



The right to strike in the public sector

Cyprus

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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).¹

ILO instruments²

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

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

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

European Social Charter (Revised)

(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

(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.³

The right to strike is guaranteed as a fundamental human right.⁴

- 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, this provision has never been used.⁵

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)⁶, particularly Articles 28B to 28D.
- **Collective agreements**
 - Industrial Relations Code (IRC), 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.
 - 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.
- Case law is not very extensive owing to the principles of autonomy and voluntarism that govern the industrial relations system in Cyprus.⁷

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.⁸ 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.⁹

3. Definition of 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.¹⁰ Consequently, bearers of the right to strike are individuals in a dependent employment relationship.¹¹

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.¹² 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'.¹³

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.¹⁴ On the contrary, **work-to-rule strikes** as well **warning strikes** may be organised in Cyprus.¹⁵

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)¹⁶ 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.¹⁷

Peaceful picketing is permitted, but only on or near the employer's premises.¹⁸

The **Constitution** does not contain any explicit reference to lockouts. However, 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.¹⁹ 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.²⁰

Specific cases

- Essential services: the IRC does not prohibit strikes in 'essential services'. The specified 'essential services' are all the services and activities which are 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.²¹
- **Public servants:** the right to strike is guaranteed.²²

Restrictions

- Members of **the armed forces, of the police and of the gendarmerie** shall not have the right to strike.²³ The Police Law of 2004 lays down the right of police officers to join trade unions²⁴ or to establish no more than two professional associations, only for members of the police.²⁵ 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.²⁶
- 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.²⁷
- As regards the right to strike for **public servants**, a labour dispute is declared when all processes have been exhausted before the relevant independent body²⁸ and no agreement has been reached.²⁹
- Limitations cannot be carried to the point of prohibiting or even abolishing the right to strike.³⁰

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.³¹

- **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.³² 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.³³

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.³⁴ 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.³⁵

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.³⁶

Fourth, any dispute may also be referred to a Board of Inquiry with the agreement of both sides.³⁷

– *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.³⁸

- 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.³⁹ 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.⁴⁰
- 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.⁴¹
- **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.⁴²
- **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.⁴³ 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.⁴⁴

6. Legal consequences of participating in a lawful/unlawful 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.⁴⁵
- **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.⁴⁶

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.⁴⁷

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.⁴⁸ 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).⁴⁹

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

International Labour Organization (ILO)

Committee of Freedom of Association (CFA)

Report No. 268, Case No. 1493, *the Pancyprian Public Employees' Trade Union (PASYDY) v the Government of Cyprus*

This case entails a complaint against the Government of Cyprus for issuing an Order in Council that ended a strike in the port authority and ordered a return to work, thus violating Convention No. 151. The Government stressed that the services offered by the employees of the Ports Authority were essential within the meaning of Convention No. 105 and the Cypriot Constitution and that the case was not relevant to Convention No. 151.

In its conclusions, the CFA recalls that the right to strike is one of the legitimate means whereby workers may promote their occupational interests. Restriction or prohibition of the right to strike can be justified in only a limited number of situations, such as that of civil servants and workers providing essential services in the strict sense of the term, provided that satisfactory procedures are followed such as conciliation and arbitration.

In a vital sector of the economy, a prolonged strike might cause a situation in which the life, health or safety of the population are endangered. In these circumstances, an order to return to work would be lawful. However, ordering a return to work in other circumstances is contrary to the principle of freedom of association.⁵⁰

Report No. 286, Case No. 1668, *the Democratic Labour Federation of Cyprus (DEOK) v the Government of Cyprus*

This case concerns allegations of anti-union measures taken against workers engaged in peaceful picketing, thus violating the Cypriot Constitution and the law governing freedom of association. The Government, for its part, takes the view that the allegations are unfounded and that the picketers had refused to comply with the ruling of the Minister of Communications, whom they themselves had asked to act as mediator in conformity with the procedure followed by the Joint Committee.

