



# **The right to strike in the public services**

## **Cyprus**



## **The right to strike in the public services: Cyprus**

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This factsheet reflects the situation in January 2021. It was elaborated by Evdokia Maria Liakopoulou (independent expert), updated by Diana Balanescu (independent expert) and reviewed by EPSU/ETUI; it was also sent to the Cypriote EPSU affiliates for comments.

## 1. Legal basis

### International level

Cyprus has ratified:

#### UN instruments

**International Covenant on Economic, Social and Cultural Rights**

(ICESCR, Article 8) (on 2 April 1969)

**International Covenant on Civil and Political Rights**

(ICCPR, Article 22) (on 2 April 1969).<sup>1</sup>

#### ILO instruments<sup>2</sup>

**Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise**

(Law No. 17/1966, Cyprus Government Gazette No. 494, Supplement I, 12.05.1966, p. 342);

**Convention No. 98 concerning the Right to Organise and to Bargain Collectively**

(Law No. 18/1966, Cyprus Government Gazette No. 494, Supplement I, 12.05.1966, p. 347);

**Convention No. 151 concerning Labour Relations (Public Service)**

(Law No. 65/1980, Cyprus Government Gazette No. 1643, Supplement I, 14.11.1980, p. 1643);

**Convention No. 154 concerning the Promotion of Collective Bargaining**

(Law No. 241/1988, Cyprus Government Gazette No. 2373, Supplement I, 31.12.1988, p. 3659).

### European level

Cyprus has ratified:

**Article 11 (the right to freedom of assembly and association) of the European Convention on Human Rights<sup>3</sup>**

(Law No. 39/1962, Cyprus Government Gazette No. 157, Supplement I, 24.05.1962, p. 353)

**Article 6(4) of the European Social Charter<sup>4</sup>** (Law No. 64/1967 Cyprus Government Gazette No. 603, Supplement I, 20.10.1967, p. 693),

**European Social Charter (Revised)<sup>5</sup>**

(Law No. 27(III)/2000 Cyprus Government Gazette No. 3420, Supplement I(III), 21.07.2000, p. 641);

**Additional Protocol to the European Social Charter Providing for a System of Collective Complaints<sup>6</sup>**

(Law No. 9(III)/96, Cyprus Government Gazette No. 3071, Supplement I(III), 28.06.1996, p. 141).

## National level

### The Constitution of the Republic of Cyprus<sup>7</sup>

The right to strike is guaranteed as a fundamental human right.<sup>8</sup>

- Article 27(1): 'The right to strike is recognised and its exercise may be regulated by law for the purposes only of safeguarding the security of the Republic or the constitutional order or the public order or the public safety or the maintenance of supplies and services essential to the life of the inhabitants or the protection of the rights and liberties guaranteed by this Constitution to any person.'
- Article 27(2): 'The members of the armed forces, of the police and of the gendarmerie shall not have the right to strike. A law may extend such prohibition to the members of the public service.' However, no such law has ever been enacted.<sup>9</sup>

### Applicable laws

- Trade Union Laws as amended from 1965 to 1996 (71/1965), particularly Article 18 and Annex I which relate to the trade union statute.
- **Specific laws:** Public Service Laws of 1990 to 1996 (1/1990), particularly Article 63 which guarantee to all public employees freedom of association and the unhampered exercise of the related rights, Police Law of 2004 (73(I)/2004), particularly Articles 55 and 56, and Army of the Republic Laws of 1990 to 2000 (33/1990)<sup>10</sup>, particularly Articles 28B to 28D.

### Collective agreements

- Industrial Relations Code (IRC)<sup>11</sup>, a non-legally binding gentleman's agreement that was adopted on 25 April 1977. The Agreement lays out in detail the procedures to be followed for conflict resolution of labour disputes in the private and semi-government sectors.<sup>12</sup>
- Agreement on the Procedure for Labour Disputes in Essential Services of 16 March 2004, which constitutes an extension to the procedures provided for in the IRC. The 2004 Agreement was also extended to apply to 'essential services' in the public sector by decision of the Council of Ministers on 2 November 2005.<sup>13</sup>

**Case-law** is not very extensive owing to the principles of autonomy and voluntarism that govern the industrial relations system in Cyprus.<sup>14</sup>

## 2. Who has the right to call a strike?

In accordance with the Trade Union Laws of 1965 to 1996, the decision to call a strike, both in the private and in the public sector, must be **endorsed by the executive committee of a trade union**.<sup>15</sup> Civil servants take the decision to strike by secret ballot, and the decision normally has to be approved by the Public Servants Union.

