

## ***Labour Law in Cyprus***

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A new book has recently been published, covering a significant gap in the legal science. *Labour Law in Cyprus*, by Achilles C. Emilianides and Christina Ioannou, was published by Kluwer Law International in 2019. The monograph constitutes an extensive analysis of Cypriot legislation, case law and theory concerning labour law, is up-to-date as of September 2018 and is the first book regarding labour law in Cyprus written and published in English.

The book is divided into three thematic parts: the general introduction, the individual employment relations and the collective labour relations.

The ‘General Introduction’ (pp. 17–59) sets the basic concepts and principles of Cypriot labour law. The ‘General Introduction’ refers to the historical background and the geographical position of Cyprus, explaining how these affect Cypriot labour law and the labour market on a social, economic and, of course, legal level. The historical recursion (pp. 23–25, 35–42) enables the reader to understand the political, social and economic backgrounds have influenced employment in Cyprus, namely how employment has been regulated prior to and after Independence, how it has been affected by the Turkish invasion and how it has been transformed and improved through the past decades. There are also references to the reforms, that the accession of Cyprus in European Union caused to the Cypriot legislation since EU law provisions became part of the Cypriot internal law, and the economic crisis that Cyprus suffered in 2013 and that led to the Memorandum of Understanding (MoU), which was signed between Cyprus and the Troika, thus, resulting in reforms in the labour market in order to mitigate the impact of the crisis on employment.

The monograph distinguishes labour law from other branches of law (pp. 30–31) and explains definitions and notions that are necessary in order to understand the regulation of labour relations in Cyprus, such as the notions of employee and employer (pp. 32–35). The chapter on the sources of labour law (pp. 44–57) helps readers to be familiarized with the complex framework of Cypriot labour law, which consists of the Constitution, EU law provisions, international treaties, the Europe-

an Convention on Human Rights, ordinary legislation, administrative regulations and orders, jurisprudence and collective agreements. The authors manage to clarify the significance of jurisprudence as a source of Cypriot labour law (pp. 54–55), explaining that previous judgments of the Supreme Court are binding and applicable when no legislation exists, but also a vulnerable source of interpretation of legal provisions.

The first part of the monograph focuses on ‘The Individual Employment Relation’ (pp. 61–199). The monograph clarifies the distinctions of different categories of employees and individual labour contracts, such as definite and indefinite period contracts, probationary period and part-time workers, as well as the ability of special groups of people to conclude a labour contract, e.g. minors, pensioners, and aliens (pp. 61–73). A special reference is included regarding the abuse of successive fixed-term employment contracts with analysis of Cypriot legislation and its harmonization with the corresponding Directive 1999/70/EC, which is enriched with plenty of references to cases of the European Court of Justice (ECJ). After the introductory clarifications on the individual labour contract, the monograph moves forward, focusing on the rights and duties of employee and employer during employment (pp. 74–88). A special analysis is included regarding issues of a modern economy that affect a labour market, namely the legal framework for posted community workers and the transfer of ownership (pp. 82–88).

The next two chapters deal with two basic issues of labour law: working time (pp. 89–103) and remuneration (pp. 104–108). First of all, as far as working time is concerned, the authors analyse how working time is confined, the daily and the weekly maximum working period and minimum rest period and how night work and on-call duty are regulated. A special analysis is also included regarding employees who work in certain sectors and who are obliged to special provisions, such as shop employees, hotel and catering employees, office employees, workers in quarries and mines, seafarers, flying personnel and mobile workers. The working time chapter also includes the issues of annual leave and holidays. The remuneration chapter scrutinizes the protection of wages, the frequency of payment, the prohibition of deductions, the determination of minimum wage, overtime payment, the thirteenth salary and bonuses granted to employees. There is also an analysis on how legislation regulates incidents that make employees incapable of working, such as sick leave, accidents at work, leave on grounds of force majeure and military obligations (pp. 109–112).

Plenty of crucial issues of labour law are analysed through the job security chapter (pp. 113–146). Indicatively, there are included the following: (1) seniority, which is not regulated by certain legal provisions but rather by collective agreements or the employer's practice; (2) methods of terminating the employment relationship, either by dismissal or by resignation; (3) terms of notice in the event of termination or dismissal, which is regulated by virtue of the relevant principles of the English common law; (4) wrongful dismissal and the right to compensation depending on the duration of continuous employment; (5) termination for a just cause, where certain examples are given when no right to compensation is provided; (6) misconduct, with reference to almost 20 relevant cases, that ensures that every single arising theme is sufficiently analysed (e.g., conducts that constitute misbehaviour and the right to be heard in the course of disciplinary procedure); (7) termination of employment on the grounds of redundancy, analysing the legislation, selection criteria, procedure, burden of proof, notice, compensation etc.; and (8) collective dismissals. The plenitude of the analysis is impressive, as the authors manage to include any form of termination of the employment contract as well as any specific issue that arises, both by analysing extensively the legislation and invoking the relevant cases abundantly.

