



## European network of legal experts in gender equality and non-discrimination

### NEWS REPORT

<b>Country:</b>	Cyprus
<b>Title:</b>	Report of the Ombudsman on the need to guarantee paternity leave in national legislation
<b>Date:</b>	22 December 2016
<b>Expert:</b>	Lia Georgiades
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Paternity Leave in Cyprus
<b>Ground of discrimination:</b>	Sex
<b>Source:</b>	Policy Development
<b>Field:</b>	Parental Leave
<b>Applicable law:</b>	Ombudsman File Number: 'A.K.I.' 26/2015

### Content

**Policy development:** The Equality Authority of the Commissioner for Administration and Human Rights (Ombudsman) published a report in September 2016 regarding the right for facilities provided for the care of a newborn child and the need to guarantee paternity leave in national legislation as a measure to promote reconciliation of family and working life.

The subject of the report came to the attention of the Ombudsman in response to the complaint submitted by Mr. K.S ('K.Σ'), an teacher and father of four children, for not providing equal facility rights between men and women for the care of a newborn child. The complainant claimed that the Ministry of Education and Culture does not provide facility rights to male educators for the care of a newborn child aged less than nine months old, while at the same time, female educators enjoy such rights. Consequently, the complainant argued that there was discrimination on grounds of sex against male educators.

The investigation of the complaint has led to the conclusion that the circular of the Ministry of Education and Culture does not provide female educators a new separate right, but rather it establishes procedures for exercising the right to facilities for breastfeeding and to increased child care needs by female educators, which is enshrined in Article 5 of the Maternity Protection Law as amended<sup>1</sup>, for all women working either in the public or in the private sector.

The investigation was extended to the indication of K.S ('K.Σ') for shared / equal / same responsibility of parents to care for their children. Accordingly, the report of the Ombudsman considered the possibility of having to provide the relevant facilities not only to female workers but also to male workers, as European law provides. The lack of any

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<sup>1</sup> The Maternity Protection Law of 1997 as amended (Law No. 100 (I) / 1997 as amended)  
[http://www.cylaw.org/nomoi/enop/non-ind/1997\\_1\\_100/full.html](http://www.cylaw.org/nomoi/enop/non-ind/1997_1_100/full.html).

provisions in national legislation providing for paternity leave in Cyprus was also highlighted.

In Cyprus, there is no provision for paternity leave with payment, nor any provision for care leave with payment. Provision exists only for unpaid parental leave; however, this is mostly used by women. This gap in the law does not help to combat the traditional gender division of roles between men and women and thus, taking into account that paternity leave is an EU policy, it should constitute a new legal measure in Cyprus.

The report was submitted to the Ministry of Labour, Welfare and Social Insurance in order to promote the necessary legislation.

**Internet link source:**

The report of the Equality Authority of the Commissioner for Administration and Human Rights can be found at the following link:

[http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/index\\_new/index\\_new?OpenForm](http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/index_new/index_new?OpenForm).