This approval is required because trade unions tend to have a number of affiliated branches, and a strike by one branch may conflict with the interests of the others. Thus, if a branch of a trade union decides, following a ballot, to resort to a strike, the executive committee should examine whether such action benefits the trade union as a whole, and the law therefore requires that the executive committee approve any action.<sup>16</sup>

The European Committee of Social Rights found that the situation in Cyprus was not in conformity with Article 6§4 of the Charter on the ground that the legislation in force requires that a decision to call a strike must be endorsed by the executive committee of a trade union (see Conclusions 2018, in section 7 below).<sup>17</sup> In its national report, Cyprus indicated that the Ministry of Labour, Welfare and Social Insurance was drafting a new bill to bring the relevant legislation in conformity with the European Social Charter.<sup>18</sup>

### 3. Definition of a strike

There is no definition of collective action in legislation or in the Industrial Relations Code. There are likewise **no explicit legal provisions** on, for example, solidarity, secondary or sympathy action, warning strikes, sit-ins, go-slow action, rotating strikes, work-to-rules, and so on. According to case law, a strike is the collective cessation of work by employees with the aim of exerting pressure on the employer as a means of securing an improvement in working conditions or simply defending the status quo, particularly with a view to the protection and advancement of their collective labour interests.<sup>19</sup> Consequently, bearers of the right to strike are individuals in a dependent employment relationship.<sup>20</sup>

Essentially, the grounds for a strike must be reasonable and be in contemplation or furtherance of a trade dispute which cannot be resolved through the mechanisms of the IRC and the applicable collective agreements.<sup>21</sup> The term ‘trade dispute’ is defined as follows: ‘any dispute between employers and workers, or between workers and workers, which is connected with the employment or non-employment, or the terms of employment, or with the conditions of labour, of any person’.<sup>22</sup>

Legal scholars maintain that this definition does not cover **sit-down or go-slow (‘white’) strikes**, refusal to perform duties or **wildcat strikes**. In the same vein, a purely **political strike** is unlawful.<sup>23</sup> On the contrary, **work-to-rule strikes** as well **warning strikes** may be organised in Cyprus.<sup>24</sup>

Further, there are academic discussions concerning the lawfulness of the **solidarity strike**. Some legal theorists consider that the definition of a trade dispute, as provided in Article 2 of the Trade Union Law, is strictly interpreted as a dispute between workers and their direct employer. In fact, a different definition of labour disputes is laid down in Article 2 of the Termination of Employment Law (No. 24/1967)<sup>25</sup> which provides for a wider scope to include cases involving workers who are not employed by the employer in the dispute.

However, this applies only to matters covered by Law No. 24/1967. Others are of the opinion that the reference to ‘any dispute connected with the conditions of labour of any person’, contained in Article 2 of the Trade Union Law, implies a broader interpretation of the term ‘industrial dispute’. In any case, the legality of such a strike is subject to whether the outcome of the main strike will have a direct effect on the financial or employment interests of those striking in sympathy.<sup>26</sup>

**Peaceful picketing** is permitted, but only on or near the employer’s premises.<sup>27</sup>

The **Constitution** does not contain any explicit reference to **lockouts**. In a study on the matter by the attorney general it was concluded that in accordance with existing legislation in Cyprus, lockout, though not recognised by the Constitution, ‘*is a right the employer has, provided it is exercised for safeguarding or promoting the lawful interests of the employer during a trade dispute and without committing any penal or illegal act or activity*’.<sup>28</sup> Additionally, the IRC refers to disputes where the aggrieved party may resort to a strike or lockout in defence of its interests, but it also states that strikes or lockouts in disputes over rights are prohibited.<sup>29</sup> Strikes are permitted in all cases where an employer flagrantly violates the provisions of an existing agreement or practice.

