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EUROPEAN SOCIAL CHARTER

20th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF GREECE

(Articles 2 and 4 of the Social Charter and
Articles 2 and 3 of the 1988 Additional Protocol
for the period 01/01/2005 – 31/12/2008)

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European Social Charter
20th Greek Report
(Articles 2 & 4)

Additional Protocol to the ESC
6th Greek Report
(Articles 2 & 3)

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A) Over the reporting period no change took place regarding the number of working hours of the employees per day and week enforced either by law or by the National General Collective Labour Agreement while all what has been presented in the previous reports apply (17th Greek Report, Article 2, par.1, Additional Information). In particular, it is reminded that Presidential Decree 88/1999 "minimum standards for the organisation of working time", by which Directive 93/104/EC was incorporated into national law, provides for a 12-hour daily rest and an average of forty-eight (48) working hours weekly, including overtime, as minimum protection limits for the employees.

B) As regards daily working hours of individuals with certain disability or of parents who have children with certain disability, according to the provisions of paragraph 8, Article 30, Law 3731/2008 (Official Gazette 263/A) "Reorganization of municipal police and regulations of other issues under the responsibility of the Ministry of Interior" certain changes have been introduced to the provisions of paragraphs 4 and 5, Article 16, Law 2527/1997 (Official Gazette 206/A) concerning the use of reduced working hours by the employees belonging to the categories above in the public sector, public law entities and local government organisations as follows:

a) reduced working hours by one (1) hour per day also apply to all permanent employees and employees under an open-ended private law contract in the public sector, public law entities and local government organisations who have a percentage of disability equal to or greater than 67%.

b) reduced working hours by one (1) hour per day also apply to all permanent employees and employees under an open-ended private law contract in the public sector, public law entities and local government organisations who suffer from end-stage kidney disease.

c) A percentage equal or greater than 67% is stipulated as the disability percentage (mental, psychic or physical) of the children of the permanent employees and employees under an open-ended private law contract in the public sector, public law entities and local government organisations instead of the previously required greater than 67%, so that these employees are entitled to reduced working hours by one hour per day.

Question 2

By the DIADP/G2/OIK/1692/27.6.2006 (Official Gazette 769 B') decision of the Minister of Interior "Establishing working hours of entry and departure of employees in public services and public law entities", working hours throughout the year, in the whole country and according to the choice of the employees are as follows:

(a) Arrival time 07.30. - Departure time: 15.00.

(b) Arrival time: 09.00. - Departure time: 16.30.

The new provision aims at:

-Facilitating citizens in their transactions with the public services because working hours are extended over the afternoon, in accordance with the opening hours of the private sector.

-Facilitating communication and transactions between the public sector services and the public law entities on the one hand and the bodies and the services of European Union on the other, whose working hours are 9.00-17.00, resulting in better cooperation between them because more time will be available for their communication.

-Facilitating employees in shorting out their family or other obligations because they have the right to choose their arrival and departure time.

Question 3 – Statistical data

	Average number of actual weekly hours of work in main job, full-time by economic activity				
		Greece			
Categories		**2005**	**2006**	**2007**	**2008**
A_B	**Agriculture, hunting, forestry and fishing**	44	42,8	43	42,9
A	**Agriculture, hunting and forestry**	43,9	42,7	42,9	42,7
B	**Fishing**	47,8	46	47	47,8
C-F	**Industry**	42,7	42,7	42,6	42,4
C	**Mining and quarrying**	41,3	42,1	42,3	42,1
D	**Manufacturing**	43	43,3	43,1	42,9
E	**Electricity, gas and water supply**	39,5	39,5	39,5	39
F	**Construction**	42,7	42,3	42,4	42,1
G-K	**Services (excluding public administration)**	45,8	45,8	45,1	45
G-Q	**Services**	42,9	42,7	42,2	42,1
G	**Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods**	45,7	45,5	44,8	45
H	**Hotels and restaurants**	50,8	50,7	50,1	49,9
I	**Transport, storage and communication**	46,5	46,6	46,2	45,7
J	**Financial intermediation**	39,9	40	39,8	39,5
K	**Real estate, renting and business activities**	42,7	43,2	42,1	42,1
L	**Public administration and defence; compulsory social security**	39,1	39	38,7	38,6
M-Q	**Other services**	37,3	36,9	36,7	36,3
M	**Education**	30	29,7	28,8	27,9
N	**Health and social work**	39,6	39,7	39,3	39,5
O	**Other community, social, personal service activities**	42,7	42,1	42	41,7
P	**Activities of households**	45,6	45,1	44,9	44,1
Q	**Extra-territorial organizations and bodies**	-	-	-	-
	ALL Categories	43	42,7	42,4	42,2

