



**PUBLIC EMPLOYMENT  
SERVICE OF CYPRUS**

## **EMPLOYMENT GUIDE**

Department of Labour, Ministry of Labour and Social Insurance  
Website: [www.mlsi.gov.cy/dl](http://www.mlsi.gov.cy/dl)



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## INTRODUCTION

The Department of Labour of the Ministry of Labour and Social Insurance, within the framework of its efforts to provide information to the Cypriot citizen on basic provisions of the Labour Legislation, has prepared and made available to you this concise Guide.

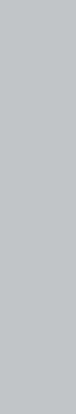
The Guide contains, in a concise and simple form, basic provisions of Labour Legislation applied by the Departments of Labour, Labour Relations, Labour Inspection and Social Insurance, of the Ministry of Labour and Social Insurance, as these provisions stood, when the final draft of the Guide was sent to the printers in June 2008.

A few specialized chapters of labour law are not included in this Guide

The information contained in this Guide in no case constitutes a substitute for the provisions of the relevant legislation, as published in the Official Gazette of the Republic, which is the only official and authentic source.

For further information and for resolving any problems encountered by them, citizens may apply [either by telephone or by calling personally] at the Offices/ Services listed in the Appendix to this Guide.

***Important:*** *This Guide does not provide information on the whole of the labour legislation.*





# 01.

## **BASIC PROVISIONS OF THE LABOUR LEGISLATION**

## 01. BASIC PROVISIONS OF THE LABOUR LEGISLATION

### 1.1 INFORMATION TO THE EMPLOYEE ON THE BASIC CONDITIONS APPLICABLE TO HIS EMPLOYMENT

*The Provision of Information to the Employee by the Employer on the Conditions Applicable to the Contract or Employment Relationship Law.*

The employer is obliged to inform the employee in writing, within one month after commencement of the employment, of the essential conditions applicable to his contract of employment or employment relationship, as follows:

- The place of his work.
- His position or specialty, his grade or category of work, as well as the content and object of his work.
- The date of commencement of the contract of employment or employment relationship and its expected duration, in the case of employment on a fixed term.
- The duration of paid leave, to which the employee is entitled, as well as the manner and the time of granting such leave.
- The notice to be observed by the employer and the employee in case of termination of the contract or employment relationship.
- All components of the employee's remuneration, as well as the frequency of its payment.
- The duration of the employee's normal daily or weekly work.
- Any collective agreements applicable to the terms and/or conditions of the employee's employment.

### 1.2 HOURS OF WORK OF CLERKS, QUARRY WORKERS, MINERS, SHOP EMPLOYEES AND HOTEL AND CATERING EMPLOYEES

A series of legislations regulate the hours of work, as well as other conditions of the employees' employment, either in general or for particular occupations. The Organisation of Working Time Law contains general provisions for the hours of work, which apply to all employees, while the Hours of Work Law provides for the issue of Orders by the Council of Ministers fixing the hours of work of persons employed in specific occupations. The hours of work and other conditions of employment such as overtime work, breaks and rest for the shop assistants, are regulated by the Shop Assistants Law. Finally, the conditions of employment of hotel and catering employees are regulated by the Hotel Employees (Conditions of Service) Regulations and by the Catering Employees (Conditions of Service) Regulations, respectively. For further information on the provisions of the legislation, you may apply to the Department of Labour Relations.

The hours of work and other conditions of employment in specific occupations, as provided in the legislation referred to above, are analysed below.

#### 1.2.1 CLERKS

##### **Persons covered**

The legislation applies to every person employed as a clerk or in an executive or administrative capacity, including low rank employees and messengers, but excluding employers, partners, company directors or officials. It applies to persons employed in offices at which any trading or banking business or liberal profession is carried out, with the exception of persons employed in offices that are located in industrial undertakings, doctor's practices, hospitals or shops.



**Hours of work**

The total number of hours of work of persons covered cannot exceed 44 per week or 8 per day.

**1.2.2 QUARRY WORKERS AND MINERS****Persons covered**

Every person working permanently or temporarily in a quarry or mine, excluding managerial/ clerical staff not engaged in manual work and persons working in the health and welfare services of quarrying or mining establishments.

**Hours of work**

- The working time of miners working underground must not in total exceed 40 hours a week or 8 hours a day.
- The total number of hours of work of miners working on the surface must not exceed 44 a week or 8 a day.
- The total number of hours of work of quarry workers must not exceed 44 a week or 8 a day.

**Offences and penalties**

Any employer who violates the hours of work applicable to clerical, quarrying and mining occupations is guilty of an offence and, in case of conviction, is liable to a fine not exceeding €170 (£100) or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

**1.2.3 SHOP EMPLOYEES****Persons covered**

Every person employed in any premises where retail trade or business is carried out, such as sales staff cashiers, stevedores, warehouse staff, including heads of departments, as well as employees in butcheries, fish markets, bakeries and hair dressing salons.

**Conditions of employment**

- Normal working hours: The total number of normal weekly and daily working hours must not exceed 38 and 8, respectively.
- Over-time work: Working longer than the above number of hours is allowed subject to the consent of the employee concerned and to the payment of over - time compensation. The rate of such compensation cannot be less than the ratio of 1,5 to1 for weekdays and 2 to1 for Sundays, holidays and free mornings or free afternoons. The maximum working time, including over-time work, must not exceed 46 hours a week or 10 hours a day.
- Breaks: Every shop employee must work continuously during the daily working hours, with only one break of between 15 minutes and one hour. During the period from 15 June to 31 August each year, the break may be extended up to the length of the afternoon recess.
- Free mornings or afternoons: Every week the employer must allow the employees who work a six-day week, three free afternoons starting at 2 p.m. or free mornings ending before 2 p.m. Those working a five-day week must be granted either one free afternoon or one free morning. One of the free afternoons must be given on a Saturday every other week and/or a Sunday every such week.
- Holidays: Every shop employee is entitled to 14 holidays with pay as specified in the Law.

### **Obligation of employer to display the list of his employees**

Every employer is obliged to display in his shop a table showing the names of his shop employees, their working hours and their breaks, their free afternoons and/or mornings, their daily and weekly rest and their annual leave.

### **Offences and penalties**

Any employer who contravenes or fails to comply with the provisions of the above mentioned Law, is guilty of an offence and on conviction, is liable to a fine not exceeding €17.086 (£10.000) or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

## **1.2.4 HOTEL AND CATERING EMPLOYEES**

### **Persons covered**

A hotel employee is any person engaged in hotel work, under a contract of employment or other employment relationship and includes any person employed in any restaurant or kitchen used for serving the hotel guests, but does not include the hotel manager.

A catering employee is any person working under a contract of employment or other employment relationship, in a restaurant, cabaret, coffee-shop, music place, bar, night-club, tavern, club or any other place where food or drinks are consumed.

### **Conditions of employment**

- Weekly hours of work: The number of hours of work of hotel and catering employees must not exceed 48 a week, including over-time work.
- Daily hours of work:
  - (a) Hotel employees: The number of hours of work must not exceed 8 a day and may be spread over a maximum period of 13 hours, with not more than two breaks (three shifts).
  - (b) Catering employees: The number of hours of work must not exceed 8 a day, with not more than one break (two shifts).
- Over-time work:
  - (a) Hotel employees: Up to 9 hours a week.
  - (b) Catering employees: Up to 8 hours a week.

In both cases the minimum over-time compensation must be at the ratio of 1,5 to 1.
- Weekly rest: Every hotel or catering employee is entitled to one day off weekly, with full pay.
- Annual leave: Every hotel or catering employee is entitled to an annual leave of four weeks with full pay, which is 20 working days in the case of a five-day working week and 24 working days in the case of a six-day working week.
- Sick leave:
  - (a) Hotel employees:
    - For service between six months and three years: 15 days.
    - For more than three years service: 24 days.
  - (b) Catering employees:
    - For service between six months and three years: 10 days.
    - For more than three years service: 18 days.

### **Employer's and employee's obligations**

- Professional booklet: Every employer is obliged to supply every hotel or catering employee with a professional booklet.
- Termination of employment:
  - (a) Hotel employees: During the first month of service the employment may be terminated without any obligation on the part of the employer to the employee. After one month of service, the employer or the employee, depending on whose

initiative the employment is terminated, is obliged to give the prescribed period of notice or pay the corresponding compensation.

(b) Catering employees: The employer or the employee, depending on whose initiative the employment is terminated, is obliged to give the prescribed notice or pay the corresponding compensation.

- Service charge: Every employer of a hotel or catering employee is obliged to charge 10% on every customer's bill. The total of this charge is distributed monthly among the employees concerned.
- Display of list and table: Every employer of a hotel or catering employee is required to display:
  - A list of his employees with their respective occupations.
  - A table showing the daily hours of work, the weekly rest day, the annual leave and the points of every employee for the purposes of distributing the service charge.

### **Offences and penalties**

- Hotels: Any employer who contravenes or fails to comply with the provisions of the Hotel Employees (Conditions of Service) Regulations, is guilty of an offence and is liable, on conviction, to a fine not exceeding € 1.708 (£1.000).
- Catering: Any employer who contravenes or fails to comply with the provisions of the Catering Employees (Conditions of Service) Regulations, is guilty of an offence and is liable, on conviction, to a fine not exceeding € 3.417 (£2.000) or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

## **1.2.5 OTHER OCCUPATIONAL CATEGORIES**

The hours of work, rest, breaks and annual leave of employees not belonging to any of the above mentioned occupational categories, are governed by the provisions of the Organisation of Working Time Law. According to this Law, unless other more favourable arrangements for the employees are applicable through industry - wide collective or enterprise-based agreements, the following apply:

- The weekly working time cannot exceed 48 hours, on average, including over- time work. The average working time is calculated every four months.
- The minimum period of rest per 24 hours is fixed at 11 consecutive hours.
- The minimum weekly rest is fixed at 24 consecutive hours.
- Where the daily working time exceeds six hours, there must be a break of at least 15 minutes.
- A minimum period of four weeks annual leave with pay must be granted, that is 20 working days in case of a five-day working week and 24 working days in case of a six-day working week.
- The other conditions of employment (over-time work, sick leave, etc.), for employees not belonging to any of the above mentioned occupational categories, are fixed through industry-wide collective or enterprise- based agreements.

## **1.3 MINIMUM WAGES FOR CLERKS, SALES STAFF, SCHOOL AIDS, CHILD AND INFANT MINDERS, NURSING AIDS, SECURITY GUARDS AND CARE WORKERS**

### **Manner of fixing minimum wage**

The minimum salary is fixed on 1 April each year by Order of the Council of Ministers.

### **Purpose**

The purpose of the legal minimum wage is to protect employees in non-unionised occupations/specialisations, whose conditions of employment can rarely be set through collective agreements.

**Occupations covered**

The minimum wage applies to clerks, sales- persons, school aids, child and infant minders, nursing aids, care workers and security guards.

**Amount of minimum wage**

As from 1 April 2008 the minimum wage on recruitment is € 743 (£ 435) and €789 (£462) after six months of service with the same employer.

**Salary records**

The employer is obliged to keep a salary record for the occupations covered by the Order.

**Offences and penalties**

Any employer who pays less than the minimum wage to an employee belonging to any of the occupations covered, is guilty of an offence and is liable, on conviction, to a fine not exceeding €170 (£100) and to an additional fine not exceeding €42 (£25) for every day of contravention of the Order after conviction.

**Payment of compensation to employee**

In case of conviction of the employer, the employee may claim payment of the difference between his wage and the minimum wage, for a period of up to two years before the date of complaint.

***Competent Authority for implementing the Law: Department of Labour relations.  
July 2008***



## 02.

**LEGISLATION GOVERNING THE TERMINATION  
OF EMPLOYMENT AND SAFEGUARDING  
OF EMPLOYEE'S RIGHTS IN THE EVENT  
OF TRANSFER OF UNDERTAKINGS,  
BUSINESSES OR PARTS THEREOF**

## 02. LEGISLATION GOVERNING THE TERMINATION OF EMPLOYMENT AND SAFEGUARDING OF EMPLOYEE'S RIGHTS IN THE EVENT OF TRANSFER OF UNDERTAKINGS, BUSINESSES OR PARTS THEREOF

### 2.1 THE TERMINATION OF EMPLOYMENT LAW

#### Introduction

The Termination of Employment Law was enacted on 27 May 1967 and came into operation on 1 February 1968. The main purpose of this Law is to protect employees against dismissal.

#### Persons covered

The Termination of Employment Law covers all employees, whether in the private or the public sector, including apprentices. It also covers the shareholders of private companies who are employed by their companies. Employees of the Government of the United Kingdom and of N.A.A.F.I., working in Cyprus, are excepted from the provisions of the Law that govern redundancies, on the ground that such employees are protected by redundancy schemes offered by their employers.

#### Employer's obligation to give notice

An employer intending to terminate the employment of an employee, who has completed at least 26 weeks of continuous employment with that employer, is obliged to give the employee a minimum period of notice, depending on the length of his service, as follows:

##### Period of continuous employment

26 to 51 weeks  
52 to 103 weeks  
104 to 155 weeks  
156 to 207 weeks  
208 to 259 weeks  
260 to 311 weeks  
312 or more weeks

##### Period of notice to be given

one week  
two weeks  
four weeks  
five weeks  
six weeks  
seven weeks  
eight weeks

The above notice must be given in writing.

The right of an employee to a longer period of notice, if he is so entitled by custom, law, collective agreement, contract or otherwise, is not affected by the Termination of Employment Law.

The employer is not obliged to give notice, if the employment is on a probationary basis for a period not longer than 104 weeks. Where such period is longer than 26 weeks, notice is not required only where the probationary period has been fixed by written agreement between the employer and the employee at the time of recruitment.

The employer has the right to require the employee to accept payment of his wages, in lieu of the period of notice to which he is entitled.

During the period of notice, the employee, by agreement with his employer, is entitled to time off not exceeding eight hours per week, subject to a maximum of 40 hours in total, without loss of pay, in order to be able to seek new employment.

An employee, who has been given notice, is entitled, if he finds new employment, to leave the employment of his employer without any notice. In such case the employee loses his entitlement to payment for the remainder of the period of notice.

Giving notice to an employee, who is absent from work because of incapacity for work, is prohibited for a period of up to twenty six weeks from commencement of such incapacity. Moreover, the period of notice in the case of an employee, who becomes incapable of work as result of a occupational accident occurring during that period, is suspended. The terms 'incapable of work' and 'occupational accident' have the meaning assigned to them by the Social Insurance Law.

The employer has the right to terminate the employment of an employee without notice, where the employee's conduct is such as to justify his dismissal without notice, e.g.:

- Gross misconduct by the employee in the course of his duties,
- Commission by the employee in the course of his duties of a criminal offence without the agreement, expressed or implied, of his employer,
- Immoral behaviour by the employee in the course of his duties and
- Serious or repeated contravention or disregard by the employee of work or other rules in relation to his employment.

Where the employer does not exercise his right to dismissal without notice within reasonable time, the termination of employment is deemed to be unjustified.

### **Employer's obligation to notify the employee in the event of transfer**

An employer envisaging any act or action that will result in the transfer or posting of the employee to another employer, whether permanently or temporarily, has to notify the employee in writing, and as timely as possible, of his intentions, even where the transfer or posting will not result in a change of duties or place of work.

Employee's obligation to give notice to the employer

An employee who intends to terminate his employment, has to give a minimum period of notice to his employer, depending on his duration of employment, as follows:

#### *Period of continuous employment*

26 to 51 weeks

52 to 259 weeks

260 weeks or more

#### *Minimum period of notice*

one week

two weeks

three weeks

The right of an employer to a longer period of notice, if he is so entitled by custom, collective agreement, contract or otherwise, is not affected by the Termination of Employment Law.

### **Employee's right to compensation for unlawful dismissal**

An employee, whose employment is terminated unlawfully after he has completed 26 weeks of continuous employment with an employer, is entitled to compensation. Compensation is also payable in the case of an employee who terminates his employment because of his employer's conduct.

No compensation is payable in the case of any employee, who, before the termination of his employment, has attained the pensionable age (65).

