person plying for hire with any vehicle or vessel the use of which is obtained by that person under a contract of bailment, the person from whom the use of the vessel or vehicle is so obtained shall, for the purposes of this Law, be deemed to be the employer; and in relation to a person employed for the purposes of any game or recreation and engaged or paid through a club, the manager or members of the managing committee of the club shall, for the purposes of this Law, be deemed to be the employer;

"Inspector" means an inspector of the Labour Department in charge of the area within which the accident occurs or where the worker is employed;

"occupational disease" means any disease mentioned in the First Schedule;

First
Schedule.

"mine" has the meaning assigned to it by section 2 of the Mines and Quarries (Regulation) Law;

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"outworker" means a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished or repaired, or adapted for sale in his own home or on other premises not under the control or management of the person who gave out the materials or articles;

"quarry" has the meaning assigned to it by section 2 of the Mines and Quarries (Regulation) Law;

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"worker" means any person who has entered into or works under a contract of service or apprenticeship with an employer, whether by way of manual labour, clerical work or otherwise, and whether the contract is expressed or implied, is oral or in writing, and includes a person who is a member of a registered co-operative society and engaged in work carried out by that co-operative society notwithstanding that such person is remunerated in whole or in part by shares in the profits or gross earnings of such co-operative society, but does not include—

- (a) an outworker;
- (b) a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade, occupation or business; or
- (c) a domestic servant employed in a private dwelling house.

Notification
of accidents.

3. (1) Where any accident arising out of and in the course of the employment of any worker occurs and

(a) causes loss of life to such worker; or

(b) disables such worker, for more than three days, from earning full wages at the work at which he was employed at the time of such accident, or, in the case of a worker who is a member of and employed by a registered co-operative society and who does not work for wages but is remunerated in whole or in part by shares in the profits or gross earnings of the co-operative society, disables such worker for more than three days, from performing the work at which he was employed at the time of such accident,

Second
Schedule.

written notice of the accident, in the form, and accompanied by the particulars, set out in the Second Schedule shall forthwith be sent by the employer to the Inspector.

(2) For the purposes of paragraph (b) of subsection (1), "worker" shall not include a person employed at a mine or quarry.

(3) Where any accident causing disablement has been notified under this section, and after such notification the accident results in the death of the person disabled, notice in writing of the death shall be sent by the employer to the Inspector as soon as the fact of the death comes to the knowledge of the employer.

(4) Any employer who fails to comply with the requirements of subsection (1) or subsection (3) shall be guilty of an offence against this Law.

(5) Where any accident to which this section applies occurs to a worker whose services are for the time being temporarily lent or let on hire to another person by the employer, such other person shall, if he fails to report the accident to the employer immediately, be guilty of an offence against this Law, and the employer shall not be liable under the provisions of subsection (4) unless it is established that he knew of the accident.

(6) Without prejudice to the requirements of paragraph (a) of subsection (1), when the death of a worker from any cause whatever is brought to the notice of, or comes to the knowledge of, his employer, his employer shall, as soon as practicable after the occurrence of the death, give notice in writing thereof to the Inspector of the area in which the

worker was employed together with a description of the circumstances of the death of the worker if they are known to the employer and a medical certificate as to the cause of death if procurable.

(7) Any employer who fails to comply with the requirements of subsection (6) without reasonable cause shall be guilty of an offence and shall be liable to a fine not exceeding fifty pounds.

4. If the Governor in Council considers that, by reason of the risk of serious bodily injury to workers, it is expedient that notice should be given in every case of any special class of explosion, fire, collapse of buildings, accidents to machinery or plant, or other occurrences in places where workers are employed, he may, by Order, extend the provisions of section 3 with such adaptations as may be specified in the Order to any such class of occurrences, whether death or disablement is caused or not, and may by any such Order allow the required notice of any occurrence to which the Order relates, instead of being sent forthwith, to be sent within the time limited by the Order.

Power to extend to dangerous occurrences provisions as to notification of accidents.

5. (1) Every qualified medical practitioner attending on or called in to visit a patient whom he believes to be suffering from any occupational disease contracted in the course of his employment as a worker shall, unless such a notice has been previously sent, forthwith send, addressed to the Commissioner, a notice stating the name and full postal address of the patient and the disease from which, in the opinion of such medical practitioner, the patient is suffering, and the name and address of the place at which, and of the employer by whom, he is or was last employed.

Notification of occupational diseases and other diseases.

(2) If any qualified medical practitioner fails to send any notice in accordance with the requirements of this section, he shall be guilty of an offence against this Law, and liable to a fine not exceeding ten pounds.

