

ALL CYPRUS TRADE UNION FORUM

Conference on the subject:
«Freedom of association and the right to collective bargaining in a united Cyprus»

1ST SESSION FREEDOM OF ASSOCIATION

1. Provisions resulting from the Constitution of the Republic of Cyprus

Article 21 Fortifies the rights of a person to :

- To assemble peacefully.
- To establish a union and to join it with the aim of the protection his/her rights.

In the same article there is a reference that the Law can impose restrictions to these rights of persons belonging to the army and the police.

Article 26 – Every one has the right to freely contract. Point 2 of Article 26 refers to the possibility that the law can regulate collective agreements of employment which are obligatory applied by the employers and the employees, protecting the rights of any person, indiscriminately of the representation of this person at the time of the contracting of the agreement.

Article 27 – Recognize the right to strike.

According to article 27 the practice of the right to strike can be regulated by the law with the only aim of the protection of the security of the Republic, the constitutional and public order, the preservation of supplies and services indispensable for the life of the people, or the protection of the rights and freedoms guaranteed by the constitution to any person.

3. Trade Unions Law

Historical Review

- In 1932 the first Trade Unions Law was introduced and the Trade Unions curator was appointed.
- Obligatory registration of all Trade Unions.
- Main objective: the control of Trade Unions by the British.

Basic Provisions of the Law (1965)

- According to the Law, Trade Union is the coalition permanent or temporary, whose main objectives according to its constitution are the regulation of relations between employees and employers, employees and employees, or employers and employers.
- Employee is considered every employed person independently of the existence of labour agreement, collective or personal, or oral even if it is an apprenticeship contract.

4. Law ratifying the Representation of Workers Convention of 1971.

With the objective of fortifying the protection and facilitations that the workers representatives must enjoy, the ILO adopted in 1971 the Convention 185 under the title: For the protection and facilitations that must provided to workers representatives within the enterprise.

The Republic of Cyprus ratified the Convention by a law adopted by the Parliament in 1995. In 2005 and 2012 modifications to the law were adopted in order the law to become more effective.

The law fortifies the right to access to work places with the objective of exercising trade union rights.

Criminalize the violation of these rights and place an important framework of protection for the workers representatives from revengeful activities related to their trade union capacity. Ποινικοποιεί την παραβίαση αυτών των δικαιωμάτων και θέτει ένα

The basic articles of the law are the following:

Representatives of the workers are the persons recognized as such by the national legislation or practice. These persons can be appointed or elected by the Trade Unions or members of the Trade Unions, or freely elected by the company's workers

With the amendments done in 2012 it has been clarified that the appointment of a Trade Union representative can include any person employed by the Trade Union and authorised to act on behalf of the Trade Union.

5. Industrial Relations Code.

- ⦿ Constitutes the basic instrument regulating the industrial relations and industrial disputes.
- ⦿ Signed in 1977 by ΠΕΟ, ΣΕΚ and ΟΕΒ από την ΠΕΟ τη ΣΕΚ την ΟΕΒ and countersigned by the Ministry of Labour and Social Security.
- ⦿ Constitutes an improvement and evolution of the 1962 Basic Agreement.
- ⦿ It is a gentlemen agreement, it is not a law.
- ⦿ The basic characteristics of the Industrial Relations System are the tripartite cooperation, social dialogue and free collective bargaining.

The Industrial Code consists by the following parts:

Part I Main Provisions

Part II Procedural Provisions.

Part III Copies of demands and collective agreements.

Part IV Enforce of the present Code.

Part I Main Provisions

They include:

- ⦿ The right to association.
- ⦿ The right to free collective bargaining, the conclusion of collective agreements and the joint understanding.
- ⦿ It is recognized that there are issues considered negotiable, issues considered of joint understanding and issues considered as management privileges.
- ⦿ It is recognized that before any statement to the press during the collective bargaining, if possible to be agreed between the two sides.
- ⦿ It is reconfirmed the attachment of the sides to the full compliance to the International Labor Conventions ratified by Cyprus.

Part II Procedural Provisions

Defines the procedures followed in every labor dispute.

6. Procedure of solving labor disputes in essential services.

- ⦿ The agreement for the procedure of solving labor disputes in essential services was signed by PEO-SEK-PASYDY-KEBE-OEB in March 2004 and was countersigned by DEOK and the Minister of Labor Makis Keravnos.
- ⦿ The agreement is the extension of the Industrial Relations Code and lists the procedure that the two sides must follow in the case of a dead lock in essential services.
- ⦿ The conclusion of the agreement was the result of discussions between the parties involved and lasted almost 9 years.

Which services are considered essential services?

These are the services, the interruption of which, will place into danger the life, the personal security and the health of the whole or part of the population.

Defined as essential services.

- ⦿ Those services , projects, works or activities that are indispensable for:
- ⦿ Securing of continuous electricity provision.
- ⦿ Securing of water supply.
- ⦿ Securing the function of telecommunications.
- ⦿ Securing of air transport and air traffic control.
- ⦿ Securing the operation of hospitals.
- ⦿ Securing the operation of prisons.
- ⦿ Securing the function of ports in a safe manner.

7. Law providing for the right to association and the right to trade unions facilitations for recognition and collective bargaining.

- ⦿ The law was adopted in 2012 and is aiming to tackle two basic problems that we are facing in the process of organizing and representing the workers.
- ⦿ In order the law to be used it is necessary that at least 30 persons to be employed in a company.
- ⦿ If 25% of the persons working in the specific company declare that they are members of the Union, then the Union can submit a demand to the Trade Union curator to activate the procedures for the issue of a recognition decree.

- ⦿ If during the voting procedure 50% of the workers, voted for, and this percentage counts for the 40% of the total number of the workers having the right to vote, then a decree of recognition is issued.
- ⦿ It must be noted that if 50% of the workers are members of the Trade Union submitting the demand for recognition, then automatically a decree of recognition is issued and there is no need for voting procedure.
- ⦿ The law also fortifies the right of the Trade Union submitting the demand for recognition to organize meetings at the company's premises in order to inform the workers.