#### 4. Who may participate in a strike?

**General principle:** the right to strike is not limited to trade unions but is a right enjoyed by all workers, unionised or not.<sup>30</sup>

##### Specific cases

**Essential services:** the IRC does not prohibit strikes in 'essential services'. Moreover, the tripartite Agreement on the Procedure for Labour Disputes in Essential Services of 16 March 2004 does not prohibit strikes in essential services.

The 2004 Agreement defines 'essential services' as services whose interruption would place the lives, personal safety or health of all or part of the population at risk.<sup>31</sup>

Specifically defined as essential services in the agreement are those services, works, projects or activities considered to be necessary to ensure:

- (a) continuous supply of electricity;
- (b) water supply;
- (c) operation of telecommunications;
- (d) safe operation of air transport and the control of air traffic;
- (e) operation of hospitals;
- (f) operation of prisons;
- (g) repair or maintenance of the equipment and electromechanical plants of the National Guard and police, including the fire brigade and;
- (h) safe operation of maritime traffic.<sup>32</sup>

**Public servants:** the right to strike is guaranteed.<sup>33</sup> For reasons of uniformity, by decision of the Council of Ministers on 2 November 2005, the Agreement on the Procedure for Labour Disputes in Essential Services was also extended to apply to essential services in the public sector.<sup>34</sup>

##### Restrictions

- Members of **the armed forces, of the police and of the gendarmerie** shall not have the right to strike.<sup>35</sup> The Police Law of 2004 lays down the right of police officers to join trade unions<sup>36</sup> or to establish no more than two professional associations, only for members of the police.<sup>37</sup> As regards the armed forces, the Army of the Republic Laws of 1990 to 2000 (33/1990) provide for the establishment of no more than two professional associations comprising only members of the armed forces. The constitutions and by-laws of such associations are subject to the approval of the Minister of Defence.<sup>38</sup>
- Employees in '**essential services**' may exercise their right to strike subject to two restrictions: (1) the exhaustion of all means of direct negotiations between the parties to the conflict and (2) the guarantee of a minimum level of service (see section 5 below).<sup>39</sup>

- As regards the right to strike for **public servants**, a labour dispute is declared when all processes have been exhausted before the relevant independent body<sup>40</sup> and no agreement has been reached.<sup>41</sup>
- Limitations cannot be applied to the point of prohibiting or even abolishing the right to strike.<sup>42</sup>

It is of relevance that “**essential services in the strict sense of the term**” have been defined by the ILO as those services “the interruption of which would endanger the life, personal safety or health of the whole or part of the population.”<sup>43</sup>



## 5. Procedural requirements

**In general:** According to the Trade Union Law, the articles of association of every trade union must include a provision that, for a decision to strike to be legitimate, a general assembly of the employees involved needs to be held, with secret balloting as to whether the employees are in favour of striking or not. The trade union must adhere to this legal provision, which is included in the union's articles of association, otherwise the strike will be deemed unlawful.<sup>44</sup>

### Exhaustion of all means of negotiation

As regards the **private and semi-government sectors**, the IRC provides for separate procedures to be followed for the settlement of disputes over interests, and for the settlement of grievances or disputes over rights:

– *In the case of disputes over interests*, the Code provides, *first*, for direct negotiations between the two sides. With a view to concluding a new collective agreement, the recognised union or unions representing the employees of the undertaking concerned may submit to the employer claims in writing.<sup>45</sup> In the case of an existing collective agreement, the party seeking its modification should give the other party at least two months' notice, prior to the expiration of such agreement, of its intention to do so, accompanied by a list of claims and/or modifications. Generally, in the event of renewal of existing agreements and, provided both parties agree, it is not necessary to submit claims two months in advance provided notification is given in writing of the intention to do so and provided the claims are submitted at any time before the expiration of the agreement.<sup>46</sup>

*Second*, in the case of negotiations for the renewal or the conclusion of a collective agreement for the first time and where it is established that all possibilities of direct negotiations have been exhausted, both sides may submit the dispute to the Labour Ministry for mediation.

