

# INCLUSIVE LABOUR MARKET

## A short guide to working in Cyprus for refugees and asylum seekers



May 2023



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## FIELDS OF WORK ALLOWED

Recognised refugees and beneficiaries of subsidiary protection are entitled to equal treatment as Cypriot citizens regarding employment or independent professional activity in Cyprus without particular formalities, other than the standard registration with the Tax Department and the Social Insurance Services. They have the same rights as citizens to remuneration, access to social security benefits, and other conditions of employment.

In the case of asylum seekers, access to the labour market is currently allowed after one month from the date of submission of the application for asylum, expected to be increased to nine months as of 1 August 2023, subject to certain formalities, in the following professions: Agricultural workers; livestock workers; poultry workers; fishery workers; fish farm workers; animal caretakers; feed production workers; night shift production workers in bakeries and dairies; loading and unloading porters; night shift poultry workers; sewerage and sewage and waste management workers; garbage and dog waste collection and processing workers; recycling workers; animal waste and abattoir by-products processing workers; petrol station workers – car washers; loading and unloading porters; fish shop workers; assistant car straighteners – assistant car painters; building and outdoor cleaning workers in cleaning crews; distributors of promotional and informational material; ready-made food delivery; gardeners; pest / rodent extermination workers in homes and offices; kitchen assistants and kitchen cleaners and laundrette workers.

## UNLAWFUL EMPLOYMENT

Employment of an asylum seeker in a profession other than the above permitted professions, or employment of an asylum seeker after either the failure to file a recourse against a negative administrative decision on the asylum application within the deadline or after a negative judgment of the Administrative Court of International Protection that rejects the recourse, is a criminal offence for both the employer and the employee.





## EMPLOYMENT CONTRACTS

Your employment contract should at least contain the following:

- a** | the identities of the parties to the employment relationship;
- b** | the place of work; where there is no fixed or main place of work, the principle that the worker is employed at various places or is free to determine his or her place of work, and the registered place of business or, where appropriate, the domicile of the employer;
- c** | either:
  - i** - the title, grade, nature or category of work for which the worker is employed or
  - ii** - a brief specification or description of the work;
- d** | the date of commencement of the employment relationship;
- e** | in the case of a fixed-term employment relationship, the end date or the expected duration thereof;
- f** | the duration and conditions of the probationary period, if any;
- g** | the remuneration, including the initial basic amount, any other component elements, if applicable, indicated separately, and the frequency and method of payment of the remuneration to which the worker is entitled;
- h** | if the work pattern is entirely or mostly predictable, the length of the worker's standard working day or week and any arrangements for overtime and its remuneration and, where applicable, any arrangements for shift changes
- i** | if the work pattern is entirely or mostly unpredictable, the employer shall inform the worker of:
  - i** - the principle that the work schedule is variable, the number of guaranteed paid hours and the remuneration for work performed in addition to those guaranteed hours;
  - ii** - the reference hours and days within which the worker may be required to work;
  - iii** - the minimum notice period to which the worker is entitled before the start of a work assignment and, where applicable, the deadline for cancellation of the employment relationship;
- j** | in the case of temporary agency workers, the identity of the user undertakings, when and as soon as known;
- k** | the training entitlement provided by the employer, if any;
- l** | the amount of paid leave to which the worker is entitled or, where this cannot be indicated when the information is given, the procedures for allocating and determining such leave;

- m | the procedure to be observed by the employer and the worker, including the formal requirements and the notice periods, where their employment relationship is terminated or, where the length of the notice periods cannot be indicated when the information is given, the method for determining such notice periods;
- n | any collective agreements governing the worker's conditions of work or in the case of collective agreements concluded outside the business by special joint bodies or institutions, the name of such bodies or institutions within which the agreements were concluded;
- o | where it is the responsibility of the employer, the identity of the social security institutions receiving the social contributions attached to the employment relationship and any protection relating to social security provided by the employer.