Average number of <u>actual weekly hours of work in main job</u>

	2004	2005	2006	2007	2008
EU 27	41,2	41,4	41,2	41,2	41
Euro Area	41	41,3	41,1	41,1	40,9
Ελλάδα	43,1	43	42,7	42,4	42,2

Source: Eurostat, Labour Force Survey

Article 2
Paragraph 2 – Public holidays with pay

As regards the employees in the public sector, public law entities and local government organisations, working on weekly rest as well as bank holidays, there has been no change since the last (17th) Greek Report. In particular, with Law 1157/81 bank holidays, half bank holidays and all about the weekly rest have been stipulated as well as that the employees who work on those days shall have a substitute day of rest within the following week. (As supplemented by Article 23, Law 1735/1987, Official Gazette 195 A΄).

Additional information required by ECSR on the remuneration paid for work done on a public holiday

Royal Decree 748/1966 forms the legal framework that specifies bank holidays with pay for the employees of the private sector. Work during bank holidays is allowed strictly only according to the relevant provisions and according to R.C. 748/1966.

By the regulations of Article 2, Decree 3755/1957, as well as the regulations of the Joint Ministerial Decision of the Ministers of Work and Finances 8900/1946, interpreted by the Joint Ministerial Decision of the Ministers of Work and Finances 25825/1951, it is stipulated that the legal wage of the personnel of all services and enterprises of the country, who, due to the nature of their work, are employed during the bank holidays that have been considered excludable by the law, is increased by 75%. Apart from the above wage increase no compensatory holiday is provided. In any case, should any employment take place during the holidays that are foreseen by the law, compliance to the weekly work schedule (whether a six-day or a five-day one) is required as well as the aforementioned wage increase.

Finally, it should be noted that in our country decisions on important issues regarding provisions regulating terms and conditions of employment are taken on the basis of consultations with the Social Partners. Furthermore, the Collective Labour Agreements and the Social Dialogue constitute an important dimension in the formulation of the Labour Law in Greece. As a result, any possible amendment of provisions regulating work during holidays should be the result of the dialogue with the Social Partners at the appropriate level, because in this way Social Consent is achieved and decisions taken are of wide acceptance.

Article 2

Paragraph 3 – A minimum of two weeks annual holiday with pay

Employees in the public sector

According to the provisions of Article 48, Law 3528/07 (Code on Employees (CC)), public employees are entitled to annual leave with pay in two (2) months after their appointment. The leave to which the employees are entitled is stipulated to two (2) days for each month of work and cannot exceed in total the number of the days of the annual leave to which they are entitled when they have completed one (1) year of real public service that is twenty (20) days.

Duration of annual leave is increased by one work day for each year of employment until the upper limit of twenty five (25) or thirty (30) days is reached depending on a five or six day working week respectively.

Employees of the private sector

By Article 3 of the last National General Collective Labour Agreement (2008-2009), and starting from 1.1.2008, an increase by one (1) working day was stipulated of the annual leave of employees and manual workers who have completed 25 years of service or of occupational history, that is, in total, thirty one (31) working days if a six-day working week is used or twenty six (26) days if a five-day working week is used.

As a general provision, Article 1 of Law 3302/2004 is in force, according to which, every salaried employee, from the commencement of his/her employment at a liable enterprise until the completion of twelve (12) months of continuous employment, shall be entitled to a percentage of the annual regular paid leave in proportion to the time of work he/she has completed at the same liable enterprise. (For more details see the 17th Greek Report, Article 2, par. 3).

Additional information required by ECSR- Postponement of the annual leave

In the public sector, the exercise of the right of use of the annual leave should be exhausted within the same calendar year because, according to the specific provision of the regulations of paragraphs 3 and 4, Article 49 of the Code on Employees as well as of paragraphs 3 and 4, Article 56 of the Code of the Status of Municipal and Community Employees, no transfer of the annual leave to the coming year is permitted unless it has been cancelled, reduced or not given because of emergency working conditions.

