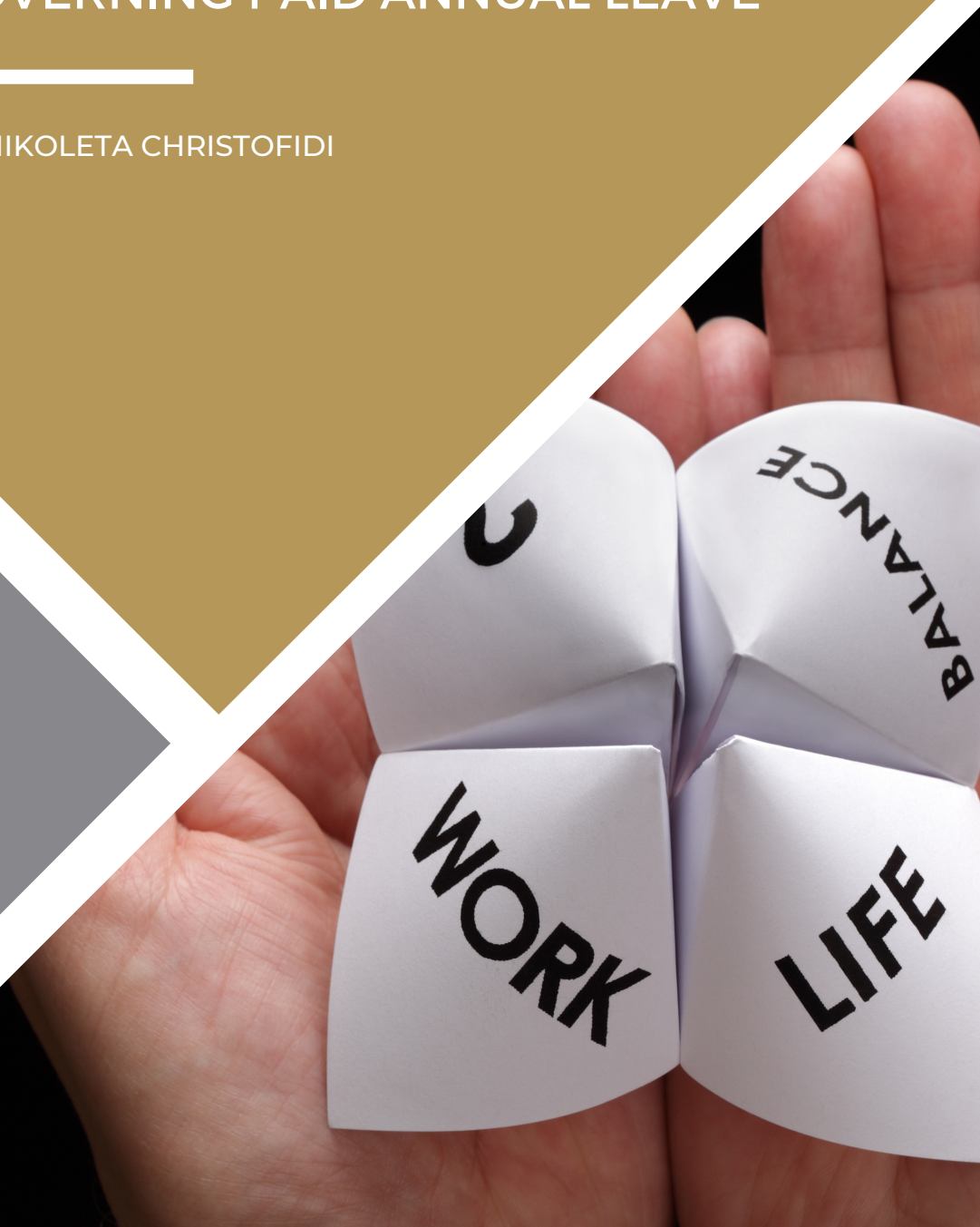


INTRODUCING THE NEW EMPLOYEE'S WORK-LIFE BALANCE LAW AND AMENDMENTS TO THE LAW GOVERNING PAID ANNUAL LEAVE

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Allegedly, nowadays, Cyprus is becoming a business hub by providing incentives for businesses to grow and to attract talents. In this framework, last December 2022, the Cyprus Parliament enacted the law on Leave (Paternity, Parental, Carers, Force Majeure) and Flexible Working Arrangements for the balance between Professional and Private Life of 2022 (L. 216(I)/2022) (the “Law”). The purpose of the Law is to provide a legal framework to achieve balance between the professional life and the family life of working parents or carers, establishing personal rights through the granting of paternity leave, parental leave, carers’ leave and right of absence from work due to force majeure, as well as rights to flexible working arrangements for working parents or carers.

The Law has been enacted in order for Cyprus to implement the Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers into national legislation, repealing Council Directive 2010/18/EU. By the enactment of the Law, the Paternity Protection Laws of 2017-2022 and the Parental Leave and Force Majeure Leave Law of 2012 have been abolished and replaced. The main provisions of the Law are set out.

