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EUROPEAN SOCIAL CHARTER

11th National Report on the implementation of the European Social Charter

submitted by

THE GOVERNMENT OF CYPRUS

(Articles 2, 4, 5, 6, 22, 28 and 29

for the period 01/01/2009 – 31/12/2012)

Report registered by the Secretariat on 22 May 2014

CYCLE 2014

GOVERNMENT OF THE REPUBLIC OF CYPRUS

Report on Article 2

THE RIGHT TO JUST CONDITIONS OF WORK

of the Revised European Social Charter

(Reference Period: 01.01.2009 – 31.12.2012)

Article 2§1

1) Please describe the general legal framework. Please specify the nature of, reasons for and extend of any reforms.

There have been no changes in the situation described in previous reports.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

There have been no changes in the situation described in previous reports.

3) Please provide pertinent figures, statistics or factual information, in particular: average working hours in practice for each major professional category; any measures permitting derogations from legislation regarding working time.

As noted in the Government's previous report, the average number of working hours for each major professional category is not available. However, data is available for the average number of actual weekly hours, by division of economic activity. Relevant data is provided in **Appendix I**, for the period 2009 - 2012.

Article 2§2

1) Please describe the general legal framework. Please specify the nature of, reasons for and extend of any reforms.

There have been no changes in the situation described in previous reports.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework

There have been no changes in the situation described in previous reports.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

There have been no changes in the situation described in previous reports.

Article 2§3

1) Please describe the general legal framework. Please specify the nature of, reasons for and extend of any reforms.

According to the provisions of Article 8(1) of the Organisation of Working Time Laws of 2002-2007, all workers are entitled to annual leave with pay of at least four weeks, in accordance with the terms provided for by legislation or collective agreements and/or practice related to this right.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework

Regular inspections are carried out at employer premises, to ensure that the legislation is adhered to.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

No figures, statistics or other information is available. It should be noted that the provisions of the Organisation of Working Time Law are strictly adhered to, and no contraventions have been registered.

Article 2§5

1) Please describe the general legal framework. Please specify the nature of, reasons for and extend of any reforms.

There have been no changes in the situation described in previous reports.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework

There have been no changes in the situation described in previous reports.

3) Please provide pertinent figures, statistics or any other relevant information, in particular: circumstances under which the postponement of the weekly rest period is provided.

There have been no changes in the situation described in previous reports.

Article 2§6

1) Please describe the general legal framework. Please specify the nature of, reasons for and extend of any reforms.

Law No. 100(I)/2000 on the Employer's Obligation to Inform Employees of the Conditions Applicable to the Contract or Employment Relationship (copy attached as **Appendix II**), provides that an employer is obliged to notify an employee, in writing, of the essential aspects of the contract or employment relationship. The information should be given to the employee not later than one month after the commencement of employment. Any change in the conditions of employment, must be the subject of a written document to be given by the employer to the employee at the earliest opportunity and no later than one month after the date on which the change in question is put into effect.

As prescribed for in Appendix II, the Law does not apply in the following cases:

(a) to employees with a contract or employment relationship with a total duration not exceeding one month, or a working week not exceeding eight hours.

(b) to employees with a contract or employment relationship of casual and/ or specific nature, provided that its non-application is justified by objective considerations.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Regular inspections are carried out at employer premises, to ensure that the legislation is adhered to.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

Based on inspections that are regularly carried out at places of work, it is noted that 27% of all offences regarding labour legislation relate to employers that have not provided the employment contract terms to their employees in writing. It should be noted that, irrespective of the type of establishment to be inspected, labour inspectors always examine whether terms of employment have been provided in writing. For 2012, a total of 5.451 labour inspections took place at various establishments and in all cases the provisions of Law No. 100(I)/2000 were examined.

Article 2§7

1) Please describe the general legal framework. Please specify the nature of, reasons for and extend of any reforms.

There have been no changes in the situation described in previous reports.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

There have been no changes in the situation described in previous reports.

3) Please provide pertinent figures, statistics or any other relevant information, in particular: the hours to which the term 'night work' applies.

There have been no changes in the situation described in previous reports.