According to the provisions of Article 49, Law 3528/07, it is compulsory to grant fifteen (15) days of the annual leave, provided that the employee has asked for it, during the period 15 May - 31 October. This is not compulsory for services that have been set up with a decision of the competent Minister and that are at the peak of their function at this particular period or they function round the clock.
When the employee applies for the whole of the annual leave at sometime that is

completely out of this particular period, the leave is increased by five (5) days. However, this increase is not approved when the employee makes use of the annual leave during Christmas and the Easter.

The Service, to which an employee belongs, approves a compulsory annual leave within the second semester of each year even if the employee has not applied for it.

It is permitted not to approve, to cut down or to cancel the annual leave in order to deal with emergency needs of the service; however, an approval of the body that supervises the body responsible for the approval of the leave is required. If such a body does not exist, then the competent body decides about the approval of the leave.

If, by the application of the previous paragraph, the annual leave has not been approved then it is mandatory to be approved in the next year.

Lastly, no other cases of postponement of the annual leave, when it exceeds a two weeks period, are defined by the Code on Employees or other provisions.

Regarding employees in the private sector, we inform you that there are no provisions about postponement of the annual leave that exceeds a two weeks period. According to Emergency Law 534/45 (Article 4, as amended by par. 15 of Article 3 of Law 4504/66), the annual leave must be granted by the 31st of December of each year.

Article 2
Paragraph 4 – Additional paid holidays or reduced working hours for workers in dangerous or unhealthy occupations

During the reporting period, paragraph 5 was added to Article 48 in the new Code on Employees, according to which, drawing on a Presidential Decree issued on the proposal of the Minister of Interior and the Minister of Health and Social Solidarity, the annual leave of employees in dangerous or unhealthy occupations is increased. With the same Presidential Decree the conditions for and the number of the days of the increase are specified. The aforementioned Decree will be published pending on the labelling of the dangerous and unhealthy occupations by the co-competent Ministries.

In addition, paragraph 6 of Article 50 of the new Code on Employees provides that any employee who works on a computer and is occupied in front of a screen of optical recording for more than five (5) hours of his working day is entitled to a special leave of one (1) working day on full pay once in two months. Working in front of a screen of optical recording for more than five (5) hours of the working day everyday is certified by the immediate supervisor of the

employee.

Negative Conclusion of the European Committee of Social Rights concerning reduction of the working hours or additional days of paid leave for workers in arduous and unhealthy occupations

The negative conclusion is based on the decision of the European Committee of Social Rights on the Collective Complaint 30/2004, concerning the appeal of the Marangopoulos Foundation for the Human Rights against Greece, for violating article 2 paragraph 4, because the workers of the Public Power Corporation do not benefit in practice from compensatory measures such as reduction of the working hours or additional days of paid leave, because of the difficult nature of their employment.

Working terms for workers in mines are as follows:

Those who work in mines come under the category of arduous and unhealthy occupations. In this context, on the basis of the social security legislation, they enjoy a preferential pension treatment, namely the reduction of the retirement age limit by five years (men retire at 60 and women at 55 years), which means that the time period during which they are exposed to dangers is shorter. This is a provision of the social security legislation and no collective working agreement special provision is required for its implementation.

Moreover, as regards the workers in the lignite mines of the Public Power Corporation (DEH), the status of whom is laid down in the aforementioned Collective Complaint, we would like to inform you that the Public Power Corporation, recognising the difficult conditions in the mines, has laid down a regulatory framework, according to which, workers enjoy preferential treatment.

On the basis of the Corporation's Administration Decision No 273/85, the granting of five more working days in a year as special paid leave has been established for the employees who work in rotating shifts. This decision is applied and implemented in practice, without the need of any collective labour agreement special provision, as it has been misunderstood.

In general, after issuing laws 1568/1985 "Health and safety of workers" and 2639/98 "Regulation of Labour Relations, Establishment of a Labour Inspectorate and other provisions", and drawing on the legal framework on safety and health at work and on the establishment of the Labour Inspectorate who are responsible for their application, Greece firmly and unequivocally supports prevention of occupational hazards and improvement of work conditions and not reimbursement or any other countervailing benefits.

This policy is in accord with the concept of sustainable development despite the fact that is application is difficult and requires a long, sincere and painful effort by all parties involved. On the contrary, the policy of countervailing measures leads to an unjustified complacency of the employers, since reimbursement

compensates for bad work conditions and at the same time reduces employees reflexes because it straightforwardly points to the reasoning that, if work conditions improve, countervailing benefits should cease as a result.

