



# EMCC

European Monitoring Centre on Change

## Cyprus: Definition of collective dismissal

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Cyprus

Phase:

Management

Type:

Definition of collective dismissal

Last modified: 09 September, 2019

Native name:

**N. 28(I)/2001 - Ο περί Ομαδικών Απολύσεων Νόμος του 2001; Ν. 161/Ι/2018 - Ο ΠΕΡΙ ΟΜΑΔΙΚΩΝ ΑΠΟΛΥΣΕΩΝ (ΤΡΟΠΟΠΟΙΗΤΙΚΟΣ) ΝΟΜΟΣ ΤΟΥ 2018**

English name:

**Collective Dismissals Law of 2001 (Law 28(I)/2001); The Collective Redundancies (Amendment) Law of 2018 (Law 161 (I) / 2018)**

### Article

Law 28(I)/2001: 2 and 3; Law 161 (I) / 2018: whole law

### Description

According to article 2 of the Collective Dismissals Law, 'collective dismissals' means dismissals effected by an employer, for one or more reasons not related to the individual workers concerned, where the number of dismissals over a period of 30 days is:

- At least 10 for companies employing 21 to 99 employees;
- At least 10% of total workforce for companies employing 100 to 299 employees;
- At least 30 for companies employing 300 or more employees.

The law does not cover collective dismissals of fixed-term employees, unless the dismissals take place before the expiration or the conclusion of the employment contract (article 3 (a)).

The law does not cover civil servants, employees of semi-governmental organisations, local authorities, legal entities covered by public law (article 3 (b)).

The Law on Collective Dismissals (Law 28/Ι/2001) has been amended in 2018 by Law 161/Ι/2018. The amendment presents a harmonisation of Cyprus legislation with Directive EU2015/1794 amending Directives 2008/94/EC, 2009/38/EC and 2002/14/EC and the Directives 98/59/EC and 2001/23/EC concerning seafarers. The amendment extends coverage of collective dismissals law to seafarers. The law amends also the definition of 'responsible authority' by adding as an alternative responsible authority, besides the Ministry of Labour Welfare and Social Insurance, the Deputy Ministry of Maritime.

### Comments

Dismissals due to economic or technical reasons, such as declining profits, reorganisation of the company and technological advancement fall within the scope of the Collective Dismissals Law of 2001 and require the initiation by the employer of information and consultation procedures.

Trade unions reported involvement in negotiations over collective dismissals in organised enterprises. However, they do not have any information whether the definition of collective dismissals is sufficient, or it is properly implemented in collective dismissals cases occurring in non-organised companies.

#### Cost covered by

Not applicable

#### Involved actors other than national government

National goverment only

#### Thresholds

Company size by number of employees:

21

Number of affected employees:

10

### Sources

- 📖 Collective Dismissals Law of 2001 (Ο περί Ομαδικών Απολύσεων Νόμος του 200) (N. 28(I)/2001)
- 📖 The Collective Redundancies (Amendment) Law of 2018 (Law 161 (I) / 2018)
- 📖 Ministry of Labour, Welfare and Social Insurance / Labour Relations Department
- 📖 Ius Laboris (2011), Individual Dismissals Across Europe, Brussels, 2nd Edition
- 📖 EMCC legal framework of restructuring

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