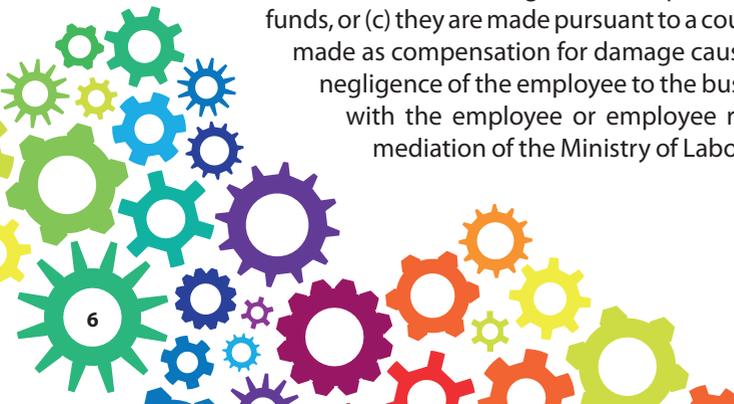
The template employment contract provided by the Department of Labour is available only in Greek. Therefore, it is advisable to request either a certified translation of the contract into the employee's first language or a language that they can understand, prior to signing, or pertinent legal advice

## WORKING HOURS

There is a statutory average maximum of 48 hours work allowed per week, over a reference period of four months, and a minimum of 24 consecutive hours' rest per week. Further, whenever daily work exceeds six hours, the employee is entitled to at least fifteen minutes' continuous break (not consecutive to the beginning or the end of the work), at which time the employee is entitled to leave their job position. Derogations are allowed subject to certain conditions.

## PROTECTION OF WAGES

No deductions may be made to current wages, unless (a) they are foreseen by statute or regulations or applicable collective agreement(s), or (b) they are in accordance with regulations of pension, provident or medical funds, or (c) they are made pursuant to a court judgment, (d) they are made as compensation for damage caused by intention or gross negligence of the employee to the business (after consultation with the employee or employee representatives, or upon mediation of the Ministry of Labour and Social Insurance),





or (e) made upon written and signed consent of the employee. Any such deductions shall be limited to the degree to which the employee will be able to sustain themselves and their family. Otherwise, the employer may incur criminal liability.

## MINIMUM WAGE AND COMPENSATION

In general, as of 1 January 2023, the minimum wage for full-time employment is set at 885 euros per month, which increases to 940 euros after six months of continuous employment with the same employer. Certain professions are excluded from the minimum wage because they are covered by more specialised provisions, and certain reductions to the minimum are allowed for minors and for employees that are provided food and/or housing by the employer. Overtime pay is not generally regulated by law in Cyprus, and it is usually regulated by individual or collective agreement or employer practice or custom (there are a few exceptions regulated by law, such as the retail sector and sections of the hospitality industry).

## SOCIAL SECURITY CONTRIBUTIONS AND INCOME TAX WITHHOLDINGS

The following constitute the applicable income tax brackets and statutory contributions, deductions and withholdings:

▶ Personal income tax, per year

- Up to 19 500 euros: 0%
- 19 501 – 28 000: 20%
- 28 001 – 36 300: 25%
- 36 301 – 60 000: 30%
- 60 001 and over: 35%

▶ Contributions and deductions

- Social Insurance Fund: employee 8.3% / employer 8.3% / state 4.9%
- Redundancy Fund: employer 1.2%
- Human Resource Development Fund: employer 0.5%
- Social Cohesion Fund: employer: 2%
- General Healthcare System: employee 2.65% / employer 2.9% / state 4.7%
- Central Holiday Fund: 8% (if leave is not paid directly to employee)



## FIXED-TERM WORK

Where an employer has employed an employee on a fixed-term contract or upon renewal of the contract or otherwise, and this employee has worked in total for 30 months or more at that place of business the contract is then considered for all intents and purposes as a contract of indefinite duration, unless the employer can prove objective grounds, i.e. (a) the needs of the company for the specific operation are temporary, (b) the employee replaces another employee, (c) the particularity of the work justifies the definite term, (d) the employee is employed on probation, (e) the employment on fixed term is upon application of a judicial decision, (f) the duties of the position require a perfect physical condition, or (g) military-related work.

