

THE COLLECTIVE REDUNDANCIES LAW OF 2001

LAW 28(I)/2001

1. This Law may be cited as the Collective Redundancies Law of 2001.

2. For the purposes of this Law, unless the context otherwise requires –

“collective redundancies” means redundancies made by an employer for one or more reasons unconnected with individual employees, provided that the number of redundancies within a period of 30 days amounts to –

(a) At least 10, in undertakings which normally employ more than 20 and fewer than 100 employees:

Provided that for the purpose of calculating the number of redundancies referred to above, all individual contracts of employment which terminate by reason of simple expiry shall be included, if the number of actual redundancies is at least five;

(b) at least ten per cent (10%) of the number of employees in undertakings which normally employ at least 100 and fewer than 300 employees; and

(c) at least 30, in undertakings, which normally employ at least 300 employees.

“competent authority” means the Minister of Labour and Social Insurance.

“representatives of the employees” means the representatives of any employees provided for by legislation or practice;

“workers’ representatives” means the workers’ representatives provided for by legislation or practice;

3. This Law shall not apply –

(a) to any collective redundancies effected in relation to contracts of employment made for a specific period of time or for a specific task, unless such redundancies are made prior to the expiry or prior to completion of these contracts;

(b) in relation to persons employed by the government, by semi-governmental organisations, by local authorities and by legal entities governed by public law; and

(c) in relation to crews of sea-going vessels.

4.–(1) Where any employer intends to make any collective redundancies he shall be obliged to consult in good time with the workers’ representatives with a view to reaching an agreement.

(2) These consultations shall, at least, cover the following matters –

(a) possible measures to prevent any collective redundancies or to reduce the number of the employees who would be affected; and

(b) ways and means for easing the adverse consequences arising from such collective redundancies, through social measures, for example the re-employment or re-training of dismissed employees.

5.-(1) In order that the workers' representatives may put forward any constructive proposals, an employer shall in good time, during such consultations -

(a) give to the workers' representatives all useful information; and

(b) notify them in writing of -

(i) the reasons for the intended redundancies,

(ii) the number and categories of employees to be made redundant,

(iii) the number and category of employees normally employed by the employer,

(iv) the period over which such redundancies will be made,

(v) the criteria he intends to use for selecting any employees to be made redundant, which are determined as a responsibility of the employer by legislation or practice, and

(vi) the method for calculating any possible payment as a result of any redundancies, other than payments payable under the Termination of Employment Laws of 1967 to 1994.

(2) An employer shall furnish the competent authority with a copy of the particulars referred to in subparagraphs (i) to (v) of paragraph (b) of subsection (1) above.

6.-(1) An employer shall notify the Competent Authority in writing of any intended collective redundancies the soonest possible:

Provided that in the case of any intended collective redundancies caused by the interruption of the activity of the undertaking as a result of a judicial decision, the employer shall be required to notify the Competent Authority in writing only if the Competent Authority so requests.

(2) A notification shall contain every relevant information in relation to the intended collective redundancies and the consultations with the workers' representatives, provided for in sections 4 and 5 of this Law and, in particular, the reasons for the intended collective redundancies the number of employees to be made redundant, the number of employees normally employed and the period over which the redundancies will be made.

(3) The employer shall forward to the workers' representatives a copy of any notifications he/she gives under subsection (1) above, and those representatives may submit their observations to the Competent Authority.

7.-(1) The obligations referred to in sections 4, 5 and 6 of this Law shall apply whether a decision for collective redundancies is taken by the employer himself or by another undertaking which controls the employer.

(2) In any investigation into any alleged contravention of the obligations relating to the provision of information, consultations and notifications provided for in this Law, the fact that the undertaking which decided that collective redundancies should be made did not provide the requisite information to the employer concerned shall not provide a defense to an employer.

8. Subject to the provisions governing the rights of any employees as to the length of notice required to be given for the termination of their employment, any intended collective redundancies which have been notified to the competent authority in accordance with section 6 of this Law shall be put into effect after the expiration of the period of 30 days commencing on the day of providing such notification.

9. The competent authority shall use the period provided for in section 8 of this Law, to seek solutions to the problems which may arise from any intended collective redundancies.

10. Sections 8 and 9 shall not apply in relation to any collective redundancies caused by the interruption of the activity of the undertaking concerned as a result of a judicial decision.

11.-(1) Any information disclosed in order to comply with the provisions of this Law shall be regarded as confidential.

(2) Any person not complying with subsection (1), shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding one thousand pounds.

12. Nothing contained in this Law shall prejudice the right of employees to compensation in accordance with the provisions of the Termination of Employment Laws of 1967 to 1994.

13.-(1) An employer who contravenes any of the provisions of section 4, 5 or 6 in relation to information, consultation and notification, shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding one thousand pounds.

(2) When collective redundancies are made before the expiration of the period of 30 days referred to in section 8, the employer shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding two thousand pounds.

14. This Law shall come into force on the day of its publication in the Official Gazette of the Republic of Cyprus.

Note:

This Law was published in the Official Gazette of the Republic of Cyprus on 9.3.2001.