Apart from the above, and in particular for people employed in the mining sector, safety legislation foresees a very important countervailing benefit, exactly because of the hard conditions of their occupation. This consists in the possibility of taking one's pension on fewer, as compared to other employees, requirements (younger, shorter occupation time).

Article 2
Paragraph 5 – Weekly rest period

As regards the legal framework on the weekly rest, the provisions of Article 1, paragraph 3, Royal Decree 748/66 apply according to which Sunday is specified as the day of weekly rest. According to this provision, employees who provide private sector services are entitled to 24 hours of rest starting on Sunday 00:00 and ending on 24:00 of the same day.

Apart from that, according to Article 3, Presidential Decree 76/2005 "amendment of Presidential Decree 88/99 minimal standards for the organisation of working time in compliance with Directive 93/104/EU, that was issued in compliance with Directive 2000/34/EU", that replaced Article 5, Presidential Decree 88/99, it is ensured that employees will have a minimum of a continuous 24 hour period of rest per week, that includes Sunday in principle, depending on the practices and provisions of Labour Law holding for each type of employee, to which the twelve (12) continuous hours of the everyday rest are added (for each time-interval of 24 hours of length, minimum rest can not be shorter than 12 hours, Article 3, Presidential Decree 88/99).

Negative Conclusion of the European Committee of Social Rights on the grounds that certain categories of workers are not covered by the legislation

As regards the additional information requested by the Committee, we would like to inform you that the provisions of Presidential Decree 88/99, as they were amended after the relevant arrangements of Article 1, Presidential Decree 76/2005, are applied by all the enterprises, installations, holdings and works of the private and of the public sector.

It is noted that the provisions of Presidential Decree 76/2005 do not hold for the household personnel, as well as for the seamen, according to Presidential Decree 152/2003 "on the organisation of the working time of seamen in compliance with Directives 1999/63/EU and 1999/65/EU" (124 A), with the reservation of Article 2, paragraph 9.

In accordance with article 2§5 of the European Social Charter, in order to ensure the effective exercise of the right to just conditions of work, the Parties

undertake to provide a **weekly rest period**, which shall, **as far as possible**, coincide with the day recognized by tradition or custom in the country or region concerned as a day of rest.

In particular, as far as seamen are concerned, and given the special conditions, under which the fishing vessels operate, with a view to achieving their objective and performing their work, work on board fishing vessels, at international level, is governed by **special regulations**. More specifically, the International Labour Convention concerning Work in the Fishing Sector, 2007, of the International Labour Organisation as well as Directive 2003/88/EC of the European Parliament and the European Council (dated 4 November 2003), refer to minimum daily and weekly rest periods, while no reference is made on the provision of a twenty hours' rest period on a specific day (given that the provision of a continuous rest period of twenty four hours is not provided for/ is excepted).

We consider that the aforementioned regulations **are fully justified**, taking into account that:
a. the intensity of fishing activity and, therefore, the organisation of working time on board fishing vessels depend on both physical factors, weather conditions included, and factors beyond the capabilities of human intervention, i.e. factors formulating the rate of increase and concentration (temporal and spatial) of fish stocks, the legal collection of which constitutes the activity in which fishing vessels and persons employed thereon are engaged.
b. there are specific periods of time, during which fishing vessels operate and depend on the fishing gear they deploy and the institutional framework for sustainable development of the fishing production and protection of catches.

In this regard, the European Social Charter, by means of stipulating in its article 2§5 the phrase "**…as far as possible…",** recognises the inherent specificities of certain activities, e.g. those in the fishing industry; however, the specificities of activities in the fishing industry do not constitute grounds for exception of workers engaged therein to the provisions of article 2§5 of the Charter, since these workers are provided with sufficient period of rest, ensuring the protection of their safety and health and the fulfilment of their social obligations.

Therefore, in accordance with Presidential Decree No. 76/2005 (Official Gazette A' 117) article 14b, workers employed on fishing vessels are entitled to a rest period, so that in a reference period of 12 months, the average weekly hours of work are limited to 48, within the limits of the maximum permissible number of daily working hours, safeguarding the provision of sufficient weekly rest to workers employed on fishing vessels. The application of what has been mentioned above constitutes a legal and moral obligation of the master of the fishing vessel, as stipulated in the applicable legislation.

