

CAP. 183.

CYPRUS

MINIMUM WAGE

CHAPTER 183 OF THE LAWS

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1959

CHAPTER 183.

MINIMUM WAGE.

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A LAW TO MAKE PROVISION FOR THE FIXING OF MINIMUM
WAGES.

1949 Cap.
215.

[20th November, 1941.]

Short title.

1. This Law may be cited as the Minimum Wage Law.

Interpreta-
tion.

2. In this Law—

“minimum wage” means the minimum rate of wages fixed as hereinafter provided in respect of the particular occupation followed by the person concerned and applicable to that person.

Fixing of
minimum
wage.

3. (1) The Governor in Council may by Order published in the Gazette fix minimum rates of wages for any occupation in the Colony either generally or in any specified area, place or district in any case in which he is satisfied that the wages being paid to any persons employed in any such occupation are unreasonably low.

(2) The Governor in Council may by Order vary or cancel a minimum wage.

(3) Any minimum wage fixed as aforesaid or the cancellation or variation of any such wage shall become effective as from the date specified in that behalf in the Order.

4. (1) The Governor in Council may where he considers it advisable appoint Advisory Boards to consider the wages paid for any occupation.

Appoint-
ment, etc.,
of
Advisory
Boards.

(2) The Governor in Council may make Regulations as to the constitution, appointment, powers and duties of Advisory Boards.

5. (1) Where any minimum wage has been fixed by the Governor in Council under this Law an employer shall, in cases to which the minimum wage is applicable, pay wages to the person employed at not less than the minimum wage and if he fails so to do shall be liable on conviction in respect of each offence to a fine not exceeding twenty pounds, and to an additional fine not exceeding five pounds for each day on which the offence is continued after conviction therefor.

Penalty for
not paying
wages
accordance
with
minimum
rate fixed
under the
provisions of
section 3.

(2) On the conviction of an employer under the provisions of the preceding subsection the Court may by the conviction adjudge the employer convicted to pay in addition to any fine such sum as appears to the Court to be due to the person employed on account of wages, calculated on the basis of the minimum wage:

Provided that the power to order the payment of wages under this subsection shall not be in derogation of any right of the person employed to recover wages by any other proceedings.

6. (1) Where an employer has been convicted under section 5 for failing to pay wages at not less than the minimum wage to any worker, then, if notice of intention so to do has been served within three days next before the hearing of the information or complaint, evidence may be given of any failure on the part of the employer to pay wages at not less than the minimum wage to that worker at any time subsequent to the coming into operation of the minimum wage and within the two years immediately preceding the date on which the information or complaint was laid, and on proof of the failure the Court may order the employer to pay such sum as in the opinion of the Court represents the difference between the amount which having regard to the provisions of this Law ought properly to have been paid to the worker by way of wages during those years and the amount actually so paid.

Miscel-
laneous
provisions
with respect
to legal
proceedings.

(2) Where it appears to the Attorney-General that any sum is due by an employer to a worker by reason of the

fact that wages have been paid to that worker at less than the minimum wage applicable, and that it is not possible to recover the sum so appearing to be due, or part of that sum, by means of proceedings under section 5, the Attorney-General may, if it appears expedient so to do by reason of the refusal or neglect of the worker to take the necessary proceedings, on behalf of and in the name of the worker institute civil proceedings before a Court of competent jurisdiction for the recovery of the said sum:

Provided always that the Court before which any such civil proceedings are instituted shall have the same power to make an order for the payment of costs by the Attorney-General as if the Attorney-General were a party to the proceedings.

Offences by
agent.

7. (1) Where an offence for which an employer is by virtue of this Law liable to a penalty has in fact been committed by some agent of the employer or other person, that agent or other person shall be liable to be proceeded against for the offence in the same manner as if he were the employer, and either together with, or before or after the conviction of the employer, and shall be liable on conviction to the same punishment as that to which the employer is liable.

(2) Where the employer who is charged with an offence against this Law proves to the satisfaction of the Court that he has used due diligence to enforce the execution of this Law, and that the offence was in fact committed by his agent or some other person without his knowledge, consent or connivance, he shall, in the event of the conviction of that agent or other person for the offence, be exempt from any penalty in respect of the offence, without prejudice, however, to the power of the Court under this Law to adjudge him to pay any sum which appears to the Court to be due to the person employed on account of wages.

