

Strengthening Involvement

VS-2018-0043

National Legislation on Information and consultation in Cyprus

Country Report

Democratic Labour Federation of Cyprus
40 Vyronos Avenue
1096 Nicosia
Cyprus

Nicosia, 22 October 2018

STRENGTHENING INVOLVEMENT project (DG Employment-VS/2018/0043). This project has been funded with support from the European Commission. This publication [communication] reflects the views only of the author, and the Commission cannot be held responsible for any use which may be made of the information contained therein.

Introduction

The Directive 2002/14/EC establishes a general framework setting out minimum requirements for the right to information and consultation of employees in undertakings or establishments within the Community.

According to the choice made by the Member States, this Directive shall apply to undertakings employing at least 50 employees in any one Member State, or establishments employing at least 20 employees in any one Member State.

The Member States shall determine the practical arrangements for exercising the right to information and consultation at the appropriate level. Information and consultation shall cover:

- information on the recent and probable development of the undertaking's or the establishment's activities and economic situation;
- information and consultation on the situation, structure and probable development of employment within the undertaking or establishment;
- information and consultation on decisions likely to lead to substantial changes in work organisation or in contractual relations.

Passing the Law in Cyprus

The law was passed in 2005 and applies to companies with more than **30 employees**. The minimum number of employees is set on the basis of the average number of employees who have been employed in the company for the last two years. The law does not affect the specific procedures for informing and consulting on collective redundancies law.

What it covers

The law covers the:

- Information about the recent and possible development of activities and the economic situation of the business.
- Information and consultation on the **situation, structure and likely evolution of employment** within the enterprise as well as any preventive **measures envisaged** in particular where **employment is threatened**.
- Information and consultation on **decisions** which can bring about substantial changes in the organization of work or employment contracts.

About Information

According to the law the information shall be provided in the **appropriate time, manner and content** so that the representatives of the employees can carry out appropriate examination and be prepared for consultation.

About consultation

The consultation takes place:

- at the right time, way and content.
- at the appropriate level of address and representation (depending on the subject being discussed).
- on the basis of the relevant information provided by the employer, in accordance with the interpretation of the term "information" and the opinion which the representatives of the employees can express.
- in a way so that the employees' representatives can meet the employer and receive a reasoned response to their opinion.
- in order to **reach an agreement** on the decisions falling within the responsibilities of the employer.

Information and Consultation Agreement

The social partners can freely determine and at any time (by agreement) the practical details for the information and consultation of the employees.

Confidential information

- Employees' representatives and experts who may be assisting them in the information and consultation process may not disclose to employees or third parties information that has been expressly disclosed to them as **confidential** in order to protect the legitimate interests of the employer.
- This obligation continues to exist wherever they are, even after their term has expired.
- Employees' representatives and potential assistants may forward confidential information to employees or third parties who are bound by confidentiality.

The employer is under no obligation to provide information or consultations on issues that:

- Their nature is such that, according to objective criteria, they would seriously prevent the operation of the business or would harm it.
- Are classified as confidential under the applicable laws
 - Bank confidential
 - lawyer's secrecy
 - national security or patent issues
- Employers are obliged to provide the above mentioned in the case of court decree.

Protection and facilities of employee's representatives

Employees' representatives enjoy, at the time of the exercise of their duties, enough protection and guarantees and are not undergo unfavorable impacts from the employer due to their activities as representatives of the employees, in order to be able to perform the tasks entrusted to them.

Penalties

Anyone who violates the provisions of this Law is guilty of an offense and, if convicted, is liable to a **fine** not exceeding €3.500.

Recommendations

- In order the law to be effectively implemented, employers and trade unionist should be properly informed and have the knowledge of the procedures.
- Exchange good practices between other member states and specific on how the law applies and what are the various difficulties.
- Penalties of the law should be higher in order to avoid employers violate the provisions.