Article 4 – The right to a fair remuneration sufficient for a decent standard of living

Paragraph 1 –Sufficient remuneration

Salary and wage thresholds of the employees of the whole country are specified by the National General Collective Labour Agreement (NGCLA) after free collective negotiations, in the framework of freedom of negotiating (Article 22§2 Constitution and Law 1876/90). Law 1876/90 "Free collective bargains and other provisions" (Official Gazette 27/A/8.3.1990) specifies the content of the collective labour agreement as well as the types of collective agreement.

National General Collective Labour Agreements, apart from specifying the thresholds of salaries and wages, also specify, the minimum work terms that concern all private sector employees of the country. To this type of employees also belong the employees under a private law work relationship by the State, Public Law Entities or Local Government Organizations.

The other Collective Labour Agreements (operating, sectoral etc) specify the salary among the contracting parties. However, they are not allowed to specify work conditions that are worse for the employees than the ones specified by the NGCLA. Thus, in this way, NGCLA creates a safety net for the employees. In particular, in the current adverse economic situation, the function of the NGCLA offers a safety net to the employees and, in this way, advances social cohesion.

In the public sector, on the basis of provisions about each year's income policies, basic monthly salaries are amended and form the basis for the calculation of the basic salaries of all types of employee in the public sector, as well as the key personnel of the Armed Forces, the Greek Police, the Fire Brigade and the Hellenic Coast Guard. For the revaluation of salaries, bargains take place during which a prominent role is played by inflation level and state budget capabilities.

Negative Conclusion of the European Committee of Social Rights concerning the safeguarding of a decent standard of living for a single worker earning minimum wage

Salary of childless single employees
According to the National General Collective Labour Agreement (Table 1), the salary of childless single employees has been specified to 625,97€ from 01/09/2006 to 30/04/2007 and to 657,89€ from 01/05/2007 to 01/01/2008.

Table 1: Development of the lowest salary/wage (single/no occupational

experience)

		Employees/ salary in Euro	Increase percentage	**Manual workers / wage in Euro**	Increase percentage
NGCLA 2004	1/1/2004	**540,66**	4%	**24,22**	4%
	1/9/2004	**559,98**	2% + 8,5€ (per month)*	**25,01**	2% + 8,5€ (per month)*
2005	1/1/2005	**572,30**	2,2%	**25,56**	2,2%
	1/9/2005	**591,18**	3,3%	**26,41**	3,3%
NGCLA 2006	1/1/2006	**608,32**	2,9%	**27,18**	2,9%
	1/9/2006	**625,97**	2,9%	**27,96**	2,9%
2007	1/5/2007	**657,89**	5,1%	**29,39**	5,1%
NGCLA 2008	1/1/2008	**680,59**	3,45%	**30,40**	3,45%
	1/9/2008	**701,00**	3%	**31,32**	3%
2009	1/5/2009	**739,56**	5,5%	**33,04**	5,5%

Source: National General Collective Labour Agreement. Years 2004 & 2005, 2006 & 2007, 2008 & 2009.

*Aiming at supporting lower incomes, the wage threshold of manual workers without occupational experience is increased from 1.9.2008 on with an additional lump sum of 8€ per month and the lowest salary of employees with no occupational experience with a lump sum of 8.5€ per month.

In 2007, the lowest annual gross salary (12 months plus Christmas, Easter and holiday bonus) amounted to 9066,82€ while the lowest annual net salary (after deducing insurance contributions 16%) amounted to 7616,13€. The lowest annual income of a single employee is less than 12.000€ (the non-taxable income threshold for 2007), therefore it is subject to no tax.

In 2007, according to the most recent available information of Eurostat (Net Earnings and tax rates) annual average net salary for a single worker without children (with income up to 100% of the average worker) amounted to 18020,27€ .

Table 2: Over the years development of the salary of married and single employees, after contributions and taxes have been deduced, but with all types of bonus included

TABLE 2

	A	B	C	D	E	F	G	H	I
Year	Average annual salary with any type of bonus, tax and contribu-tions	Salary percenta ge without contribu-tions %	Average annual salary with any type of bonus and tax C=A*B	Taxable salary D=C-12000[1]	First scale tax	Second scale tax	Total tax G=F+E	Average annual net salary with any type of bonus H=C-G	Average monthly net salary with any type of bonus I=H/14
2005	21.568	78,60	16.953	6.953	510	1.066	1.576	15.377	1.098
2006	23.163	78,17	18.107	7.107	300	1.532	1.832	16.275	1.163
2007	24.092	76,88	18.522	7.522	300	1.657	1.957	16.566	1.183
2008	24.556	76,90	18.884	6.884		1.996	1.996	16.888	1.206
2009	24.141	77,94	18.816	6.816		1.977	1.977	16.839	1.203