Paternity Leave:

The Law provides for paternity leave and allowance for two (2) consecutive weeks. What is innovative about the Law, compared to the already existing paternal leave right, is that, pursuant to the Law, the entitlement of a father to paternity leave does not require fathers to be married or have a civil partnership agreement with the mother.



Additionally, the Law provides that in case where the mother dies before or during childbirth or during the maternity leave, the paternity leave increases by as many weeks as the remaining weeks of maternity leave to which the mother would have been entitled to if she had not passed away. It is noteworthy that pursuant to the Law, the right to paternity leave and the employer's obligation to grant such right are not affected by the length of previous periods of employment or the length of work experience.

Parental Leave:

Pursuant to the previously applicable legislation, both working mothers and fathers of children up to eight (8) years old, were entitled to unpaid parental leave of up to eighteen (18) weeks for every child, provided that they have completed six (6) months of continuous employment with the same employer. In case of a widowed parent the entitlement to unpaid parental leave was increased to twenty-three (23) weeks per child. In accordance with the Law, working parents of children up to eight (8) years old will now be entitled to eighteen (18) weeks of parental leave, eight (8) of which will though be paid by the Social Insurance Fund.

This entitlement is granted to every parent notwithstanding the marital status, provided that the insurance requirements are satisfied with and that they have been employed for a period of twelve (12) months during the twenty-four-month (24) period preceding the date of commencement of the period for which an application for paid parental leave is filed and provided that they are not fully paid by their employer. The requirement of six (6) months of continuous employment with the same employer still applies. Exceptional provisions exist to cover the rights of parents in case of adoption, if a child is disabled and in case of a widowed parent or a single parent due to loss of custody or non-recognition of a child by the other parent.



It is important to note that working parents of children up to eight (8) years old, can take parental leave with a minimum duration of one (1) day and a maximum duration of five (5) weeks per calendar year. It is also important to note that the above maximum period shall apply as follows:

(a) from the date of implementation of the Law until 31/12/2023, the maximum duration will be three (3) weeks per year;

(b) from 01/01/2024 until 31/12/2024, the maximum duration will be four (4) weeks per year; and

(c) from 01/01/2025 onwards, the maximum duration of five (5) weeks per year shall be fully in force.

A three-week notice shall be given to the employer of a working parent wishing to use parental leave, unless there is an emergency case, where, in accordance also with the employment agreement, the notice might be shortened.

Carers' Leave and Force Majeure Absence:

The Law introduces unpaid carers' leave to workers providing 'personal care or support to a relative, or to a person who lives in the same household as the worker, and who is in need of significant care or support for a serious medical reason' for up to five (5) working days per year. This leave can either be used all at once or in parts, provided that appropriate medical certificates are presented. It shall be noted that the term "relative" is defined to include a child, mother, father, spouse, and a civil partner with whom the said worker has entered into a civil partnership.

The Law also entitles every worker to a seven-day unpaid leave per year in case that force majeure reasons arise. Such reasons relate to urgent family reasons involving illness or accident. As in the case of carers' leave, the seven-day unpaid leave can either be taken all at once or in parts.



BALANCE

FAMILY

WORK

Flexible working arrangements for working parents or carers:

Working parents with children up to the age of eight (8) and carers have the right to request flexible working arrangements for care reasons, provided that the requirement of having completed six (6) months of continuous employment with the same employer is satisfied. The duration of such arrangements may be limited in a reasonable way and working parents have the right to return to the same work pattern at the end of the agreed period. Working parents may also be entitled to request to take parental leave in flexible forms that accommodate both their own and their employers' needs.

However, whether such flexible arrangement will be accommodated or not, rests upon the discretion of the employer who shall provide a justified decision in writing to the employee within 1 (one) month as of submitting such request.

Paid annual leave:

Further to the introduction of the Law, for the purposes of harmonisation with EU Council Directive 93/104/EC of 1993, an amendment to the Paid Annual Leave Law of 1967 (L. 8/1967) (the "Original Paid Leave Law"), namely the Paid Annual Leave (Amending) Law of 2023 (L. 24(I)/2023) (the "Amending Paid Leave Law") has been introduced last April, 2023. The Amending Paid Leave Law amends paragraph (3) of Article 5 of the Original Paid Leave Law, by the deletion of the first reservation and the deletion of the word "further" in the second reservation.

In practice this means that the reservation for completion of thirteen (13) weeks of continuous employment for the employees to be entitled to annual leave has been deleted. The employees are now entitled to get paid annual leave proportionally to the aggregate annual leave to which they are entitled from the first date of their employment. It shall be noted that any temporary absence of an employee due to an accident or illness, absence due to maternity leave and absence of an employee due to parental leave, paternity leave, carers' leave or force majeure absence shall be considered as constituting periods of employment.



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