## ANNUAL PAID LEAVE

The minimum paid leave entitlement for employees working on a five-day basis is 20 working days and for employees working on a six-day basis, 24 working days, unless the employee is entitled to more on the basis of individual or collective agreement, employer custom or practice. With regard to public holidays, they are compulsory only for retail sector workers; there is no statutory entitlement to public holidays otherwise to this effect, but it is a matter of the individual employment contract or the collective agreement or employer custom or practice.

## SICK LEAVE

There is no statutory minimum for paid sick leave that needs to be granted by the employer and there is also no entitlement to payment by the employer for absence due to sickness or injury, unless the employee is entitled to any payment on the basis of individual or collective agreement, employer custom or practice. However, the employee may still claim a sickness benefit from the Social Insurance Fund, when the number of continuous sick leave days exceeds three. There is also express protection from dismissal, with limited exceptions, throughout the period of absence due to sickness or injury, plus one quarter (up to 12 months, plus one quarter).





## SOCIAL INSURANCE BENEFITS

The Social Insurance Fund provides a number of benefits, for employed persons, concerning maternity, paternity, parenthood, childbirth, sickness, unemployment, disability, etc., subject to certain insurance conditions; for most allowances of the Social Insurance Services, the application needs to be completed online through the [CY Login platform](#). More information [here](#).

## UNEMPLOYMENT AND SICKNESS ALLOWANCES

Please note that the first three days of interruption of employment, due to unemployment or sickness, are unpaid and allowance can be paid from the fourth day onwards up to 156 consecutive days.

For the unemployment allowance, applicants need to, first, register on the online platform of the [Public Employment Services of the Department of Labour](#) as jobseekers, wait for a confirmation call/email from the Services and then apply online through the [CY Login platform](#) for the unemployment allowance. Registration with the Public Employment Services may need renewal when you are out of work for extended period.

Recognised refugees and beneficiaries of subsidiary protection can also separately benefit from the Guaranteed Minimum Income by completing this [application](#) with the Deputy Ministry of Social Welfare, subject to certain conditions.

## MATERNITY

Employees have the right to take an 18-week maternity leave (in the case of a second child, there is an entitlement to a further four weeks; in the case of third+ child, there is an entitlement to a further eight weeks). Upon return to work, new mothers are also entitled to a paid one-hour breastfeeding break for nine months as of childbirth. Maternity leave is applicable also in cases of adoption and surrogacy with certain differences. In addition, there is an express protection from dismissal (as well as any steps to dismiss) ranging from the start of the pregnancy until five months after the end of the maternity leave (with certain exceptions) and any violation constitutes a criminal offence. Such leave does not affect the continuity of the employment or professional advancement.

Maternity allowance is paid directly out of the Social Insurance Fund, as explained above, but there is a practice, particularly in unionised professions, for employers to supplement that allowance, in order to reach full salary for the period of absence.

## PATERNITY

An employee that has a child either through natural maternity or by surrogacy or by adoption up to 12 years old has a right to paternity leave of two continuous weeks at a time during the period that starts from the week of the childbirth or adoption and ends two weeks after the end of the maternity leave. Such employee has to notify the employer of the intention to exercise the right to paternity leave at least two weeks in advance. In addition, there is an express protection from dismissal (as well as any steps to dismiss) commencing from the date of written notice by the employee of the intention to exercise the right to paternity leave and expires at the end of the paternity leave (with certain exceptions). Such leave does not affect the continuity of the employment or professional advancement.

Paternity allowance is paid directly out of the Social Insurance Fund, as explained above, but there is a practice, particularly in unionised professions, for employers to supplement that allowance, in order to reach full salary for the period of absence.

## PARENTAL LEAVE

Every employee, who is a parent, after six months of continuous employment with the same employer, is entitled to a total parental leave of up to 18 weeks, due to the birth or adoption of a child, for the purpose of caring for and bringing up the child (in case of a widower parent or single parent, the duration of parental leave may be extended to 23 weeks) to be taken up to the completion of the 8th year of the child's age (with slight differences for adoptive children) and up to the 18th year of age of the child, in case of children with disabilities. Such leave may be obtained with a minimum of one week and a maximum of five weeks per calendar year. An employee has to notify the employer of the intention to exercise the right to parental leave at least three weeks in advance. In addition, there is an express protection from dismissal (as well as any steps to dismiss) commencing from the date of written notice by the employee of the intention to exercise the right to parental leave and expires at the end of the parental leave (with certain exceptions). Such leave does not affect the continuity of the employment or professional advancement.

