
ORGANISATION OF WORKING TIME (AMENDMENT) ORDINANCE 2009

An Ordinance to amend the Organisation of Working Time Ordinance 2003

J. H. GORDON
ADMINISTRATOR

17th December 2009.

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

1. Short title

This Ordinance may be cited as the Organisation of Working Time (Amendment) Ordinance 2009.

2. New sections 20A-20E inserted into the Organisation of Working Time Ordinance 2003

In the Organisation of Working Time Ordinance 2003(a) (“the principal Ordinance”), the following new sections are inserted after section 20:

“20A. Main tasks of inspectors

The main tasks of an inspector appointed under section 20 are to:

- (a) ensure the full and effective application of this Ordinance, either by conducting investigations of his own volition or by investigating complaints submitted to him; and
- (b) provide information, advice and recommendations to employers and employees in relation to compliance with this Ordinance.

20B. Powers of inspectors

An inspector appointed under section 20 may:

- (a) enter freely and without notice any premises or vehicle in the course of his duties, provided that in the case of premises used wholly or mainly for residential purposes he has the consent of the occupant;

- (b) be accompanied by a police officer, if he has reasonable cause to apprehend a serious obstruction in the execution of his duty;
- (c) be accompanied by any person if he regards it as necessary;
- (d) make any examination or investigation he regards as necessary;
- (e) require any person, whom he reasonably believes to hold information relevant to any examination or investigation under paragraph (d), to
 - (i) answer relevant questions either on his own or in the presence of such other person as the inspector may require or allow, and
 - (ii) sign a declaration that his answers are true; and
- (f) require any person to afford him such facilities and assistance with respect to matters or things within that person's control or in relation to which that person has responsibilities as are necessary to enable the inspector to exercise any of the powers under this section.

20C. Inspectors' duties as regards complaints

- (1) An inspector may accept complaints in relation to any dispute arising from this Ordinance from any party to the dispute, as well as on behalf of such a person.
- (2) Where a complaint is submitted under subsection (1) that has not been made the subject of Court proceedings, the inspector must, as soon as is practicable, follow the procedure provided for in subsections (3), (4) and (5).
- (3) The inspector must investigate the complaint by seeking information and clarification from relevant parties, and must attempt to resolve the dispute by facilitating agreement between the parties.
- (4) If the dispute is settled in accordance with subsection (3), the inspector must record the agreement in writing, which both parties must sign.
- (5) If the dispute is not settled in accordance with subsection (3), the inspector must draw up minutes, which must record his actions and comments, which can be put in evidence at proceedings of the Industrial Disputes Tribunal;
- (6) From the date of the submission of a complaint in accordance with subsection (1) until the date the minutes provided for by subsection (5) are drawn up, any deadline for submitting a claim or appeal to the Industrial Disputes Tribunal is suspended.

20D. Duty to provide information to an inspector

- (1) An employer, employer's representative or employee must, when requested by an inspector, provide him with any information, book, record, certificate or other document that he possesses in relation to the matters prescribed in this Ordinance.
- (2) An employer, employer's representative or employee must, when requested by an inspector, provide the means for him to enter, inspect, examine, search or exercise any other power under this Ordinance in relation to the business of the employer.

20E. Obligations regarding confidentiality

An inspector must treat as confidential any matter or information, whether written or oral, which comes within his knowledge during the exercise of his powers under this Ordinance, and must not disclose or transmit any such matter or information to a third party.

20F. Offences regarding inspectors

- (1) Subject to subsection (3), a person commits an offence and is liable to imprisonment for 3 months or a fine of €5,125 or both, if he:
 - (a) obstructs an inspector during the exercise of any of his powers under this Ordinance;
 - (b) gives a false answer during any investigation under this Ordinance;
 - (c) omits to present any record, certificate, book or other document or detail which he is required to present in accordance with this Ordinance;
 - (d) prevents or attempts to prevent any person from presenting himself before an inspector or from being examined by him.
- (2) Where an offence under subsection (1) is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he as well as the body corporate commits an offence and is liable to be proceeded against and punished accordingly.”.

3. New section 21A inserted

After section 21 of the principal Ordinance, the following new section is inserted:

“21A. Delegation of functions to the Republic

The following functions are general delegated functions under the Delegation of Functions to the Republic Ordinance 2007**(b)**:

- (a) the Chief Officer’s functions under sections 7(4)(d) and (e), 12 and 20;
- (b) the inspectors’ functions under sections 20A, 20B, 20C, 20D, 20E, and 20F.”.

4. Commencement

This Ordinance comes into force on the day it is published in the Gazette.

Notes

- (a) Ordinance 5/03.
- (b) Ordinance 17/07.

EXPLANATORY NOTE

(This note does not form part of the Ordinance)

Introduction

1. This explanatory note relates to the Organisation of Working Time (Amendment) Ordinance 2009 (“the Ordinance”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. It does not form part of the Ordinance.
2. The note should be read in conjunction with the Ordinance. It is not, and is not meant to be, a comprehensive description of the Ordinance. So when a section or part of a section does not seem to require any explanation or comment, none is given.

The Ordinance

3. The Ordinance amends the Organisation of Working Time Ordinance 2003 by making detailed provision for inspectors, broadly replicating the effect of amendments made in 2007 to the Organisation of Working Time Law of the Republic of Cyprus.
4. The Ordinance also follows modern drafting practice by making apparent on the face of the 2003 Ordinance the delegations of functions to the Republic under the Delegation of Functions to the Republic Ordinance 2007. This makes it possible for the reader of the 2003 Ordinance to see what functions under that Ordinance have been delegated, without having to consult the 2007 Ordinance.

(SBA/AG/2/EM/126)