Response to the comments of ECSR in its Conclusions of 2007

Paragraph 1 – Reasonable working time

General Regulations

According to the provisions of Article 7(4)(a) of the Organisation of Work Time Laws, a worker, providing his written consent, may perform work exceeding the weekly average of 48 hours. In order to ensure that the employee's free will is safeguarded, Article 7(4)(b) provides that the worker is not subjected to any adverse consequences if he/she refuses or withdraws his/ her consent to perform such work.

The Department of Labour Relations, has not received any complaint regarding employees forced to work more than the weekly average of 48 hours.

Specific Regulations

With regards to the Committee's request whether there are any possibilities under Law 47(I)/2005 to exceed the 60 hour limit, the Government would like to stress that the 60 hour limit is a strict maximum.

Paragraph 2

The Government of Cyprus would like to confirm that the base salary for the work carried out on a public holiday is maintained and this is in addition to the increased pay rate.

GOVERNMENT OF THE REPUBLIC OF CYPRUS

Report on Article 4
THE RIGHT TO A FAIR REMUNERATION

of the Revised European Social Charter

(Reference Period: 01.12.2011 – 31.12.2012)

Article 4§5

1) Please describe the general legal framework. Please specify the nature of, reasons for and extend of any reforms.

According to Section 10 of the Protection of Wages Laws of 2007-2012 **(Appendix III)**, deductions from wages are permitted only under specific conditions and only to the extent deemed necessary for the support/ subsistence of the employee and his/ her family.

Specifically, deductions from wages which are allowed include:

(i) deductions prescribed by laws and regulations (social insurance contributions, inland revenue payments, e.t.c.),
(ii) deductions prescribed by regulations for pension, provident and medical funds,
(iii) deductions prescribed by Court rulings,
(iv) deductions for the reimbursement of damage or loss to the employer,
(v) any other deductions following the employee's consent.

Regarding the deductions for the reimbursement of damage or loss to the employer, these deductions are only allowed if the damage or loss was intentional or due to a gross negligence on behalf of the concerned employee. It should be noted that before any deduction is made, the employer must consult with the employee representatives with a view to determine (among other things) the amount and method of payment of any deductions. If no employee representatives exist in the enterprise, then the consultation must take place directly with the employee.

It should be noted that if the consultation described above reaches a deadlock, the dispute has to be referred to the Department of Labour Relations of the Ministry of Labour and Social Insurance for mediation. If the dispute, again, fails to be resolved, the case is referred to the Labour Disputes Court for final ruling.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

According to Article 12 of the Protection of Wages Law, employers must keep records for each and every employee regarding their gross and net salaries, including any deductions that have been made to their salaries.

The employer’s data regarding wages and salaries must be available to the competent authorities at all times.

GOVERNMENT OF THE REPUBLIC OF CYPRUS

Report on Article 5
THE RIGHT TO ORGANISE

of the Revised European Social Charter

(Reference Period: 01.01.2009 – 31.12.2012)

1) Please describe the general legal framework. Please specify the nature of, reasons for and extend of any reforms.

The basic principles and legal basis with which the right to organise is guaranteed has remained the same for many years. No changes have been required since the right to organise has been fully respected and is adequately provided for by the Constitution, ILO Conventions, ratifying Laws and the Trade Union Laws.

During 2012, the House of Representatives voted the Law No. 10(III)/2012, amending the ILO Convention 135 ratifying Law (a copy of the unified Law is attached as **Appendix IV**), regarding Workers Representatives, introducing provisions to clarify workers representatives rights to access the workplace. The amending Law clearly specifies that worker's representatives have the right to enjoy such facilities as may be necessary for the proper exercise of their functions, including access to the workplace with due respect for the rights of property and management, in order to apprise workers of the potential advantages of unionisation.

In this respect, the right to organise has been further strengthened since it is now clearly stated that trade union representatives have the right to promote the right to organise with campaigns they may undertake at an employer's premises.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

There have been no changes in the situation described in previous reports.

3) Please provide pertinent figures, statistics or factual information, if appropriate.

There have been no changes in the situation described in previous reports.