Source: General Secretariat of the National Statistical Service of Greece

Additional bonuses and benefits that improve the standards of living of childless single employees who are paid with the NGCLA threshold salary or wage

The standard of living of employees receiving the minimum wage, is being improved by tax relieves and benefits by the Workers' Housing Organisation and the Workers Fund. In particular:

A. Tax relieves

For the employees, the non-taxable income threshold for 2008 remains 12.000€, as it was in 2007, provided that the income from paid employment is greater than 50% of their total income. Consequently, for those paid with threshold salaries according to the NGCLA, tax is more or less zero.

B. Benefits by the Workers' Housing Organisation (W.H.O.)

1. Rent subsidy program

Legal framework: Law 1849/1989 (Official Gazette 113/A'/8.5.1989), 2224/1994 (Official Gazette 112/A'/6.7.1994) and 2874/2000 (Official Gazette 286/A'/29.12.200).

Beneficiaries of Workers' Housing Organisation are all employees who have a private law work relationship with their employer, are insured for pension with one of the bodies for main employee insurance and both they and their employers pay contributions in favour of W.H.O.. The same applies for employees of public law entities and of the wider public sector entities as well as the pensioners of the above types of employee, provided that they have worked

[1] In 2008, for an income up to 12000 euro, the tax rate (%) is 0. For incomes from 12000 to 18000 euro, the tax rate is 27.

for a certain number of working days, depending on the composition of their families, or satisfy the particular conditions defined for each of the special programmes (persons with special needs, single mothers etc). In addition they should not possess a house or any other property enough to provide for their housing needs.

All beneficiaries of W.H.O. can participate to the rent subsidy program, provided that they fulfil the legal conditions, can prove that they pay rent and their family income is not greater than the respective thresholds. In **2005** and **2006**, the upper family income threshold for single beneficiaries was stipulated at **11.000€.** In 2007, the upper family income threshold was stipulated at **11.500€** and for **2008** at **12.000€.**

Subsidy sums to single beneficiaries:

	2005	**2006**	**2007**	**2008**
MONTHLY	**105€**	**115€**	**115€**	**115€**
ANNUALLY	**1260€**	**1380€**	**1380€**	**1380€**

For those of the beneficiaries who were unemployed for a long time or were unemployed but moved from their place of residence and found a job in another area, as well as those who had a very low income (**less than 8.000€**), subsidy sums for the period 2005 to 2008 were increased by 50%.

2. Interest subsidy program
Legal framework: Law 2116/1993 (Official Gazette 18/A'/18.2.1993), 2224/1994 (Official Gazette 112/A'/6.7.1994) and 2336/1995 (Official Gazette 189/A'/12.9.1995).

Workers' Housing Organisation cooperates with credit institutions (banks) who give loans to W.H.O. beneficiaries drawing on bank capitals, while the interest is subsidized by the W.H.O. and the Greek Public Sector. Interest subsidy is provided by the W.H.O. for 60% of the total duration of payment of the loan, today for 9 years, and of the Greek Public Sector for 7,5 years.

This is a continuous program and all W.H.O. beneficiaries can participate, whether married or single, provided that they meet the insurance and other conditions that are foreseen by the Regulation and pay contributions for W.H.O.

The net annual family income must be greater than 6.457€. Interest subsidy depends on the beneficiary's income. The lower the income, the greater the subsidy is.
For the period **2005** to **2008**, interest subsidy varied from 42% to 60% for single beneficiaries.

C. Benefits by the Workers Fund

An employee can receive benefits from the Workers Fund too. These benefits

consist in cards for buying books, going to the theatre, using social tourism and recreation excursions that correspond to an income that helps ensure reasonable standards of living. Beneficiaries of the Workers Fund are:

a) Employees who pay contributions to the Workers Fund and have worked for one hundred (100) work days or can prove fifty (50) days of subsidized unemployment during 2008.

