

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.

Appointment, 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 in 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.

Miscellaneous 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.