As regards the renewal of a collective agreement, a dispute may not be submitted earlier than 21 days from the date of expiration of the existing agreement.

As regards the conclusion of a new agreement, a dispute must be submitted within a period not shorter than six weeks but not longer than three months from the date of the receipt of the claims by the employer.<sup>47</sup> If the mediator is unable to effect a mutually accepted solution to a dispute and there is no further room for mediation, then the Ministry will declare the dispute as having reached deadlock.

Either side will then be free to proceed with industrial action, provided that the side intending to take the action gives the other side 10 days' notice of its intention.<sup>48</sup>

*Third*, both parties may refer all or any of the issues of a dispute to arbitration, at any point in time either before or after the submission of the dispute to the Ministry. Where both

sides agree to submit a dispute to arbitration, they undertake to accept the arbitrator's award as binding.<sup>49</sup>

*Fourth*, any dispute may also be referred to a Board of Inquiry with the agreement of both sides.<sup>50</sup>

– *In the case of disputes over rights*, whether as a result of the interpretation or implementation of a collective agreement, or of a personal complaint, any dispute that is not resolved at the stage of direct negotiations should be submitted either to the Ministry of Labour for mediation or to binding arbitration. Under the Code, strikes or lockouts are permitted in the case of **disputes over interests** but not in the case of disputes over rights.<sup>51</sup>

In '**essential services**' in the public sector: After the exhaustion of all means of direct negotiations in accordance with the existing provisions of the Industrial Relations Code and where a deadlock is declared, the parties are required to submit their dispute to a mandatory arbitration before an Arbitration Committee, jointly or separately, within a 15-day period from the day the deadlock is declared.<sup>52</sup> The Arbitration Committee, consisting of three persons appointed by the Minister of Labour and Social Insurance, must communicate its decision within six weeks. This decision is not binding on the parties. In the case of non-acceptance of the decision by either side, industrial action may be taken after written notice of 25 days.<sup>53</sup>

As regards the **civil service**, a labour dispute is declared when all processes in the Joint Personnel Committee have been exhausted and no agreement has been reached. The dispute is then referred to the Disputes Examination Board.<sup>54</sup>

**Minimum service:** In the event of a strike in 'essential services', the 2004 Agreement provides for a negotiated minimum service **directly agreed upon by the parties**.<sup>55</sup>

The parties to the Agreement accept the interpretation given to the term 'minimum service' by the International Labour Office. Thus, according to Article 1, paragraph 1.5, of the Agreement, minimum service means 'service provided which is limited to the operations that are strictly necessary to meet basic needs of the population or the minimum requirements of the service, while maintaining the effectiveness of the pressure brought to bear by means of the strike'.<sup>56</sup>

**Cooling off periods:** In cases where the dispute is referred to a public inquiry, no industrial action is permitted during the course of the inquiry. Where either side has taken industrial action before reference of the dispute to a Board of Inquiry, every effort will be made to suspend such action.<sup>57</sup> As regards cooling off periods in the public sector, the Rules of the Joint Personnel Committee provide for the referral of a dispute to the Disputes Examination Board within 15 days of a deadlock or disagreement.

Furthermore, the Rules indicate that the Board must complete its examination of the dispute within 30 days of the referral and publish any decision within 45 days of the referral date. In principle, no strike action may be taken until the decision of the Board is published, as well as for a 15-day period after the issuance of the decision.<sup>58</sup>

## 6. Legal consequences of participating in a strike

### Participation in a lawful strike

- Suspension of the employment relationship.
- **Disciplinary action and dismissal:** It is prohibited to dismiss an employee on the ground that he/she participated in a strike. Such dismissal is regarded as abusive, and the employer can be held responsible for damages.<sup>59</sup>
- **Civil and criminal liability:** The Trade Union Law provides for immunity from criminal and civil suits in relation to certain acts held in contemplation or furtherance of an industrial dispute: persons who agree to act or who act collectively (minimum of two persons) in contemplation or furtherance of an industrial dispute cannot be held liable for conspiracy if the act committed is not punishable when committed by one person.<sup>60</sup>