The amount of compensation is decided by the Labour Disputes Court after an application by the employee, but in no case it can be less than the amount of redundancy payment, to which the employee would be entitled, had he been declared redundant, or higher than two years wages. In assessing the amount of compensation, the Court gives consideration, *inter alia*, to the emoluments of the employee, the length of his service, the loss of his career prospects, his age and the circumstances of his dismissal.

The amount of compensation up to the wages of one year is payable by the employer and any amount in excess of such wages is payable out of the Redundancy Fund.

### **Dismissal not giving right to compensation**

An employee is not entitled to compensation, if his employment has been terminated for any of the following reasons:

- Where the employee has become redundant.
- Where the termination is due to *force majeure*, war operations, political rising, act of God, or destruction of the plant by fire not caused by the willful act or negligence of the employer.
- Where the employment is terminated at the end of fixed term contract or because of the attainment by the employee of the normal retirement age by virtue of custom, law, collective agreement, work rules or otherwise.
- Where the dismissal is due to the employee's own fault. The termination of employment is deemed to be due to the employee's own fault, if he fails to carry out his work in a reasonably efficient manner or conducts himself in manner that renders him liable to dismissal without notice (see under 'Employer's obligation to give notice' above).

It is pointed out that the following can in no case constitute a valid reason for dismissal and dismissal for such reason renders the employer liable to compensation:

- Union membership or participation in union activities outside the working hours or, with the consent of the employer, within working hours, or participation in a safety committee under the Safety and Health at Work Laws.
- Seeking office as, or acting or having acted in the capacity of a workers' representative.
- Filing of a complaint or participation in proceedings against the employer involving violation of laws or regulations, or appealing to an administrative authority.
- Race, colour, marital status, religion, political opinion, ethnic extraction or social origin.
- Pregnancy or maternity.
- Parental leave or leave for *force majeure*.

### **Power of the Labour Disputes Court to order re-instatement of an employee**

Where the termination of the employment of an employee who has worked for an employer employing 19 or more employees, is considered unlawful and as an act of bad faith, the Labour Disputes Court, may, following an application by the employee concerned and if it thinks fit considering the circumstances of the case, order the re-instatement of that employee, as well as the payment of damages for the actual loss suffered by the employee. The amount of damages cannot exceed the wages of 12 months.

### **Right of employee to redundancy payment out of the Redundancy Fund**

Where the employment of an employee, who has been employed for 104 or more weeks by the same employer, is terminated because of redundancy before the attainment by the employee of the pensionable age, the employee is entitled to a redundancy payment out of the Redundancy Fund.

It is noted that in the case of a port worker, employment by more than one employers is deemed to be employment with the same employer.

It is also pointed out that seasonal employment with the same employer for at least 15 weeks on average over the period of such employment, is deemed to be continuous.



### **When an employee is redundant**

An employee is redundant when his employment is terminated for any of the following reasons:

- Because the employer has ceased or intends to cease to carry on the business in which the employee was employed.
- Because the employer ceases or intends to cease to carry on business in the place in which the employee was employed.
- Because of any of the following other reasons concerned with the operation of the business:
  - (a) Modernization, mechanization, or any other change in the methods of production or organization, which reduces the number of employees necessary
  - (b) Changes in products or production methods or in the skills needed on the part of the employees.
  - (c) Closing of departments.
  - (d) Marketing or credit difficulties.
  - (e) Lack of orders or raw materials.
  - (f) Scarcity of means of production.
  - (g) Contraction of the volume of work or business.

### **Dismissal not giving right to redundancy payment**

An employee is not entitled to redundancy payment, even if he has been declared redundant, where,

- The employer, before terminating the employment, makes an offer of suitable alternative employment and the employee unreasonably refuses this offer.
- the employment has been terminated as a result of the transfer of the business to another employer, who has renewed the contract of employment.
- the employer is a registered company under the Companies Law and the employee is transferred to a suitable post in another company associated with the former company. Two companies are treated as associated companies, if one of them is a subsidiary of the other or, if both of them are subsidiaries of a third company. The term 'subsidiary' has the meaning assigned to it by section 148 of the Companies Law (Cap.113 as amended).
- before the termination of employment another employer, who is company in which the employer is the main shareholder or exercises substantial control, offers the employee suitable employment.

### **Amount of redundancy payment**

The amount of redundancy payment is calculated taking into account the period of the employee's continuous service and his final wages, as follows:

<u>Period of continuous employment</u>	<u>Amount of redundancy payment</u>
Up to 4 years	2 weeks wages for each year of continuous employment
More than 4 and up to 10 years	2,5 weeks wages for each period of continuous employment
More than 10 and up to 15 years	3 weeks wages for each year of continuous employment
More than 15 and up to 20 years	3,5 weeks wages for each year of continuous employment
More than 20 and up to 25 years	4 weeks wages for each year of continuous employment

Where the claimant is a shareholder of a private company and is employed by this company otherwise than under a contract of employment or under such circumstances from which an employer employee relationship may be derived, the redundancy payment is equal to one percent (1%) of his weekly wage multiplied by 52 and by the number of years of employment.

Where the total period of employment exceeds a number of complete years, any fraction of the year of 26 weeks or more is deemed to be a complete year.

Where the redundant employee has attained the age of 64 years, the redundancy payment is reduced by 1/12 for each completed month by which the age of the employee exceeds 64 years.

#### **Right to redundancy payment from the employer and out of the Redundancy Fund**

Where the employee is entitled at the same time to redundancy payment both out of the Redundancy Fund and from his employer by custom, law, collective agreement or contract, the employee receives the amount payable out of the Redundancy Fund and from his employer any amount by which the payment due by him exceeds the payment out of the Fund.

It is clarified that payment out of the Redundancy Fund is not considered as payment by the employer.

#### **Calculation of the period of employment**

The period of employment is calculated in weeks. The following weeks count in computing the period of employment:

- A week in which the employee has worked 18 hours or more.
- A week in which the employee was-
  - (a) unable to work because of sickness, injury or pregnancy,
  - (b) absent from work because of temporary cessation of work,
  - (c) Absent from work in circumstances such as, by arrangement, custom or law, the employer - employee relationship is considered by the Labour Disputes Court continued.
  - (d) Absent from because of parental leave.

For the purposes of calculating the period of employment of seasonal workers only weeks of actual work are taken into account.

As a general rule only periods of employment with the employer who terminates the employee's employment are taken into account. However, when the business is transferred from one employer to another or where the employee is transferred from one company to another associated company, or to a company essentially controlled by the same persons as the transferor company, account is taken of the employee's employment with all such employers.

An exception to the above mentioned general rule are the cases covered by the special provisions enacted for the purpose of better protection of the employees, who had lost their jobs as a result of the circumstances created by the Turkish invasion. According to these special provisions and under certain conditions, for the purposes of redundancy payment account is taken of the period from 15 July 1974 to 3 October 1976, as well as of the period of the employee's service with the employer by whom he was employed on 14 July 1974.

In no case account is taken of any period of employment before 1 January 1964.

### **Continuity of employment**

The period of employment taken into account in calculating payment must not only be employment with the same employer, but it must also be continuous. The continuity of employment is deemed not to have been broken by any of the following:

- Absence from work due to service in the National Guard
- Absence from work due to a trade dispute.
- Absence from work because of temporary cessation of work.
- Absence from work because of sickness, injury, maternity or disease.
- Change of employer because of transfer of a business or part of a business from one employer to another.
- Absence from work on leave with or without pay.
- Absence from work due to *force majeure*, act of war, political rising or act of God.
- Absence from work because of employment abroad in a business belonging wholly or mainly to the same employer.
- Absence from work in circumstances such as by arrangement, custom or law the employer-employee relationship is considered by the Labour Disputes Court to continue.
- Absence from work due to parental leave.

### **Wages taken into account in calculating payment**

For the purposes of calculating the amount of payment where the employee works for a fixed wage, account is taken of his last wage before the termination of his employment. Where the employee does not work for a fixed wage, but is paid by another method e.g. commissions or on the basis of the amount of his work, then account is taken of his average earnings during the last 12 weeks before the termination of his employment.

For the purposes of redundancy payment, the part of wages in excess of four times the amount of the basic insurable earnings, as fixed under the Social Insurance Law, is not taken into account.

### **Redundancy Fund**

All redundancy payments are made out of the Redundancy Fund.

The Redundancy Fund is financed solely by contributions from employers. The amount of contribution is 1,2% of the employee's earnings, subject to a ceiling fixed every year. For 2008 this ceiling was fixed at €3.836 per month. 'Earnings' includes the basic salary/wage, the cost of living allowance, commissions, 13th or 14th month's salary, 53rd to 56th week's wages, overtime compensation, shift allowances, service charge, the employer's contributions to the Annual Leave with Pay Fund and to the trade unions holidays funds.

For the purposes of calculating contributions account is taken of the gross earnings, that are before any deduction for taxes, contributions or other purpose.

The employers' contributions to the Redundancy Fund are paid together with the Social Insurance contributions.

### **How to claim compensation from the employer**

For the purposes of compensation for unlawful dismissal, the employee must submit an application on the prescribed form to the Labour Disputes Court, within 12 months at the latest from the date of dismissal or within 9 months from the date of receipt of the notice of rejection of his claim by the Redundancy Fund.

### **How to claim redundancy payment**

In order to receive payment out of the Redundancy Fund, the employee must make a claim on the prescribed form, which he can obtain from the nearest Social Insurance Office, Citizen's Service Centre or through the internet.

The claim must be submitted to the nearest Social Insurance Office, within three months at latest from the date of termination of the employment. However, in exceptional cases, where the employee shows that he had a good reason for the delay, payment may be approved provided that the claim is made within 12 months from the date of termination of his employment.

### **Manner of payment of redundancy payment**

The redundancy payment is made by cheque, mailed to the payee's address. The cheque must be cashed within six months from the date of issue. However, in exceptional cases where the payee shows that he had a good reason for the delay, the said time may be extended for an additional period of six months. The right to the payment is any case lost, if the cheque is not cashed within 12 months from the date of issue.

### **Obligation of employer to notify redundancy.**

An employer who intends to declare redundancies, is obliged to give at least one month's notice to the Minister of Labour and Social Insurance, informing him of the number redundant employees, the branch or branches of the business affected, the name, occupation and family responsibilities of each employee to be affected and the reasons for the redundancy.

Where an employer, who has declared employees redundant, wishes, within eight months of the redundancy, to increase again his workforce, he must give priority in engagement to the employees affected by the redundancy, subject to the operational needs of his business.

### **Offences in relation to redundancy payment claims.**

Any person, who makes a false claim for redundancy payment or produces any false certificate or provide any false information in relation to such claim, is guilty of an offence and is liable, on conviction, to a fine not exceeding €770 (£450) or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

The above-mentioned penalties apply also in the case of any person who assists another person to commit the respective offences.

### **The Labour Disputes Court**

The Labour Disputes Court has jurisdiction to decide on disputes arising out of the application of the Termination of Employment Law. The Court consists of a Chairman, who is a lawyer, appointed by the Supreme Court Council, and two members representing the organizations of the employers and of the employees, respectively. The members are nominated in each case by the Chairman of the Court, from a panel prepared by the Minister of Labour and Social Insurance, after consultation with the employers' and employees' organizations.

### ***Competent Authority for implementing the Law: Social Insurance Services July 2008***

## **2.2 COLLECTIVE REDUNDANCIES**

The Collective Redundancies Law entered into force on 9 March 2001. Its purpose is to protect employees in the event of 'collective redundancies.'

## Scope of the Law

The Law applies to 'collective redundancies', as defined below. It does not apply in case of voluntary termination of employment or dismissal on the expiry of a fixed term contract.

### Collective redundancies to which the Law applies

The criteria required to be satisfied in order to treat a redundancy as 'collective redundancy', are the following:

- The dismissal must have occurred at the initiative of the employer.
- The reason for the dismissal (there may be one or more reasons) must not be attributed to the individual employee concerned. For example, dismissals for economic or technical reasons satisfy the criteria, because they are not related to the individual employee affected, while dismissals due to violation of rules of work on the part of the employee or commission by him of an offence, do not satisfy the criteria.
- The number of dismissals over a period of 30 days must be:
  - At least 10 in the case of an establishment normally employing 21 to 99 employees. In accordance with the Law, if the number of dismissals is at least five, account is also taken of any other dismissal occurring for any reason. Consequently, where a business normally employs 21 to 99 individuals, the Law applies, if another five or more contracts of employment are terminated, provided that at least five individuals have been collectively dismissed, as defined above.
  - Where an establishment normally employs 100 to 299 persons, the dismissals must be at least 10% of the number of individuals normally employed.
  - Where a business normally employs 300 or more persons, the number of dismissals must not be less than 30.

In summary, the Law is applicable, where the minimum number of dismissals, in relation to the total number of persons employed by an establishment, is as shown in the table below.

	Number of employees	Number of dismissals
(a)	20 or less	The Law does not apply
(b)	21 to 99	10 or more dismissals (if collective redundancies not less than five, account is also taken of any termination of contracts of employment occurring for any reason)
(c)	100 to 299	Dismissals not less than 10% of the number of employees
(d)	300 or more	Not less than 30

The Law does not apply to:

- Any establishment employing 20 or less individuals (as shown in the above table).
- Collective redundancies under fixed term contracts of employment or for specific works, unless such redundancies take place prior to the date of expiry of the contracts, or before completion of such works.
- The crew of sea going vessels.
- Persons employed in the Public Service, by semi-government organizations, local authorities and public law legal entities.

### **Information and consultation**

When the employer is contemplating a collective redundancy, he must proceed with consultations with the employees' representatives with a view to reaching an agreement.

The consultations should, at least, cover the following:

- (a) Ways and means of avoiding collective redundancies or reducing the number of employees to be affected and of mitigating the consequences of collective redundancies (by recourse to social measures aimed, inter alia, at redeploying or retraining the employees made redundant).
- (b) In addition, the employer must supply, in good time, the employees' representatives with all relevant information in order to enable them to make proposals during the consultations. The employer has to give in writing, inter alia, the following information:
  - The reasons for the planned redundancies.
  - The number and the categories of employees to be made redundant.
  - The number and the categories of employees normally employed by him.
  - The period over which the redundancies are to be effected.
  - The criteria to be used for selecting the employees to be made redundant (which by law or practice are the prerogative of the employer).
  - The method of calculating any redundancy payments, other than that provided for by the Termination of Employment Law of 1967-1994.

### **Notification to the Minister**

The employer must supply the Minister of Labour and Social Insurance with a copy of the above-mentioned information (the method of calculating any payments may be omitted). In addition, he has to inform in writing, the soonest possible, the Ministry of Labour and Social Insurance of any contemplated collective redundancy providing also all relevant information, and of the consultations with the employees' representatives (as the Law provides), and in particular:

- The reasons for the planned redundancy.
- The number of employees to be affected.
- The number of employees normally employed by the employer.
- The period over which the redundancies are to be effected.

Copy of the notification must also be forwarded by the employer to the employees' representatives, who may submit their comments to the Minister of Labour and Social Insurance.

The aforesaid obligations apply irrespective of whether the decision for the collective redundancy is taken at the initiative of the employer or by an undertaking controlling the employer. It is noted that failure of the undertaking, which has taken the decision for the collective redundancy, to duly inform the employer, does not constitute a defense on the part of the employer.

### **Date from which redundancies take effect**

Planned collective redundancies take effect not earlier than 30 days after the notification of such redundancies to the Minister of Labour and Social Insurance. In addition, the provisions governing rights to notice in case of termination of employment must be observed. The Ministry of Labour and Social Insurance uses the 30 days period to seek solutions to the problems arising out of the redundancies. The period of 30 days does not apply where the collective redundancy is due to the termination of the establishment's activities as a result of a judicial decision.

### **Sanctions for violation of the Law**

All information required to be provided under the Law must be treated as confidential. Any one who violates the provisions of the Law governing confidentiality is liable, on conviction, to a fine not exceeding €1.708 (£1.000). In addition, any one who violates the provisions of the Law governing provision of information, consultation and notification (e.g. failure to inform the employees' representatives, or to provide the required information etc.), is guilty of an offense and is liable, on conviction, to a fine not exceeding €1.708 (£1.000). Where the collective redundancies take effect before the lapse of the period of 30 days, the employer concerned, is liable, on conviction, to a fine not exceeding €3.417 (£2000).

