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Cyprus: Effects of non-compliance with dismissal regulations

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Cyprus

Phase:

Management

Type:

Effects of non-compliance with dismissal regulations

Last modified: 14 May, 2021

Native name:

N. 28(I)/2001 - Ο περί Ομαδικών Απολύσεων Νόμος του 2001; Ν. 24/1967 - Ο περί Τερματισμού Απασχολήσεως Νόμος του 1967, όπως τροποποιήθηκε

English name:

Collective Dismissals Law of 2001 (Law 28(I)/2001); Termination of Employment Law, 1967 (Law 24/1967) as amended

Article

Article 13 of the Collective Dismissals Law (Law 28(I)/2001); Article 27, 28 and 29 of the Termination of Employment Law (Law 24/1967)

Description

The legislation specifies various fines upon employers for failing to comply with the legislation related to dismissals.

Collective Dismissals Law

According to Article 13 of the Collective Dismissals Law, an employer who in case of collective dismissals (within 30 days, dismissals of at least 10 workers in firms with 21-99 employees, 10% in companies with 100-299 workers or 30 employees in firms with 300 or more staff) fails to consult with employees' representative and/or does not provide to them all necessary information and/or violates the obligation to provide notification to the Minister of Labour and Social Insurance is guilty of an offence. In case of conviction, employer may be subjected to a fine up to €1,708.

An employer who proceeds to collective dismissals before 30 days have elapsed since the Minister of Labour and Social Insurance has been notified is guilty of an offence. In case of conviction, employer may be subjected to a fine up to €3,417.

Termination of Employment Law

Provisions of the Termination of Employment Law apply to all dismissals. The law provides for two categories of sanctions: a) sanction which relate to dismissals regulations or transfer regulations and b) sanction which relate to payments from the redundancy fund.

The first group of sanctions relates to the right of redundant employees to a certificate of employment describing the length and the nature of employment and without unfavourable comments against the redundant employee (Article 8), as well as the right of employees to a written and on time notification in case of transfer to a another employer, even if the terms and place of employment do not change (Article 15A). The failure of an employer to comply with these provisions are considered as offences and may lead to fines of up to €427.50 (Article 28) and €1,282.50 (Article 29A) respectively. The failure of an employer to provide a notification to the Minister of Labour, Welfare and Social Insurance in case of intended redundancies (Article 21) is also qualified as an offence and may lead to fine of up to €427.50 (Article 29).

The second group of sanctions relates to violations of redundancy fund provisions. Any person who knowingly or negligently submits false payment claims, make any false oral or written statements or presents any manipulated documents to the redundancy fund is guilty of an offence and in case of conviction may be subject to a fine of up to €769.50 and/or imprisonment of up to six months.

Comments

According to Labour Relations Department records no criminal charges have ever been placed against employers for non-compliance with the dismissals regulations.

Cost covered by

Employer

Involved actors other than national government

Trade union
Works council
Other

Involvement others

Labour Dispute Court

Thresholds






Company size by number of employees:

21

Number of affected employees:

10

Sources

-  [EMCC legal framework of restructuring](#)
-  [Ο περί Ομαδικών Απολύσεων Νόμος του 2001 \(Ν. 28\(Ι\)/2001\)](#)
-  [Ministry of Labour, Welfare and Social Insurance / Department of Labour Relations](#)
-  [Ο περί Τερματισμού Απασχολήσεως Νόμος του 1967 \(24/1967\)](#)
-  [Ministry of Labour, Welfare and Social Insurance / Social Insurance Services](#)

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