(3) Where the immediate employer of any worker to whom a minimum wage applies is himself in the employment of some other person and that worker is employed on the premises of that other person that other person shall for the purpose of the provisions of this Law relating to the penalty for not paying wages in accordance with the minimum wage be deemed to be an employer of the worker jointly with the immediate employer.

8. (1) Where a worker in any trade being a person to whom a minimum wage fixed under this Law applies is an apprentice or learner it shall not be lawful for his employer to receive directly or indirectly from him or on his behalf or on his account any payment by way of premium:

Employers not to receive premiums where minimum rates in force.

Provided that nothing in the foregoing provisions shall apply to any such payment duly made in pursuance of any instrument of apprenticeship executed not later than four weeks after the commencement of the employment.

(2) If any employer acts in contravention of the provisions of subsection (1) of this section he shall be liable on conviction in respect of each offence to a fine not exceeding twenty pounds, and the Court may by the conviction in addition to imposing a fine adjudge him to pay to the worker or other person by whom the payment was made the sum improperly received by way of premium.

9. For the purpose of calculating the amount of the wages payable in the case of a worker employed on any work for which a minimum wage has been fixed, the worker shall be deemed to have been employed during all the time during which he was present on the premises of the employer, unless the employer proves that he was so present without the employer's consent express or implied, or that he was so present for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform:

Worker waiting for work on employer's premises to be deemed to be employed.

Provided that—

- (a) where a worker resides on the premises of the employer he shall not be deemed to be employed during any time during which he is present on the premises by reason only of the fact that he is so resident; and
- (b) a worker while present during normal meal times in a room or place in which no work is being done shall be deemed to be present for a purpose unconnected with his work.

10. Any shop-keeper, dealer or trader who by way of trade makes any arrangements express or implied with any worker in pursuance of which the worker performs any work for which a minimum wage has been fixed under this Law shall be deemed for the purpose of this Law to be the employer of the worker and the net remuneration obtainable by the worker in respect of the work after allowing for his

Prevention of evasion.

necessary expenditure in connection with the work shall be deemed to be wages.

Burden
of proof.

11. On any prosecution of a person for failing to pay wages at not less than the minimum wage, it shall lie on that person to prove that he has not paid wages at less than the minimum wage.

Record of
wages to
be kept.

12. It shall be the duty of every employer in an occupation to which a minimum wage is applicable, to keep such records of wages as are necessary to show that the provisions of this Law are being complied with with respect to persons in his employment, and if he fails so to do he shall be liable on conviction in respect of each offence to a fine not exceeding five pounds, and also to an additional fine of two pounds for each day during which the omission continues after conviction.

Appoint-
ment of
officers and
power of
entry and
inspection.

13. (1) The Governor may appoint such officers as he may think necessary for the purpose of investigating any complaints and otherwise securing the proper observance of the provisions of this Law.

(2) Any such officer shall have power—

(a) to enter at any time during business hours upon the premises of an employer wherein an occupation to which a minimum wage is applicable is being carried on and to require the production of wage sheets or other record of wages by any such employer and to inspect and examine same and copy any material part thereof ;

(b) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to any matters under this Law any person whom he finds in any premises wherein an occupation to which a minimum wage is applicable is being carried on, or whom he has reasonable cause to believe to be or to have been a worker in any occupation to which a minimum wage is applicable, and to require every such person to be so examined, and to sign a declaration of the truth of the matters in respect of which he is so examined.

(3) If any person hinders or molests any officer in the exercise of the powers given by this section or fails or refuses to produce any wage sheet or any other record of

wages that person shall be liable on conviction in respect of each offence to a fine not exceeding five pounds ; and if any person makes or causes to be made or knowingly allows to be made any wages sheet or record of wages or record of payments which is false in any material particular or produces or causes to be produced or knowingly allows to be produced any such sheet or record to any officer acting in the exercise of the powers given by this section, knowing the same to be false, or furnishes any information to any such officer knowing the same to be false, he shall be liable on conviction to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding three months.