(b) Employees in construction works who pay contributions to the Workers Fund and have worked for seventy five (75) work days or can prove fifty (50) days of subsidized unemployment

(c) Employees in the ship building and repair zone of Piraeus who pay contributions to the Workers Fund and have worked for fifty (50) work days or can prove fifty (50) days of subsidized unemployment during 2008

(d) single mothers who pay contributions to the Workers Fund and have worked for fifty (50) work days or can prove fifty (50) days of subsidized unemployment during 2008.

(e) one-parent families if only one parent exists such as widows, widowers, single fathers, single parents who are not divorced or separated and who pay contributions to the Workers Fund and have worked for fifty (50) work days or can prove fifty (50) days of subsidized unemployment during 2008.

Workers Fund Benefits 2005-2009

Data on Workers Fund Benefits for the years 2005 - 2009				
YEAR	**SOCIAL TOURISM VOUCHERS**	**TICKETS FOR EXCURSION PROGRAMS**	**COUPONS FOR BOOKS PURCHASE**	**ALLOTTED ENTERTAINMENT VOUCHERS**
2004	295.000	53.004	180.000	450.000
2005	367.123	58.452	199.500	450.000
2006	309.667	51.142	199.500	460.000
2007	501.955	55.336	210.000	460.000
2008	622.944	47.034	250.000	460.000
2009	750.000	46.074	260.000	460.000
TOTAL	**2.846.689**	**311.042**	**1.299.000**	**2.740.000**

Article 4

Paragraph 2 – Increased rate of remuneration for overtime work

Question 1

According to Article 1, Law 3385/05 that replaced Article 4, Law 2873/2000 in the enterprises that use contractual working hours up to 40 hours per week, employees can be employed for five (5) additional hours per week according to the employer's judgement (**overtime work**). Hours of overtime work (41st, 42nd, 43rd, 44th, 45th) are paid with the agreed wage increased by 25% and are not taken into account when the allowed, according to the holding provisions, limits of overtime work are considered. For those employees who use a six (6) day working week, overtime work as described above can extend to 8 hours per week (from the 41st to the 48th hour).

Any employment exceeding forty five (45) hours per week in the enterprises described in paragraph 1 is considered overtime work as regards all legal consequences, formalities and approval procedures. For those employees who use a six (6) day working week, any work exceeding forty eight (48) hours per week is considered overtime work. In any case, regulations about legal daily working hours hold.

Employees who work overtime are entitled to receive a payment equal to the paid wage increased by 50% for each hour of legal overwork and up to one hundred and twenty (120) hours per year. The payment for any hour of legal work beyond the one hundred and twenty hours per year is the paid wage increased by 75%.

From now on, any hours of overwork for which the formalities and approval procedures that are required by the law are not observed, is identified as exceptional overwork.

For each hour of exceptional overwork the employee is entitled to a payment equal to the paid wage increased by 100%.

Question 2

In the framework of the responsibilities of the Labour Inspectorate (S.E.P.E.) for inspecting the application of labour law on work time limits, for the years 2008 and 2009, the following measures were adopted:

-in 2008 19 complaints were filed for overrunning time limits (illegal overtime employment) and 549 fines were imposed. At the same time, in the whole country 426 labour disputes were carried out concerning overrunning time limits

-in 2009 (January to April) 22 complaints were filed for overrunning time limits (illegal overtime employment) and 212 fines were imposed. At the same time, in the whole country 184 labour disputes were carried out concerning overrunning time limits.

Article 4
Paragraph 3 – Equal pay for work of equal value

Greece has accepted article 1 of the Additional Protocol to the European Social Charter, therefore this paragraph is examined under the Greek report on the Additional Protocol.

Article 4
Paragraph 4 – Reasonable period of notice for termination of employment

Negative Conclusion of the European Committee of Social Rights concerning the remuneration of manual workers

Current situation as regards the valid remunerations of manual workers has been formulated also by Article 3 of National General Collective Labour Agreement 2006-2007 as follows:

Years of previous service	**Remuneration**
2 months - 1 year	5 daily wages
1 year - 2 years	7 daily wages
2 years – 5 years	15 daily wages
5 years – 10 years	30 daily wages
10 years - 15 years	60 daily wages
15 years – 20 years	100 daily wages
20 years – 25 years	120 daily wages
25 years – 30 years	**145 daily wages**
30 years and above	**165 daily wages**

The aforementioned scale is amended via the social dialogue with the occasional National General Collective Labour Agreement. With the latest National General Collective Labour Agreement remunerations of the older manual workers with the longer period of previous service have been increased, since they are the ones mostly affected by economic restructuring and have a difficulty to reintegrate in the labour market.