In its conclusions, the Committee considers that the issue at hand is not the recognition of the right to strike but the actions carried out by picketers who blocked traffic at the port. It therefore asks the Government to keep it informed of the outcome of the legal proceedings that have been instituted against the strikers.⁵¹

Committee of Experts on the Application of Conventions and Recommendations (CEACR)

Restrictions on the right to strike: In its Direct Requests and Observations regarding the application of Convention No. 87, the Committee stresses the need to amend sections 79A

and 79B of the Defence Regulations which grant the Council of Ministers discretionary power to prohibit strikes in the services that they consider essential.⁵²

The Committee notes with satisfaction that sections 79A and 79B of the Defence Regulations are now repealed by Order No. 366/2006.⁵³

Right to strike in ‘essential services’: The Committee recalls that the right to strike may be prohibited or restricted only in the public service (that is to say, as regards public servants acting in their capacity as agents of the public authority) or 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 notes 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 2004.⁵⁴

Council of Europe

Collective Complaints under Article 6(4) of the Charter

To date, no collective complaint under Article 6(4) of the Charter has been submitted to the European Committee of Social Rights (ECSR).

ECSR conclusions 2014

The ECSR noted that the countries who prohibit their civil servants from joining organisations other than those composed exclusively of public officials do not comply with Article 5, as restrictions on the freedom of civil servants’ trade unions to affiliate in federations or confederations are also incompatible. This was the case in Cyprus, but was put right in 1980 by Public Service Law No. 31, abolishing these restrictions.⁵⁵

In its Conclusions on Article 1(2) of the Charter, the Committee recalled that, since cycle XIII-3 (1994), it has considered Defence Regulation 79A, which entitles the Council of Ministers or a minister to requisition workers in a certain number of cases, and Defence Regulation 79B, which authorises the Council of Ministers to adopt decrees prohibiting strikes, not to be in conformity with the Charter, as they could lead to forms of forced labour.⁵⁶

In its Conclusions 2014 on Article 6(4) of the Revised Charter, the Committee recalled that it had previously found the situation not to be in conformity with Article 6(4) on two grounds: (a) that the Trade Union Laws of 1965 to 1996 require that a decision to call a strike must be endorsed by the executive committee of a trade union; and (b) that Defence Regulations 79A and 79B authorised the requisitioning of workers and the prohibition of strikes in cases other than those permitted by the Revised Charter.⁵⁷

As regards the requirement that a decision to call a strike must be endorsed by the executive committee of a trade union, the Government of Cyprus, in its 11th National Report, states that draft amending legislation was submitted before the House of Representatives in October 2009.

The draft legislation would have solved the aforementioned problem of non-conformity with Article 6(4), but other differences in opinion, regarding certain issues considered central to the efficient operation of mostly smaller trade unions, led to prolonged discussions in the competent Parliamentary Committee. Following presidential elections that took place in February 2013, the new Government withdrew all pending draft legislation before the House of Representatives, in order to re-examine their purpose and functionality. With regard to the draft law amending the Trade Union Law, the new Government decided to work on some minor changes to the Law and resubmit it as soon as possible to the House of Representatives.⁵⁸

As regards the second ground, the situation is now in conformity with Article 6(4).⁵⁹ The relevant provisions of the Supplies and Services Act (Chapter 175A, which authorises the issuance of orders to make effective Defence Regulations 79A and 79B for the purpose of maintaining, controlling and regulating supplies and services) were repealed by an Order of the Council of Ministers.⁶⁰

ECSR conclusions 2018

However, in its most recent conclusions in 2018, the ECSR recalled in relation to the entitlement to call collective action that it 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. According to the report, draft legislation is underway which will remedy the problem. As the situation remained unchanged during the reference period the Committee concludes that the situation is still not in conformity with 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.⁶¹

8. Recent developments

The right to strike in ‘**essential services**’ is an issue that has been under discussion for a number of years. One of the main preoccupations is the efficiency of the voluntary instrument regulating it, as well as the repeated strikes in key sectors of the economy, including ports, electricity supply and others, and the potentially contentious issue of the new healthcare system.⁶²

The Cyprus Employers and Industrialists Federation (OEB) has already submitted a request for legislative intervention to restrict the right to strike in a number of service industries that provide ‘essential services’. Specifically, the OEB has drafted a Bill entitled ‘Essential Services Law (regulation of the right to strike) of 2015’.

The draft law lists the sectors which fall within the scope of ‘essential services’:
the operation of ports, customs, prisons, state and private medical and pharmaceutical services, telecommunications and radio, airports, air transfers and the repair and maintenance of airport equipment, the production and supply of electricity, water supply, hospitals, security forces such as the army, the police and the fire brigade, refuse collection, and the monitoring, processing and supply of solid, liquid and gas fuel.