(3) Any employer who believes or suspects, or has reasonable grounds for believing or suspecting, that a case of occupational disease has occurred among the workers employed by him, shall forthwith send written notice of such case, in the form, and accompanied by the particulars, set out in the Third Schedule, to the Inspector and to the Medical Officer of the area within which the place of employment of such workers is situated, and the provisions of this Law with respect to the notification of accidents shall

Third Schedule.

apply to any such case in like manner as to any such accident as is mentioned in these provisions.

(4) The Governor in Council may, as respects any class or description of place where workers are employed, by Regulations made under this Law, apply the provisions of this section to any disease, other than an occupational disease.

Inquest in case of death by accident or occupational disease.

6. (1) Where a coroner holds an inquest on the body of any person whose death may have been caused by any accident or disease of which notice is required by this Law to be given, the coroner shall adjourn the inquest unless an Inspector or some person authorised on behalf of the Commissioner is present to watch the proceedings, and shall, at least four days before holding the adjourned inquest, send to the Inspector for the area within which the inquest is held, notice in writing of the time and place of holding the adjourned inquest:

Provided that the coroner, before the adjournment, may take evidence to identify the body, and may order the interment thereof.

(2) With respect to any such inquest as aforesaid the following persons, that is to say—

- (a) any Inspector;
- (b) the Inspector of Mines or his representative;
- (c) any relation of the person in respect of whose death the inquest is being held;
- (d) the employer in whose employment the accident or disease occurred or was contracted;
- (e) any person appointed in writing by the majority of the workers employed in the place of employment in which the deceased was employed;
- (f) any person appointed in writing by any organisation of workers or other association of persons to which the deceased at the time of his death belonged or to which any worker employed in the said place of employment belongs;
- (g) any association of employers of which the said employer is a member,

shall, subject to the power of the coroner to disallow any question which in his opinion is not relevant or is otherwise not a proper question, be entitled to examine any witness either in person or by an advocate or agent.

(3) Where at any such inquest at which an Inspector is not present evidence is given of any neglect as having caused or contributed to the accident or disease, or of any defect in or about the place of employment appearing to the coroner to require a remedy, the coroner shall send to the Inspector for the area within which the inquest is held notice in writing of the neglect or defect.

(4) The provisions of this section shall be in addition to, and not in derogation of, the provisions of the Coroners Law. Cap. 153.

7. (1) The Commissioner may, where he considers it expedient so to do, direct a formal investigation to be held into any accident arising out of and in the course of the employment of any worker or case of occupational disease contracted or suspected to have been contracted in the course of the employment of any worker and of its causes and circumstances, and with respect to any such investigation the following provisions shall have effect:—

Power to Commissioner to direct formal investigation of accidents and cases of occupational disease.

- (a) the Commissioner may appoint a competent person to hold the investigation, and may appoint any person possessing legal or special knowledge to act as assessor in holding the investigation;
- (b) the person or persons so appointed (hereinafter in this section referred to as "the Court") shall hold the investigation in open Court in such manner and under such conditions as the Court may think most effectual for ascertaining the causes and circumstances of the accident or case of occupational disease, and for enabling the Court to make the report in this section mentioned;
- (c) the Court shall have for the purposes of the investigation all the powers of a Court of summary jurisdiction and, in addition, power—
 - (i) to enter and inspect any place or building the entry or inspection whereof appears to the Court requisite for the said purposes;
 - (ii) by summons signed by the Court to require the attendance of all such persons as it thinks fit to call before it and examine for the said purposes, and to require answers or returns to such inquiries as it thinks fit to make;
 - (iii) to require the production of all books,

papers, and documents which it considers relevant;

(iv) to administer an oath and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination;

- (d) persons attending as witnesses before the Court shall be allowed such allowances, travelling expenses and fees as would be allowed to witnesses attending in any Court at the instance of the Crown to give evidence in any criminal proceedings; and in case of dispute as to the amount to be allowed the dispute shall be referred by the Court to the Chief Registrar of the Supreme Court, who, on request, signed by the Court, shall ascertain and certify the proper amount of such allowances, travelling expenses and fees;
- (e) the Court shall make a report to the Commissioner stating the causes and circumstances of the accident or case of occupational disease and adding any observations which the Court thinks right to make;
- (f) the Court may require the expenses incurred in and about an investigation under this section (including the remuneration of any persons appointed to act as assessors) to be paid in whole or in part by any person summoned before it who appears to the Court to be, by reason of any act or default on his part or on the part of any servant or agent of his, responsible in any degree for the occurrence of the accident or case of occupational disease, but any such expenses not required to be so paid shall be deemed to be part of the expenses of the Commissioner in the administration of this Law;
- (g) any person who without reasonable excuse, proof whereof shall lie on him, either fails, after having had the allowances, travelling expenses and fees, if any, to which he is entitled tendered to him, to comply with any summons or requisition of the Court, or prevents or impedes the Court in the execution of its duty, shall be guilty of an offence and shall be liable to imprisonment for one month or to a fine of ten pounds or to both

