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Legislation incorporated in this Consolidation	Ordinance	Date in Force
Employment Rights (Part-time Employees) Ordinance 2002	25/02	01/01/2003
Employment Rights (Part-time Employees)(Amendment) Ordinance 2009	04/09	06/04/2009

**EMPLOYMENT RIGHTS (PART - TIME
EMPLOYEES) ORDINANCE 2002**

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**EMPLOYMENT RIGHTS (PART-TIME
EMPLOYEES) ORDINANCE 2002**

An Ordinance to provide for the elimination of unfavourable treatment of part-time employees

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

Short Title

1. This Ordinance may be cited as the Employment Rights (Part-time Employees) Ordinance 2002.

Interpretation

2. In this Ordinance, unless the context otherwise requires—

“comparable full-time employee” means a full-time employee who—

- (a) works in the same undertaking as a part-time employee;
- (b) has the same kind of employment contract or relationship with the employer as the part-time employee has; and
- (c) carries out duties which are the same as, or similar to those carried out by the part-time employee, having regard to other considerations such as seniority, qualifications and skills;

“Crown” means Her Majesty in right of Her Government in the United Kingdom, and in right of Her Administration in the Sovereign Base Areas; (a)

“employee” means a person who works for another person under a contract of service or in such other circumstances as to lead to the conclusion that there exists a relationship of employer and employee; and the term “employer” shall be construed accordingly;

“part-time employee” means an employee whose hours of work, calculated on a weekly basis or as an average over a period of employment of one year, are fewer than the normal hours of work of a comparable full-time employee;

“principle of pro rata temporis” means the principle whereby any remuneration or other benefit to which a part-time employee is entitled is directly proportional to the remuneration or other benefit to which a comparable full-time employee is entitled, based on a comparison of the number of hours worked each week by the part-time employee and the comparable full-time employee respectively.

Purpose of this Ordinance

3. The purposes of this Ordinance are -

- (a) to eliminate discrimination against part-time employees and to improve the quality of part-time work;

(a) Definition inserted by Ordinance 4/2009 – came into force on 06 April 2009

- (b) to promote the development of part-time work on a voluntary basis and to contribute to the flexible organisation of working time in a manner which takes into account the needs of employers and employees.

Scope of application

4.—(1) Subject to subsection (2) below, this Ordinance shall apply to all part-time employees.

(2) The following categories of employees shall be excluded from the scope of application of this Ordinance –

- (a) part-time employees who work on a casual basis, ~~as prescribed by regulations;~~(a)
- (b) full-time employees affected by partial unemployment, that is to say, by a collective and temporary reduction of their normal working hours for financial, technical or structural purposes.

~~(3) Any exclusions prescribed by regulations, in accordance with paragraph (a) of subsection (2) above shall be re-examined periodically by the Chief Officer, in order to determine whether the objective reasons which existed when such exclusions were prescribed still exist. (b)~~

(3) For the purposes of this section, “work on a casual basis” means, in relation to part-time work for any given employer:

- (i) work for no more than 8 weeks per calendar year, of which no more than 3 are consecutive; or*
- (ii) work for no more than 5 hours in any week.*

Comparison when there are no full-time employees

5. Where there is no comparable full-time employee in an undertaking, any comparison required to be made under this Ordinance shall be made by reference to any specific collective agreement or, if no specific collective agreement exists, in accordance with relevant legislation, or any general collective agreement or practice.

Principle of non-discrimination

6.—(1) In respect of terms and conditions of employment, a part-time employee shall not be treated less favourably than a comparable full-time employee by reason only that he works part-time, unless different treatment is justified on objective grounds.

(2) Where appropriate, the principle of pro rata temporis shall apply.

(3) Where justified on objective grounds, the Chief Officer, after consultation with representatives of employers and employees in accordance with relevant legislation, collective agreements and practice, or representatives of employers and employees may, where appropriate, make the application of particular conditions of employment subject to a specified period of service by an employee, the length of an employee’s employment or an employee’s qualifications based on his earnings.

(4) The conditions subject to which particular conditions of employment are to apply to part-time employees shall be reviewed periodically having regard to the principle of non-discrimination.

Rights of part-time employees

7.—(1) Subject to section 6, a part-time employee shall be entitled to equal terms and conditions of employment and to equal treatment and shall be afforded the same protection as that given to a comparable full-time employee, in particular with regard to—

(a) Text deleted by Ordinance 4/2009 – came into force on 06 April 2009

(b) Section 4(3) repealed and replaced by Ordinance 4/2009 – came into force on 06 April 2009

- (a) salary and benefits:

Provided that any cash allowances and allowances for part-time employees shall be fixed in proportion by reference to the number of hours worked, earnings or contributions, or other methods, according to relevant legislation, collective agreements and practice;

- (b) the social insurance scheme:

Provided that any contributions by, and payment of allowances to, or in relation to, a part-time employee shall be fixed in accordance with the provisions of the Social Insurance (Facilitation of Republican Social Insurance Scheme) Ordinance 1980(a);

- (c) the termination of employment:

Provided that any part-time employee who works fewer hours in a week than the number of hours mentioned in paragraph 1(2)(a) of the Second Schedule to the Termination of Employment (Consolidation) Ordinance 1980(b) shall be excluded;

- (d) protection of maternity;
- (e) annual leave with pay and paid public holidays;
- (f) parental leave;
- (g) sick leave.