Furthermore, such an act may not be actionable on the ground only that it induces some other person to break a contract of employment or that it interferes with his/her employment or with the right to dispose of his/her capital or labour as he/she wills.<sup>61</sup>

### Participation in an unlawful strike

- Article 51 of the Trade Union Law sets forth a general penalty for a breach of the provisions of the Law, including those relative to the trade union statute.
- **Termination of the employment relationship:** Participation in an unlawful strike can result in a breach of contract without entitlement to compensation, in the light of Article 5(a) or (e) of the Termination of Employment Law.<sup>62</sup> The Industrial Disputes Court has jurisdiction.
- **Civil and criminal liability:** employees participating in an unlawful strike are not immune from civil and criminal liability (*a contrario* interpretation of Articles 40 and 41 of the Trade Union Law).<sup>63</sup>

## **7. Case law of international/European bodies on standing violations**

### **UN Committee on Economic, Social and Cultural Rights (CESCR)**

*Concluding observations on the sixth periodic report of Cyprus*<sup>64</sup>

While noting that issues relating to wages and working conditions were mainly resolved by means of collective agreements arrived at through tripartite social dialogue, the number of such agreements was declining and the Committee was concerned at the limited legal regulation of labour relations. It was also concerned at the decreasing unionization rate and the lack of detailed information on how the rights of non-unionized workers are protected (arts. 7 and 8).

The Committee recommended that the State party incorporate the labour rights enshrined in the Covenant in its law, ensure that collective agreements are in conformity with those rights, and take all measures necessary to ensure that the labour rights of both unionized and non-unionized employees, including the rights to just and favourable conditions of work, are fully protected.<sup>65</sup>

### **International Labour Organization (ILO)**

There are no recent decisions of the Committee of Freedom of Association (CFA) or observations/requests of the Committee of Experts on the Application of Conventions and Recommendations (CEACR) relevant for the right to strike.<sup>66</sup>

In previous comments, with regard to **strikes in essential services**, the CEACR recalled that the right to strike may be prohibited or restricted in essential services in the strict sense of the term, that is those services whose interruption would endanger the life, personal safety or health of the whole or part of the population. The Committee noted that the regulation of the right to strike in 'essential services' has been achieved by the Agreement on the Procedure for the Settlement of Labour Disputes in Essential Services, signed on 16 March 2004.<sup>67</sup>

### **Council of Europe**

#### **Collective Complaints under Article 6(4) of the Charter**

To this date, no collective complaint under Article 6(4) of the Charter has been submitted to the ECSR.<sup>68</sup>

### **Conclusions on Article 6(4) of the European Committee of Social Rights (ECSR)**

*Conclusions 2018 – Cyprus – Article 6(4)*<sup>69</sup>

In its most recent Conclusions, with regard to the entitlement to call a collective action, the Committee recalled that it had previously found the situation not to be in conformity with

Article 6§4 of the Charter on the ground that the legislation in force requires that a decision to call a strike must be endorsed by the executive committee of a trade union. The Committee noted that according to the national report, draft legislation is underway which will remedy the problem. As the situation remained unchanged during the reference period, the Committee concluded that the situation was still not in conformity with the Charter.

With regard to specific restrictions on the right to strike and procedural requirements, the Committee referred to its general question on the right of members of the police force to strike.

**Conclusion:** The Committee concluded that the situation in Cyprus was not in conformity with Article 6§4 of the Charter on the ground that the legislation in force requires that a decision to call a strike must be endorsed by the executive committee of a trade union.

*Conclusions 2014 – Cyprus – Article 6(4)<sup>70</sup>*

In its Conclusions 2014, the Committee recalled that it had previously found the situation not to be in conformity with Article 6§4 of the Charter on the ground that the Trade Union Laws of 1955-1996 required that a decision to call a strike must be endorsed by the executive committee of a trade union (Conclusions 2010). The 11<sup>th</sup> national report of Cyprus indicated that a draft amending this legislation (to remedy the problem) was submitted before the House of Parliament in October 2009. However, the Committee noted that the legislation had not yet been amended, since the new Government in 2013 withdrew all pending draft legislation before the House of Representatives, in order to re-examine their purpose and functionality. Therefore, the Committee concluded that the situation was still not in conformity with the Charter on the ground that the Trade Union Laws of 1955-1996 require that a decision to call a strike must be endorsed by the executive committee of a trade union.

