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## Cyprus: Reemployment obligation after restructuring

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Cyprus

Phase:

Management

Type:

Reemployment obligation after restructuring

Last modified: 14 June, 2019

Native name:

Ν. 28(Ι)/2001 - Ο περί Ομαδικών Απολύσεων Νόμος του 2001; Ν. 24/1967 - Ο περί Τερματισμού Απασχολήσεως Νόμος του 1967

English name:

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

### Article

Article 4 of the Collective Dismissals Law of 2001 Law 28 (I)/2001; Article 22 of the Termination of Employment Law, 1967 (Law 24/1967) as amended

### Description

According to Article 4 the Collective Dismissals Law of 2001, employers intending to proceed with collective dismissals (within 30 days, dismissals of at least 10 workers in companies with 21-99 employees, 10% in firms with 100-299 employees or at least 30 workers in firms with 300 or more staff) are obliged to timely enter into consultations with the employees' representatives aiming at designing social measures with the target of reaching an agreement. The consultations should at least cover the following issues:

- Possible ways and means for avoiding collective dismissals or the reduction of number of employees affected, and
- ways and means for lessening the impact of collective dismissals, by designing social measures, which should, among others, have the target of reemployment or retraining of dismissed employees.

The Termination of Employment Law of 1967 is more specific as far as reemployment is concerned. According to Article 22, a redundant employee has the right to reemployment if the employer who proceeded with redundancies is planning to increase employment again within 8 months since the redundancies took place. If the employer is looking for the same type of employees with the same skills as those who were made redundant, he/she is obliged to give preference to redundant employees.

### Comments

The Termination of Employment Law regulates also the operation of the Redundancy Fund and Redundancy Payments. The fund is administered by the Social Security Services. If the Social Security Services take notice of increased employment by an employer who proceeded in the last 8 months to redundancies, he/she is then asked to provide explanations for not re-employing the redundant employee(s).

This provision of the Termination of Employment Law is partly causing delays to redundancy payments since the authorities begin to process the applications after the 8 months period has elapsed in order to make sure the employer has not proceeded with the replacement of the redundant employees by violating the reemployment obligation.

Trade unions report that reemployment is in many cases successfully negotiated, however no exact data are available.

#### Cost covered by

Not applicable

#### Involved actors other than national government

Trade union

Other

#### Involvement others

Social Security Services

### Thresholds

No, applicable in all circumstances

### Sources

- 📖 Ο περί Ομαδικών Απολύσεων Νόμος του 2001 (Ν. 28(Ι)/2001)
- 📖 Ministry of Labour, Welfare and Social Insurance / Labour Relations Department
- 📖 Ο περί Τερματισμού Απασχολήσεως Νόμος του 1967 (24/1967)
- 📖 Ministry of Labour, Welfare and Social Insurance / Social Insurance Services

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