### **Compensations for dismissal**

The right of the employee to compensation under the provisions of the Termination of Employment Law, is not affected by the provisions of the Collective Redundancies Law.

***Competent Authority for implementing the Law: Department of Labour Relations  
July 2008***

## **2.3 MAINTENANCE AND SAFEGUARDING OF THE EMPLOYEES' RIGHTS IN THE EVENT OF TRANSFER OF UNDERTAKINGS, BUSINESSES, OR PARTS THEREOF.**

### **The Law**

The Maintenance and Safeguarding of the Employees' Rights in the Event of Transfer of Undertakings, Businesses, or Parts Thereof, Laws of 2000 (principal Law) and 2003 (amendment Law), came into operation on 7.7.2000 and 25.2.2003, respectively. In this Guide they are both presented and cited together as 'the Law'.

### **Scope**

The Law applies to the transfer of businesses, undertakings or parts of businesses or undertakings from one employer to another, as a result of a legal transfer or merger. The Law applies to public and private undertakings engaged in economic activities, whether or not they are operating for profit.

The Law does not apply in cases of:

- Administrative reorganization of public administrative authorities.
- Transfer of administrative functions between public administrative authorities.
- Seagoing vessels.

### **Basic definitions**

'Transferee' means any natural or legal person who, by reason of a transfer, becomes the employer in respect of the business, undertaking, or part of the business or undertaking.

'Representatives of Employees' means the representatives of employees provided for by law or practice.

'Transferor' means any natural or legal person who, by reason of a transfer, ceases to be the employer in respect of the business, undertaking, or part of the business or undertaking.

'Employee' means any person who works for another person (natural or legal) either under a contract of service or apprenticeship or in circumstances such as the existence of an employer-employee relationship may be derived.

## **Maintenance and safeguarding the rights of employees**

The rights and obligations of the transferor arising from a contract of employment or an employment relationship existing on the date of a transfer, are by reason of such transfer, transferred to the transferee. Following the transfer, the transferee must continue to observe the terms and conditions agreed in any collective agreement, to the extent applicable to the transferor, until the date of termination or expiry of the collective agreement or the entry into force or application of another collective agreement, subject to a minimum period for observing such terms and conditions of one year.

The above obligation does not apply in relation to the rights of employees to old age, invalidity and survivors' benefits under supplementary occupational or inter-occupational schemes (with the exception of rights under the Social Insurance Law). However, employees no longer employed in the transferor's business at the time of the transfer, maintain their acquired or prospective entitlement to old age or invalidity benefits, including survivors' benefits, under occupational or inter-occupational pension schemes.

## **Dismissals and termination of the contract of employment**

The transfer of a business or undertaking or part of a business or undertaking does not in itself constitute grounds for dismissal, by the transferor or the transferee. This, however, does not prevent dismissals that may take place for economic, technical or organizational reasons, entailing changes in the workforce. In essence, lawful dismissals may arise, if the conditions created by the transfer result in redundancies within the meaning of section

18 (c) of the Termination of Employment Law.

If the contract of employment or the employment relationship is terminated by reason of the transfer involving a substantial change in the terms and conditions of employment to the detriment of the employee, the employer is regarded as having been responsible for the termination of the contract of employment or the employment relationship.

## **Bankruptcy, liquidation or other insolvency proceedings**

In case of bankruptcy, liquidation or other insolvency proceedings, which have been instituted with a view to liquidating the assets of the transferor under the supervision of a competent legal authority, the relevant provisions of the Law for the maintenance and safeguarding the employees' rights do not apply.

## **Employees' representation**

Where at the time of the transfer, the business or undertaking or part of the business or undertaking, preserves its autonomy, the status, representation and functions of the representatives of the employees affected by the transfer are preserved on the same terms and subject to the same conditions, as existed before the date of the transfer, by virtue of law, regulation, administrative provision, collective agreement or practice. This, however, does not apply, when, according to existing law, regulation, administrative provision, collective agreement or practice, or following an agreement with the employees' representatives, the conditions necessary for the appointment of such representatives or for the constitution of the representation, are fulfilled.

When the business, undertaking or the part of the business or undertaking does not preserve its autonomy, the transferor and the transferee take the necessary measures to ensure that the employees, who are represented before the transfer, continue to be properly represented during the period necessary for the reconstitution or appointment of



the representation of the employees, in accordance with the law or practice. If the term of office of the representatives of the employees affected by the transfer expires as a result of the transfer, the representatives continue to enjoy the protection provided by the laws, regulations, administrative provisions, collective agreements or practice.

### **Information and consultation**

The transferor, in good time prior to the transfer and the transferee in good time, and in any event before the employees are directly affected by the transfer as regards their conditions of work, are required to give the following information to the employees affected, or to their representatives:

- The date or proposed date of the transfer.
- The reasons for the transfer.
- The legal, economic and social implications of the transfer for the employees, and
- The measures envisaged in relation to the employees.

The obligation for information applies irrespective of whether the decision resulting in the transfer is taken by the employer or an undertaking controlling him. Moreover, in considering alleged breaches of the information and consultation requirements provided for by the Law, the argument that the breach occurred because the information was not provided by an undertaking controlling the employer, is not acceptable as an excuse.

When the transferor or the transferee envisages measures in relation to the change of the status of work of the employees, he is required to initiate consultations on appropriate measures, in good time before the transfer, with the employees or their representatives with a view to reaching an agreement. The information and consultation must at least cover the envisaged measures in relation to the employees and must be given and take place, respectively, in good time before the transfer is effected.

### **Competent court and sanctions**

The competent court for resolving disputes (of civil nature) arising out of the operation of the Law is the Labour Disputes Court. An employer who abuses the insolvency proceedings with a view to depriving the employees of their rights, is guilty of an offence and is liable, on conviction, to a fine not exceeding €1.708 (£1.000), without prejudice to the rights of every affected employee to compensation.

An employer who violates the provisions relating to information and consultation is guilty of an offence and is liable, on conviction, to a fine not exceeding €854 (£500).

### **Redundancy payment**

Where the employment relationship is terminated because of the transfer of the business, whether by the transferor or the transferee, for reasons other than economic, technical or organizational, involving changes in the level of the workforce, dismissal is unlawful and the employee is entitled to compensation calculated on the basis of the years of service and the terms of employment applicable to the business of the transferor, subject to the provisions of the Termination of Employment Law of 1967-1994.

Dismissal as a result of the transfer, taking place before the transfer, is considered as dismissal by reason of the transfer. Where the employer terminates the employment relationship for economic, technical or organizational reasons, before or after the transfer of the business, the employee is entitled to redundancy payment in accordance with the provisions of the Termination of Employment Law of 1967-1994.

***Competent Authority for implementing the Law: Department of Labour Relations.  
July 2008***





# 03.

## TERMS OF EMPLOYMENT

### 3. TERMS OF EMPLOYMENT

#### 3.1 THE ORGANISATION OF WORKING TIME

The Organisation of Working Time Laws of 2002 and 2007, consist of the principal Law, which came into force on 1 January 2003 and the amendment Law, governing the powers and duties of Inspectors, which came into force on 16 February 2007. This Law lays down minimum safety and health requirements for the organisation the working time of workers. It applies to all businesses, undertakings and activities, both private and public, except in relation to:

- Members of the Armed Forces.
- Members of the Police Force.
- Seamen covered by the Merchant Shipping Law, 2003.

Certain derogations or exceptions from specific provisions of the Law are allowed for prescribed activities and cases.

##### **Main provisions**

The Law provides, inter alia, for:

- The minimum daily and weekly rest periods.
- The annual leave.
- The rest break time.
- The maximum weekly working time.
- The length of night work.
- Shift work.
- The work pace.

The provisions of the Law lay down the minimum rights of workers in relation to the organization of their working time and in no case do they affect more favourable conditions of employment provided for by law, collective agreement or otherwise.

##### **Daily and weekly rest**

Every worker is entitled to a daily rest period of at least 11 consecutive hours per 24-hour period.

Every worker is entitled to a minimum weekly rest period of 24 hours. If the employer so decides, the worker may, for a period of 14 days, have:

- Two separate rest periods of 24 hours each; or
- One rest period of 48 consecutive hours.

##### **Annual leave**

Every worker is entitled to a paid annual leave of at least four weeks, that is 20 working days for a five-day working week and 24 working days for a six-day working week. Payment in lieu of leave is allowed only in case of termination of the employment relationship.

##### **Rest breaks**

When the working day is longer than six hours, the worker is entitled to a rest break of 15 consecutive minutes. During the break the worker may leave his work-station. The rest period may not be granted at the beginning or the end of the working day.

##### **Maximum weekly working time**

Except where more favourable provisions apply for the workers, the period of weekly working time cannot exceed 48 hours on average, including overtime. The average weekly working time is calculated over every period of four months. In calculating such average, periods of paid annual leave and of sick leave are disregarded. Where the employer requires the worker to work longer than 48 hours, this may be done only by prior mutual agreement. The worker has the right to refuse, without any detriment to his employment.

Where, with the worker's consent, the work exceeds the maximum weekly working time (48 hours), the employer has to:

- Keep a record of the names of all workers working longer than 48 hours, and
- Make this record available to the Ministry of Labour and Social Insurance, together with the workers' particulars, including their consent to perform work exceeding the maximum of 48 hours.

The Minister may restrict or prohibit the possibility of exceeding the maximum weekly working hours for reasons of safety and health of the workers.

### **Night work**

'Night- time' means the period from 11.00 pm to 6.a.m. 'Night- worker' means:

- Any worker who normally works at least three hours during night time or
- Any worker who is likely to work at least 726 hours of his annual working time during night- time or shorter hours, if this is provided for by collective agreement. In calculating the said number of hours account is taken of the total daily working time of the worker, regardless of the time of beginning or ending the shift, in so far as it includes at least three hours of the time from 11.00pm to 6.00am, over a period of seven consecutive hours of work (of which three during night time).

### **Length of night work**

The length of the worker's night- work may not exceed on average eight hours in any period of 24 hours. This average is calculated over a period of one month or such other period, as may be specified by collective agreement. In calculating the said average no account is taken of the weekly rest period of 24 consecutive hours, laid down by the Law.

Night-workers whose work involves special hazards or physical or mental strain, should not work more than eight hours in any period of 24 hours during which they perform night work.

Night work involving special hazards or physical or mental strain, unless defined by law, or collective agreement, is determined at the level of the undertaking after consultations between the employer and the workers' representatives (or their safety and health representatives), in accordance with the Law and after a written risk assessment, including the risks connected with night work.

### **Safety and health during night work**

- An employer who employs night workers regularly, has to notify the fact in writing to the Ministry of Labour and Social Insurance .
- The employer must take the necessary measures to ensure that night workers and shift workers have the safety and health protection, which is appropriate to the nature of their work.
- The employer must see that every night worker before his assignment, and thereafter at regular intervals, has undergone the necessary medical examinations free of charge, with a view to ascertaining the worker's suitability for night work.

Where at a subsequent stage, it is proved that a night worker suffers from health problems recognized as being connected with the fact that he performs night work, he must be transferred, whenever possible, to day work to which he is suited.

### **Derogations**

With due regard for the general principles of the safety and health protection of the workers, the law provides for certain derogations in relation to:

- The rest breaks.
- The daily and weekly rest period.

- The maximum weekly working time.
- The length of night work.

The derogations allowed apply to workers, whose, on account of the specific characteristic of the activity they perform, the duration of the working time is not measured and/or predetermined or can be determined by the workers themselves, and particularly in the case of:

- Management executives or other persons with autonomous decision powers.
- Family workers.
- Workers officiating at religious ceremonies in places of worship and religious communities.
- Doctors under specialization training (special provisions apply).

Subject to the provisions of the legislation in force, derogations from the provisions of specific sections of the Law may be adopted by means of collective agreement or agreement between the employer and the representatives of the workers concerned, provided that the workers are granted equivalent periods of compensatory rest; or, in exceptional cases in which, for objective reasons, it is not possible to grant such equivalent to workers in activities and cases prescribed by the law, the workers concerned should be afforded appropriate protection.

### **Special provisions**

The law includes special provisions and exceptions for mobile workers.

### **Work pace**

The employer is obliged to organize the work in such a pattern as to alleviate monotony and work at a predetermined work-rate, with due regard to the safety and health of the workers concerned.

### **Supervision**

The Minister of Labour and Social Insurance has appointed inspectors for supervising the application of the Law. The 2007 Amendment Law lays down the powers and duties of such inspectors.

### **Competent court**

Jurisdiction over resolving any disputes of civil nature arising out of the application of the Law, has been assigned to the Labour Disputes Court.

### **Offences on the part of the employer**

An employer who contravenes the Law is guilty of an offence and is liable, on conviction, to a fine not exceeding €3.417 (£2000) or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

***Competent authority for implementing the Law: Department of Labour Relations  
July 2008***

## **3.2 PART-TIME WORK (PROHIBITION OF UNFAVOURABLE TREATMENT)**

The Part-time Work (Prohibition of Unfavourable Treatment) Laws of 2002 to 2007, consist of the principal Law, which entered into force on 1 January 2003, the Amendment Law, No.1, which governs the powers and duties of Inspectors and came into operation on 16 February 2007 and the Amendment Law, No.2, which governs casual work and came into operation on 30 May 2007. The purpose of the Laws is:

- To eliminate discrimination against part-time workers and to improve the quality of part-time work.

- To facilitate the development of part-time work on a voluntary basis and to contribute to the flexible organization of the working time, in a manner that takes into account the employers' and workers' needs.

### **Scope**

The Law applies to all part-time workers, excluding:

- Part-time workers, who work on a casual basis (as specified below).
- Full-time workers affected by partial unemployment, that is because of collective or temporary reduction of the normal hours of work for economic, technical or structural reasons.

### **Part-time workers**

'Part-time worker' means an employee, whose normal hours of work, calculated on a weekly basis, or on average over a period of employment of one year, are less than the normal hours of work of a comparable full-time worker in the same establishment.

### **Part-time casual workers**

'Part-time casual worker' means a part-time worker,

- whose total duration of employment with the same employer does not exceed eight weeks per calendar year, subject to a maximum period of consecutive employment in each case not exceeding three weeks, or
- whose total consecutive employment does not exceed five hours per week.

### **Comparable full-time worker**

'Comparable full-time worker' means an employee who,

- is employed in the same establishment as the part-time worker,
- has the same type of employment contract or relationship as the part-time worker, and
- performs the same or similar duties as the part-time worker, due regard being given to other considerations such as seniority, qualifications and skills.

Where there is no comparable full-time worker in the establishment, the comparison is made by reference to the collective agreement applicable in each case or, where there is no applicable collective agreement, in accordance with law, other collective agreements or practice.

### **Principle of non-discrimination**

The terms and conditions of employment of a part-time worker must not be less favourable than those for a comparable full-time worker, solely because he works part-time, unless different treatment is justified on objective grounds. Where appropriate the principle of *pro rata temporis* applies.

### **Principle of pro rata temporis**

The principle of *pro rata temporis* means that, where a comparable full-time worker receives (or is entitled to receive) wages or any other benefit, the part-time worker must receive (or be entitled to receive) such part of the wages or other benefit as is the proportion of the number of his weekly hours of work to the number of the weekly hours of work of the comparable full-time worker.

### **Requirements for access to particular conditions of employment**

Where this is justified on objective grounds, the Minister of Labour and Social Insurance and/or the social partners (employers' and workers' organizations) may, where appropriate, make access of part-time workers to particular conditions of employment subject to a period of past service, time worked or qualifications on the basis of which the worker's earnings are determined. These access requirements to particular conditions of employment should be reviewed periodically, having regard to the principle of non-discrimination.

### **Rights of part-time workers**

Every part-time worker is entitled to equivalent terms and conditions of employment and to equivalent treatment and enjoys the same protection as the one afforded to comparable full-time workers, particularly as regards:

- Wages and benefits.
- Protection under the social security system.
- Maternity protection.
- Paid annual leave and paid public holidays.
- Parental leave.
- Sick leave.
- Termination of employment.

