

No. 72

THE EMPLOYEES AT PLACES OF ENTERTAINMENT
(TERMS OF EMPLOYMENT) ORDINANCE 2002
(Ordinance 29 of 2002)

REGULATIONS MADE UNDER SECTION 3.

In exercise of the powers conferred upon him by section 3 of the Employees at Places of Entertainment (Terms of Employment) Ordinance 2002, the Administrator hereby makes the following Regulations:-

Citation

1. These Regulations may be cited as the Employees at Places of Entertainment (Terms of Employment) Regulations 2003.

Personal work records

2. - (1) Any person who is already employed at a place of entertainment on the day that these Regulations come into force and who does not on that day have a personal occupational record which has been issued to him by the Committee shall obtain such a record from the Committee within three months from that day. A personal occupational record shall record, amongst other things, the employee's specialist skills (if any) and the class of his employment.

(2) Any person who commences work for the first time at a place of entertainment on or after the day that these Regulations come into force shall obtain from the Committee a personal occupational record –

- (a) if he does not have specialist skills, on the completion of six months of employment;
- (b) if he has specialist skills, on the completion of one month of employment.

(3) An employee who holds a personal occupational record may, in the event of a vacancy in a higher position at the place where he works, apply to his employer for promotion to fill that vacancy.

(4) A person applying to the Committee for a personal occupational record shall pay such fee for it as the Committee shall determine.

(5) The form of a personal occupational record shall be as set out in the Schedule to these Regulations.

(6) The Committee may, with the approval of the Chief Officer, exclude from the provisions of this regulation employment by an employee at any place of entertainment or at any category of places of entertainment.

Timetable and overtime

3. - (1) Subject to the provisions of this regulation, an employer shall not employ any employee in any capacity for more than forty-eight hours, including overtime, in any week or for more than eight hours in any day, excluding the time required for meals, or during such

hours other than the hours referred to in the time-table which shall be displayed in accordance with the provisions of sub-paragraph (a) of paragraph (1) of regulation 9.

(2) An employee's working week shall not exceed six days and his working day shall not include more than one break.

(3) Subject to the provisions of this regulation –

(a) an employee shall not work overtime for more than eight hours in any working week:

Provided that in exceptional cases these may be increased to up to 10 hours;

(b) any work done after the completion of an employee's working hours in accordance with the daily timetable shall be considered to be overtime and each hour of such overtime work shall be paid at one and a half times the employee's hourly rate of pay.

(4) In the event of illness of an employee evidenced by a medical practitioner's certificate, the duties of the employee may be performed by another employee for a period of time not exceeding one week and during such period that other employee may work for more than his usual hours as stated on the daily or weekly timetable and he shall be paid for such overtime as provided for under sub-paragraph (b) of paragraph (3) above.

(5) An employee who has not attained the age of eighteen years shall not work for more than forty-eight hours in any week, excluding the time required for meals, and an employee who has not attained the age of sixteen years shall not work for more than forty-two hours in any week, excluding the time required for meals.

Day off

4. An employee shall be entitled to one paid day off each week on which day he shall not work in any capacity.

Annual leave

5. - (1) An employee shall be entitled to paid annual leave of at least four weeks.

(2) Subject to the provisions of the Annual Holidays with Pay Ordinance 1973, annual leave may be granted in two separate periods:

Provided that the provisions of the Annual Holidays with Pay Ordinance 1973 shall apply in relation to the conditions for acquiring the right and to the granting of annual leave.

(3) The Committee shall decide upon any dispute arising between an employer and an employee concerning the length of service of the employee.

Sick leave

6. - (1) On producing a certificate of sickness signed by a medical practitioner, an employee shall be entitled to annual sick leave with pay as follows –

(a) up to 10 days for an employee who has worked for more

than six months;

- (b) up to 18 days for an employee who has worked for more than three years:

Provided that the first three days of sick leave in any year shall be unpaid.

(2) Any contribution paid by the Social Insurance Fund of the Republic by reason of an employee's sickness shall be deducted from the amount paid to the employee by the employer.

(3) If the illness of an employee continues after the expiration of his annual sick leave entitlement, he shall be given a period of unpaid leave by reference to his length of service. Any special cases shall be examined by the employer after consultation with representatives of the employee's trade union.

(4) In the event of his illness, an employee shall notify the employer of that fact on the first day of such illness or at the earliest opportunity thereafter.