The Council of Ministers also has the right to declare a service not included in this list as ‘essential’ where its interruption may put the life, security or health of the people at risk or imperil the national or public interest.

The draft law also provides for the prohibition of certain types of strike such as spontaneous strikes, political strikes, solidarity strikes, ‘white’ strikes (including absence from overtime work), rotating strikes and work-to-rule strikes.

The Bill also foresees a dispute resolution procedure and the establishment of a ‘permanent arbitration committee’ – consisting of nine members (four proposed by trade unions, another four by employer organisations, and one person to be appointed chairperson by the Labour Minister) with expertise and experience in industrial relations, or judges or academics – which would then rule on the dispute.

If a party rejects the committee’s decision, it may not resort to a strike or lockout until a 30-day cooling-off period has elapsed since the issuance of the decision and 15 days’ notice has been given to the other party prior to any strike action. That being the case, a minimum level of service must be ensured.⁶³ Resolution of this issue is still pending, and the OEB has expressed its intention to pursue this goal.⁶⁴

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Notes

- ¹ Status of ratification by Cyprus of UN instruments: <https://treaties.un.org/Pages/ParticipationStatus.aspx?clang=en>
- 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
- ³ Date of entry into force: 16 August 1960.
- ⁴ Supreme Court judgment (1998) 1 AAD 1000, *Παναγία Μυρτιδιώτισσα ν Εμμανουήλ Σιδηρόπουλου και Δημήτρη Ζαννέτου*.
- ⁵ Warneck, W. (2007) *Strike rules in the EU27 and beyond: A comparative overview*, Report 103, Brussels: ETUI-REHS, 21 pp.
- ⁶ As amended by Law No. 55(I) of 3 June 2005.
- ⁷ Yannakourou, S., *Κυπριακό Εργατικό Δίκαιο [Cyprus Labour Law]*, Nomiki Vivliothiki, 2016, p. 74.
- ⁸ Article 18, Annex I (14)(d) of the Trade Union Laws of 1965 to 1996.
- ⁹ Clauwaert, S. and Warneck, W. (eds.) (2009) *Better defending and promoting trade union rights in the public sector, Part II: Country reports*, Report 108, Brussels: ETUI, p. 39; see also ECSR, Conclusions XVI-1 – Cyprus – Article 6(4), reference period 1999-2000, available at: <http://hudoc.esc.coe.int/eng/?i=XVI-1/def/CYP/6/4/EN>.
- ¹⁰ Supreme Court judgment (1992) 4 AAD 711 *Σύνδεσμος Βιομηχάνων Θραυστών Σκύρων Άμμου και άλλοι ν Επιτροπής Προστασίας Ανταγωνισμού*, and Yannakourou S., *Cyprus Labour Law, op. cit.*, p. 75.
- ¹¹ *Ibid.*
- ¹² Papacharalampous, L. and Korfiotis, E., *Employment & Labour Law 2017: Cyprus*, ICLC, 2017, available at: <https://iclg.com>.
- ¹³ Article 2 of the Trade Union Laws of 1965 to 1996.
- ¹⁴ Yannakourou, S., *Cyprus Labour Law, op. cit.*, p. 76.
- ¹⁵ ETUI Report 103, pp. 8 and 21.
- ¹⁶ Termination of Employment Law of 1967 (Law No. 24/1967).
- ¹⁷ Yannakourou, S., *Cyprus Labour Law, op. cit.*, pp. 77-78.
- ¹⁸ Article 44 of the Trade Union Laws of 1965 to 1996.
- ¹⁹ Part I.B(5) of the IRC.
- ²⁰ Conclusions XVI-1 – Cyprus – Article 6(4), reference period 1999-2000, available at: <http://hudoc.esc.coe.int/eng/?i=XVI-1/def/CYP/6/4/EN>.
- ²¹ Article 1(2) of the Agreement on the Procedure for Labour Disputes in Essential Services.
- ²² Article 63 of the Public Service Laws of 1990 to 1996.
- ²³ Article 27(2) of the Cypriot Constitution.
- ²⁴ Article 55 of the Police Law of 2004.
- ²⁵ Article 56 of the Police Law of 2004.
- ²⁶ Articles 28B to 28D of the Army of the Republic Laws of 1990 to 2000.
- ²⁷ See section 5 below.
- ²⁸ 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).
- ²⁹ 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; see section 5 below.
- ³⁰ Yannakourou, S., *Cyprus Labour Law, op. cit.*, p. 74.
- ³¹ Article 18 of the Trade Union Laws of 1965 to 1996 and Eurofound, 'Social dialogue and conflict resolution in the acceding countries', 2004, p. 14.
- ³² Part II.A(1)(a) of the IRC.
- ³³ Part II.A(1)(b) of the IRC.
- ³⁴ Part II.A(2)(a) and (b) of the IRC.
- ³⁵ Part II.A(2)(f) of the IRC and Eurofound 'Social dialogue...' *op. cit.*, p. 33.
- ³⁶ Part II.A(3)(a) and (b) of the IRC and Eurofound 'Social dialogue...' *op. cit.*, p. 33.
- ³⁷ Part II.A(4)(a) of the IRC.
- ³⁸ Part II.B of the IRC.
- ³⁹ Article 3(1) and (2) of the Agreement on the Procedure for Labour Disputes in Essential Services of 16 March 2004.
- ⁴⁰ Article 3(7) and (9) of the Agreement on the Procedure for Labour Disputes in Essential Services.
- ⁴¹ Annex II of the Joint Personnel Committee statute 'Disputes Examination Board'.
- ⁴² Article 4(2) and (3) of the Agreement on the Procedure for Labour Disputes in Essential Services.
- ⁴³ Part II.A(4)(b) and (c) of the IRC.
- ⁴⁴ Annex II of the Joint Personnel Committee statute *op. cit.*
- ⁴⁵ Yannakourou, S., *Cyprus Labour Law, op. cit.*, p. 75.
- ⁴⁶ Article 40(1) of the Trade Union Law.
- ⁴⁷ Article 41 of the Trade Union Law.
- ⁴⁸ 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.