such imprisonment and fine and, in the case of a failure to comply with the requisition for making any return or producing any document, if the failure in respect of which a person was so convicted is continued after the conviction, he shall be guilty of a further offence and shall be liable to a fine of ten pounds for every day on which the failure was so continued.

(2) The Commissioner may cause the report of the Court to be made public at such time and in such manner as he thinks fit.

8. (1) Any person guilty of an offence against this Law, for which no special penalty is provided by this Law, shall be liable to imprisonment not exceeding six months or to a fine not exceeding twenty-five pounds or to both such imprisonment and fine. Penalties.

(2) Where an offence against this Law or any Regulations made thereunder committed by a company, co-operative society or other body of persons is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of, any director, president, chairman, manager, secretary or other officer of the company, co-operative society or other body of persons, he, as well as the company, co-operative society or body of persons, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

9. (1) The Governor in Council may make Regulations generally for carrying into effect the provisions of this Law. Power to the Governor in Council to make Regulations.

(2) Without prejudice to the generality of subsection (1) the Governor in Council may by such Regulations—

(a) alter the First or Second Schedule by making additions thereto or deletions therefrom or otherwise amending it; 2 of 23/57.

(b) provide for the imposition of imprisonment not exceeding three months or a fine not exceeding ten pounds, or both such imprisonment and fine, for any contravention thereof.

10. Without prejudice to the generality of the application of this Law, it is hereby declared that this Law shall apply in the case of accidents, occupational diseases, or diseases to Application of Law to Government, etc.

which the provisions of this Law are applied under section 5, occurring to persons employed by or under—

- (a) any Department other than members of the Police Force; or
- (b) any Department of Her Majesty's Government other than—
 - (i) members of Her Majesty's Naval, Military or Air Forces;
 - (ii) such persons or class of persons (not being members of Her Majesty's Naval, Military or Air Forces) employed by or under any Department of Her Majesty's Government as may be specified by the Governor,

and in such cases the notice to be given under this Law by the employer shall be given by such person as the Head of the Department or, as the case may be, the representative in the Colony of any Department of Her Majesty's Government, shall by written instructions direct.

Administra-
tion of Law.

11. The Commissioner shall be responsible for the administration of this Law.

This Law came into operation on the 1st day of November, 1953.

FIRST SCHEDULE.

(Section 2.)

Description of Disease	Description of Process
1. Anthrax... ..	Handling of wool, hair, bristles, hides, skins, hoofs, horns, animals or animal carcasses.
2. Arsenic poisoning or its sequelae	Handling of arsenic or its preparations or compounds.
3. Asbestosis	The handling or processing of asbestos or materials containing asbestos.
4. (a) Poisoning by benzene and its homologues, or the sequelae.	Handling of benzene or any of its homologues, or any process in the manufacture or involving the use thereof.
(b) Poisoning by nitro- or amido derivatives of benzene and its homologues (trinitrotoluene, aniline and others), or the sequelae.	Handling any nitro- or amidoderivative or benzene or any of its homologues, or any process in the manufacture or involving the use thereof.
5. Poisoning by carbon bisulphide or its sequelae.	Any process involving the use of carbon bisulphide or its preparations or compounds.
6. Cataract in glass workers ...	Any process in the manufacture of glass involving exposure to the glare of molten glass.
7. Cataract caused by exposure to rays from molten or redhot metal.	Any process normally involving exposure to rays from molten or redhot metal in the manufacture of iron or steel including reheating and rolling iron or steel.
8. Chrome ulceration or its sequelae.	Any process involving the use of chromic acid or bichromate of ammonium, potassium, or sodium, or their preparations.