Moreover, every part-time worker, is entitled to the same treatment and enjoys the same protection as the treatment afforded to the full-time workers, as regards:

- The right to organize, to collective bargaining and to represent workers.
- Safety and health at work
- Protection against unfavourable discrimination in employment and occupation.

### **Free choice of type of employment**

The employer must ensure that when vacant positions are available in the establishment, the transfer of employees from full-time work or vice versa, is done on a voluntary basis. A worker's refusal to transfer from part-time work to full-time work or *vice versa*, does not in itself constitute a valid reason for termination of the worker's employment (without prejudice to termination of employment in accordance with existing law, collective agreements and practice, for other reasons that may arise from the operational requirements of the establishment concerned).

### **Employer's obligations**

The employer must, to the extent possible, consider the following:

- Requests of employees to transfer from full-time to part-time work or vice versa or to increase their working time, where this is possible.
- Timely provision of information on the availability of part-time or full-time vacancies in the establishment.
- Measures to facilitate access to part-time work at all levels of the enterprise, including skilled and managerial positions.
- Measures to facilitate access of part-time workers to vocational training.
- Provision of appropriate information to the organizations representing workers about part-time workers in the undertaking.

### **Part-time work opportunities**

The Ministry of Labour and Social Insurance may, following consultations with the social partners, identify, tackle and, where necessary, eliminate obstacles of a legal or administrative nature, which may limit the opportunities for part time work.

The social partners, acting through the procedures set out in collective agreements, should identify, tackle and, where necessary, eliminate obstacles of a legal or administrative nature, which may limit opportunities for part-time work.

The Law provides that, within three months from the date of its coming into operation, the Ministry of Labour and Social Insurance should ask the employers' and employees' organizations to review, within the time to be fixed by him, the existing collective agreements and to revise and/or adapt them, in a manner such as to eliminate any provisions, which limit the free choice and/or opportunities for part-time work.



### **Inspectors**

The Minister of Labour and Social Insurance has appointed inspectors for better implementation of the Law. The Amendment Law (No.1) of 2007, lays down the powers and duties of Inspectors.

### **Competent court and sanctions**

The Labour Disputes Court is the competent court for resolving any disputes (of a civil nature), arising out of the operation of the provisions of the Law. An employer who violates any provision of the Law, is guilty of an offence and is liable, on conviction, to a fine not exceeding €3,417 (£2,000).

### **Regulations**

The Council of Ministers may make regulations for the better carrying into effect of the provisions of the Law and/or regulating related matters. The regulations may in particular prescribe:

- The categories of workers working on a casual basis; and
- The powers and duties of inspectors or other officers appointed for the better carrying into effect of the Law.

***Competent authority for implementing the Law: Department of Labour Relations  
July 2008***

## **3.3 FIXED-TERM WORK (PROHIBITION OF UNFAVOURABLE TREATMENT)**

The Fixed-Term Work (Prohibition of Unfavourable Treatment) Laws of 2003 and 2007, consist of the principal Law, which entered into force on 25 July 2003 and the Amendment Law, which lays down the powers and duties of the Inspectors and entered into force on 16 February 2007. The purpose of this Law is to:

- Improve the quality of fixed-term work;
- Prevent abuse arising out of the use of successive fixed-term employment contracts or relationships.

### **Scope**

The Law applies to all fixed-term workers (under an employment contract or relationship), excluding:

- Initial vocational training relationships and apprenticeship schemes.
- Employment contracts or relationships, which have been concluded within the framework of a specific public (state) or publicly supported training, integration or vocational retraining programme.

### **Fixed-term worker**

'Fixed-term worker' means a person having a fixed-term employment contract or relationship, concluded directly between the employer and the worker, where the end of the employment contract or relationship is determined by objective conditions, such as reaching a specific date, completing a specific task or occurrence of a specific event.

### **Comparable permanent worker**

'Comparable permanent worker' means a worker with an employment contract or relationship of indefinite duration in the same establishment or undertaking, engaged in the same or similar work/occupation, due regard being given to qualifications and skills.

Where there is no comparable permanent worker in the establishment or undertaking, the comparison is made by reference to the applicable collective agreement in each case or where there is no applicable collective agreement, in accordance with law or other collective agreement or practice.

### **Principles of non-discrimination and pro rata temporis**

In respect of the terms and conditions of employment, a fixed-term worker must not be treated in a less favourable manner than a comparable permanent worker, solely because he is a fixed-term worker, unless different treatment is justified on objective grounds.

Where appropriate, the principle of *pro rata temporis* should apply. This principle means that, where a comparable permanent worker is employed under particular terms and conditions of employment, the fixed-term contract worker must be employed under the same terms and conditions of employment, in proportion to his working time.

Where in relation to particular terms and conditions of employment a period of past service qualification is required, this period must be the same for fixed-term contract employees as for comparable permanent workers, except where different length of service qualification is justified on objective grounds.

### **Measures to prevent abuse**

Where an employer employs a fixed-term worker, whether following a renewal of the fixed-term contract or otherwise, and that worker had previously been employed for a total period of 30 or more months under a fixed-term contract of employment (regardless of the series of successive fixed-term contracts of employment), the contract is regarded for all intents and purposes as a contract of an indefinite duration.

It is pointed out that:

- Any period of employment before 25 July 2003 (when the basic law entered into force) is not taken into account for calculating the 30 month period and
- Any provision set out in the fixed-term contract of employment limiting its duration, does not apply, except where the employer shows that the fixed-term employment of the worker is justified on objective grounds.

**(Note:** In accordance with the Termination of Employment Law, the Labour Disputes Court may decide whether or not a fixed-term contract of employment, or a series of such contracts, of a duration of less than 30 months, has been converted into a contract of an indefinite duration).

Objective grounds exist in particular, when:

- The needs of the business for carrying out a specific task are temporary.
- The worker replaces another worker.
- The particularity of the specific task justifies the fixed-term employment contract.
- The worker is on probation.
- The fixed-term work is performed in execution of a Court's decision.
- The fixed-term employment is in relation to contracts of five-year service volunteers and volunteer non-commissioned officers in the Armed Forces of the Republic of Cyprus.

### **Information on employment opportunities**

The employer must provide information to the fixed-term workers about vacancies, which become available in the establishment or undertaking, with a view to ensuring that such workers have the same opportunities to secure permanent positions as other workers. Moreover, the employer should, as far as possible, facilitate access of fixed-term contract workers to appropriate training opportunities to upgrade their skills, career development and/or occupational mobility.

### **Information and consultation**

Fixed-term workers must be taken into account in calculating the threshold above which workers' representative bodies in the establishment or undertaking may be constituted, as provided for in the applicable law, collective agreements and practice, with due regard to the principle of non-discrimination as required by the law.

### **Competent court and sanctions**

The competent court for the settlement of any dispute (of a civil nature), which arises from the application of the provisions of the Law, is the Labour Disputes Court. An employer who violates the provisions of the Law, is guilty of an offence and is liable, on conviction, to a fine not exceeding €3.417 (£2.000).

### **Inspections**

The Minister of Labour and Social Insurance has appointed Inspectors for the better carrying into effect of the Law. The Amendment Law of 2007 lays down the powers and duties of Inspectors. The Council of Ministers may make Regulations for the better carrying into effect the provisions of the Law.

### **More favourable provisions**

The provisions of the Law do not prejudice the application of more favourable provisions set out in collective agreements concluded between the employer and the workers or their representatives.

### ***Competent authority for implementing the Law: Department of Labour Relations July 2008***

## **3.4 PROVISION OF INFORMATION TO THE EMPLOYEE BY THE EMPLOYER ON THE CONDITIONS APPLICABLE TO THE EMPLOYMENT CONTRACT OR RELATIONSHIP**

The Provision of Information to the Employee by the Employer on the Conditions Applicable to the Employment Contract or Relationship Laws of 2000 and 2007 consist of the principal Law, which entered into force on 7 July 2000 and the Amendment Law, which governs the powers and duties of Inspectors and entered into force on 16 February 2007. The Law requires the employer to notify the employee in writing, of the essential conditions of the employment contract or relationship and lays down the minimum content of such information.

### **Scope**

The Law applies to every employee having an employment contract or relationship (in the private, the public or the semi-government sector).

### **Exceptions**

The Law does not apply to certain categories of employees-

- whose total duration of employment does not exceed one month or eight hours per week; or
- whose employment is of casual and/or specific nature, provided that non-application of the Law is justified on objective grounds.

### **Content of written information**

The employer is obliged to inform the employee in writing about the conditions of employment. Such written information should at least cover the following:

- The identification particulars of the employer and the employee.
- The place of work of the employee and the registered place of the business or the employer's home address.
- The title or specific job, grade and category of the work of the employee, as well as the object of his work.
- The date of commencement of the employment contract or relationship and its expected duration, in the case of fixed-term work.
- Reference to any collective agreement applicable to the terms and/or conditions of the employees' employment.

In addition, the following information, for which written reference may be made to the respective law or collective agreement, if any, should be given:

- The length of the period of paid annual leave to which the employee is entitled and the manner and time of granting such leave.
- The length of the period of notice to be observed by the employer and the employee in case of termination of the employment contract or relationship.
- All the components of the employee's remuneration and the frequency of its payment.
- The length of the employees' normal working day or week.

None of the above-mentioned conditions of employment can be less favourable to the employee concerned than those provided for by the respective legislation.

### **Forms of written information**

Written information may be in the form of:

- A written contract of employment; or
- A letter of engagement; or
- Any other document, signed by the employer and containing at least all the information referred to above.

### **Time of providing information**

Information about the above-mentioned conditions must be given not later than one month after the commencement of employment. Where there is a change in the conditions of employment, the employer must inform the employee in writing, within one month at the latest, after the date of the change.

The requirement of the one month's notice does not apply, when the change arises from a law or other document to which reference was made in the information initially provided.

### **Employment relationships in existence before entry into force of the Law**

If an employment relationship was in existence-

- for less than five years before entry into force of the Law, then the information had to be given within six months after the entry into force of the Law (7 July 2000), that is not later than 7 January 2001;
- for more than five years before entry into force of the Law, the information should have been given within two months, on request by the employee. If the employer failed to respond, then the employee should remind him. If, following the reminder, the employer failed to comply within 15 days, then the employee could, if he so wished, have recourse to the Industrial Disputes Court.

The reminder procedure is not required in cases of persons:

- Employed abroad;
- With temporary contract or employment relationship;
- Not covered by a collective agreement.

### **Persons working abroad**

The Law applies also in the case of an employee who works abroad under a contract of employment or employment relationship, concluded in Cyprus or governed by Cypriot law or practice and is of at least one month's duration.

Information to the employee concerned must be given before his departure and must include the following additional points:

- The duration of the employment abroad.
- The currency to be used for the payment of the employee's remuneration.
- All possible benefits, in cash or in kind, attendant on the expatriation.
- Any conditions governing the employee's repatriation.

### **Monitoring the application of the Law**

The Minister of Labour and Social Insurance has appointed Inspectors, responsible for monitoring the application of the Law. The Amendment Law of 2007 lays down the powers and duties of Inspectors.

### **Competent court**

The competent court for settlement of any dispute arising from the application of the Law is the Labour Disputes Court. The burden of proof of the fact of informing the employee about the conditions of his employment contract or relationship, is on the employer.

### **Sanctions for offenders**

An employer who, without good cause, violates the Law, is guilty of an offence and is liable, on conviction, to a fine not exceeding €854 (£500). The burden of proof of good cause in failing to inform the employee is on the employer.

### **Competent authority for implementing the Law: Department of Labour Relations July 2008**

## **3.5 PROTECTION OF WAGES**

The Protection of Wages Law of 2007 entered into force on 21 March 2007. Its purpose is to provide for the manner of payment of wages by the employer. For the purposes of this Law:

- 'Employees' representatives' means the employees' representatives in accordance with any law and/or practice.
- 'Employee' means a person working for another person, either under a contract of service or apprenticeship or in circumstances such as the existence of an employer-employee relationship may be derived, and the term 'employer' is construed accordingly and includes the Government of the Republic of Cyprus.
- 'Wages' means any remuneration in money as a result of the employee's employment and any gain from such employment capable of being attributed a monetary value and includes the provident fund contribution, as well as the contribution payable to the Central Holiday Fund, established under the Holidays with Pay Law, but does not include occasional commissions and *ex-gratia* payments.

### **Main provisions of the Law**

#### *Manner of payment of salaries:*

Employees' wages must be paid in cash in a legal tender, that is currency notes or coins or through a salaries account or by bank cheque or postal draft.

#### *Payment of wages in kind:*

- (a) Payment of the wages, either wholly or partly, in the form of alcoholic drinks or other dangerous substances is prohibited.
- (b) Payment of part of the wages may be made in kind, where this is customary in the industry or occupation concerned, provided that:
  - Allowances in kind, considering their amount and quality, are appropriate for and benefit the employee and his family.
  - The value attributed to them is fair and reasonable.
  - In every case the employee's consent has been obtained.

*Payment directly to the employee:*

The wages must be paid directly to the employee concerned, except where the employee himself has agreed in writing to the contrary.

*Freedom of disposal of wages:*

The employer has no right to limit in any manner, whether directly or indirectly, the employee's freedom to dispose of his wages, except where and to the extent permitted by the Law.

*Prohibition of coercion to make use of the employer's stores:*

Where the employer operates stores for the sale of goods or services to the employees, the employees must be free of any coercion to make use of such stores or services.

*Place and time of payment of wages:*

- The payment of wages, where made in cash, must be made only during working hours, at or near the workplace, except as may be otherwise provided by another law, regulation or collective agreement.
- Payment of wages is prohibited in amusement or similar establishments and, where necessary to prevent abuse, in shops for the retail sale of goods, except in the case of persons employed in such shops.

*Frequency of payment of wages:*

- The payment of wages must be made at least every week, except in the case of monthly paid employees, whose wages must be paid at least monthly.
- In the case of employees, whose wages are fixed on a piece-work basis or on a production basis, the maximum intervals of payment of wages must be, as far as possible, such as to allow payment at least twice per month, at intervals not exceeding 16 days.
- The frequency of payment referred to above may be modified where a collective agreement or practice provides otherwise.

*Deductions from wages:*

Deductions from wages are prohibited, except for:

- Deductions provided for by law or regulation.
- Deductions in accordance with the rules of a pension scheme, provident fund or medical care fund.
- Deductions by order of the court.
- Deductions for damages in respect of a loss suffered by a business as a result of the intentional act or gross negligence of the employee concerned.
- Other deductions, subject to the employee's consent, and provided that the following conditions are satisfied:
  - Before any deduction from the wages for damages to the employer, consultations must take place with the employees' representatives with a view, inter alia, to determining the amount of damages and the manner of payment of damages; in case there is no recognized machinery of representation of the employees at the level of the establishment, consultations must take place with the employee himself.
  - Where the above-mentioned consultations do not result in a settlement of the dispute, the dispute is referred to the Minister of Labour and Social Insurance for mediation and, if no agreement is reached at the mediation stage, the Ministry refers the dispute to the Labour Disputes Court.
  - Deductions from wages are limited to the extent that allows the employee to maintain himself and his family.

*Prohibition of assignment of wages, except for certain cases:*

The assignment of wages is prohibited, except where and to the extent that this is provided for by law or regulation. In no case such assignment may be made to such an extent as to prevent the maintenance of the employee and his family.

*Obligation to keep records:*

- The employer is required to keep a record showing the gross and net wages of every employee and any deduction from his wages, as well as the reasons for such deduction.
- The above records must be kept by or on account of the employer and be available at all reasonable time for inspection by an Inspector appointed by the Minister.

**Duty to provide information**

- Every employer or his representative and every employee of such employer is obliged, when so required by an Inspector, to furnish him with any information, book, record, certificate or other document or particular, which the employer, his representative or his employee, as the case may be, has in his possession and is relevant to the matters governed by the provisions of the Law.
- The employer, his representatives or his employees, must provide the means required by an Inspector as being necessary for the entry, inspection, examination, investigation or exercise of any other power, as the Law provides, in connection with the business of such employer.