Response to the comments of ECSR in its Conclusions of 2010

As noted in the reply under question 1 above, no changes have been required with regards to the application of the right to organise, since the legal framework is robust and adequately ensures the effective application of all relevant rights and principles.

Undeniably, the financial crisis and the enforcement of the requirements of the Memorandum of Understanding between the Government of Cyprus, the International Monetary Fund, the European Bank and the European Committee, will place considerable stress on the existing system, as has already been witnessed in the labour market. At the same time, trade union membership is decreasing and the response to the crisis by enterprises is leading to the marginalisation of trade unions and even of collective rights.

GOVERNMENT OF THE REPUBLIC OF CYPRUS

Report on Article 6
THE RIGHT TO WORKERS TO BARGAIN COLLECTIVELY
of the Revised European Social Charter

(Reference Period: 01.01.2009 – 31.12.2012)

Article 6§1

1) Please describe the general legal framework. Please specify the nature of, reasons for and extend of any reforms.

New legislation

- Law No. 10(III)/2012 amending ILO Convention 135 ratifying Law, regarding Workers Representatives (a copy of the unified Law is attached as **Appendix IV).**

Amending Law No. 10(III)/2012 introduced provisos to clarify workers representatives' rights to access the workplace. With this legislation, it is clearly specified that workers representatives have the right to enjoy such facilities as may be necessary for the proper exercise of their functions, including access to the workplace with due respect for the rights of property and management, in order to apprise workers of the potential advantages of unionisation.

A further clarification in the amending Law introduces two new provisions for Article 5(b) that clearly lay down duties for which the employer must grant access to trade union representatives to enter the employers' premises. As the second proviso notes, the employer is obliged to grant access to worker representatives, among others, for participating in negotiations with the employer for the signing or renewal of a collective agreement, for carrying out any king of negotiations or consultations with the employer on any labour related issues, including issues relating to the application of labour legislation, or the resolvement of labour disputes arising from the application of a collective agreement or any other agreement.

The clear reference to consultations is expected to further strengthen joint consultations between employees and employers at the enterprise level.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

There have been no changes in the situation described in previous reports.

3) Please provide pertinent figures, statistics or factual information, if appropriate.

There have been no changes in the situation described in previous reports.

Article 6§2

1) Please describe the general legal framework. Please specify the nature of, reasons for and extend of any reforms.

New legislation

- The Recognition of Trade Unions and the Provision of Trade Union Facilities for Collective Bargaining Purposes Law of 2012 (Law No. 55(I)/2012 **(Appendix V).**

Law No. 55(I)/2012 was introduced to deal with possible cases in which free collective bargaining was hindered by employers who refuse to recognise trade unions for collective bargaining purposes. Such cases, until the enactment of the aforementioned Law, were dealt with within the framework of the voluntary procedures laid down by the Industrial Relations Code. This meant that the trade union, or unions, seeking recognition for collective bargaining purposes would submit a mediation request with the Department of Labour Relations of the Ministry of Labour and Social Insurance and the case would be examined by the assigned mediator. If the employer continued to refuse to negotiate, the mediator would pronounce the labour dispute to have reached a deadlock. In such an event, the trade union side could then proceed with industrial action, following a ten day notice period. This procedure, though successful in many cases, was deemed to require a further bolstering by means of new legislative measures.

Consequently, it should be noted that Law No. 55(I)/2012 does not replace existing procedures and practices which have already been deemed to be in compliance with the application of Article 6 of the Revised European Social Charter, but further enhances existing mechanisms for voluntary negotiations between employers or employers' organisations and workers' organisations.

Furthermore, trade unions are free to choose whether to utilise the provisions of the new Law or simply to deal with a case of refusal for negotiation through the traditional practice, by submitting an application for mediation with the Department of Labour Relations.

Finally, in cases where, as provided for by Law No. 55(I)/2012, a trade union is recognised for collective bargaining purposes by the issue of a relevant Recognition Order by the Trade Union Registrar, the resulting collective bargaining negotiations are procedurally governed by the existing mechanisms laid down by the Industrial Relations Code.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework

There have been no changes in the situation described in previous reports.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

There have been no changes in the situation described in previous reports.

