

Employment law amendments introduced for seagoing vessels and crew

20 February 2019 | Contributed by [George Z Georgiou & Associates LLC](#)

On 19 December 2018 four employment laws were amended concerning seagoing vessels and their crew. The amended laws are:

- the Law Providing for the Preservation and Safeguard of the Rights of Employees on the Transfer of Businesses, Facilities or Sections of Businesses (Law 104(I)/2000), as amended;
- the Collective Redundancies Law (Law 28(I)/2001);
- the European Works Council Law in Community-Scale Undertakings and Community-Scale Groups of Undertakings for the Purposes of Safeguarding the Employees' Right for Information and Consultation (Law 106(I)/2011); and
- the Law Providing for the Establishment of a General Framework for Informing and Consulting Employees (Law 78(I)/2005).

Law 104(I)/2000 now applies to the transfer of any Cypriot seagoing vessel which is part of the transfer of a business, establishment or part of the business or establishment as provided by the same law, as long as the transferee or the transferred business, establishment or part of the business or establishment remains within the territorial application of the Treaty on the Functioning of the European Union. The amended law does not apply where a transfer concerns exclusively one or more seagoing vessels.

Further, Law 28(I)/2001's definition of 'competent authority' has been amended to include the minister of labour, welfare and social insurances or the deputy minister of shipping. This is applicable when a collective redundancy concerns crew members of Cypriot seagoing vessels, in which case employers must inform in writing the competent authority of the vessel's flag state.

Law 106(I)/2011 is now applicable to crew members of merchant vessels. With regard to the role and protection of employee representatives, a member of a special negotiating body or of a European Works Council (or such a member's alternate who is a member of the crew of a Cypriot seagoing vessel) has the right to participate in meetings of the special negotiating body or of the European Works Council, or in any other meeting under any procedures established where that member or alternate is not at sea or in a port in a country other than that in which the shipping company is domiciled.

Meetings shall, where feasible, be scheduled to facilitate the participation of members or alternates who are members of the crews of Cypriot seagoing vessels. In cases where the member of a special negotiating body or of a European Works Council or such a member's alternate who is a member of the crew of a Cypriot seagoing vessel is unable to attend a meeting, the possibility of using, where possible, new information and communication technologies shall be considered.

For further information on this topic please contact [Natasia Aplikiotou](#) at [George Z Georgiou & Associates LLC](#) by telephone (+357 22 763 340) or email (natasia.aplikiotou@gzg.com.cy). The [George Z Georgiou & Associates LLC](#) website can be accessed at www.gzg.com.cy.