**Offences and penalties**

An employer who violates the provisions of the Law is guilty of an offence and is liable, on conviction, to a fine not exceeding €3.417 (£2.000) or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Any employer who abuses his right of instituting insolvency proceedings, with a view to depriving the employee of his rights under the Law, is guilty of an offence and is liable, on conviction, to a fine not exceeding €5.125 (£3.000) or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Any person who,

- obstructs an Inspector in the exercise of his powers under the Law, or
- refuses to answer or gives a false answer in any investigation under the Law, or
- fails to produce any record, certificate, book or other document or furnish any information, as required by the Law, or
- prevents or tries to prevent any person from appearing before an Inspector or from being examined by him,

is guilty of an offence and is liable, on conviction, to a fine not exceeding €3.417 (£2.000) or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Where the above offences are committed by a legal person or corporation, guilty of the offence is the managing director, chairman, director, secretary and any other such official of the legal person or corporation, if it is proved that the offence has been committed with his consent, connivance or tolerance. In such case the offender, is liable, on conviction, to a fine not exceeding €3.417 (£2.000) or to imprisonment for a term not exceeding three months or to both such fine and imprisonment. The legal person or the corporation is also guilty of the same offence and is liable to a fine of €3.417 (£2.000).

***Competent authority for implementing the Law: Department of Labour Relations  
July 2008***







# 04.

## **EQUALITY IN EMPLOYMENT (GENDER AND OTHER)**

## 04. EQUALITY IN EMPLOYMENT (GENDER AND OTHER)

### 4.1 THE MATERNITY PROTECTION LAW (NO. 100 (I)/2007)

The Maternity Protection Law covers pregnant women, women who have recently given birth and women adopting a child, working as employed persons, by ensuring:

- The right to maternity leave.
- Protection against dismissal and safeguarding seniority and promotion.
- Leave of absence for pre-natal examinations.
- Facilitating breast-feeding/nursing of child
- The safety and health of pregnant women and women who have recently given birth
- The right to maternity benefit.

#### **Maternity leave**

An employed pregnant woman is entitled to maternity leave for 18 consecutive weeks, of which the period of two weeks before the week of confinement, the week of confinement and six weeks after the week of confinement, that is nine weeks in total, is compulsory for both the employer and the employed woman. In order to be entitled to maternity leave, the pregnant woman must produce in time to her employer a medical certificate stating the expected week of her confinement.

Where the confinement occurs after the expected week of confinement, the period of leave before the week of confinement is extended. If the confinement occurs earlier than the expected week of confinement, the remaining maternity leave is taken after the week of confinement, the total period of maternity leave of 18 weeks being thus secured.

An employed woman who has adopted a child under 12 years of age and who has notified this event to the Department of Social Welfare Services, is entitled to 16 weeks maternity leave, provided that she had informed in writing her employer, at least six weeks in advance, of her intention to adopt a child and of the date of taking the care of the child.

#### **Protection against dismissal and rights to seniority and promotion**

In accordance with the Maternity Protection Law, the employer is prohibited from dismissing or giving notice of dismissal to an employed woman, from the time she has notified him of the fact that she is pregnant, by producing to him the relevant medical certificate, or of her intention to adopt a child, as the case may be. This prohibition is valid for a period of three months after the expiration of the period of maternity leave. The prohibition does not apply where:

- The employed woman is guilty of a serious offence or behaves in a manner that justifies the breach of the employment relationship.
- The business concerned has ceased operations or
- The duration of the contract of employment has expired.

**Important:** The above-mentioned notification should be given to the employer as early as possible, otherwise the employer may dismiss the pregnant woman without any legal implications.

In case of dismissal of the employed woman during the period referred to above, the employer has to justify the dismissal in writing.

In accordance with the Termination of Employment Law, a woman whose employment is terminated because of pregnancy or maternity, is entitled, under certain conditions, to compensation payable by her employer.

The maternity leave cannot prejudice the seniority of the employed woman, her right to promotion or her right to the work which she performed before the commencement of the maternity leave.

### **Leave of absence for pre-natal examinations**

An employed woman is entitled to be absent from work for pre-natal examinations, without prejudice to her salary, provided that such examinations need be carried out during working hours. However, she should give advanced notice to her employer and also produce the relevant medical certificate.

### **Facilities for nursing**

Where an employed woman is breast-feeding or nursing a child, she has the right to be absent from work for one hour daily, without prejudice to her salary, for a period of nine months after the date of confinement or adoption, as the case may be.

### **Protection of safety and health at work**

For the purposes of protecting the safety and health at work of pregnant women and women who have recently given birth, the Maternity Protection Law makes reference to the Maternity Protection (Safety and Health at Work) Regulations (R.A.A. 255/2002), made under the Safety and Health at Work Laws. Under these Regulations:

- Employers are obliged to assess any risks at work to the safety and health of employed women, women who have recently given birth and breast-feeding women, and take protection measures. Where the nature of the work involves any unavoidable risks, the employed woman must be transferred to another job. Where no alternative job is available, the employed woman is entitled to be absent from work as long as necessary, without prejudice to her remuneration. The above-mentioned obligations of the employer apply also in the case of night-work, subject to the production of a relevant medical certificate.
- No employer can require a pregnant or breast-feeding employed woman to perform any duties for which the risk assessment has revealed involvement of a detrimental to safety and health exposure to specific agents and conditions, such as work involving exposure of the employed woman to lead, mercury, pesticides and other chemical substances, work in pressurized chambers, work involving ionizing radiation etc.

More information about the subject of the safety and health at work is provided by the District Offices of the Department of Labour Inspection

### **Maternity allowance and maternity grant under the Social Insurance Law**

With respect to pay during the maternity leave period, the Maternity Protection Law makes reference to the Social Insurance Law. According to this Law, the insured (employed or self-employed or voluntary insured in the service of a Cypriot employer abroad) woman is entitled to maternity allowance payable out of the Social Insurance Fund, subject to certain contribution and other conditions. Maternity allowance is composed of the basic and the supplementary benefit. The weekly rate of the basic benefit is equal to 75% of the weekly average of the basic insurable earnings of the claimant in the previous contribution year. The weekly amount of the basic benefit is increased to 80% if she has one dependant, to 90% if she has two dependants and to 100% if she has three dependants. The weekly amount of the supplementary benefit is equal to 75% of the weekly average of insurable earnings of the claimant on her basic insurable earnings.

Payment of the allowance is conditional upon filling and submitting the respective claim form by the woman concerned, to the nearest Social Insurance District Office, not later than 21 days after the date of commencement of the maternity leave.

In accordance with the Social Insurance Law, a woman who has given birth is also entitled a maternity grant in the form of a lump sum, provided that either she or her husband satisfies the relevant contribution conditions. A separate claim must be made for the grant, not later than 12 months after the date of confinement.

More information about the above-mentioned allowance and grant is provided by the Social Insurance Services.

### **Offences and penalties**

Section 9 of the Maternity Protection Law provides for a fine of €6.834 (£4.000) in case of conviction for violation of the provisions of the Law.

### **Useful telephones**

General information on the Maternity Protection Law: Department of Labour, Nicosia, Tel: 22400802.

Information on Maternity Allowance and Maternity Grant under the Social Insurance Law: Social Insurance Services, Tel: 22401725.

Information on Safety and Health at Work: Department of Labour Inspection: <http://www.mlsi.gov.cy/dli>.

District Labour Inspection Offices: Nicosia, Tel: 22879191, Limassol, Tel: 25827200, Larnaca, Tel: 24805327 and Pafos, Tel: 26822715.

***Competent Authorities for implementing the Laws: Departments of Labour, Labour Relations and Social Insurance Services.***

***July 2008***

## **4.2 EQUAL TREATMENT IN EMPLOYMENT AND OCCUPATION**

The Equal Treatment in Employment and Occupation Law was enacted in March 2004 by the House of Representatives and was published in the Official Gazette of the Republic, No.3828 of 31 March 2004. The Law entered into force on 1 May 2004, the date of accession of Cyprus to the European Union.

### **Purpose of the Law**

The purpose of the Law is to lay down the framework for combating discrimination on the grounds of race or ethnic origin, religion or belief, age or sexual orientation, as regards employment and occupation, with a view to putting into effect the principle of equal treatment.

### **The Principle of equal treatment**

The principle of equal treatment means that there should be no direct or indirect discrimination, harassment or instruction to discriminate against any person on grounds of race or ethnic origin, religion or belief, age or sexual orientation.

### **Definition**

“Direct discrimination” means that a person is treated less favourably than another.

“Indirect discrimination” means an apparently neutral practice, provision or criterion, which in reality puts a person in disadvantage compared with other persons, unless that practice, provision or criterion is justified on objective grounds.

“Harassment” means the unwanted conduct, which is expressed in words or acts with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment.

### **Scope**

The Law applies to all persons as regards both the public and private sectors, in relation to:

- The conditions for access to employment, self-employment or occupation (selection criteria, recruitment conditions, promotion, dismissal and remuneration).
- Access to all types of vocational guidance and training.
- Working conditions.
- The right of membership in an organization of workers or employers.

### **Abolition of contrary provisions**

As from the date of entry into force of the Law, any provision in any existing law, regulation or order, which is contrary to the provision of the Equal Treatment in Employment and Occupation Law, has been abolished to the extent that it involves direct or indirect discrimination.

### **Exceptions**

- The Law does not apply to differences of treatment based on nationality and is without prejudice to provisions and conditions relating to entry into and to residence of third-country nationals and stateless persons in Cyprus.
- A difference in treatment does not constitute discrimination, where, by reason of the nature of the particular occupational activities concerned or the context in which they are carried out, a characteristic constitutes an essential and determining occupational requirement, provided that the objective is legitimate and the requirement proportional.
- A difference in treatment does not constitute discrimination in the case of occupational activities within churches and other public or private organizations, the ethos of which is based on religion or belief, where by reason of the nature of these activities the religion or belief constitutes an essential occupational requirement.
- A difference in treatment on grounds of age does not constitute discrimination, if it is objectively and reasonably justified by a legitimate aim, including particularly the employment, labour market and vocational training policies.

### **Positive action**

A more favourable treatment in employment, even if it is apparently an indirect discrimination, does not constitute discrimination in the meaning of the Law, if it is aimed at preventing or compensating for disadvantages linked to racial or ethnic origin, religion or belief, age or sexual orientation.

### **Protection against victimization**

Any unfavourable treatment or adverse implication for any person, who makes a complaint against an employer or is involved in proceedings aimed at enforcing the principle of equal treatment, is prohibited.

### **Judicial and non-judicial protection**

Every person, who considers himself wronged as a result of any violation of the Law, has the right:

- To pursue his rights before the competent Court and to make use of any appropriate measures for establishing the violation and the material or moral damages suffered by him, as well as for countering the allegations of the respondent
- To submit a relevant complaint to the Ombudsman.  
(2, Diagoras str. HRA House, Nicosia, Tel: 22-405501, 22-405528, Fax:22-672881).

### **Representation by Organizations**

Workers' and other organizations, which have a legitimate interest may, subject to the consent of their members, who have a legitimate right under the Law, to exercise such rights.

### **Burden of proof**

When a plaintiff alleging that he has been wronged as a result of a violation of the Law, produces evidence of the actual circumstances from which the violation is presumed, the Court will require the respondent to prove that there was no such violation.

### **Offences and penalties**

Any person who violates the provisions of the Law is guilty of an offence and is liable, on conviction, to a fine or imprisonment or to both the fine and the imprisonment.

***Competent Authority for implementing the Law: Department of Labour  
July 2008***

## **4.3 EQUALITY OF TREATMENT OF MEN AND WOMEN IN EMPLOYMENT AND VOCATIONAL TRAINING**

The Equal Treatment of Men and Women in Employment and Vocational Training Laws (Laws No. 205(I)/2002, 191(I)/2003 and 40(I)/2006)

### **Purpose of the Law**

The purpose of the above-mentioned Law is to put into effect the application of the principle of equal treatment of men and women as regards access to vocational guidance, vocational education and training, and the terms and conditions in which they are carried out, access to employment, the terms and conditions of employment, including career development and the terms and conditions of dismissal.

### **Men and women to enjoy equal treatment in employment and vocational training**

The Law applies *inter alia*, to:

- The terms of access to employment, e.g. equality in recruitment.
- Access to all types and to all levels of vocational guidance, vocational education, training and retraining.
- The working conditions, the remuneration and the other terms of employment.
- The terms of termination of employment e.g. dismissals

### **Prohibition of any direct or indirect discrimination on grounds of sex**

"Direct discrimination on grounds of sex" means unfavourable treatment of a person, which is directly related to that person's sex.

"Indirect discrimination on grounds of sex" means any apparently neutral conduct that puts a person in a less favourable situation than a person of the opposite sex.

### **Positive actions promoting the application of the Law**

Positive actions are measures that involve specific advantages to the persons of one sex, in compensation for disadvantages in the career development of such persons, with the aim of ensuring substantial equality of men and women in occupation. Such positive actions are lawful.

### **Prohibition of unfavourable treatment of women on grounds of pregnancy, child birth or maternity**

The Law prohibits any unfavourable treatment of women on grounds of pregnancy, childbirth or maternity. Pertinent to this matter are also the Maternity Protection Laws of 1997 to 2002, which safeguard the following, for women who are pregnant, have recently given birth or have adopted a child:

- Right to maternity leave.
- Protection against dismissal.
- Leave of absence for pre-natal examinations.
- Facilities for breastfeeding and/or child care.

- Safeguarding the right of promotion.
- Safety and health at work according to the respective Regulations.

### **Prohibition of harassment, including sexual harassment.**

“Harassment” means any unwanted on the part of the person concerned conduct, related to sex, with the purpose or effect of violating his dignity in employment, vocational education or training or access to employment, or vocational education or training.

“Sexual harassment” means any unwanted on the part of the person concerned conduct of a sexual nature, expressed in words or acts, with the purpose or effect of violating the dignity of that person in employment, vocational education or training or access to employment or vocational education or training.

### **Judicial protection**

Every person who considers himself wronged from a violation of the Law, has the right to pursue his rights before the Court. The competent court is the Labour Disputes Court.

The Court decides on the award of fair and reasonable damages and of pecuniary compensation for any moral or bodily injury suffered by the claimant as a result of the violation of the Law by the offender. In every case, legal interest is added to the sum of damages as from the date of violation and until the date of full settlement of the damages. In case of dismissal, and on application by the worker concerned, the court may in addition to the damages referred to above, order the re-engagement of the worker.

### **Victimization of workers, trainees or candidates**

It is null and void any dismissal or detrimental change to the conditions of employment, in case of any complaint for unequal treatment, harassment or sexual harassment, unless the employer proves that the dismissal or detrimental change has been made for reasons unrelated to the complaint.

### **Equality Inspectors**

The Ministry of Labour and Social Insurance has appointed Gender Equality Chief Inspector and Inspectors. Every person, who considers himself wronged from a violation of the Law, has the right of protection by the Inspectors and may make a complaint to them.

The main task of the Inspectors is to ensuring the effective application of the Law and to give information and advice and make suggestions to employers and workers, as well as to other natural or legal persons and organizations.

### **Equality Committee**

A Gender Equality in Employment and Vocational Training Committee has been set up. This Committee is responsible for dealing with matters related to the Law, such as to provide, on request and free of charge, advice to any person on matters related to gender equality, to submit at its own initiative complaints or receive complaints from persons concerned and to forward them to the Inspectors.

### **Ombudsman**

Every person who considers himself wronged from a violation of the Law, has the right of making a complaint to the Ombudsman.

### **Organizations**

Workers' and other organizations or associations, whose purpose is to protect the human rights or to promote gender equality, are entitled to exercise the rights laid down by the Law, on behalf of complainants (subject to their consent) before the Courts, Administrative Authorities, Inspectors, the Ombudsman and other Authorities.

The employers' and workers' organizations should engage in a dialogue between them with a view to promoting equal treatment of men and women.

### **Employers**

Employers should promote equal treatment of men and women at the places of work. For this purpose, they are encouraged to provide information on the subject to the workers.