There is also a right to parental leave allowance paid directly out of the Social Insurance Fund, provided that the parent (a) has worked at least for 12 months during the preceding 24 months, (b) has completed six months





of continuous employment with the same employer and (c) does not receive full pay by their employer.

There are also rights for parents to apply for flexible forms of work, such as remote work, reduced or flexible working hours, under certain conditions.

## LEAVE ON GROUNDS OF FORCE MAJEURE

An employee is entitled to receive, upon application, unpaid leave of up to seven days a year, on grounds of *force majeure* related to urgent family reasons, pertaining to illness or accident of members of the family, which require the immediate presence of the employee. Such employee has to notify the employer of the intention to exercise the right to leave on grounds of *force majeure* as soon as the event that requires their immediate presence takes place. In addition, there is an express protection from dismissal (with certain exceptions). Such leave does not affect the continuity of the employment or professional advancement.

## CARERS' LEAVE

An employee has the right to take unpaid carers' leave of up to five days per year, in order to provide personal care or support to a relative or a person that resides in the same household who requires essential care or support due to a serious medical reason, provided that they notify the employer in due time and by providing the relevant medical certificate substantiating the need for such leave. In addition, there is an express protection from dismissal (with certain exceptions). Such leave does not affect the continuity of the employment or professional advancement.

## SOCIAL WELFARE BENEFITS

Asylum seekers can benefit from Feeding, Clothing and Footwear Allowance, Electricity, Water and Pocket-Money Allowance, as well as Rent Allowance from the Deputy Ministry of Social Welfare, depending on the number of family members. They do not need to be employed, in order to benefit from these allowances, however, they need to be registered with the Public Employment Services of the Department of Labour as jobseekers.

## GENERAL HEALTHCARE SYSTEM

All recognised refugees and beneficiaries of subsidiary protection are covered by the universal General Healthcare System (“GeSY”), which includes all public sector medical facilities, healthcare professionals and pharmacies, as well as any private sector medical facilities, healthcare professionals and pharmacies from the private sector that are part of GeSY and follow the same rules. Asylum seekers are not eligible for GeSY coverage, even if they work and pay contributions into the system, and they are only covered by the public sector.

## TERMINATION OF EMPLOYMENT

Dismissals that cannot be justified under any one of the grounds exhaustively listed in section 5 of Law 24/1967 are considered unlawful per se and the employee has the right to compensation unless the employee is still on probation (probation is for a maximum of six months, and can be extended up to two years only for managerial staff):

- a** | unsatisfactory performance (excluding temporary incapacitation due to illness, injury, and childbirth);
- b** | redundancy;
- c** | force majeure, act of war, civil commotion, or act of God;
- d** | termination at the end of a fixed period;
- e** | conduct rendering the employee subject to summary dismissal; and
- f** | conduct making it clear that the relationship between employer and employee cannot reasonably be expected to continue, commission of a serious disciplinary or criminal offence, indecent behaviour, or repeated violation or ignorance of employment rules.

Employees are also entitled to a written notice of termination, outlining the grounds for the termination, unless the employee has been terminated on (e) or (f) grounds explained above, with a notice period calculated on a graduated scale as follows:

- a** | 0 days for 26 continuous weeks’ employment;
- b** | One week for 26 – 52 continuous weeks’ employment;
- c** | Two weeks for 52 – 104 continuous weeks’ employment;

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- d** | Three weeks for 104 – 156 continuous weeks' employment;
  - e** | Five weeks for 156 – 208 continuous weeks' employment;
  - f** | Six weeks for 208 – 259 continuous weeks' employment;
  - g** | Seven weeks for 260 – 311 continuous weeks' employment;
  - h** | Eight weeks for 312 continuous weeks' employment or more.