Notice on termination of employment

7. - (1) An employee whose employment is terminated by his employer shall be entitled to notice (or to compensation in lieu of notice) as follows –

- (a) 8 days for an employee who has been employed for up to one year by that employer;
- (b) 14 days for an employee who has been employed for more than one year but less than two years by that employer;
- (c) 28 days for an employee who has been employed for more than two years by that employer.

(2) The same length of notice shall be given or the same amount of compensation in lieu of notice shall be paid by the employer if he terminates his employment.

(3) The amount of compensation to be paid to the employee under paragraph (1) above shall be borne entirely by the employer and it shall not in any event be deducted from the amount of service benefits payable to the remaining employees.

(4) Notwithstanding the foregoing provisions of this regulation, the commission by an employee of a serious breach in the performance of his duties, or behaviour by him which makes it apparent that the relationship between him and his employer can no longer be expected to continue, or the commission of a criminal offence by the employee in the course of the performance of his duties (unless the employer has consented to or incited the commission of the offence), or any other improper behaviour in the performance of his duties by an employee, or any serious contravention or repeated contraventions or disregard of the rules relating to his employment by an employee, shall be grounds for his dismissal without notice or compensation in lieu of notice:

Provided that an employee who disputes that a decision by his employer that the employer is justified in dismissing the employee without notice may challenge such decision through the good offices of his trade union, in accordance with the procedure

described in the agreement of 19th November 1962 made between the Cyprus Consultative Association of Employers of the one part and the Federation of Trade Unions of the other part, concerning consultations, agreements and arrangements in relation to industrial disputes.

Calculation of payment

8. - (1) Any payment made to an employee under regulation 3(3), 3(4), 7(1) or 7(2) shall be calculated on his basic salary and on the service benefit paid to him for the month which preceded the payment.

(2) Any payment made to an employee under regulation 5(1) or 6(1) shall be calculated on his basic salary and on the appropriate proportion of the service benefit to which the employee would normally be entitled for the whole of the month in which the employee's annual leave, or as the case may be, sick leave, falls.

List and table to be displayed prominently

9. - (1) An employer operating a place of entertainment shall keep there the following documents which must be displayed in a prominent position so that all employees may have easy access to them –

- (a) a list of the names of employees at the place of entertainment including their respective working hours, the day fixed as their day off each week under regulation 4 and the annual leave to which each employee is entitled under regulation 5; and
- (b) a table showing the manner in which service benefit has been distributed amongst employees.

(2) No document referred to in paragraph (1) above shall be amended unless at least 48 hours notice has been given to the employee concerned, except in cases of illness or termination of the employment of an employee on his initiative and without notice.

(3) An employer shall send to the Committee and to the Area Officer one copy of each document referred to in paragraph (1) above within one week from the day it is first required to be displayed and thereafter he shall send to them a copy of the list every six months and a copy of the table every month:

Provided that any amendment made to the list within any such period of six months shall be notified to the Committee and to the Area Officer within one week of such amendment.

Charge of service benefit

10. - (1) Subject to the provisions of this regulation, service benefit at the rate of 10% shall be charged by the employer on any amount charged to his customers, except on amounts charged for telephone calls, purchase of cigarettes and taxes.

(2) The Committee may exclude the application of this regulation in relation to any place of entertainment or any category of places of entertainment.

Distribution of service benefit

11. - (1) All amounts charged by an employer by way of service benefit and paid under paragraph (2) below shall be distributed

amongst the employees in such proportions as may be agreed between the trade union and employee concerned and as the Committee shall have approved or, if no such agreement has been concluded, in such proportions as the Committee may decide:

Provided that an employer may deduct up to 5% of the aggregate of service benefit he has charged, in respect of breakages.

(2) Service benefit for any month shall be paid to the employees not later than the 5th day of the following month:

Provided that payments may be made at more frequent periods in accordance with any agreements made between organisations of employers and employees or between employers and employees.

(3) The –

(a) total of service benefit for each day shall be recorded in a special book (in a form approved by the Committee) by the employer or a representative of his in co-operation with two elected representatives of the employees;

(b) entries in such special book shall be certified each day by means of the signatures of the employer or a representative of his and of the elected representatives of the employees:

Provided that the employer shall be responsible for the keeping and safety of the special book.