### **Offences and Penalties**

Anyone who violates the provisions of the Law is guilty of an offence and is liable, on conviction, to a fine not exceeding €3.417 (£2.000) and/or to imprisonment for a term not exceeding six months, but for some violations, the fine imposed could reach the sum of €6.834 (£4.000) and imprisonment up to six months.

Where the offender is a legal person or corporation guilty of the offence is also the director, chairman or other similar official. Under certain conditions, legal persons are liable to a fine not exceeding €11.960 (£7.000), in addition to the fine that may be imposed to their representatives.

### **Excepted activities**

Certain occupational activities in the case of which sex constitutes an important requirement, are excepted from certain provisions of the Law (e.g. actor, prison warden) In such cases, it is legitimate for example, to recruit a person of the sex required by the job.

***Competent Authority for implementing the Law: Department of Labour  
July 2008***

## **4.4 PARENTAL LEAVE AND LEAVE ON GROUNDS OF FORCE MAJEURE**

The Parental Leave and Leave on Grounds of Force Majeure Law consists of the principal Law of 2003 and the Amendment Law of 2007, which entered into force on 12 January 2003 and 25 July 2007, respectively. These Laws govern the right of an employed parent to leave of absence without pay for the purpose of taking care and nurturing a child. In addition, the said Law governs the right of the employee to leave on grounds of force majeure for urgent family reasons.

More favourable conditions than those provided for in the Law may be concluded by agreement between the employer and the employee or through collective agreements.

### **4.4.1 PARENTAL LEAVE**

#### **Scope**

The Law applies to all employees, men and women, who have completed at least six months of continuous employment with the same employer.

Rights of parents to parental leave

- Every employed parent, man or woman, is entitled to leave without pay for a period of up to 13 weeks, on grounds of birth or adoption of a child, to enable him/her to take care of and raise that child.
- This right is individual and non-transferable
- The minimum duration of parental leave to be taken in one year is one week and the maximum four weeks.
- The right to parental leave is granted separately for each child, provided that between the expiration of leave previously granted in respect of another child, a period of one



year's employment of the parent with the same employer has elapsed.

- In case of birth of twins or more children, there is a separate right to parental leave of 13 weeks in respect of each child.

When both parents are employed by the same employer, they may decide, on every occasion, which of the two will take leave and for how long.

### **Time and manner of taking parental leave**

- In the case of natural parents, parental leave is taken after the end of the maternity leave and before the sixth birthday of the child.
- In case of adoption, parental leave is taken after the end of the maternity leave and within six years from the date of adoption of the child, provided that the child has not attained the age of 12 years.

### **Notice to employer**

The employee must give his/ her employer five weeks' advance written notice specifying the dates of commencement and termination of the parental leave.

### **Refusal to grant parental leave**

The employer may refuse the granting of parental leave, if he has reason to believe that the employee is not entitled to such leave. However, before such refusal, he should :

- Inform the employee in writing of the employer's intention not to grant the parental leave.
- Ask the employee to give, within seven days, the grounds of his/her alleged right to parental leave.

Before deciding to refuse the granting of parental leave, the employer has to consider the grounds of the employee's belief that he/she is entitled to such leave. If he refuses leave, he must give the reasons.

### **Postponement of parental leave**

The employer may postpone the granting of parental leave after consultation with the employee concerned, for reasons related to the smooth operation of the undertaking. For example when:

- The work is of seasonal nature.
- Replacement cannot be found.
- A significant proportion of the workforce of the undertaking applies for parental leave at the same time.
- A specific function of the employee is of strategic importance for the undertaking.

Moreover, the employer is obliged, within two weeks after the submission of the application, to give the employee in writing the reasons for the postponement of the date of granting the leave. The postponement date cannot be later than six months from the date of notification of the postponement.

### **Termination and notification of termination of parental leave**

Where the employer has good reasons to believe that the employee uses the parental leave for a purpose other than the care of his/her child, the employer may terminate the leave.

The employer, before terminating the parental leave, must inform the employee in writing and ask him/her to give, within seven days, his/her own reasons and explanations as to the need of taking parental leave. The employer, before deciding on terminating the parental leave, must consider the reasons given by the employee. If the employer finally decides to terminate the parental leave, he is obliged to notify his decision in writing to the employee. The notification must specify the reasons and the date of termination.

The date of termination must be at least seven days later than the date of the relevant notification, in which case the employee is obliged to return to his/her work. As from the date of such return, the period parental leave ceases to run.

#### **Obligations and rights of the employee after the end of the parental leave**

- The employee is entitled to return to work, in the same or similar job, which in no case can be inferior to his/her job before the beginning of the parental leave.
- After the end of the parental leave, the rights of the employee, acquired or in the process of being acquired, including those likely to arise from any changes in law, collective agreements or practice, are maintained.
- The period of absence on parental leave, is recognized and credited as insurance period under the Social Insurance Laws of 1980 - (No.4) of 2001.
- The period of absence on parental leave is deemed to be a period of employment in calculating the employee's annual leave with pay. Parental leave does not count against annual leave.
- The period of absence of the employee on parental leave is deemed to be a period of employment for the purposes of the Termination of Employment Law of 1967 - (No.2) of 2001.

#### **Application for credits for the period of parental leave**

An employee, who takes parental leave, should within three months from end of each period of such leave, apply to the Director of Social Insurance Services by completing the relevant form (available at the Social Insurance District Offices or the Citizen's Service Centres) in order to be credited for the period of the leave. If the employee fails to apply within the prescribed time, the Director may decide to extend this time, provided that the employee shows good reason for such failure. The Director may extend the time for as long as the good reason exists, but in no case beyond twelve months from the end of the parental leave period.

### **4.4.2 LEAVE ON GROUNDS OF FORCE MAJEURE**

The employee is entitled to seven days leave per year without pay on grounds of force majeure. These grounds must be related to urgent family reasons in case of sickness or accident to a dependent member of the employee's family (child, spouse, sister, grandfather, grandmother), which makes the employee's presence indispensable.

#### **Manner of granting leave**

The leave may be granted either as a whole in one single period or piecemeal.

#### **Obligations of the employee**

The employee must inform as early as possible his employer of his intention to make use of leave on grounds of force majeure.

### **4.4.3 GENERAL PROVISIONS AND SANCTIONS**

#### **More favourable provisions**

More favourable provisions than the provisions of the Law may be applied through collective agreement or by agreement between the employer and the employee.

#### **Prohibition of termination or interruption of the continuity of employment**

Applying for parental leave or leave on grounds of force majeure, in no case constitutes a valid reason for termination of employment, neither it affects the continuity of employment.

The employer is prohibited from terminating the employment of an employee or to give him notice of such termination during the period beginning with the date of receipt of the application for parental leave and ending with the expiration of the period of the leave, or to give the employee notice of termination of employment ending during the said period or notice of such termination during the period of absence on grounds of force majeure.

Giving notice of termination of employment does not constitute an offence in the following cases:

- If the employee is guilty of a serious offence or misconduct, that justifies the breach of the employment relationship
- Where the undertaking concerned ceases to carry on business
- Where a fixed-term contract of employment has come to an end.

In case of termination of the employment of an employee for any of the above-mentioned reasons, the employer has to duly justify in writing such termination.

### **Sanctions**

An employer who violates any provision of the Law, is guilty of an offence and is liable, on conviction, to a fine not exceeding €3.417 (£ 2.000).

### **Competent Court**

The Labour Disputes Court has jurisdiction to decide on disputes of a civil nature arising from the application of the Law.

***Competent Authority for implementing the Law: Department of Labour Relations. July 2008***

## **4.5 EQUAL PAY BETWEEN MEN AND WOMEN FOR THE SAME WORK OR FOR WORK TO WHICH EQUAL VALUE IS ATTRIBUTED**

The Equal Pay between Men and Women for the Same Work or for Work to which Equal Value is Attributed Law of 2002 (principal Law), entered into force on 1 January 2003. Its purpose is to ensure the application of the principle of equal pay for the same work or work of equal value regardless of the employee's sex. By an amendment of the Law, which entered into force on 1 May 2004 (Amendment Law), an additional right is granted to persons, who consider themselves wronged from a violation of the Law, to make a complaint to the Ombudsman's Office, which is competent to investigate such complaints.

### **Scope of the Law**

The Law applies to all employees (in the private, public and semi-public sectors, including the Armed Forces and the Security Forces) as regards all activities relating to employment, with the exception of self-employment.

### **Employment and remuneration**

"Employment" means the offer of work or services for pay under a contract (oral or written, individual or collective) or under an employment relationship. Employment may be on a full-time or part-time basis, on a fixed term or of an indefinite duration, continuous or not, regardless of the place of work, including home-working and apprenticeship. Remuneration includes all benefits (direct or indirect, in money or kind), which are paid by the employer to the employee in consideration of the offer of his work.

### **Principle of equal pay**

The "Principle of Equal Pay" means the elimination of direct or indirect discrimination on grounds of sex as regards the remuneration for the same work or work of equal value. Every employer is required to remunerate equally men and women for the same work or work of equal value, without exercising any direct or indirect discrimination regarding remuneration or any other benefits, either in money or in kind.

### **Work of equal value**

"Work of Equal Value" is defined as work performed by men and women, which is of the same or substantially the same nature or to which equal value is attributed, on objective criteria, as set out in the Law.

### **Direct and indirect discrimination**

"Direct Discrimination" means less favourable treatment manifestly on grounds of sex. "Indirect Discrimination" exists where an apparently neutral provision, criterion, condition or practice, in actual terms disadvantages a substantially higher proportion of one sex, unless that provision, criterion, condition or practice can be justified on objective factors unrelated to sex.

### **Determination of remuneration**

Where a system of job classification is used in determining pay, it must be based on the same criteria for both men and women and be designed in a manner such as to exclude discrimination on grounds of sex. Comparison between employees must be made by reference to other employees, who are or were employed by the same employer or in an undertaking controlled by the employer during the last two or subsequent years.

### **Abolition of contrary provisions**

Any existing legal provision, which is contrary to the provisions of the Law, was abolished as from 1 January 2003, in so far as it contained any direct or indirect discrimination on grounds of sex. If the discrimination consisted in the granting of a right or advantage to persons of one sex, that right or advantage was also automatically extended to persons of the other sex. The Minister of Labour and Social Insurance is obliged to abolish or amend any individual or regulatory administrative act, which does not comply with the provisions of the Law.

### **Regulation of contracts**

#### **- Existing contracts**

Any provision or condition in an existing collective or individual contract of employment and in any internal rules of an undertaking or rules governing any independent occupation, which is contrary to the provisions of the Law, is null and void as regards the part containing a direct or indirect discrimination on grounds of sex. Where the discrimination consists of the granting of a right or advantage to persons of one sex, that right or advantage must also be granted to persons of the other sex.

#### **- New contracts**

Any provision of a new collective or individual contract of employment, internal rules of an undertaking or rules governing an independent occupation, which is contrary to the provisions of the Law, is null and void as regards the part containing a direct or indirect discrimination on grounds of sex.

### **Judicial decisions**

Subject to the exclusive jurisdiction of the Supreme Court, whose decisions are final and binding, the competent courts decide, either on institution of specific proceedings or incidentally, to annul a Law or declare a condition as null and void or to extend the right in question.

Any such decisions relating to collective agreements, must be notified to the employers' and workers' organizations concerned, which will have to adapt immediately the text of the relevant collective agreement to take account of the annulment or extension as decided by the Court.

### **Protection of employees**

No employee can be dismissed or be subject to any adverse treatment by his employer as a reaction to submitting a complaint or to contributing to any legal proceedings against that employer. An employer, who does not comply with the Law, is guilty of an offence and is liable, on conviction, to a fine not exceeding €1.708 (£1.000).

### **Enforcement of the Law**

The Minister of Labour and Social Insurance is responsible for carrying out the provisions of the Law and for this purpose he has appointed Inspectors (and other officers). The Inspectors have the power to carry out investigations at their own initiative and to examine any report or complaint for violation of the provisions of the Law. For this purpose, they have been given power to enter any place for inspection and collection of information and to examine any person, with the assistance of any public authority, with a view to carrying out effectively their duties. Entry into any dwelling houses is allowed, subject to the consent of the occupants.

### **Submission of complaints**

In case of a complaint by any person who considers himself wronged (or on behalf of such person by a workers' organisation or a non-governmental organization which promotes equality of men and women or protection of human rights in general) and provided that the case has not been brought before a Court, the Inspector proceeds immediately to the investigation of the case and tries to settle the dispute.

### **Committee of Investigation and Evaluation of Work**

Where the above procedure does not lead to settlement of the dispute, the dispute is referred to a Committee of Investigation and Evaluation of Work, appointed by the Minister in consultation with the workers' and employers' organizations. The Committee investigates the case and, within three months from referral of the case, prepares and submits its report to the Inspector. The Inspector tries again to settle the dispute and if so he prepares the minutes of reconciliation; if not, he prepares the minutes of his actions and findings, which may be used in any judicial proceedings.

### **Criteria for comparison and evaluation**

Both the Inspector and the Committee use, for the purposes of comparison, criteria related to the particular occupational category or sector of economic activity and, specifically, take into consideration:

- The nature of duties.
- The degree of responsibility.
- The qualifications, skills and seniority.
- The job physical or mental requirements .
- The working conditions.
- The importance and frequency of any differences in the work in relation to the work as a whole.

### **Competent court and compensation**

The Labour Disputes Court has the jurisdiction for settlement of the disputes arising from the application of the Law, except for matters which are the exclusive jurisdiction of the Supreme Court. In case of violation of the Law:

- Any provisions that make the offender's liability or the right to compensation or other remedy, conditional on a minimum duration of employment or on a minimum number of hours of work, do not apply.
- Any provisions fixing a maximum amount of compensation are also not applicable.
- Any agreement between the employer and the employee, providing for such conditions, is null and void.
- The whole amount of compensation awarded is payable by the employer

### **Offences and penalties**

In addition to the right of compensation, which also includes compensation for moral damages, anyone who is found guilty of willfully violating the principle of equal pay, is liable on conviction, to a fine not exceeding €6.834 (£4.000) or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

### **Obstructing the exercise of powers**

Any person who willfully obstructs or tries to obstruct or refuses to answer or gives a false answer or fails to furnish any information required under the Law, or prevents, or tries to prevent another person from being examined by an Inspector or by the members of any committee in exercising their powers, is guilty of an offence and is liable, on conviction, to a fine not exceeding €5.125 (£3.000) or to imprisonment for a term of six months or to both such fine and imprisonment, provided that the offence does not carry a severer punishment. Where the offences have been committed by a legal person or corporation, the same penalties are also provided for the directors or other similar officials, if it is shown that the offence has been committed with the consent, connivance or tolerance of such directors or officials. Appropriate penalties are also provided for, when the offences are committed as a result of gross negligence.

### **Repeal of past legislation**

The Equal Pay of Men and Women for Work of Equal Value Law, together with the Regulations made under that Law, which were in force before the entry into force of the 2002 Law, were repealed on 1 January 2003.

***Competent Authority for implementing the Law: Department of Labour Relations.  
July 2008***



# 05.

## **REGULATION OF THE OPERATION OF SHOPS AND OF THE CONDITIONS OF EMPLOYMENT OF SHOP EMPLOYEES**

## 5.0 REGULATION OF THE OPERATION OF SHOPS AND OF THE CONDITIONS OF EMPLOYMENT OF SHOP EMPLOYEES

The Regulation of the Operation of Shops and Conditions of Employment of Shop Employees Law, No. 55(I)/2006, entered into force on 29 November 2006, replacing the Shop Assistants Legislation. An Amendment Law, No. 68(I)/2007, entered into force on 22 June 2007.

The Law regulates matters relating to the operation of shops and sets minimum standards regarding the conditions of employment of shop employees. The Law is divided into five parts:

Part I.	Introductory Provisions
Part II.	Scope and Inspectors
Part III.	Conditions of Employment of Shop Employees
Part IV.	Regulation of the Operation of Shops
Part V.	Final Provisions

In accordance with the Law, an Order has been issued prescribing the goods and/or services to be sold in particular shops. This Order was amended on 29 June 2007.