A broad analysis follows on discrimination that certain categories of employees face at work (pp. 147–173). If we would like to focus on the main issues, we would refer to: (1) young workers, where it is stated that Cypriot legislation is more protective than EU legislation (pp. 147–148); (2) mothers, where all relevant issues are addressed related to duration, seniority, termination of employment during pregnancy and maternity leave, health and safety at work, breastfeeding etc., with references to ECJ cases (pp. 148–153); (3) parents, both men and women, who are entitled to parental leave (pp. 153–158); (4) disabled workers, where it is clarified which behaviours are considered as discrimination against disabled people and what are their basic rights (pp. 156–158); (5) female workers, where special topics are analysed: equal treatment, harassment and equal pay (pp. 159–162); (6) elderly workers, as a special type of age discrimination (pp. 162–164).

The monograph does not just refer to the legislation on labour law issues, but, rather, contains a wide analysis on the settlement of disputes (pp. 177–199), thus, becoming a liaison between the legislative regime and the practical application of labour law. It is identified in detail how jurisdiction on labour issues is shared between the Supreme Court, District Courts, the Administrative Courts and, mainly,

the Industrial Disputes Courts (IDC), which have special jurisdiction over labour disputes. The issue of solving disputes concludes with an elaborate account of the procedure before the courts, including the legal provisions about opening the procedure, appointing an advocate, submitting related documents, hearing the case, applying the inquisitional system, reasoning the decision, time limitations etc.. Finally, it is highlighted that Cyprus has a long tradition in solving labour disputes through mediation and arbitration mechanisms.

The second part of the monograph refers to *Collective Labour Relations* (pp. 201–257). The theoretical framework of the freedom of employees to establish and join unions is enriched with the special reference to the relevant International Labour Organisation (ILO) conventions, which have been ratified by the Cypriot legislation (pp. 201–209). The authors provide the essential background in order for the reading audience to conceive the structure and the function of collective labour relations. Among others, the following issues are being analysed: (1) chronology of the progress of trade unions and employers' associations from 1932 onwards (pp. 210–212); (2) interpretation of the reduction of the workers' participation in trade unions from 80% to 50%, due to the nature of the labour market and the contraction of industry, making it difficult to sensitize workers' participation (pp. 212–213); (3) the close relationship between trade unions and political parties (pp. 213–214); (4) registration, structure and administration of trade unions, as well as civil and penal consequences of their action (pp. 215–222). As far as institutionalized relations between employers and employees are concerned, it is mentioned that workplace representation at management level is mainly exercised through trade unions and secondly by work councils and safety committees (pp. 223–228).

Collective bargaining plays an important role in the regulation of collective labour relations. Collective bargaining ends with a bargaining agreement, which is binding for the contracting parties (trade unions and employers' associations) and is the basic way for determining conditions of employment and remuneration. Indeed, it is noted that an increase in company-level collective bargaining during recent years has been achieved (pp. 229–230). A special reference is made to the Cypriot Corporatist Model (CCM), which reflects the tripartite cooperation in industrial relations between trade unions, employers' representatives and the government, which is based on voluntarism and involves continuous social dialogue and compromises between the abovementioned parties (pp. 230–233). Furthermore, there is an extended analysis of the content, amendment, binding effect, extension and

interpretation of collective agreements (pp. 233–241). Finally, the monograph also makes reference to the right to strike (pp. 242–249) and, specifically, to the positive aspects and the restrictions of the right to strike, as well as how the right to strike is exercised in essential services. The authors also include statistics referring to work stoppages, workers involved and workdays lost because of strikes during the past decade, showing that there has been a tremendous increase of strikes between 2011 and 2014. *Labour Law in Cyprus* is distinguished for its dual plenitude: the analysis is not limited to a mere reference to the legal provisions of the Cypriot legal order, but, on the contrary, it is enriched with extensive references to the relevant case law, confirming the position that Cypriot law is a mixture of common and continental law. The authors, applying conceivable language, provide a completely integrated view of Cyprus labour law by constant references to updated literature and (mainly) jurisprudence. The mere citation of quoted judgments is deliberately avoided by the authors in order for the key points to be emphasized, holding a critical view towards the findings of the judgments. The scientific and legal way of approaching and analysing labour law issues makes the monograph appropriate for scholars of legal practice, ideal as a manual for law students and understandable for employees or employers with no legal knowledge, who can be easily informed about a point of interest or an issue that concerns them. In conclusion, *Labour Law in Cyprus* is a monograph that is worthy to study.

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