## 8. Recent developments

Statistics show that in practice 14 strikes took place during 2016, 16 during 2017 and 37 during 2018.<sup>71</sup> Reports from 2019 indicate multiple negotiations among different stakeholders, strikes and work stoppages in the healthcare system provoked around the reform of the National Health System (GESY). Government attempts to reform the educational system triggered public disputes and strikes in primary, secondary and technical education.<sup>72</sup>

In 2020, in the context of the **COVID-19 pandemic**, by its decision of 10 March 2020, the Government delegated special powers derived from the Quarantine Law to the Ministry of Health for a period of six months. The Quarantine Law of 1932 empowers the governor (i.e. now the government) to declare an area as an infected area and therefore to adopt measures necessary to tackle the public health emergency. The Minister of Health issued decrees which contained most of the limitations related to the coronavirus crisis,<sup>73</sup> such as restricting the freedom of movement, travelling, prohibiting mass events and gatherings, and declaring curfews between 21h and 6h, among others.<sup>74</sup>

The Constitution, in Article 183 (1) provides that “in case of war or other public danger threatening the life of the Republic or any part thereof, the Council of Ministers shall have the power, by a decision taken in this respect, to issue a Proclamation of Emergency.” Article 183(2) of the Constitution<sup>75</sup> requires that the proclamation of emergency to indicate the articles of the Constitution that may be suspended during the emergency. This might include for instance the right to liberty, to free movement within Cyprus, to the inviolability of the home, to secrecy of correspondence, to State of emergency in the coronavirus pandemic, to compensation upon requisition of property, **the right to strike**, and even to life, if death is inflicted by a permissible act of war.<sup>76</sup>

Article 183 of the Constitution does not specifically mention public health as justification for proclaiming an emergency.<sup>77</sup>

Furthermore, Article 33(1) of the Constitution stipulates that fundamental rights and liberties cannot be limited beyond the Constitutional provisions relating to the state of emergency.

However, in 2020 the above mentioned constitutional provisions were not used. Instead, the Government used the powers granted by the 1932 Quarantine Law.<sup>78</sup>

No derogation was made by Cyprus under Article 15 of the European Convention on Human Rights or under any other international instrument either.