The Law applies to the whole of Cyprus, with the exception of Part IV, which governs the operation of shops and applies to specific geographical areas.

### 5.1 TERMS AND CONDITIONS OF EMPLOYMENT OF SHOP EMPLOYEES

#### 5.1.1 Where and to whom applicable

The Part of the Law that governs the terms and conditions of employment of shop employees, applies to the whole of the Government controlled area of Cyprus and to the employees of any shop, whether general or specialised. It is noted that “shop employee” means any employee working in a shop or in connection with a shop.

#### 5.1.2 Hours of work

The normal hours of work of shop employees cannot exceed 38 hours a week or 8 hours daily. The normal working hours do not include breaks and overtime.

#### 5.1.3 Working hours and breaks

The daily working hours of every shop employee are continuous with only one break of between 15 minutes and one hour’s duration. Where the shop-keeper decides to introduce the afternoon recess, the break may be granted between 2 p.m. and 5 p.m. It is noted that the period of afternoon recess is limited between 15 June and 31 August.



### 5.14 Afternoon or morning offs, daily and weekly rest

Every shop employee is entitled to afternoon or morning offs. The duration of a morning off is up to 2 p.m. of the day on which it is taken and the employee concerned should not take up work before this time. Afternoon offs are taken after 2 p.m. and carrying out any work after that time on the particular day is not allowed. It is pointed out that every employee is entitled to three morning or afternoon offs, as follows.

- Six-day working week: Three morning or afternoon offs, of which compulsorily one every other Saturday afternoon and one every other Sunday.
- Five-day working week: One morning or afternoon offs, of which compulsorily one every other Saturday afternoon and another one every other Sunday.

The duration of the daily rest of every shop employee must not be less than 11 hours and of his weekly rest, not less than 24 hours

### 5.15 Overtime work

Shop employees may, subject to their consent, work overtime up to two hours daily or up to eight hours weekly. Overtime work is remunerated as follows:

- Afternoons or morning offs as fixed in the work schedule, holidays and Sundays: Two hours pay for every hour of overtime work (2:1)
- Any other day: One and a half hours pay for every hour of overtime work (1.5:1)

### 5.16 Holidays

Every shop employee is entitled to the following holidays with pay. Where the employee works on a holiday, he is remunerated at the rate of 2:1 for every hour worked:

- |                |                     |             |
|----------------|---------------------|-------------|
| ● 1 January    | 1 April             | 1 October   |
| ● 2 January    | Monday after Easter | 28 October  |
| ● 6 January    | 1 May               | 25 December |
| ● Green Monday | Holy Spirit Monday  | 26 December |
| ● 25 March     | 15 August           |             |

### 5.17 Display of tables

Every employer is required to display every two weeks, in a place accessible to every shop employee, the following documents:

- The list of his employees
- The daily working hours and break period of every employee
- The daily and weekly rest and the morning or afternoon offs of every employee
- The annual leave to which the employee is entitled, as well as the balance of such leave.

## 5.2 REGULATION OF THE OPERATION OF SHOPS

### 5.2.1 Scope

Part IV of the Law governing the operation of shops, applies to specific geographical areas, whilst the remaining Parts apply to the whole of the Government controlled area of Cyprus. Thus, the regulation of the operation of shops apply to the following areas:

<b>Nicosia District</b>		<b>Limassol District</b>	
<i>Municipalities</i>	<i>Communities</i>	<i>Municipalities</i>	<i>Communities</i>
Agios Dometios Aglantzia Dali Engomi Lakatamia Latsia Nicosia Strovolos	Agioi Trimithias Alambra Geri Kato Deftera Lymbia Nissou Pano Deftera Pera Chorio Tseri	Agios Athanassios Germassogia Kato Polemidia Messa Gitonia	Muttagiaka Pano Polemidia Tserkezi
<b>Larnaka District</b>		<b>Pafos District</b>	
<i>Municipalities</i>	<i>Communities</i>	<i>Municipalities</i>	<i>Communities</i>
Athienou Aradippou Larnaka	Dromolaxia Kiti Livadia Meneou Oroklini Pervolia Pyla	Geroskipou Pafos Pegia Polis	Armou Agia Marinouda Emba Kissonerga Koloni Konia Lemba Messa Chorio Messogi Neo Chorio Chloraka
<b>Famagusta District</b>			
<i>Municipalities</i>	<i>Communities</i>		
Agia Napa Derynia Paralimni	Sotira Frenaros		

### 5.2.2 Regulation of general shops

A “general shop” is the shop that operates within the general working hours and is allowed to sell any goods and offer any services.

- (1) Hours of operation of general shops
- (a) Opening hour: after 5 a.m.
- (b) Closing hour:
- (i) Winter hours (1 November- 31 March):
- Closing hour:
    - Monday: 7:30 p.m.
    - Tuesday: 7:30 p.m.
    - Wednesday: 3:00 p.m.
    - Thursday: 7:30 p.m.
    - Friday: 7:30 p.m.
    - Saturday: 7:00 p.m.
    - Sunday: closed
- (ii) Summer hours (1 April - 31 October):
- Closing hour:
    - Monday: 8:00 p.m.
    - Tuesday: 8:00 p.m.
    - Wednesday: 3:00 p.m.
    - Thursday: 8:00 p.m.
    - Friday: 8:00 p.m.
    - Saturday: 7:30 p.m.
    - Sunday: Closed
- (iii) Christmas hours (1 - 31 December):
- Closing hour:
    - Monday - Sunday: 8:00 p.m.
    - Christmas Eve (24.12): 6:00 p.m.
    - New Year's Eve (31.12): 6:00 p.m.
- (iv) Easter hours (The period of 10 days before Easter):
- Closing hour: Monday - Sunday : 8:00 p.m.
    - Good Friday: 6:00 p.m.
    - Good Saturday : 6:00 p.m.

(2) Public holidays for general shops

All general shops must remain closed on the following days:

- 1 January
- 2 January
- 6 January
- 1 April
- Easter Monday
- 1 May
- Holy Spirit Monday
- 15 August
- 25 - 26 December

(3) Afternoon recess

Afternoon recess may be applied on a voluntary basis by any shop-keeper on the following conditions:

- Beginning of period of application not earlier than 15 June.
- End of period of application not later than 31 August.
- Closing hour: Not earlier than 2 p.m.
- Opening hour: Not later than 5 p.m.

### 5.2.3 Regulation of specialised shops

“Specialised shops” means a special category of shops that may operate for longer hours, provided that they offer for sale goods and services, which are specified by Order of the Minister of Labour and Social Insurance. The specialised shops are classified into 15 sub-categories, according to the operating hours. The arrangements for their operation are as follows:

#### (1) Bakeries and confectionaries

(a) Hours of Operation: 24 hours Monday-Sunday

(b) Products:

- Fresh bread, all kinds of bakery, including fresh pastry and confectionary products, except wedding sweets, which are sold only at confectionaries.
- Dairy products and packaged meat processed products, whose weight does not exceed 300 gr. per package, fresh milk, long life milk, butter, margarine, honey and jams.
- Soft drinks, juices, bottled water, canned coffees, isotonic drinks, ice creams and ice.
- Tea, instant coffee, sugar in small sachets, sugar substitutes and ground coffee.
- Packed candy products, potato crisps and other similar products and dry breakfast cereals.
- Chocolates and chocolate products, wafers, biscuits and dry nuts.
- Take-away meals

#### (2) Kiosks or convenience stores

(a) Hours of operation: 24 hours, Monday-Sunday

(b) Goods:

- Newspapers, magazines and other printed material and multimedia distributed by press agencies, as well as goods accompanying them as offer/gift, excluding alcoholic beverages.
- Cigarettes, cigars, tobacco, tobacco pipes, material for rolling cigarettes, cigarette filters, cigarette holders, matches, lighters, flints, lighter fuels and other relevant tobacco products.
- All kinds of batteries, torches, light bulbs, fluorescent light starters, sockets, socket fuses, multi-socket sets, extension wires, watches, alarm-clocks, small radios and calculators.
- Photo-camera films, disposable photo-cameras, empty tape recorder cassettes and video tapes, empty computer diskettes, empty CD's and DVD's.
- Tele-cards, prepaid mobile telephone connection packages, mobile telephone accessories, pay-phone services, fax and photocopying services
- Bandages, cotton wool, first aid material, pain killers for which no medical prescription is required, condoms, sanitary napkins, baby and adults napkins, toilet paper, paper napkins and tissues, shaving materials, deodorants, hair treatment cosmetics, combs and hair brushes.
- Stationery and other relevant office material, correspondence material, stamps, maps, greeting cards and play cards.
- Christmas and Easter ornaments, balloons, tourist souvenirs, carnival and marine products, suntan oils or lotions, sunglasses, hats, walking sticks, nail clippers, worry bead strings, key-rings and jewellery imitations
- Charcoal, grill motors, kindling, knives, forks, disposable dishes and glasses, gas stoves and small liquid gas containers, aluminium foil, garbage bags, kitchen gloves, dish washing liquids, room sprays, scented candles, insecticides, mosquito pesticides and mosquito repellent appliances, shoe polishes and shoelaces.

- Lottery tickets, gifts, toys (excluding electronic and out-door games) and gift wrapping material.
- Packaged dairy and processed meat products, whose weight does not exceed 300 gr. per package, fresh milk, long life milk, jams, honey, prepared liquid sauces, instant soups and sachets of quick meal preparation.
- Teas, instant coffee, sugar sachets and sugar substitutes and ground coffee
- Soft drinks, juices, bottled water, canned coffees, isotonic drinks, beers, ice creams and ice.
- Chocolates and chocolate products, wafers, biscuits, candy products, potato crisps and other relevant products, croissant, satzi pies, dry breakfast cereals, toasts and packaged dry nuts .
- Canned dog and cat food.

### **(3) Shops in airports, ports and hotels**

(a) Hours of operation: 24 hours, Monday-Sunday

(b) Goods:

Any goods and/or services, provided that access is through entrances inside the hotel, airport or port, respectively.

### **(4) Car rental shops**

(a) Hours of operation: 24 hours, Monday-Sunday

(b) Goods:

- All types of motor vehicles rentals
- Bicycles rentals

- Rentals of all types of vehicles for the disabled.

### **(5) Cinemas**

(c) Hours of operation: 24 hours, Monday-Sunday

(d) Goods:

- Projection of films.
- Soft drinks, juices, bottled water, prepared coffees, isotonic drinks and ice creams for consumption inside the cinema.
- Chocolates and chocolate products, wafers and dry nuts for consumption inside the cinema.
- Candy products, potato crisps and other relevant products for consumption inside the cinema

### **(6) Flower shops or plant nurseries**

(a) Hours of operation: 5 a.m. to 10 p.m. Monday -Sunday

(b) Goods:

- All kinds of flowers
- Plants
- Items and services for flower and plant treatment
- Flower and plant pots of all kinds

### **(7) Film rental shops**

(a) Hours of operation: 5.00 a.m. to 10.00 p.m., Monday-Sunday.

(b) Goods:

Rental and sale of cinema and television films in CD and DVD form; and empty CDs and DVDs.

**(8) Alcoholic drinks and tobacco products shops**

- (a) Hours of operation: 5.00 a.m. to midnight, Monday-Sunday
- (b) Goods:
  - All kinds of alcoholic drinks.
  - All kinds of tobacco products.
  - Smoking utensils.
  - Soft drinks, juices and bottled water.

**(9) Betting shops**

- (a) Hours of operation: 5 a.m. to midnight, Monday-Sunday
- (b) Goods:
  - All types of betting, provided that the shop has obtained the licenses required by other laws.
  - Soft drinks, juices, bottled water, prepared coffees, isotonic drinks and ice-creams for consumption inside the shop
  - Chocolates and chocolate products, wafers and dry nuts for consumption inside the shop.
  - Candy products, potato crisps and other related products for consumption inside the shop.

**(10) Tyre repair shops**

- (a) Hours of operation: 5 a.m. to 8 p.m. Monday - Sunday
- (b) Goods:
  - Repair of motor vehicle tyres
  - Tyres, rims and vehicle batteries.

**(11) Barber shops / hair dressing salons**

- (a) Hours of operation:
  - (i) Winter hours (1 November-31 March):
    - Monday-Saturday, except Thursday: 5 a.m. to 7.30 p.m.
    - Thursday and Sunday: closed
  - (ii) Summer hours (1 April - 31 October)
    - Monday to Saturday, except Thursday: 5 a.m. to 8 p.m.
    - Thursday and Sunday: closed
  - (iii) Christmas hours (1-31 December):
    - Monday-Sunday: 5.00 a.m. to 8.00 p.m.
    - Christmas Eve (24/12): 5.00 a.m. to 6.00 p.m.
    - New Year Eve (31/12): 5.00 a.m. to 6.00 p.m.
  - (iv) Easter hours (the period of 10 days before Easter):
    - Monday-Sunday: 5.00 a.m. to 8.00 p.m.
    - Good Friday: 5.00 a.m. to 6.00 p.m.
    - Good Saturday: 5.00 a.m. to 6.00 p.m.
  - (v) Arrangements for Thursdays and Saturdays coinciding with a public holiday:
    - When a holiday coincides with a Friday, barber shops and hair dressing salons may stay open on the preceding Thursday during the hours of operation as for other working days.
    - When a public holiday coincides with a Saturday, the holiday may not be observed.

(b) Public holidays for barber shops/hairdressing salons

All barber shops/hairdressing salons must remain closed on:

- 1 January
- 2 January
- 1 April
- Monday after Easter
- 1 May
- Holy Spirit Monday
- 25 and 26 December

(c) Afternoon Recess

Afternoon recess may be applied voluntarily by any shop-keeper on the following conditions:

- Beginning of period of application: not earlier than 15 June.
- End of period of application: not later than 31 August
- Closing hour: not earlier than 2 p.m.
- Opening hour: not later than 5.00 p.m.

(d) Goods:

- Hair treatment services.
- Hair treatment products.

**(12) Sanitary fixtures and/or building materials shops**

**(13) Industrial machinery, machine work materials and/or spare parts shops**

The above two categories of shops are allowed to operate within the following hours:

(a) Hours of Operation:

(i) Winter hours (1 November –31 March):

- Monday-Friday: 5.00 a.m. to 7.30 p.m.
- Saturday and Sunday: closed

(ii) Summer hours (1 April-31 October):

- Monday-Friday: 5.00 a.m. to 8.00 p.m.
- Saturday and Sunday: closed

(iii) Christmas hours (1-31 December):

- Monday-Sunday: 5.00 a.m. to 8.00 p.m.
- Christmas Eve (24/12): 5.00 a.m. to 6.00 p.m.
- New Year Eve (31/12): 5.00 a.m. to 6.00 p.m.

(iv) Easter hours (the period of 10 days, before Easter):

- Monday-Sunday: 5.00 a.m. to 8.00 p.m.
- Good Friday: 5.00 a.m. to 8.00 p.m.
- Good Saturday: 5.00 a.m. to 6.00 p.m.

(b) Public holidays: All shops of the above-mentioned categories must remain closed on the following days:

- |                       |                    |
|-----------------------|--------------------|
| ● 1 January           | 1 May              |
| ● 2 January           | Holy Spirit Monday |
| ● 6 January           | 15 August          |
| ● 1 April             | 25 December        |
| ● Monday after Easter | 26 December        |

(c) Afternoon recess:

Afternoon recess may be applied voluntarily by any shop-keeper on the following conditions:

- Beginning of period of application: not earlier than 15 June.
- End of period of application: not later than 31 August.

- Opening hour: not earlier than 2 p.m.
- Closing hour: not later than 5 p.m.
- (d) Goods:
  - (i) Sanitary fixtures and/or building materials shop:
    - Sanitary fixtures
    - Building materials
  - (ii) Industrial machinery, machine-work materials and/or accessories:
    - Industrial machinery
    - Machine work materials
    - Motor- car and machinery spare parts .

