

Illegal employment termination

Question:

1. I am a citizen of a third country, the spouse of a citizen of Cyprus. I work in a company for year and a half. Now they are dismissing me without a notice, saying only that it is my last working week. Tell me, does my employer have the right to fire me in such way, or there is some minimum period within which I have to be notified about the dismissal? Can I have severance pay? Are there any reasons according to which I would not get the severance pay?

Response:

Dear Reader,

The employer is not required to give notice of dismissal in the following cases:

- The employee's behaviour is such that it makes clear that the relationship between employer and employee cannot continue,
- The employee has committed a serious offence in the performance of his duties,
- The employee has committed a criminal offense in carrying out his duties without the consent of the employer,
- Inappropriate behaviour of the employee at the time of execution of his duties, and
- Serious or repeated violation or disregard of work rules or other regulations with respect to employment.

If the employee feels that he/she has been unfairly dismissed, then he/she can make an appeal to the Industrial Dispute Court in order to claim compensation.

Following you can find a list of reasons under which an employee whose employment has been terminated is not entitled to compensation. It is therefore a list of valid grounds for dismissal. They are as follows:

- a) when the employee fails to perform his or her work in a reasonably competent manner,
- b) when the employee is made redundant,
- c) for reasons of force majeure, not brought about by the negligence or wilful action of the employer,
- d) when the employment is terminated on the expiry of a fixed-term contract, or upon retirement age (note that the tribunal will consider a series of fixed-term contracts for the same employee as forming a contract of unspecified duration)
- e) for reasons of gross misconduct that permit the employer to terminate without notice.

The employer is required to give the employee:

- written notice of dismissal, stating the reasons for dismissal
- a certificate stating the dates of employment and the duties of the employee during the course of employment
- a notice period (see below), which can be extended but not reduced, and can be paid in lieu.
- payment of any outstanding salary, the proportion of annual leave that the employee has accrued and any other benefits, if applicable.

The first **26 weeks** constitute a probationary period. During this period the employer may terminate the employment without notice.

The notice must the employer give to an employee in case of dismissal is:

Period of continuous employment	Minimum Period of Notice
From 0 to 26 weeks (up to 6 months)	No notice
From 26 to 51 weeks (6 months – 1 year)	1 week
From 52 to 103 weeks (1 year – 2 years)	2 weeks
From 104 to 155 weeks (2 years – 3 years)	4 weeks
From 156 to 207 weeks (3 years – 4 years)	5 weeks
From 208 to 259 weeks (4 years – 5 years)	6 weeks
From 259 to 311 weeks (5 years – 6 years)	7 weeks
From 312 weeks + (6 years +)	8 weeks