(4) An employer may agree with his employees that they will be paid a guaranteed amount by way of service benefit in addition to their basic salary:

Provided that where the service benefit which would otherwise be paid to an employee exceeds the guaranteed amount, the difference between the guaranteed amount and the service benefit for any period shall be paid to the employee concerned.

Numbered receipts

12. An employer shall issue a numbered receipt in duplicate for any payment made to him.

Examination of complaints

13. - (1) Any complaint submitted to the Committee by an employer or employee or by any organisation representing an employer or employee shall be examined within eight days of the submission of the complaint or as soon as possible after that period.

(2) If the Committee decides that an inspection of the place of entertainment concerned or of the books and files of such place of entertainment needs to be carried out, the Committee itself shall make such an inspection within eight days from the taking of the relevant decision:

Provided that if the Committee fails as a body to do so on the date provided for above for an inspection, any two members of the Committee who are present together at the place of entertainment on that day may carry out the inspection.

(3) Any employer or employee who considers himself to have

been unfairly treated by the Committee may refer the matter to the Chief Officer for a decision to be taken.

Area Officers

14. - (1) An Area Officer may at any reasonable time enter, inspect and examine any place of entertainment in order to ascertain whether the provisions of these Regulations are being complied with.

(2) An employer, his representatives and employees shall provide such facilities as may be necessary in order to enable a check to be carried out on such books and files as the Committee or any of its members may require in order to carry out an inspection under regulation 13(2), or as may be necessary in order for an Area Officer to carry out any inspection or examination under paragraph (1) above.

(3) Any person who wilfully obstructs the Committee or any of its members or an Area Officer in the exercise of their powers under regulation 13 or as the case may require, under this regulation, shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding twenty pounds.

Offences

15. - (1) If an employer contravenes or fails to comply with the provisions of regulation 3 or 5, he shall be guilty of an offence and shall be liable, on conviction, to imprisonment not exceeding one year or to a fine not exceeding two thousand pounds or to both such penalties.

(2) Subject to paragraph (1) above and regulation 14(3), an employer who infringes or fails to comply with any of these Regulations shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding one thousand pounds.

Effect on existing contracts of employment

16. Any term in a contract of employment which is in existence on the day that these Regulations come into force and which gives an employee at a place of entertainment any rights which are lesser than, or inferior to, the rights given to such an employee under these Regulations, shall cease to have effect.

SCHEDULE

**PERSONAL OCCUPATIONAL RECORD FOR AN
EMPLOYEE AT A PLACE OF ENTERTAINMENT**

Serial number

Page

Before completing or using this record please follow the guidance
on the pages.....

Page

Date of issue of record:-

This personal occupational record has been issued on [date].....

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to the holder who is employed at [work address]

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Signature of holder Signature of Chairman of the Committee

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Name of holder.....

Permanent address.....

Identity card number.....

Social Insurance number.....

Holiday Fund number.....

Date of birth.....

Speciality and class.....

Page.....

**COMMENTS OF THE COMMITTEE ON THE TERMS OF
EMPLOYMENT AT PLACES OF ENTERTAINMENT**

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**INSTRUCTIONS OF THE COMMITTEE ON THE TERMS
OF EMPLOYMENT AT PLACES OF ENTERTAINMENT**

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RECORD OF EMPLOYMENT PRIOR TO THE ISSUE OF A PERSONAL OCCUPATIONAL RECORD

Name of undertaking	From	Until	Name of undertaking	From	Until

RECORD OF PROMOTIONS

Name of undertaking	Date of promotion	Speciality and class prior to promotion	Speciality and class on promotion	Signature of manager of place of entertainment

RECORD OF EMPLOYMENT AFTER THE ISSUE OF THE PERSONAL OCCUPATIONAL RECORD

Name of undertaking	Date of promotion	Speciality and class prior to promotion	Speciality and class on promotion	Signature of manager of place of entertainment

QUALIFICATIONS AND OTHER SPECIALIST SKILLS RELATED TO THE BUSINESS OF A PLACE OF ENTERTAINMENT

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FOREIGN LANGUAGES

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**CERTIFICATES AND INFORMATION IN RELATION TO
TRAINING AND OCCUPATIONAL EDUCATION**

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Dated this 11th day of June 2003.

By the Administrator's Command,
W. M. Jessett
Chief Officer,
Sovereign Base Areas.

(173/18/1)