



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1682 of 1st March 2013
LEGISLATION

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EMPLOYMENT (TERMINATION) (AMENDMENT) ORDINANCE 2013

An Ordinance to amend the Employment (Termination) Ordinance 2010

J. S. WRIGHT
DEPUTY ADMINISTRATOR

28th February 2013.

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

1. Short title

This Ordinance may be cited as the Employment (Termination) (Amendment) Ordinance 2013.

2. Commencement

This Ordinance comes into force on 11 March 2013.

3. Employment (Termination) Ordinance amended

The Employment (Termination) Ordinance 2010(a) is amended in accordance with sections 4 to 8.

4. Section 2 amended (Interpretation)

Section 2 is amended by—

- (a) amending the definition of “employee” by after “employment practice” inserting “, but does not include an office holder (which includes a police officer)”;
- (b) omitting the definition of “leave on grounds of force majeure” and substituting the following definition—

““leave on grounds of force majeure” means leave taken in accordance with Part 3 of the Parental Leave Ordinance;”;
- (c) omitting the definition of “parental leave” and substituting the following definition—

““parental leave” means leave taken in accordance with Part 2 of the Parental Leave Ordinance;”;

and

- (d) inserting in the correct alphabetical position the following definition—
““Parental Leave Ordinance” means the Employment (Parental Leave and Leave on Grounds of Force Majeure) Ordinance 2012**(b)**.”.

5. Section 3 amended (Employee’s right to compensation on unfair dismissal)

- (1) Section 3(1) is amended by—
- (a) after “section 4” inserting “or 4A**(c)**”; and
 - (b) omitting “section 17 of the Parental Leave and Leave on Grounds of Force Majeure Ordinance 2002” and substituting “section 16 of the Parental Leave Ordinance”.
- (2) Section 3(2)(b) is amended by after “section 4” inserting “or 4A”.

6. Section 23 substituted

Section 23 is repealed and substituted with the following section—

“23. Entitlement to a redundancy payment from the Redundancy Fund

Where an employee is redundant as defined in section 26, any redundancy payment to which an employee may be entitled is a matter for the Redundancy Fund which may make a decision on entitlement and calculate any payment in accordance with Republican Law.”.

7. Section 41 amended (Industrial Disputes Tribunal to have jurisdiction)

- (1) Section 41 is amended by—
- (a) in subsection (1) omitting “Subject to subsection (2), the” and substituting it with “The”;
 - (b) repealing subsection (2);
 - (c) omitting “or in the Resident Judge’s Court” in subsection (2A)**(d)**; and
 - (d) repealing subsection (2C).
- (2) Despite subsection (1), the Employment (Termination) Ordinance 2010 applies to claims brought in the Resident Judge’s Court before 11 March 2013 as if the amendments made to the Ordinance by this section had not been made.

8. Part 2, Schedule 2 amended (Continuity of employment)

Part 2 of Schedule 2 is amended by inserting after paragraph 6(i) the following paragraph—

- “(j) absence from work due to compulsory service in the Armed Forces of the Republic.”.

Notes

- (a) Ordinance 3/10 to which there are amendments but they are not relevant.
- (b) Ordinance 20/12.
- (c) Section 4 substituted and section 4A inserted by Ordinance 17/2011.
- (d) Section 41(2A) and (2C) were inserted by Ordinance 1/13.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

1. This explanatory note relates to the Employment (Termination) (Amendment) Ordinance 2013 (the “Ordinance”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. It does not form part of the Ordinance.
2. The note should be read in conjunction with the Ordinance. It is not, and is not meant to be, a comprehensive description of the Ordinance. So when a provision does not seem to require any explanation or comment, none is given.
3. The Ordinance amends the Employment (Termination) Ordinance 2010 (“the principal Ordinance”) by —
 - a. amending the definition of “employee” to put beyond doubt that the definition does not include office holders, the main category being police officers;
 - b. updating references to other legislation;
 - c. redrafting section 23 to clarify that any decision made by the Redundancy Fund is outside the jurisdiction of the Areas.
4. The Ordinance omits section 41(2) of the principal Ordinance to clarify that claims for termination of employment above the compensation limit may not be brought in the Resident Judge’s Court under the auspices of the principal Ordinance. The removal of this provision does not affect rights which a claimant may have under contract or other law.
5. Schedule 2, Part 2 of the principal Ordinance sets out those breaks from employment which do not disrupt an employee’s service when assessing whether or not an employee has sufficient qualifying service to bring a claim for unfair dismissal, or the length of notice which an employer or employee must give. It is not used to quantify service for the purpose of calculating pension or other terminal benefits. Conscription or other compulsory service in the Republic’s Armed Forces has been added to the list of the types of breaks which count as service for the purpose of calculating continuous service.

