

Employment Law



A strong, healthy employer-employee relationship ensures a productive and efficient workplace, which in turn translates to higher client satisfaction and business success. It is therefore essential for both employers and employees to be aware of their respective legal rights and obligations and to be able to resolve amicably any issues that may arise in the course of an employment relationship.



Take good care of your employees, and they 'll take good care of your customers, and the customers will come back.

- J Willard Marriot

Employment Law



Cyprus employment law is a combination of statutes and common law principles deriving from judgements of the Industrial Disputes Tribunal and the Supreme Court of Cyprus.

Although the employment relationship is contractual in nature, there are numerous legal instruments which govern this relationship by essentially regulating and safeguarding basic labour and employment rights, including:

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| 1 Protection from unlawful dismissal | 7 Information and consultation |
| 2 Protection against discrimination | 8 Right of association
(i.e. Trade Union membership) |
| 3 Paid annual leave | 9 Health and safety at work |
| 4 Working hours and rest periods | 10 Protection of maternity and paternity |
| 5 Minimum salary | 11 Social benefits and pensions |
| 6 Parental leave and absence from
work for family emergencies | |

Moreover, statutory obligations of employees towards their employer include the obligation to perform their work in a satisfactory manner and to obey the employer's lawful instructions, while the common law duty of loyalty requires them to behave with honesty, not to allow their own interests to conflict with those of their employer and to preserve the confidentiality of their employer's information.

Transparency



Employers have a legal obligation to provide employees with certain information about the essential terms and conditions of their employment within 1 month from commencing work (such as the place of work, the position, working hours, etc).

This is provided in a Contract of Employment, a letter of appointment or any other document signed by the employer. In addition, employees have the right to be informed and consulted in good time before a decision by the employer concerning the business affects them, such as in the case of collective redundancies or business transfers. Observing timing, procedural and communication requirements is essential for complying with the law.

Types of employment



Employment can be for a fixed or unlimited duration, part-time or full-time. Special legal considerations apply in respect of each type.

However, the possibility of having fixed term employment contracts should not be abused by employers as a means of depriving employees of rights which are linked to duration and continuity of employment. The Industrial Disputes Tribunal has considerable discretion to determine whether employment under a fixed-term or a series of fixed-term contracts is of unlimited duration, considering the facts and circumstances of a particular case. In addition, continuous employment for more than 30 months is automatically considered of unlimited duration unless its temporary nature can be justified on objective grounds, such as the needs of the business, the nature of the duties, etc.

Employee Vs Independent Contractor



Unfortunately, it is not always easy to determine whether a particular working relationship is in fact an employment relationship. Regardless of how a working relationship is described in a contract or any other document, the existence of an employment relationship is always a matter of fact and requires a proper assessment of several factors, such as the worker's integration in the business, the control exercised over the worker by the business and the economic realities.

It is, therefore, necessary to be able to distinguish between a "contract of service" and a "contract for services", where the former is essentially an employment relationship governed by employment laws and the latter is an independent contractor or "freelancer" arrangement predominantly governed by Contract law.

Terminating Employment



Before deciding to dismiss an employee, an employer should ensure that the dismissal can be justified under one or more of the relevant legal grounds (such as unsatisfactory performance or misconduct) and that all required procedures and legal formalities have been followed. An employer may also dismiss an employee without notice, such as in the case of serious or repeated violation or disregard of work regulations.



There is no fixed rule of law defining the degree of misconduct which will justify dismissal without notice. But misconduct inconsistent with the fulfilment of the express or implied conditions of service will justify dismissal though an isolated act of neglect or misconduct will not justify same unless attended by serious consequences.

- (KEM (Taxi) Ltd. v. Anastassis Tryphonos (1969) 1 C.L.R., p. 52)

HOW WE CAN HELP

Our employment law team, consisting of employment law specialists with more than 20 years of experience and international recognition, can assist employers and employees with the following:

- ➔ Legal advice and consultation on all employment law related matters
- ➔ Employment Contracts and Offer Letters
- ➔ Termination letters
- ➔ Mutual Termination Agreements and Release Letters
- ➔ Information and consultation procedures and documentation
- ➔ Employee Handbooks and internal policy documentation
- ➔ Employee incentive schemes (bonus schemes, share incentive schemes, etc)
- ➔ Representation before local authorities (i.e Ministry of Labour)
- ➔ Representation before employee representative bodies (i.e. Trade Unions, Works Councils, etc)
- ➔ Legal representation in dispute resolution, including the Industrial Disputes Tribunal





Nicholas Ktenas has an excellent understanding of Cypriot employment law. Sources add that he is able to quickly draw on precedent to guide clients' decision making.

- (Who's Who Legal: Labour & Employment 2021 - Legal Marketplace Analysis)

Contact Us

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