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# EMCC

European Monitoring Centre on Change

## Cyprus: Staff information and consultation on business transfers

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Cyprus

Phase:

Anticipation

Type:

Staff information and consultation on business transfers

Last modified: 09 September, 2019

Native name:

**Ν. 78(Ι)/2005 – Ο περί της Θέσπισης Γενικού Πλαισίου Ενημέρωσης και Διαβούλευσης των Εργοδοτούμενων Νόμος του 2005; Ν. 106(Ι)/2011 - Ο Περί της Σύστασης Ευρωπαϊκών Επιτροπών Επιχειρήσεων Νόμος του 2011; Ν. 104(Ι)/2000 - Ο περί της Διατήρησης και Διασφάλισης των Δικαιωμάτων των Εργοδοτούμενων κατά τη Μεταβίβαση Επιχειρήσεων, Εγκαταστάσεων ή Τμημάτων Επιχειρήσεων ή Εγκαταστάσεων Νόμος του 2000**

English name:

**Law on Establishing of a General Framework for Information and Consultation of Employees of 2005 (Law 78(I)/2005); Law on the Establishment of European Enterprises Councils of 2011 (Law 106(I)/2011); Law on the Preservation and Protection of the Employee's Rights during the Transfer of Business, Facilities or Parts of Business or Facilities of 2000 (Law 104(I)/2000)**

### Article

Whole Law on Establishing of a General Framework for Information and Consultation of Employees of 2005 (Law 78(I)/2005); Article 7-11 of the Law on the Establishment of European Enterprises Councils of 2011 (Law 106(I)/2011); Article 7 and 8 of the Law on the Preservation and Protection of the Employee's Rights during the Transfer of Business, Facilities or Parts of Business or Facilities of 2000 (Law 104(I)/2000)

### Description

#### Law on Establishing of a General Framework for Information and Consultation of Employees

Law 78(I)/2005 lays down a general framework for the information and consultation of employees in companies with at least 30 employees. The law covers a wide range of cases: business transfers, transfers of facilities or transfers of parts of business or facilities.

An amendment of the law in 2018 extended its application to crews of commercial vessels.

#### Law on the Establishment of European Enterprise Councils

Law 106(I)/2011 lays down the rules for the setting up of European councils for undertakings with at least 1,000 employees in EU Member States and 150 employees in each of at least two Member States. Furthermore, the law describes the procedure for the information of and consultation with employees. The law covers a wide range of cases for which information and consultation with employees is necessary: business transfers, transfers of facilities or transfers of parts of business or facilities.

An amendment of the law in 2018 extended its application to crews of commercial vessels.

#### Law on the Preservation and Protection of the Employee's Rights during the Transfer of Business, Facilities or Parts of Business or Facilities

Law 104(I)/2000 on the Preservation and Protection of the Employee's Rights during the Transfer of Business, Facilities or Parts of Business or Facilities of 2000 foresees a statutory duty of employers to inform and consult with employee representatives in the case of a business transfer. Employers should provide information on:

- the date of the proposed business transfer;
- the reasons leading to the transfer;
- the legal, financial and social consequences of the transfer on the employees;
- the foreseen measures to be taken as regards the employees.

The law is applicable both to private and public business which exercise economic activities, independently of the profit or non-for-profit

nature of the enterprise. With an amendment in 2018, the coverage of the law has been extended to sea vessels, provided the headquarters of the transferor or of the transferred business, facility or the transferred part of the business or facility remain with the territorial reach of the Treaty on the functioning of the European Union.

Information and consultation in relation to decisions that fall within the framework of the Law 104(I)/2000 must take place at such time and manner as to allow the worker representatives to undertake a comprehensive analysis and where necessary prepare for consultation. Consultation between employers and employee representative shall take place in time and with the target to conclude an agreement before the transfer enters into force. In the absence of employee representatives, the above-mentioned information shall be directly provided to the employees.

Law 104(I)/2000 applies to all business transfers independently of the size to the undertaking or plant, or part of the undertaking or plant.

## Comments

No information available.

### Cost covered by

Employer

### Involved actors other than national government

Trade union

Works council

Other

### Involvement others

Company

### Thresholds

Company size by number of employees:

30


### Sources

 Ο περί της Θέσπισης Γενικού Πλαισίου Ενημέρωσης και Διαβούλευσης των Εργοδοτούμενων Νόμος του 2005 (Ν. 78(I)/2005)

 Ministry of Labour, Welfare and Social Insurance / Department of Labour Relations

 Ο περί της Σύστασης Ευρωπαϊκών Επιτροπών Επιχειρήσεων Νόμος του 2011 (Ν. 106(I)/2011)

 Ministry of Labour, Welfare and Social Insurance / Department of Labour Relations

 Ο περί της Διατήρησης και Διασφάλισης των Δικαιωμάτων των Εργοδοτούμενων κατά τη Μεταβίβαση Επιχειρήσεων, Εγκαταστάσεων ή Τμημάτων Επιχειρήσεων ή Εγκαταστάσεων, Νόμος του 2000 (Ν. 104(I)/2000)

 Ministry of Labour, Welfare and Social Insurance / Department of Labour Relations

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