Article 6§3

1) Please describe the general legal framework. Please specify the nature of, reasons for and extend of any reforms.

There have been no changes in the situation described in previous reports.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework

There have been no changes in the situation described in previous reports.

3) Please provide pertinent figures, statistics or any other relevant information, in particular on the nature and duration of Parliament, Government or Court interventions in collective bargaining and conflict resolution by means of, inter alia, compulsory arbitration.

N/A

Article 6§4

1) Please describe the general legal framework as regards collective action in the private as well as the public sector, including where relevant decisions by courts and other judicial bodies, if possible. Please also indicate any restrictions on the right to strike. Please specify the nature of, reasons for and extent of any reforms.

There have been no changes in the situation described in previous reports.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework

There have been no changes in the situation described in previous reports.

3) Please provide pertinent figures, statistics or any other relevant information, in particular: statistics on strikes and lockouts as well as information on the nature and duration of Parliament, Government or court interventions prohibiting or terminating strikes and what is the basis and reasons for such restrictions.

Statistics relating to work stoppages are attached as **Appendix VI.**

Response to the comments of ECSR in its Conclusions of 2010

Paragraph 2 – Negotiations procedure

Regarding the detailed information provided in our report covering the period 2000-2002, it must be stressed that no changes have been introduced regarding negotiations procedures. The procedural arrangements have been in place since 1977 with the signing of the Industrial Relations Code and it has been widely accepted at the tripartite level that these procedures are adequate and continue to serve the purpose for which they were initially introduced.

Through a long process of social dialogue for the modernisation of the industrial relations system of Cyprus, it was unanimously agreed that even though the voluntary nature of the Industrial Relations Code should remain intact, certain legislative changes were required to strengthen the procedures regarding trade union recognition by employers for negotiation purposes. For this reason, Law No. 55(I)/2012 for the Recognition of Trade Unions and the Provision of Trade Union Facilities for Collective Bargaining Purposes Law of 2012 was introduced, enhancing procedural weaknesses at the stage before the Industrial Relations Code was actually designed to be used.

Paragraph 4 – Collective Action

With regards to the Committee's conclusion that the situation in Cyprus is not in conformity with Article 6 paragraph 4 of the Revised European Social Charter on the ground that the Trade Union Legislation requires that a decision to call a strike must be endorsed by the executive committee of a trade union, the Government wishes to inform the Committee that a draft amending legislation was submitted before the House of Representatives in October 2009. The draft legislation would have solved the aforementioned problem, but other differences in opinion regarding certain issues considered central to the efficient operation of mostly smaller trade unions, led to prolonged discussions in the competent Parliamentary Committee.

Outside the reference period of this report, and following presidential elections that took place in February 2013, the new Government withdrew all pending draft legislation before the House of Representatives, in order to re-examine their purpose and functionality.

With regards to the draft law amending the Trade Unions Law, the new Government decided to work on some minor changes to the Law and resubmit it as soon as possible to the House of Representatives. It is noted that the Government will not proceed with any changes that adversely affect conformity with Article 6 paragraph 4 of the Revised European Social Charter.

GOVERNMENT OF THE REPUBLIC OF CYPRUS

Report on Article 22
(Paragraph b)

THE RIGHT TO TAKE PART IN THE DETERMINATION AND IMPROVEMENT OF THE WORKING CONDITIONS AND WORKING ENVIRONMENT

of the Revised European Social Charter

(Reference Period: 01.12.2011 – 31.12.2012)

1) Please describe the general legal framework. Please specify the nature of, reasons for and extend of any reforms.

The legal framework in Cyprus comprises the Safety and Health at Work Laws of 1996 to 2011 and the Regulations, Orders and Approved Codes of Practice issued under these Laws. Specifically, to ensure the effective exercise of the rights of workers to take part in the determination and improvement of the working conditions and working environment in the undertaking, the above Laws were amended in 2011. This latest amendment clearly defines the duties of Safety Representatives (Article 7), Safety Committees (Article 8) and Safety Officers (Article 9) and their contribution to the improvement of working conditions in Cyprus workplaces.