#### **(14) Motor vehicles sales shops**

- (a) Hours of operation:
  - (i) Winter hours (1 November – 31 March):
    - Monday – Friday: 5.00 a.m. – 7.30 p.m.
    - Saturday: 5.00 a.m. – 1.00 p.m.
    - Sunday: closed
  - (ii) Summer hours (1 April – 31 October):
    - Monday – Friday: 5.00 a.m. – 8.00 p.m.
    - Friday: 5.00 a.m. – 1.00 p.m.
    - Sunday: closed
- (b) Goods:
  - Motor vehicles, which may be available for sale from Monday to Saturday.
  - Motor vehicles spare parts, which may be available for sale from Monday to Friday.

#### **(15) Seafood shops**

- (a) Hours of operation:
  - (i) Winter hours (1 November–31 March):
    - Monday, Tuesday, Thursday, Friday: 5.00 a.m. – 7.30 p.m.
    - Wednesday: 5.00 a.m. – 3.00 p.m.
    - Saturday: 5.00 a.m. – 7.00 p.m.
    - Sunday: 5.00 a.m. – 1.00 p.m.
  - (ii) Summer hours (1 April – 31 October ):
    - Monday, Tuesday, Thursday, Friday: 5.00 a.m. – 8.00 p.m.
    - Wednesday: 5.00 a.m. – 3.00 p.m.
    - Saturday: 5.00 a.m. – 7.30 p.m.
    - Sunday: 5.00 a.m. – 1.00 p.m.
- (b) Goods:
  - Fresh fish.
  - Fresh molluscs.
  - Fresh shell-fish.

#### **5.2.4 Display of signs in specialised shops**

Every specialized shop-keeper must display a sign showing the category of the specialised shop (e.g. kiosk, bakery etc.) and the hours of its operation. The sign must be placed near or on the shop's main entrance, so as to be visible by the customers and any other person entering the shop.

Shop-keepers may obtain sign forms from the Department of Labour Relations, to which copy of the completed form must be notified.



### **5.2.5 Engagement in retail trade at places other than shops**

In case of retail trading at places other than shops (e.g. out-door markets, hawking) at hours not provided for by the Law, the persons engaged such trading are deemed to be shop-keepers violating the Law, which will be enforced accordingly.

### **5.2.6 Special arrangements for tourist areas**

The Minister of Labour and Social Insurance, taking into consideration the suggestions of the District Advisory Committees, issues Orders, normally once a year, by which he prescribes:

- The tourist period
- The boundaries of tourist areas/zones
- The hours of operation and the public holidays to be observed by shops in the tourist areas/zones during the tourist period.

## **5.3 GENERAL MATTERS**

### **5.3.1 Inspectors**

The Minister has appointed Inspectors, for the purpose of controlling the application of the Law. These Inspectors are empowered to carry out inspections at their own initiative, or following a complaint, and to enter any premises and ask for and obtain any information necessary for the purposes of their investigations. Obstructing an Inspector constitutes an offence punishable, on conviction, with a fine not exceeding €3,417 (£2,000) or with imprisonment for term not exceeding three months or with both such fine and imprisonment.

### **5.3.2 Penalties for violation of the Law**

- Penalties for not displaying documents: Failure to display documents relating to annual leave, daily working hours, including breaks, morning or afternoon offs and daily and weekly rest, constitutes an offence punishable, on conviction, with a fine not exceeding €170 (£100) and, where the offence continuous after conviction, with a fine of €341 (£200) per day.

Penalties for violation of other provisions of the Law: In addition to the above penalties, the Law provides, in case of violation of the other provisions, for a fine not exceeding €17,086 (£10,000) and/or imprisonment for a term not exceeding one year for natural persons. In the case of a legal person, the natural person responsible is also liable to the said penalties and the legal person is liable to a fine not exceeding €17,086 (£10,000).

***Competent Authority for implementing the Law: Department of Labour Relations  
July 2008***





# 06.

## PROTECTION OF YOUNG PERSONS AT WORK

## 6.0 PROTECTION OF YOUNG PERSONS AT WORK

The purpose of the Protection of Young Persons at Work Law (No. 48(I)/2001) is to protect persons under the age of 18 at work.

Every employed young person, including apprentices, has a right to protection by his employer.

The Law does not apply to casual or short duration employment in relation to:

- Domestic work performed in a private household.
- Work performed in a family undertaking, which is not likely to be harmful, damaging and dangerous to adolescents.

In particular the Law provides for the following:

- It prohibits the employment of children.
- It lays down the hours of work, the daily and weekly rest and the night-work restrictions for children and adolescents.
- It regulates the placement of children under a combined work - training programmes.
- It sets the general obligations of employers.
- It specifies the prohibited employments.
- It prescribes the offences and penalties

### Employment of Children

For the purposes of the Law, "child" means a young person, who has not attained the age of 15 years.

Employment of children is prohibited. However, a child who has attained the age of 14 years and has completed first level secondary education or has been excepted from compulsory attendance of such education, may, subject to prior authorization by the Minister of Labour and Social Insurance, participate in a work - training programme (e.g. Apprentice Scheme) with a view to learning an occupation.

The conditions under which a child is allowed to work are:

- Overtime work is prohibited
- The working time cannot exceed 36 hours a week or 7 hours and 15 minutes a day.
- For each 24-hour period, children must be granted a rest period of 14 consecutive hours.
- Children must be allowed a minimum period of weekly rest of 48 consecutive hours.
- The days and hours of work with different employers are added together.

Moreover, a child is allowed to be employed for only three months per year, in cultural, artistic, sports or advertising activities, subject to prior authorization by the Minister of Labour and Social Insurance and provided that this is not harmful to the child's safety and health (physical or mental) and to his physical, mental, moral or social development, or does not jeopardize the child's education.

A child's employment cannot exceed:

- For a 3-6 years old child, two hours daily.
- For a 7-12 years old child, three hours daily.
- For a 13-15 years old child, four hours daily.

Employment in the above-mentioned activities is prohibited between 7.00 p.m. and 7.00 a.m. during October-May and between 8.00 p.m. and 7.00 a.m. during June-September. Employment of children in hawking is prohibited.

### **Employment of adolescents**

For the purposes of the Law "adolescent" means a young person at least 15 but less than 18 years of age. Adolescents can be employed under the following conditions:

- The working time cannot exceed 7 hours and 45 minutes daily or 38 hours weekly.
- For adolescents under the age of 16 years, the working time cannot exceed 7 hours and 15 minutes daily or 36 hours weekly.
- Overtime work is prohibited
- Where the work exceeds 4,5 consecutive hours, the adolescent is entitled to a break of at least 30 consecutive minutes.
- The adolescent is entitled to a rest period of 12 consecutive hours for each 24 hour period and 48 hours per week.
- Employment of adolescents between 11.00 p.m. and 7.00 a.m. is prohibited. Under certain terms and conditions, employment may be allowed during these hours, but in no case between 00.00 and 04.00 hours. Where an adolescent is to be employed in night work, he is entitled to free health assessment before and after the beginning of employment at regular intervals.
- The hours of work with different employers are added together.

### **Employer's obligations**

Employers who employ young persons are obliged to:

- Take all the measures necessary to ensure the protection of the health and safety of their employees.
- Make a written assessment of the risks involved for young persons before the beginning of employment and later following important changes in the conditions of work.
- Take measures for the regular monitoring of the young person's health by examining physicians, where there are risks for these persons' safety, development or mental health.
- Inform young persons and their parents of possible risks and of all protective measures adopted.
- Ensure that young persons are under the guidance and supervision of duly trained persons, for a period determined taking into consideration the nature of the work performed.

### **Prohibited work for persons under the age of 18 years**

Employment of young persons is prohibited for work, which-

- is objectively beyond their physical, mental or psychological capacity,
- involves harmful exposure to agents which are toxic, carcinogenic or causes heritable genetic changes that may harm the unborn child or affect in any other way human health,
- involves harmful exposure to radiation,
- involves the risk of accidents, which young persons cannot recognize or avoid, owing to lack of experience and/or training or insufficient attention to risk, or
- involves a risk to health from extreme cold or heat, or from noise or vibrations.

### **Appointment of Inspectors**

The responsibility for enforcing the Law is assigned to Inspectors appointed by the Minister of Labour and Social Insurance.

### **Offences and penalties**

An employer who violates the provisions of the Law is liable, on conviction, to a fine not exceeding €17.086 (£10.000) or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

***Competent Authority for implementing the Law: Department of Labour.  
July 2008***



# 07.

## DUTIES AND RESPONSIBILITIES OF INSPECTORS

## 7.0 DUTIES AND RESPONSIBILITIES OF INSPECTORS

The duties and responsibilities of Inspectors, who are appointed by the Minister of Labour and Social Insurance, relate to the legislation governing:

- Collective dismissals.
- Preservation and safeguarding the rights of employees in case of transfer of the business or undertaking, or parts thereof.
- Organisation of working time.
- Part-time workers (prohibition of unfavourable treatment)
- Fixed-term contract employees (prohibition of unfavourable treatment)
- Information by the employer to the employee about the terms applicable to the contract of employment or employment relationship.
- Protection of wages.
- Parental leave and leave on grounds of force majeure.
- Equal pay for men and women for the same work or for work to which equal value is attributed.
- Regulation of the operation of shops and of the conditions of employment of shop employees.
- Maternity Protection
- Equality in Employment and Occupation
- Equality of men and women in employment and vocational training
- Young persons

### Main duties of Inspectors

An Inspector appointed by the Minister of Labour and Social Insurance, is mainly responsible for:

- (a) Ensuring full and effective application of the provisions of the Laws, either through inspection at his own initiative, or investigation of complaints submitted in connection with disputes arising from the operation of the provisions of the Laws.
- (b) Providing information, advice and guidance to employers and employees in relation to the effective manner of observing the provisions of the Laws.
- (c) Reporting to the Minister on the problems encountered in applying the provisions of the Laws and making proposals for the measures to be taken for tackling these problems.

### Powers of Inspectors

- (1) For the purposes of carrying out the provisions of the legislation, an Inspector may:
  - (a) After producing his identity, enter freely and without prior notice, at all times, any place of employment, other than a dwelling house. Entry into a dwelling house is subject to the prior consent of the occupier.
  - (b) Be accompanied by a police officer, if he has good reason to believe that he will be prevented from exercising his powers or executing his duties; in such case the Police is obliged to provide one or more police officers to accompany the inspector.
  - (c) Be accompanied by another person, if he thinks necessary.
  - (d) Carry out checks, inspections, investigations, inquiries or examinations, as he thinks necessary, for ascertaining whether the provisions of the legislation have been complied with and in particular:
    - To require any person, who, he has good reason to believe, may furnish him with any information or explanation in relation with any inspection regarding compliance with the provisions of the legislation, to answer any relevant question, either alone or in the presence of another person, as may be required or permitted by the Inspector, as well as to require such person to sign a statement that the answers given are true.



- To require any person whom he finds at any place of work, to provide, in relation to matters which that person has under his control or responsibility, the facilities and assistance necessary, in exercising any of the powers given to the Inspector under the legislation.
  - To request the assistance of any public service or authority, which in turn is obliged to provide it.
- (2) During his inspection visit the Inspector must make his presence known to the employer or his representative, unless he thinks that this might prejudice the execution of his duties.

#### **Action by inspector in case of submission of a complaint**

- (1) The Inspector may accept complaints about any dispute that may arise out of the application of the legislation, from any person who considers himself wronged from the dispute, as well as on behalf of such person. Immediately after receipt of the complaint, the Inspector proceeds as prescribed in the legislation, provided that the case has not been brought before the court.
- (2) In exercising his powers under the legislation, the Inspector investigates the complaint in every appropriate manner and in particular, he asks the person against whom the complaint has been made, as well as any other person having competence or responsibility for the complaint, to provide information, explanations and any other particular in his possession or under his control, which serve or facilitate the investigation of the complaint and he tries to settle the dispute.
- (3) If settlement of the dispute is reached, the Inspector prepares the minutes of settlement and has it signed by both parties.
- (4) If no settlement is reached, the Inspector prepares minutes, in which he records all actions and findings, and which he must notify immediately to the two parties, for use in any proceedings before the Industrial Disputes Court.
- (5) Subject to any other provisions of any law, as from the date of submission of the complaint and until the date of preparation of the minutes, any time limit for applying to the Industrial Disputes Court by the person who has made the complaint or on behalf of whom the complaint has been made, as well as any other prescription period for the claim, is interrupted.

#### **Duty to provide information to the Inspector**

- (1) Every employer or his representative and every employee of the employer, must, if so required by the Inspector, supply him with any information, book, record, certificate or other document or particular, which the employer, his representative or employee, as the case may be, has in his possession and which is related to the matters regulated by the legislation.
- (2) The employer, his representatives or his employees must in general provide the means required by the Inspector as necessary for entry, inspection, examination, investigation or exercise of any of his powers under the Laws in relation to the employer's business.

#### **Obligation of Inspector for confidentiality**

- (1) The Inspector is obliged to treat and handle as secret any matter and any information, written or oral, which came to his knowledge in the course of his duties, and must not reveal or communicate any such matter or information.
- (2) Where an Inspector acts in contravention of his obligation for confidentiality, as the Law provides, the Inspector is civilly liable, in accordance with section 70 of the Public Service Law.

### **Offences and penalties for obstructing an Inspector in the exercise of his duties**

- (1) The legislation provides that anyone who-
  - (a) obstructs an Inspector in the exercise of the powers given to him under the applicable legislation,
  - (b) refuses to answer or gives a false answer during any investigation carried out under the legislation,
  - (c) fails to produce any record, certificate, book or other document or particular, which he is required to produce according to the provisions of the legislation,
  - (d) prevents or tries to prevent any person from appearing before or being examined by an Inspector,is guilty of an offence and is liable, on conviction, to a fine not exceeding €5,125 (£3,000) or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.
- (2) Where the offence has been committed by a legal person or corporation, guilty of the offence is the managing director, chairman, secretary or other similar official of the legal person or corporation, if it is proved that the offence has been committed, with his consent, connivance or tolerance and in such a case he is liable to the penalties mentioned in (1) above, while the legal person or corporation concerned is liable to the fine.



## **APPENDIX - CONTACT INFORMATION**

## APPENDIX – CONTACT INFORMATION

### I. DEPARTMENT OF LABOUR

#### Central Office

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Fax: 22400809

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website: <http://www.mlsi.gov.cy/dl>

#### District Offices

Nicosia: 3 Museum str., 1097  
Nicosia, Tel. 22403000

Limassol: 67 Fr. Roosevelt str.,  
3012 Limassol  
Tel. 25827350

Larnaka: Social Insurance Building,  
1, Filios Tsigaridis str.,  
6023 Larnaka  
Tel. 24805312

Pafos: 1, Ayiou Spyridonos str.,  
8021 Pafos  
Tel. 26821653

### II. DEPARTMENT OF LABOUR RELATIONS

#### Central Office

54, Grivas Digenis ave. Silvex Building, 2nd Floor,

1096 Nicosia

Fax: 22451141/2

e-mail: [director@dlr.mlsi.gov.cy](mailto:director@dlr.mlsi.gov.cy)

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#### District Offices

Nicosia: 54, Grivas Digenis av. Silvex Building, 2nd Floor, 1096 Nicosia  
Tel. 22451216 and 22451245

Limassol: Social Insurance Building  
80, Fr. Roosevelt str., 3011 Limassol  
Tel. 25819252/3, 25819401/2

Larnaka: Social Insurance Building,  
Filios Tsigaridis str., 6023 Larnaka  
Tel. 24805401/2, 24805321 and 24805332

Pafos: 1, Ayiou Spiridonos str., 8021 Pafos  
Tel. 26822640/1, 26822643 and 26822620

### **III. SOCIAL INSURANCE SERVICES**

#### **Central Office**

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Nicosia: 56, Athalassa Av. 1466 Nicosia,  
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Limassol: 80, Fr. Roosevelt Av. 3012 Limassol  
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PUBLIC EMPLOYMENT SERVICE, DEPARTMENT OF LABOUR  
MINISTRY OF LABOUR AND SOCIAL INSURANCE

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European Social Fund (ESF):  
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of entrepreneurial spirit, of adaptability, of equality of opportunities and of social integration.

# EMPLOYMENT GUIDE



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