

Termination of Employment Law amended

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The Termination of Employment Law (14/1967), which constitutes the most basic statute in Cypriot employment law, was amended by Law 89(I)/2016, which was published in the *Official Gazette of the Republic* on July 25 2016.

The amendment replaces Section 6 of Article 9 of the basic law with a new section, which states that:

"Without prejudice to the provisions of paragraphs (e) and (f) of article 5, giving a notice to an employee who is absent from work owing to incapacity for work for a period of up to twelve (12) months, is prohibited for the period which commences on the first day of the absence in question and ends on the last day of the time period which is calculated by adding the period of absence and the time period which equals to the ¼ of it."

This section further clarifies that, while an employee is absent from work owing to incapacity, the employer can temporarily replace the absent employee, based on the Fixed-Term Work Employees (Prohibition of Unfavourable Treatment) Principal Law.

The amendment increases the maximum period of protection for employees who are absent from work owing to temporary incapacity from six months to 12 months plus one quarter of the period of incapacity. Therefore, the maximum period of protection under the law is 15 months:

- Example A – if an employee who has become temporarily incapacitated is on sick leave for four months, the employer cannot give notice of termination of employment until at least five months have passed since the first day of absence.
- Example B – if an employee who has become temporarily incapacitated is on sick leave for 12 months, the employer cannot give notice of termination of employment until at least 15 months have passed since the first day of absence.

The new provision does not apply to employees who are liable to dismissal without notice due to misconduct according to the Termination of Employment Law.

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