Description of Disease	Description of Process
9. Compressed air illness or its sequelae.	Any process carried on in compressed air.
10. Dermatitis	Produced by dust or liquids.
11. (a) Epitheliomatous cancer or ulceration of the skin due to tar, pitch, bitumen, mineral oil or paraffin or any compound product or residue of any of these substances. (b) Ulceration of the corneal surface of the eye due to tar, pitch, bitumen, mineral oil or paraffin or any compound product or residue of any of these substances.	<p>Handling or use of tar, pitch, bitumen, mineral oil or paraffin, or any compound product or residue of any of these substances.</p>
12. Fluorine poisoning	Any process involving the use of fluorine or its preparations or compounds.
13. Glanders	Care of any equine animal suffering from glanders; handling the carcass of such animal.
14. Lead poisoning or its sequelae	Handling of lead or its preparations or compounds or any work involving the use of lead or its preparations or compounds.
15. Manganese poisoning	Handling of manganese or substances containing manganese.
16. Mercury poisoning or its sequelae.	Handling of mercury or any process involving the use of mercury, or its preparations or compounds.
17. Phosphorus poisoning or its sequelae.	Any process involving the production, liberation or use of phosphorus or its preparations or compounds.
18. Silicosis with or without pulmonary tuberculosis, provided that silicosis is an essential factor in causing the resultant incapacity or death.	Industries or processes involving exposure to the risk of silicosis.
19. Telegraphist's cramp	Use of telegraphic instruments.
20. Poisoning by tetrachlorethane, trichloroethylene or ethylene dichloride, or the sequelae.	Any process in the manufacture or involving the use of tetrachlorethane, trichloroethylene or ethylene dichloride.
21. Poisoning by the halogen derivatives or hydrocarbons of the aliphatic series.	Any process involving the production, liberation or utilisation of halogen derivatives or hydro-carbons of the aliphatic series.
22. Pathological manifestations due to:— (a) radium and other radio-active substances. (b) X-rays.	Any process involving exposure to the action of radium, radio-active substances or X-rays.
23. Tuberculosis.	Close and frequent contact with persons suffering from tuberculosis and undergoing treatment in hospitals or sanatoria.

SECOND SCHEDULE

(Section 3.)

The Accidents and Occupational Diseases (Notification) Laws, Cap. 176.

NOTICE OF ACCIDENT OR DANGEROUS OCCURRENCE.

Notice of Accident or Dangerous Occurrence, to be sent (immediately on the accident or dangerous occurrence becoming reportable) to District Labour Officer. <i>Note</i> —If the accident is fatal immediate intimation to District Labour Officer by telegram or telephone is desirable.	<i>(For official use)</i>	
	Geographical Index.	
	Date of Receipt.	
	(a) Accident No.	
	(b) Other particulars, e.g. Fatal, Dangerous Occurrence, further action.	
	(c) Industry No.	
	(d) Causation Classification No. (with additional particulars, if any) Form Lab/37.	
	CENTRAL OFFICE RECORD.	

1. Employer:

Name

Address

Industry

2. Premises where accident or dangerous occurrence happened:—

(i) Address of Department, Branch or Site

(ii) Exact place

(iii) Nature of work carried on therein (if Building Operation, state whether construction, maintenance or demolition)

3. Injured Person:—

(a) Full Name
(Surname first)

(b) Sex Age

Occupation

(c) Address

4. Accident (or dangerous occurrence):—

(a) Date Time

(b) Cause

(c) State exactly what injured person was doing at the time

(d) If due to machinery, state:—

(i) Name of machine and part causing accident

(ii) Whether in motion by mechanical power at the time

5. Injuries and Disablement:—
- (a) Nature and extent of injury (e.g. fracture of leg, laceration of arm, scald, scratch, followed by sepsis)
 - (b) Whether fatal or non-fatal
 - (c) If not fatal was injured person disabled for more than three days from earning full wages at the work at which he was employed?
6. Has accident (or dangerous occurrence) been entered in the General Register (Factories Law, Cap. 134, section 79)?

Signature of Employer

Date

THIRD SCHEDULE.

(Section 5.)

The Accidents and Occupational Diseases (Notification) Law, Cap. 176.

NOTICE OF OCCUPATIONAL DISEASE.

[To be sent to the Inspector for the area and to the Medical Officer for the area, within which the place of employment is situated.]

- | | | |
|-----------------------------------------------------------------------|---|---------------------------------------------------------------------------------|
| Works. | { | 1. Name of employer |
| | | 2. Address of place of employment |
| | | 3. Address of office
(if work on the place of employment is only temporary). |
| Person affected | { | 4. Nature of industry, occupation, or business |
| | | 5. Nature of Occupational disease |
| | | 6. (a) Surname |
| | | (b) Other names |
| | | 7. Address (permanent) |
| | | 8. Temporary address (if any) |
| | | 9. Sex, and age last birthday |
| 10. Precise occupation
(avoid the term "labourer" where possible.) | | |

Date

Signature of Employer.