The existing relevant Regulations are the Safety Committees Regulations of 1997 (P.I. 134/1997). These Regulations provide for the functioning of the Committees, the participation of their Members (Safety Representatives, Employer or his representative, occupation health representative, if one exists and Safety Officer, in case of an enterprise where at least 200 persons are employed) as well as the duties of such Committees regarding the determination and improvement of working conditions.

Additionally, the Management of Safety and Health at Work Issues Regulations of 2002 (P.I. 173/2002) mandate that employers who employ more than five workers, must assign one or more employed persons to engage in activities of prevention and protection of the occupational risks in the undertaking, the business and/ or the installation and for purposes of provision of consulting assistance to the employer to enable the taking of preventative and protective measures. Such workers must be sufficiently trained, knowledgeable and experienced in issues of safety and health at work. In case the available capabilities within the undertaking, the business and/ or the installation are not adequate for organising the aforementioned activities of protection and prevention, the employer must apply to suitable services or suitable persons outside the business and/ or the installation (external consultants). According to the aforementioned Regulations, in all cases, the employer must ask for the opinion of the employed persons and/ or their representatives and allow their participation under the framework of all issues pertaining to safety and health at work. This entails:

(a) Consultation with the employed persons;

(b) The right of employed persons and/or their representatives to submit proposals, and

(c) The balanced participation in safety committees.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

In order to implement the legal framework, Inspectors of the Department of Labour Inspection carry out regular inspections for safety and health at work issues, check for the appointment or election of employed persons as Safety Representatives and the correct functioning of Safety Committees in the enterprises regarding the determination and improvement of working conditions.

Additionally, the Training Centre of the Department of Labour Inspection has issued the following publications:

(i) Safety Organisation – Safety Committees – A manual for Safety Representatives and Members of Safety Committee.

(ii) Guide to Organisation and Management of Safety and Health Issues at Work in the Public Service.

The Employers' Organisations have also issued a publication on the organisation and management of Safety Committees.

The Training Centre has also carried out, during the review period, the organisation or co-organisation with other interested parties of training and informative programmes, seminars, lectures addressed to the following:

- Members of Safety Committees (in collaboration with the Trade Unions and the Cyprus Academy for Public Administration)
- Newly employed persons in the Public Service
- Students
- Unemployed persons
- Employees in Semi-Government Organisations, the Public Service and in private companies
- Teachers in Secondary schools.

In cooperation with the Cyprus Academy of Public Administration, during 2011 and 2012, a total of 10 training programmes were organised, each of 6 hours duration, where a total of 211 members of Safety Committees in the Public Sector attended. The participants were trained on the basic provisions of the legislation and the effective operation of the Safety Committees at the workplaces.

Additional seminars were organised, each of 6 hours duration, where a total of 211 members of Safety Committees in the Public Sector attended. The participants were

trained on the basic provisions of the legislation and the effective operation of the Safety Committees at the workplaces.

It is noted that during 2012, Cyprus' participation in the European Good Practice Competition, bearing the theme "Healthy Workplaces – Working Together for Risk Prevention" resulted in the awarding of "Atlantica Leisure Group Ltd". The enterprise achieved increased staff awareness on health and safety and minimised workplace accidents during the period 2011-2012.

Furthermore, during the Cyprus Presidency of the Council of the European Union, held in the second half of 2012, a conference on "Working Together for the Future of Occupational Safety and Health in Europe" was co-organised with EU-OSHA.

3) Please provide pertinent figures, statistics or any other relevant information on employees not covered by Article 22, the proportion of the workforce who is excluded and the thresholds below which employers are exempt from these obligations.

The above legislation regarding the rights of workers to participate in the determination and improvement of the working conditions and working environment in the undertaking (Article 22) includes every sector of economic activity where more than 2 persons are being employed.