(2) A part-time employee shall be entitled to equal treatment to, and enjoy the same protection as, that afforded to a full-time employee in relation to—

- (a) the right to join and participate in the activities of a union, the right to collective negotiations and the right to act as an employees' representative;
- (b) health and safety at work;
- (c) protection from unfavourable discrimination in employment and occupation.

Right of employees to transfer between part-time and full-time employment

8.—(1) An employer shall ensure that the transfer of an employee from full-time to part-time employment, or from part-time to full-time employment, in the event of any vacancies in the undertaking is done on a voluntary basis.

(2) The refusal of an employee to be transferred from part-time to full-time employment or from full-time to part-time employment shall not in itself constitute a reason for the termination of his employment, without prejudice to his employer's right to terminate the employee's employment in accordance with relevant legislation, collective agreements and practice, for other reasons such as may arise from the operational requirements of the undertaking concerned.

Obligations of employer

9. An employer shall, as far as possible, examine the following -

- (a) requests of employees in relation to their transfer from full time to part-time employment that becomes available in the undertaking;
- (b) requests of employees in relation to their transfer from part-time to full-time employment or for an increase in their working time should the opportunity arise;
- (c) provision of timely information on the availability of part-time and full-time positions in the undertaking in order to facilitate transfers from full-time to part-time employment and from part-time to full-time employment;
- (d) measures to facilitate access to part-time employment at all levels of the undertaking, including skilled and administrative positions and, where appropriate, to facilitate access

(a) Ordinance 16/1980
(b) Ordinance 5/1980

by part-time employees to vocational training to enhance career opportunities and occupational mobility;

- (e) provision of appropriate information to bodies representing employees about part-time employees working in the undertaking.

Improving opportunities for part-time employment

10.—(1) The Chief Officer may, after consultation with representatives of employers and employees, in accordance with relevant legislation, collective agreements and practice, identify, deal with and, where necessary, eliminate obstacles of a legal or administrative nature which may limit the opportunities for part-time employment.

(2) Representatives of employers and employees, acting within their respective spheres of competence and in accordance with the procedures set out in collective agreements, shall identify, deal with and, where necessary, eliminate obstacles of a legal or administrative nature which may limit the opportunities for part-time employment.

(3) Within three months from the coming into force of this Ordinance, the Chief Officer shall invite the organisations representing employers and employees respectively to examine and review, within a fixed period of time to be determined by him, existing collective employment agreements with a view to amending such agreements in order to remove any provisions in them which limit free choice or opportunities for part-time employment.

Industrial Disputes Tribunal

11.—(1) Subject to the provisions of this section, the Industrial Disputes Tribunal shall have exclusive jurisdiction to determine any dispute of a civil nature (including any ancillary or incidental matter relating to such a dispute) arising from the provisions of this Ordinance.

(2) Part I11 of the Citizens of the Republic (Jurisdiction of Courts) Ordinance 1960(a) shall apply to disputes of a civil nature arising from the provisions of this Ordinance, and for such purpose—

- (a) any proceedings in connection with such a dispute shall be treated as civil proceedings and, as appropriate, as an action or an appeal;
- (b) the Industrial Disputes Tribunal shall be treated as a Court of the Areas, and the Industrial Disputes Court of the Republic shall be treated as a District Court of the Republic; and
- (c) any corporation, company or other body corporate established in the Republic under the provisions of any Law of the Republic, shall be treated as a Cypriot.

(3) An award by the Industrial Disputes Tribunal or by the Industrial Disputes Court of the Republic under the provisions of this Ordinance shall be recoverable as a civil debt.

Offences

12. Any employer who contravenes any provision of this Ordinance shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding two thousand pounds.

Inspectors and other officials

13. The Chief Officer may appoint inspectors and such other officials as he may deem necessary for the more effective application of this Ordinance.

(a) Ordinance 6/1960 as amended

Regulations

14.—(1) The Administrator may make regulations for the more effective application of the provisions of this Ordinance or in relation to any matter which this Ordinance provides as requiring to be prescribed by regulations.

(2) Without prejudice to the generality of subsection (1) above, any regulations may in particular prescribe—

- (a) the categories of employees working on a casual basis who, in accordance with the provisions of paragraph (a) of subsection (2) of section 4, are excluded from the scope of application of this Ordinance;
- (b) the duties or powers of inspectors or other officials appointed pursuant to section 13.

Delegation of Functions (a)

14A.*The duties imposed, and powers conferred, by sections 6(3) and (4), 10 (1) and (3) and 13 are general delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007(b) .*

Application to the Crown

14B.—(1) *With the exception of section 12, and subject to subsection (2), this Ordinance binds the Crown.*

(2) *This Ordinance does not bind the Crown in relation to its employment of:*

- (a) *a member of Her Majesty's Forces,*
- (b) *a member of a Civilian Component as defined in paragraph 1(b) of section 1 of Annex C of the Treaty of Establishment, or*
- (c) *a person enjoying the rights and facilities of members of Her Majesty's Forces by virtue of paragraph 3 of section 9 of Part 2 of Annex B of the Treaty of Establishment, other than as a dependant.*
- (d) *Any other group that the Chief Officer might specify by Order published in the Gazette.*

(a) Section 14A and 14B inserted by Ordinance 4/2009 – came into force on 06 April 2009
(b) Ordinance 25/2002