

ORDINANCE 3 OF 2003

AN ORDINANCE  
TO PROVIDE FOR MASS DISMISSALS

**T.W. RIMMER**  
**ADMINISTRATOR**

19 February 2003.

**BE** it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows: -

**1.** This Ordinance may be cited as the Mass Dismissals Ordinance 2003. Short title.

**2.** For the purposes of this Ordinance, unless the context otherwise requires:- Interpretation.

“mass dismissals” means dismissals made by an employer for one or more reasons unconnected with individual employees, provided that the number of dismissals within a period of 30 days amounts to –

(a) at least 10, in undertakings which normally employ more than 20 and fewer than 100 employees:

Provided that for the purpose of calculating the number of dismissals referred to above, all individual contracts of employment which terminate by reason of simple expiry shall be included, if the number of actual dismissals is at least five;

(b) at least ten per cent of the number of employees in undertakings which normally employ at least 100 and fewer than 300 employees;

“representatives of the employees” means the representatives of any employees provided for by legislation or practice;

**3.** This Ordinance shall not apply -

(a) to any mass dismissals effected in relation to contracts of employment made for a specific period of time or for a specific job of work, unless such dismissals are made prior to the expiry of such period or prior to completion of such job of work;

Scope of  
Ordinance.

- (b) in relation to persons employed by the Crown in any capacity;
- (c) in relation to crews of sea-going vessels.

Consultations.

**4.** Where any employer intends to make any mass dismissals he shall consult in good time with the representatives of employees in relation to the following matters -

- (a) possible measures to prevent any mass dismissals or to reduce the number of the employees who would be affected; and
- (b) measures for easing the adverse consequences arising from such mass dismissals, through for example the re-employment or re-training of dismissed employees.

Obligation of employer to provide certain information.

**5. - (1)** During such consultations and in order that the representatives of employees may put forward any constructive proposals, an employer shall in good time -

- (a) give to the representatives of employees all information relevant to the intended dismissals; and
- (b) notify them in writing of -
  - (i) the reasons for the intended dismissals,
  - (ii) the number and classes of employees to be dismissed,
  - (iii) the number and classes of employees normally employed by the employer,
  - (iv) the period over which such dismissals will be made,
  - (v) the criteria he intends to use for selecting any employees to be dismissed, which are determined as a responsibility of the employer by legislation or practice, and
  - (vi) the method for calculating any possible payment as a result of any dismissals, other than payments payable under the Termination of Employment (Consolidation) Ordinance 1980.

Ordinance 5/80 as amended by Ordinances 1/81, 4/83, 5/88, 5/90, 2/91 and 4/95.

(2) An employer shall furnish the Chief Officer with a copy of the particulars referred to in subparagraphs (i) to (v) of paragraph (b) of subsection (1) above.

Notification to be given to Chief Officer.

**6. -(1)** Following consultations such as are described in section 5, an employer shall notify the Chief Officer in writing and without delay of any intended mass dismissals:

Provided that in the case of any intended mass dismissals caused by the interruption of the activity of the employer's undertaking as a result of a judicial decision, the employer shall be required to notify the Chief Officer of such dismissals in writing only if the Chief Officer so requests.

(2) A notification under subsection (1) above shall contain any relevant information in relation to the intended mass dismissals and the outcome of the consultations with the representatives of the employees, provided for in sections 4 and 5 and, in particular, the reasons for the intended mass dismissals, the number of employees now to be dismissed and the period over which the dismissals will now be made.

(3) An employer shall send to the representatives of the employees a copy of any notification he gives under subsection (1) above, and those representatives may submit their observations to the Chief Officer.

7. – (1) The obligations imposed on an employer by sections 4, 5 and 6 shall apply whether a decision for mass dismissals to be made is taken by the employer himself or by another undertaking which controls the employer.

Decision for mass dismissals need not be the employer's decision.

(2) In any investigation into any alleged contravention of the obligations relating to the giving of information, consulting and notifying provided for in this Ordinance, the fact that the undertaking which decided that mass dismissals should be made did not provide the requisite information to the employer concerned shall not provide a defence to an employer who fails to comply with those obligations.

8. Subject to the rights of any employee as to the length of notice required to be given for the termination of his employment, any intended mass dismissals which have been notified to the Chief Officer in accordance with section 6 of this Ordinance shall not be put into effect before the expiration of the period of 30 days commencing on the day of the giving of such notification.

30-day period before mass dismissals may be made.

9. During the period of 30 days provided for in section 8 the Chief Officer shall attempt to resolve any problems which may arise from any intended mass dismissals.

Use of 30-day period by the Chief Officer.

10. Sections 8 and 9 shall not apply in relation to any mass dismissals caused by the interruption of the activity of the undertaking concerned as a result of a judicial decision.

Interruption of business activity due to judicial decision.

11. Any information disclosed in order to comply with the provisions of this Ordinance shall be regarded as confidential and any person who discloses any such information without due cause shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding one thousand pounds.

Confidentiality of information and penalty for breach.

12. Nothing contained in this Ordinance shall prejudice the right of employees to compensation in accordance with the provisions of the Termination of Employment (Consolidation) Ordinance 1980.

Compensation under Ordinance 5/80 as amended by Ordinances 1/81, 4/83, 5/88, 5/90, 2/91 and 4/95 unaffected.

13. – (1) An employer who contravenes any of the provisions of section 4, 5 or 6 shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding one thousand pounds.

Offences.

(2) An employer who makes a mass dismissal before the expiration of the period of 30 days referred to in section 8 shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding two thousand pounds.

14. This Ordinance shall come into force on the day of its publication in the Gazette.

Commencement.

19th February 2003  
(107/10/2)

J.C.A. JARVIS CBE,  
Chief Officer





