

THE STATUTE LAWS OF CYPRUS

No. 30 OF 1942.

A LAW TO PROVIDE FOR THE PAYMENT OF COMPENSATION
TO WORKMEN FOR INJURY BY ACCIDENT.

C. C. WOOLLEY,
Governor.

[30th December, 1942.]

BE it enacted by His Excellency the Governor and
Commander-in-Chief of the Colony of Cyprus as
follows :—

1. This Law may be cited as the Workmen's Short title,
Compensation Law, 1942.

Meaning of
"workman"
and applica-
tion of Law.

2.—(1) In this Law, unless the context otherwise requires, the expression "workman", subject to section 4 and the proviso to this sub-section, means any person who has, either before or after the commencement of this Law, entered into or works under a contract of service or apprenticeship with an employer, whether by way of manual labour, or otherwise, whether the contract is express or implied, is oral or in writing, and whether the remuneration is calculated by time or by work done :

Provided that the following persons shall not be regarded for the purposes of this Law as workmen :—

- (a) persons whose remuneration exceeds two hundred and fifty pounds a year ; or
- (b) persons employed to perform work of a casual nature not connected with the employer's trade or business not being persons employed for the purposes of any game or recreation and engaged and paid by a Club ; or
- (c) outworkers ; or
- (d) a member of the employer's family dwelling in his house ; or
- (e) persons employed in agriculture, unless such employment be in connection with any steam or internal combustion engine or electric motor or any machine or machinery driven by or actuated by such engine or electric motor whether directly or indirectly ;
- (f) domestic servants ; or
- (g) persons employed as clerical workers or shop assistants or both ; or
- (h) persons who contract or sub-contract for the carrying out of work and themselves engage other persons, independently of the employer, or to perform such work ; or
- (i) tributers.

(2) If in any proceedings for the recovery of compensation under this Law it appears to the Court that the contract of service or apprenticeship under which the injured person was working at the time when the accident causing the injury happened was illegal, the Court may, if having regard to all the circumstances of the case it thinks proper so to do, deal with the matter as if the injured person had at the time aforesaid been a person working under a valid contract of service or apprenticeship.

(3) Except for the purposes of section 17 any reference to a workman who has been injured shall, unless the context otherwise requires, where the workman is dead, include

reference to his legal personal representative, or to his dependants or any of them or the Commissioner or such other officer as the Governor may appoint to act on behalf of the dependants of the workman.

3.—(1) In this Law unless the context otherwise requires— Interpreta-
tion.

“adult” means a person who is not under the age of eighteen years ;

“agriculture” includes horticulture and the cultivation of the ground for any purpose, sowing seeds, planting, removing crops, animal husbandry, but does not include forestry ;

“compensation” means compensation as provided by this Law ;

“Court” means a Court of competent jurisdiction ;

“dependants” means those members of the family of a workman who were wholly or in part dependent upon his earnings at the time of his death, or would but for the incapacity due to the accident have been so dependent, and, where the workman, being the parent or grandparent of an illegitimate child, leaves such child so dependent upon his earnings, or, being an illegitimate child, leaves a parent or grandparent so dependent on his earnings, shall include such an illegitimate child or parent or grandparent respectively : Provided that a person shall not be deemed to be a partial dependent of another person unless he was dependent partially on contributions from that other person for the provision of the ordinary necessities of life suitable for persons in his class and position ;

“earnings” includes wages paid to the workman by the employer and the value of any food, fuel, or quarters supplied to the workman by the employer if as a result of the accident the workman is deprived of such food, fuel, or quarters and any overtime payments or other special remuneration for work done, whether by way of bonus or otherwise, if of constant character or for work habitually performed, but shall not include remuneration for intermittent overtime, or casual payments of a non-recurrent nature, or any *ex-gratia* payment whether given by the employer or other person, or the value of a travelling allowance, or the value of any travelling concession or a contribution paid by the employer of a workman towards any pension or provident fund, or a sum paid to a workman to cover any special expenses entailed on him by the nature of his employment ;

“employer” includes His Majesty in His Government of the Colony and any body of persons corporate or unincorporate and the legal personal representative of a deceased employer, and, where the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman 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 workman whilst he is working for that other person; 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;

“insurer” includes any insurance society, association, company or underwriter;

“medical practitioner” means a medical practitioner registered under the Medical Registration Laws, 1936 and 1939;

“member of the family” means wife, husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother, half-sister;

“minor” means a person who is under the age of eighteen years;

“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 articles or materials;

“partial incapacity” means, where the incapacity is of a temporary nature, such incapacity as reduces the earning capacity of a workman in any employment in which he was engaged at the time of the accident resulting in the incapacity, and, where the incapacity is of a permanent nature, such incapacity as reduces his earning capacity in every employment which he was capable of undertaking at that time: Provided that every injury specified in the Schedule hereto, except such injury or combination of injuries in respect of which the percentage or aggregate percentage of the loss of earning capacity as specified in that Schedule against such injury or injuries amounts to one hundred per centum or more shall be deemed to result in permanent partial incapacity;

“total incapacity” means such incapacity whether of a temporary or permanent nature, as incapacitates a workman for any employment which he was capable of undertaking at the time of the accident resulting in such incapacity: Provided that permanent total incapacity shall be deemed to result from an injury or from any combination of injuries specified in the Schedule hereto where the percentage or aggregate percentage of the loss of earning capacity as specified in that Schedule against such injury or injuries, amounts to one hundred per centum or more;

“tributer” means a person who is granted permission to win minerals, receiving a proportion of the minerals won by him or the value thereof.

(2) The exercise and performance of the powers and duties conferred or imposed upon any local authority or body under any Law in force for the time being shall, for the purposes of this Law, be deemed to be the trade or business of such local authority or body.

4. This Law shall apply to workmen employed by or under the Crown in the same way and to the same extent as if the employer were a private person, except in the case of persons in the naval or military or air service of the Crown and persons in the Civil employment of His Majesty otherwise than in His Government of the Colony: Provided that this Law shall not apply in the case of a workman in, or selected for appointment to, the service of the Government of the Colony before the date upon which this Law comes into operation where, in consequence of injury received by any such workman in the discharge of his duties, a pension or gratuity which would not be payable if such injury were received otherwise, is paid to him or, in the case of his death, to any of his dependants as defined in this Law, under any Law or regulation providing for the grant of such pension or gratuity.

Application to workmen employed under the Crown.

5. If in any employment a workman suffers personal injury by accident arising out of and in the course of his employment his employer shall be liable to pay compensation in accordance with the provisions of this Law:

Employers' liability for compensation.

Provided that the employer shall not be so liable for such compensation should—

(a) the injury incapacitate the workman whether totally or partially for a period of less than seven consecutive calendar days;