⁴⁹ Yannakourou, S., *Cyprus Labour Law, op. cit.*, p. 76.

⁵⁰ ETUI Report 108, p. 40; see also Report No. 268, Case No. 1493, available at:

http://www.ilo.org/dyn/normlex/en/f?p=1000:50002:0::NO:50002:P50002_COMPLAINT_TEXT_ID:2901829 .

⁵¹ Report No. 286, Case No. 1668, available at:

http://www.ilo.org/dyn/normlex/en/f?p=1000:50002:0::NO:50002:P50002_COMPLAINT_TEXT_ID:2902480 .

⁵² CEACR, Observations, adopted 1989, 1991, 1992, 1995, 1996, 1997, 1998, 2000, 2002, 2003, 2005, available at:

<http://www.ilo.org/dyn/normlex/en/f?p=1000:20010>.

⁵³ CEACR, Observation, available at:

http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:2284792,103070,Cyprus,2007.

⁵⁴ CEACR, Observation adopted 2005, available at:

http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2255625.

⁵⁵ 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, p. 57.

⁵⁶ ECSR, Conclusions XVI-1 – Cyprus – Article 1(2), available at: <http://hudoc.esc.coe.int/eng?i=XVI-1/def/CYP/1/2/EN>.

⁵⁷ ECSR, Conclusions 2014 – Cyprus – Article 6(4) and Conclusions 2010 – Cyprus – Article 6(4), available at: <http://hudoc.esc.coe.int/eng?i=2004/def/CYP/6/4/EN> and <http://hudoc.esc.coe.int/eng?i=2010/def/CYP/6/4/EN> respectively.

⁵⁸ 11th National Report on the implementation of the European Social Charter submitted by the Government of Cyprus, p. 14, available at: <https://rm.coe.int/168048a269> .

⁵⁹ ECSR, Conclusions 2010 – Cyprus – Article 6(4), available at: <http://hudoc.esc.coe.int/eng?i=2010/def/CYP/6/4/EN> .

⁶⁰ Order No. 366/2006 (Government Gazette, 22.09.2006).

⁶¹ ECSR, Conclusions 2018 – Cyprus – Article 6(4).

⁶² Eurofound, Cyprus: Disputes continue on health scheme proposals, April 2017.

⁶³ Proposal for a Draft Bill, available at:

<https://docs.google.com/a/oeb.org.cy/viewer?a=v&pid=sites&srcid=b2ViLm9yZy5jeXx3d3ctb2ViLW9yZy1jeXxneDo2MDU0ZjA3YWZjNzM1NTFh> [in Greek].

⁶⁴ OEB, Annual Report 2016, Executive Summary, p. 11, available at: <http://www.oeb.org.cy/>.