Otherwise, compensation for immediate termination can be paid in lieu of notice.

The employee must give notice of resignation according to their length of service as follows:

- a** | 0 days for 26 continuous weeks' employment;
- b** | One week for 26 – 52 continuous weeks' employment;
- c** | Two weeks for 52 – 260 continuous weeks' employment; and
- d** | Three weeks for 260 or more continuous weeks' employment.

## LABOUR RELATIONS

Asylum seekers that wish to file a complaint against their employers need to file it with the Aliens and Immigration Unit of the Police, which is then sent to the competent District Office of the Department of Labour Relations. The relevant District Office will call both parties (employee and employer) to a meeting, so that they may take a position on the matter. Following this meeting an Inspector of the Department of Labour Relations prepares a statement of facts with a relevant recommendation, which they send to the Labour Disputes Resolution Committee, which comprises an official of the Ministry of Labour and Social Insurance, an official of the Civil Registry and Migration Department of the Ministry of Interior, and an official of the Aliens and Immigration Unit of the Police. The final decision is then taken by the Assistant Director of the Civil Registry and Migration Department, who notifies the two parties in writing. Recognised refugees and beneficiaries of subsidiary protection may file their complaint directly with the Department of Labour Relations.

## COLLECTIVE RELATIONS

Article 21 of the Constitution of the Republic of Cyprus protects the right of association, including specifically the right to establish and join a trade union. Cyprus has a relatively high level of trade union organisation. The main national, multi-sectoral workers' organisations are the Pancyprian Federation of Labour (PEO), the Cyprus Workers Confederation (SEK), the Democratic Labour Federation of Cyprus

(DEOK) and the Pancyprian Federation of Independent Trade Unions (POAS). Other independent sectoral workers' organisations are the Pancyprian Union of Public Servants (PASYDY), the Pancyprian Organisation of Greek Teachers (POED), the Organisation of Greek Secondary Education Teachers (OELMEK) and the Union of Banking Employees of Cyprus (ETYK).

## ANTI-DISCRIMINATION LEGISLATION

There is specific statutory prohibition of discrimination against refugees on grounds of sex, race, religion, nationality, membership of a particular social group or political opinion. There is also a multitude of antidiscrimination laws prohibiting direct or indirect discriminatory treatment or conduct, provision, term, criteria or practice in both private and public sector activities on grounds of race, community, language, colour, disability, religion, political or other beliefs, national or ethnic origin, or sexual orientation, including in relation to (a) access to employment, self-employment and work, including selection criteria and appointment terms, regardless of sector of activity at all levels of the professional hierarchy, including promotions, (b) access to all kinds and levels of professional orientation, training, education and re-orientation, including obtaining practical professional experience, (c) conditions and terms of employment, including provisions on dismissals and remuneration, (d) capacity of a member and participation in an employees' or employers' organisation or any organisation the members of which exercise a particular profession including advantages granted by such organisations, and (e) social protection, social security, and healthcare. In relation to potential claims, it is noted that a *prima facie* discrimination claim shifts the burden of proof on to the employer, in cases of labour disputes, while the relevant legislation also provides for pertinent administrative sanctions, criminal sanctions on perpetrators, enforcement mechanisms, and whistle-blower protection, depending on the breach.





## WHISTLEBLOWING

Cyprus law requires all private legal entities with 50 or more employees and all public sector legal entities (except local authorities with fewer than 5 000 inhabitants or fewer than 25 employees) to establish reporting channels and procedures for internal reporting and for monitoring in relation to certain breaches of EU law and national law. The relevant law provides prohibition of any form of retaliation, criminal sanctions, and a number of causes of action. In addition, whistle-blowers are also protected by their constitutional right to freedom of expression and right of access to courts. Dismissal on grounds of whistleblowing is also considered unlawful *per se*.

## MINORS

It is noted that asylum seekers only have access to specific manual labour professions, as explained above. Therefore, unaccompanied minors that have not yet been granted any status, and who form the vast majority of unaccompanied minors, are effectively excluded from the labour market, because no approval shall be given by the Department of Labour for under-15s, while most, if not all, permitted professions are inappropriate for persons between 15 and 18 years old.