GOVERNMENT OF THE REPUBLIC OF CYPRUS

Report on Article 28

THE RIGHT OF WORKER REPRESENTATIVES TO PROTECTION IN THE UNDERTAKING AND FACILITIES TO BE AFFORDED TO THEM

of the Revised European Social Charter

(Reference Period: 01.01.2009 – 31.12.2012)

1) Please describe the general legal framework, including decisions by courts and other judicial bodies if possible. Please specify the nature of, reasons for and extend of any reforms.

During 2012, Law No. 55(III)/2012 amended ILO Convention 135 ratifying Law (copy of the ratifying Law with amendments attached in **Appendix V**), regarding Workers' Representatives, introducing provisions to clarify that workers' representatives have the right to enjoy such facilities as may be necessary for the proper exercise of their functions, including access to the workplace with due respect for the rights of property and management in order to apprise workers of the potential advantages of unionisation.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

There have been no changes in the situation described in previous reports.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

There have been no changes in the situation described in previous reports.

<u>Response to the comments of ECSR in its Conclusions of 2010</u>

In reply to the Committee's comment regarding the duration of the protection for workers' representatives after the cessation of their functions, the Government would like to note that assuming it can be proven that any detriment to the ex-workers' representatives was due to his/ her prior role, then protection is of an indefinite duration. This extends to cases of termination of employment (in accordance to the provisions of the Termination of Employment legislation, and case law) and unfair treatment as clearly stipulated in the attached law that ratifies ILO Convention 135.

With regards to facilities to be granted to workers' representatives, ILO Convention ratifying Law clearly stipulates that employers must grant (within the employer's establishment) those facilities necessary for workers' representatives to effectively fulfil their role.

By extension, this has been further clarified with amending Law No.55(III)/2012, with two new provisos for Article 5(b) that clearly lay down duties for which the employer must grant access to trade union representatives to enter the employer's premises. As the second proviso notes the employer is obliged to grant access to worker representatives (and by extension grant necessary facilities), among others, for participating in negotiations with the employer for the signing or renewal of a collective agreement, for carrying out any kind of negotiations or consultations with the employer on any labour related issues, including issues relating to the application of labour legislation, or the resolvement of labour disputes arising from the application of a collective agreement or any other agreement.

GOVERNMENT OF THE REPUBLIC OF CYPRUS

Report on Article 29

THE RIGHT TO INFORMATION AND CONSULTATION IN COLLECTIVE REDUNDANCY PROCEDURES

of the Revised European Social Charter

(Reference Period: 01.01.2011 – 31.12.2012)

1) Please describe the general legal framework. Please specify the nature of, reasons for and extend of any reforms.

The Collective Redundancies Law **(Appendix VII)** was put into force on 9 March 2001 aiming at the protection of employees in cases of collective redundancies.

The Law applies to cases of collective redundancies, as this is defined by the Law. Cases of voluntary termination of employment or termination of employment, as a result of the expiry of a fixed-term contract, do not constitute redundancies.

The Law applies to cases of collective redundancies according to the definition given therein. In order to ascertain if a case of termination of employment is considered to be a collective redundancy, the following conditions must be fulfilled, simultaneously:

- The redundancies must be effected by the employer.

- The reasons for the redundancies (which may be one or more) should not be related to the individual employee. For instance, redundancies due to economic or technical reasons would satisfy this criterion since they are not attributed to the employee himself/ herself, whereas redundancies made as a result of a breach of workplace rules or an offence committed by the employee, would not and therefore do not fall within the scope of the Law.

- The number of redundancies effected within a period of thirty days, in respect to the number of workers employed, should be as follows:

  - At least 10 redundancies in establishments normally employing between 21 and 99 employees. In the context of this Law and provided that the redundancies are at least five, all terminations of employment contracts due to any reason are included in calculating the total number of redundancies. Consequently, in the case of an establishment normally employing between 21 and 99 persons, and given that there are at least 5 persons made collectively redundant, in accordance with the definition given above, the Law applies if there are also 5 (or more) cases of termination of employment contracts.

- In case of establishments normally employing between 100 and 299 persons, the redundancies must be at least 10% of the total number of employees that are normally employed.

- In case of establishments normally employing 300 persons or more, the redundancies must be at least 30.