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## Notes

- 1 Status of ratification by Cyprus of UN instruments: <https://treaties.un.org/Pages/ParticipationStatus.aspx?clang=en> (accessed on 18 January 2021)
- 2 Status of ratification by Cyprus of ILO conventions: [http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200\\_COUNTRY\\_ID:103070](http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103070) (accessed on 18 January 2021)
- 3 Status of ECHR ratification: [http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/signatures?p\\_auth=ywvbQS9g](http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/signatures?p_auth=ywvbQS9g) (accessed on 18 January 2021).
- 4 Status of ratification of 1961 Charter: [http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/035/signatures?p\\_auth=F3KSQtYr](http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/035/signatures?p_auth=F3KSQtYr) (accessed on 18 January 2021).
- 5 Status of ratification of the Revised European Social Charter: [https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/163/signatures?p\\_auth=jPYjkVEL](https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/163/signatures?p_auth=jPYjkVEL) (accessed on 18 January 2021); see also European Social Charter, Country Profile Cyprus, available at: <https://www.coe.int/en/web/european-social-charter/cyprus>.
- 6 Status of ratification of the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints: [http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/158/signatures?p\\_auth=F3KSQtYr](http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/158/signatures?p_auth=F3KSQtYr) (accessed on 18 January 2021).
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- 8 Supreme Court judgment (1998) 1 AAD 1000, *Παναγία Μυρτιδιώτισσα ν Εμμανουήλ Σιδηρόπουλου και Δημήτρη Ζαννέτου*.
- 9 EUROFOUND, Living and working in Cyprus, Industrial action and disputes, 14 October 2020, available at: <https://www.eurofound.europa.eu/country/cyprus#industrial-action-and-disputes>; see also Warneck, W. (2007) *Strike rules in the EU27 and beyond: A comparative overview*, Report 103, Brussels: ETUI-REHS, 21 pp;
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- 35 Article 27(2) of the Cypriot Constitution.
- 36 Article 55 of the Police Law of 2004.
- 37 Article 56 of the Police Law of 2004.
- 38 Articles 28B to 28D of the Army of the Republic Laws of 1990 to 2000.
- 39 See section 5 below.
- 40 The four separate and independent bodies are: (a) the Joint Staff Committee (for civil servants); (b) the Joint Labour Committee (for government industrial workers); (c) the Joint Committee (for technical school teachers and teachers of primary and secondary education); and (d) the Joint Committee (for members of the police force).
- 41 Yannakourou, M. and Soumeli, E., 'The evolving structure of Collective Bargaining in Europe 1990-2004: National Report, Greece and Cyprus', p. 37, available at: [http://adapt.it/adapt-indice-a-z/wp-content/uploads/2014/08/matina\\_yannakourou.pdf](http://adapt.it/adapt-indice-a-z/wp-content/uploads/2014/08/matina_yannakourou.pdf); see section 5 below.
- 42 Yannakourou, S., *Cyprus Labour Law*, *op. cit.*, p. 74.
- 43 Compilation of decisions of the Committee on Freedom of Association (ILO CFA), 6th edition, 2018, Chapter 10, paras. 836 - 841 – ILO CFA has defined and listed as "essential services in the strict sense of the term" where the right to strike may be subject to restrictions or even prohibitions, the following: the hospital sector, electricity services, water supply services, the telephone service, the police and armed forces, the fire-fighting services, public or private prison services, the provision of food to pupils of school age and the cleaning of schools, air traffic control. The ILO CFA has stressed that compensatory guarantees should be provided to workers in the event of prohibition of strikes in essential services, see paras. 853 - 863; See also Clauwaert, S. and Warneck, W. (2008) *Better defending and promoting trade union rights in the public sector. Part I: Summary of available tools and action points*, Report 105, Brussels: ETUI, pp. 79-81.
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- 45 Part II.A(1)(a) of the IRC.
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- 49 Part II.A(3)(a) and (b) of the IRC and Eurofound 'Social dialogue...' *op. cit.*, p. 33.
- 50 Part II.A(4)(a) of the IRC.
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- 52 Article 3(1) and (2) of the Agreement on the Procedure for Labour Disputes in Essential Services of 16 March 2004.
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- 55 Article 4(2) and (3) of the Agreement on the Procedure for Labour Disputes in Essential Services.
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- 58 Annex II of the Joint Personnel Committee statute *op. cit.*
- 59 Yannakourou, S., *Cyprus Labour Law*, *op. cit.*, p. 75.

60 Article 40(1) of the Trade Union Law.

61 Article 41 of the Trade Union Law.

62 Article 5(a) and (e) of the Termination of Employment Law lists the cases where termination of employment does not give rise to compensation *inter alia*: (a) the employee fails to carry out his work in a reasonably efficient manner; [...] (e) the employee renders himself liable to dismissal without notice; see also Yannakourou, S., *Cyprus Labour Law*, *op. cit.*, p. 76.

63 Yannakourou, S., *Cyprus Labour Law*, *op. cit.*, p. 76.

64 UN Committee on Economic, Social and Cultural Rights (CESCR), *Concluding observations on the sixth periodic report of Cyprus*, 28 October 2016, E/C.12/CYP/CO/6, available at: <https://www.refworld.org/docid/5881eed94.html> [accessed 11 January 2021]

65 *Ibid*, paras. 25 and 26

66 Supervising the application of International Labour Standards in respect of Cyprus, available at: [https://www.ilo.org/dyn/normlex/en/f?p=1000:11110:0::NO:11110:P11110\\_COUNTRY\\_ID,P11110\\_CONTEXT:103070,SC](https://www.ilo.org/dyn/normlex/en/f?p=1000:11110:0::NO:11110:P11110_COUNTRY_ID,P11110_CONTEXT:103070,SC) (accessed on 11 January 2021)

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