When it comes to unaccompanied minors that have already been given refugee or subsidiary protection status, who are a very tiny minority, they enjoy equal access to the labour market as local children, provided certain limitations that apply to all minors (Cypriots and foreigners).

In particular, children under 15 can only be employed for cultural and related activities (e.g. film production), upon prior approval by the Department of Labour. However, there are no prior licensing requirements for persons above 15 years of age.

Numerous working hour restrictions also apply.

## USEFUL CONTACTS

- ▶ Asylum Service, Arch. Makarios III Ave. 70, Nicosia, 22445245, [info@asylum.moi.gov.cy](mailto:info@asylum.moi.gov.cy)
- ▶ Cyprus Refugee Council, Stasandrou 9, 4<sup>th</sup> Fl., 1060 Nicosia, 22205959, [info@cyrefugeecouncil.org](mailto:info@cyrefugeecouncil.org), Help Refugees Work platform
- ▶ UNHCR Cyprus office, Polyviou Dimitrakopoulou, Egkomi, 22359043, [cypni@unhcr.org](mailto:cypni@unhcr.org), HELP platform
- ▶ Department of Labour, Clementos 9, 1061 Nicosia, 22400801, [director@dl.mlsi.gov.cy](mailto:director@dl.mlsi.gov.cy)
- ▶ Department of Labour Relations, Griva Digeni 54, 1096 Nicosia, 22 803100, [info@dldr.mlsi.gov.cy](mailto:info@dldr.mlsi.gov.cy)
- ▶ Department of Labour Inspection, 12 Apellis, 1080 Nicosia, 22405623, [info@dli.mlsi.gov.cy](mailto:info@dli.mlsi.gov.cy)
- ▶ Social Insurance Services, Vyronos 7, 1465 Nicosia, 22 401600, [director@sid.mlsi.gov.cy](mailto:director@sid.mlsi.gov.cy)
- ▶ Cyprus Bar Association, Florinis 11, Office 101, 1<sup>st</sup> Floor, 1065 Nicosia, 22873300, [info@cba.org.cy](mailto:info@cba.org.cy)
- ▶ Ombudsman / Commissioner for Administration and the Protection of Human Rights, Era House, Diagorou 2, 1097 Nicosia, 22672881, [ombudsman@ombudsman.gov.cy](mailto:ombudsman@ombudsman.gov.cy)
- ▶ Gender Equality in Employment and Vocational Training Committee, Vyronos 7, 1463 Nicosia, 22400894, [genderequalitycommittee@mlsi.gov.cy](mailto:genderequalitycommittee@mlsi.gov.cy)
- ▶ Pancyprian Federation of Labour, Archermou 29, 1045 Nicosia, 22866400, [peo@peo.org.cy](mailto:peo@peo.org.cy)
- ▶ Cyprus Workers Confederation, Leof. Strovolou 11, 2018 Strovolos, 22849849, [sek@sek.org.cy](mailto:sek@sek.org.cy)
- ▶ Democratic Labour Federation of Cyprus, Vyronos 40, 1096 Nicosia, 22872177, [contact@deok.org.cy](mailto:contact@deok.org.cy)
- ▶ Pancyprian Federation of Independent Trade Unions, Athalassas 168, Minos Ct., Off. 401, 2025 Strovolos, 22516600, [info@poas.org.cy](mailto:info@poas.org.cy)





This “Short guide to working in Cyprus for refugees and asylum seekers” was prepared under the “Building structures for intercultural integration in Cyprus” project. The project aims to contribute to the integration of migrants in a range of areas including participation, education, cultural and social life, urban planning, business, access to the labour market, anti-discrimination and multilingualism.

The project uses the Council of Europe’s intercultural integration approach which underlines that there is sound evidence that diverse and inclusive teams, businesses and communities have increased strategic potential in terms of productivity, creativity, problem-solving and innovation.

A further publication from the same project: “A handbook on working in Cyprus for refugees and asylum seekers” provides more detailed information.







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