The minimum number of redundancies effected, in relation to the total number of employees in an establishment, required to ensure the application of the Law can also be seen in the table below:

Employer's Establishment		
Number of Employees		**Number of Redundancies**
(a)	20 or less	The Law does not apply
(b)	21 to 99	10 or more redundancies (if the collective redundancies are at least 5, all cases of termination of employment contracts, due to any reason, are included in calculating the total number of redundancies)
(c)	100 to 299	Redundancies amounting to 10% of the total number of employees
(d)	300 or more	Minimum of 30 redundancies

This Law does not apply to:

- establishments that employ 20 or a smaller number of persons (as seen in the above table),

- collective redundancies effected under fixed-term contracts of employment, or contracts of employment concluded for specific tasks, except where such redundancies take place prior to the date of expiry or the completion of such contracts,

- crews of sea-going vessels,

- workers employed by:
  - the public sector
  - semi-governmental organisations
  - local authorities
  - legal entities covered by public law.

Information and consultation

Where an employer is contemplating collective redundancies, he should begin consultations with the employees' representatives with a view to reaching an agreement. These consultations should, at least, cover the following:

- ways and means of avoiding collective redundancies or reducing the number of employees affected, and
- ways and means of mitigating the consequences of the collective redundancies (through social measures aiming, amongst others, at the retraining of affected employees and their reintegration in the labour market).

Additionally, the employer should supply the employees' representatives with all relevant information to enable them to make constructive proposals, during the consultation procedure. Among other things, the employer should notify, in writing, the following:

1. the reasons for the redundancies planned
2. the number and categories of employees to be made redundant
3. the number and categories of employees normally employed
4. the period over which the redundancies are to be effected
5. the criteria for selection of the employees to be made redundant (which are set as an obligation of the employer, in compliance with existing legislation and practice)
6. the method of calculation of potential payments in relation to the redundancies, if other than the method provided for by the Termination of Employment Law of 1967 to 1994.

Notification to the Ministry

The employer should forward to the Minister of Labour and Social Insurance a copy of the above-mentioned information (the method of calculation of potential payments may be omitted). In addition, the employer should notify the Ministry of Labour and Social Insurance, in writing, of any information concerning the collective redundancies planned and the consultation with employees' representatives (as provided for by the Law), the soonest possible, specifically so on the following:

1. the reasons for the redundancies planned
2. the number of employees to be made redundant
3. the number of persons normally employed
4. the period over which the redundancies will be effected.

The employer should forward to the employees' representatives a copy of the notification referred to in the preceding paragraph, and the employees' representatives may submit any comments to the Minister of Labour and Social Insurance. The above-mentioned obligations apply irrespective of whether the decision to proceed with collective redundancies is made by the employer himself/herself, or by another establishment that controls the employer. It is noted that in the case that the establishment that made the decision fails to properly inform the employer, this does not constitute a defence to the employer (does not discharge the employer of any obligation).

Enforcement of redundancies

The collective redundancies planned, take effect not earlier than 30 days from the date of the notification to the Minister of Labour and Social Insurance. At the same time, the notice of dismissal provided for by the Termination of Employment Law should be complied with. The Ministry of Labour and Social Insurance, during this period, seeks solutions to the problems raised by the collective redundancies. In cases where the collective redundancies are caused by the termination of an establishment's activities, following a decision of the Court, the 30 day-deadline does not apply.

Penalties in the case of Law violations

All information provided in the context of the Collective Redundancies Law is considered to be confidential. Anyone who breaches the provisions of the Law relating to confidentiality is subject to a monetary penalty that may not exceed the amount of €1.708.

In addition, any employer violating any provisions of the Law in respect of information, consultation and notification (i.e. fails to inform the employees' representatives or fails to provide relevant information promptly, etc.), is guilty and in

the case of conviction is subject to a fine of up to the amount of €1.708. In case that the collective redundancies are effected before the 30-day period is over, the employer is subject to a fine of up to the amount of €3.417.

Compensation for termination of employment

The employees' entitlement to compensation in accordance with the Termination of Employment Law remains unaffected by the provisions of this Law.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Please see the information given under question 1 above.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

N/A.