

## Labour/Employment Law Data for Cyprus

1.	<p><b>Is it a legal requirement that employees must receive an employment contract ?</b></p>	<p>Contracts of employment can be concluded orally between the employer and the employee. There are no legal requirements for contracts to be evidenced in writing either by contract documents or by statements of terms and conditions. However, it is good practice to have an agreement prepared and signed stating the main particulars of one's employment that contains information, for example, about job and duties, holidays with pay, earnings and allowances. For employees at management level, individual agreements are in practice expressed in writing.</p>
2.	<p><b>What factors constitute a fair dismissal i.e. legally justifiable reasons to terminate employment without the need to pay compensation?</b></p>	<p>Section 5 of the Termination of Employment Law 1967 stipulates that an employee is not entitled to compensation for termination of employment payable by the employer if: (a) the employee fails to carry out his or her work in a reasonably efficient manner (b) the employee has become redundant (c) the termination of employment is due to <i>force majeure</i> (d) an employee's fixed-term contract has expired (e) the employee has reached the normal age of retirement and (f) the employee's conduct is such as to render him or her liable to dismissal without notice (e.g. cases of gross industrial misconduct, a criminal offence, immoral behaviour, serious or repeated contravention or disregard or other rules in relation to employment).</p>
3.	<p><b>What is good practice with regard to dismissal procedures to minimise the risk of claims for unfair dismissal?</b></p>	<p>The employer must show that he has acted 'reasonably' in relation to the dismissal of the employee (for example, in relation to the conduct of the employee written warnings should be made) The burden of proof lies upon the employer to show that the employee was dismissed for one of the reasons that constitute fair dismissal.</p>
4.	<p><b>If an employee is dismissed unfairly what is the financial range of compensation that can be made to employees?</b></p>	<p>An employee who is dismissed unfairly by an employer, with whom he has been continuously employed for not less than 26 weeks, has a right to compensation payable by the employer. For the calculation of the compensation, the Industrial Disputes Court takes into consideration, among others, the earnings of the employee, the period of</p>

		employment, the loss of career prospects, the age of the employee and the conditions under which he was dismissed. The amount of compensation up to the wages of one year are payable by the employer and any additional amount from the Redundancy Fund. However, such compensation shall not be less than that which the employee would have received had he been declared redundant by his employer and in any event, shall not exceed two years' wages.
<b>5.</b>	<b>Do employees have the right to be members of a trade union?</b>	Yes, as it will be unfair to dismiss any employee either because he is or is not a member of a trade union. Section 6 of the Termination of Employment Law states that an employer may never terminate an employee from employment simply because he/she is a member of a trade union.
<b>6.</b>	<b>Is there any legal requirement for an employer to contribute to a pension for employees?</b>	An employer is obliged to offer employees access to a 'stakeholder' pension scheme but does not have to contribute unless this is provided for in the contract of employment. The employer must contribute to social security schemes with employee.
<b>7.</b>	<b>What are standard maternity rights?</b>	Every pregnant woman is entitled to 'ordinary maternity leave' up to 18 continuous weeks. Nine of the weeks must be taken within the period beginning on the second week before the week of expected childbirth. In addition to maternity leave, for nine months after childbirth a female employee is entitled each day to interrupt her employment for one hour or start work one hour later or finish work one hour earlier for the purposes of breastfeeding or for the increased needs of child raising. In accordance with the law such time must be considered and paid as normal working time.

8.	<b>What are parental leave rights (including paternity leave)?</b>	Employees, men or women, who have completed a continuous period of at least six months employment with the same employer are entitled to take unpaid parental leave of a duration of up to thirteen weeks in total, by reason of the birth or adoption of a child, in order for the parent to take care of and participate in the raising of the child. Where a parent has more than one child, the parent's right to parental leave is independent for each child, provided that at least one year of employment with the same employer has elapsed since the expiration of parental leave previously taken in respect of another child.
9.	<b>When are employees eligible for redundancy payments?</b>	Any employee who has been employed by the same employer for at least two years, who has not yet attained the age of 65 years and who is declared redundant within the terms of the statutory definition, is entitled to a redundancy payment out of the Government's Redundancy Fund. This fund is exclusively financed by employers' contributions in respect of each employee.
10.	<b>What are the statutory redundancy payment limits?</b>	The redundancy payments are calculated according to years of employment as follows: (a) two weeks' wages for each year of service up to four years (b) two and half weeks' wages for each year of service from five to ten years (c) three weeks' wages for each year of service from 11 to 15 years (d) three and a half weeks' wages for each year of service from 16 to 20 years and (e) four weeks' wages for each year for service beyond 20 years.
11.	<b>Can existing employees be dismissed if you buy a business with employees?</b>	According to this there must be a relevant transfer of business and this itself shall not constitute grounds for the dismissal of employees. Such dismissal is unfair unless the employer can show economic, technical or organisational reasons which required changes in the level of employment.
12.	<b>Any other general legislation?</b>	For instance: equal pay, part-time employees, minimum wage is guaranteed, sex discrimination, race discrimination, disability discrimination, health and safety, working time regulation and time off to care for dependents.