Article 4

Paragraph 5 – Deductions from wages only under conditions

No change has occurred. We refer to the previous Greek Reports (13th Greek Report – Answer to the additional question).

Article 2 – The right to be informed and to be consulted within the undertaking

Negative Conclusion of the European Committee of Social Rights on the grounds that the great majority of workers are not granted this right

With the Presidential Decree 240/06 **"on establishing a general framework for informing and consulting employees"** Directive 2002/14/EC of the European Parliament and of the Council of 11th March 2002 was incorporated into national law.

The decree at stake constitutes a general framework that stipulates the minimum requirements as regards the right to information and consultation of the employees in the undertakings or enterprises on Greek territory, without affecting any valid provisions. This Presidential Decree does not apply on crews of seagoing vessels.

The decree applies on:

a) enterprises that employ at least 50 employees

b) undertakings that employ at least 50 employees

Lowest numbers of employed workers in the enterprise or undertaking are specified according to the number of employees at the beginning of the calendar month when the present article applies independently of any possible changes in the number of employed workers during the same month.

In Article 4, with the reservation of possible provisions or practices that are more favourable to the employees, the particular details of exercising the right to information and consultation are specified. In particular, information and consultation cover:

a) information about the recent and likely future development of the activities and of the economic condition of the undertaking or the enterprise

b) information and consultation about the condition, the structure and likely future development of the employment in the undertaking or the enterprise, as well as the prevention measures probably foreseen, especially in the case that employment is at risk

c) information and consultation about decisions that may result in substantial changes as regards organisation of work or employment contracts, including contracts that fall under the valid provisions of Law 1387/1983 "Controlling mass redundancies and other provisions" (Official Gazette110/A') and of Presidential Decree 178/2002 (Official Gazette 162/A'/2002) "Measures for the protection of the rights of employees in the case of transfer of undertakings, businesses or of parts of businesses or undertakings" (in conformity with Directive 98/50/EC of the Council").

Information procedures are carried out at appropriate time, place and with the

appropriate content so that the representatives of the employees are able to do the necessary examination and, possibly, prepare for consultation.

Consultation procedures are carried out:

a) at appropriate time, place and with the appropriate content

b) at the proper level of management and representation depending on the issues discussed

c) on the basis of information provided by the employer and the opinion presented by the representatives of the employees according to their rights

d) in a way that makes sure that the representatives of the employees can meet the employer in person and can receive a justified reply to the opinion that they have possibly presented

e) with a view of achieving an agreement as regards the decisions that belong to the responsibilities of the employer and are mentioned in paragraph 2, point c of this article.

Furthermore, according to Article 5, social partners may use an agreement in order to freely and at any time specify at the proper level the practical details of informing and consulting the employees.

Article 6 provides for the obligation of the representatives of the employees and of the specialists who may support them not to reveal any information that has been given to them confidentially, in order to protect the legal interests of the enterprise. Furthermore, when information is such that it could obstruct and harm the enterprise, it is provided for the possibility that the employer does not reveal any information and does not do any consultations. In case of disagreement, interested parties can appeal to the Single Judge Court of First Instance of the principal place of the enterprise.

Article 7 is about the protection and the facilitations that enjoy the representatives of the employees in order to carry out their duties, according to the provisions of Law 1264/1982 and Law 1767/1988.

According to Article 7§2, Presidential Decree 240/06 "to the representatives of the employees a leave on pay is given for the time required in order to perform the tasks arising from the present Presidential Decree" and according to §3 of the same article "...the employer shall provide them with any possible facilitation in order for them to carry out their duties". The facilitations provided to the representatives of the employees, as specified by Law 1767/1988, are the following: a) the employer shall offer an appropriate place for the general assembly of the employees (Article 8§1) b) the employer shall provide to the Council of the Employees appropriate room at their work place to house their offices and appropriate place for the announcements (Article 8§2), c) the president of the Employees Council or his/her assistant are exempted from the obligation to work for two (2) hours per week, provided that this is necessary in order for them to carry out their duties (Article 10§1) d) during their term of office, the members of the Council of the Employees have the right for a paid leave up to 12 days in order to participate to training programs and finally e) the members of the Council of the Employees are allowed access to all work places

at any time if this is considered necessary by the Council (Article 10§6).

Finally, by Article 8 of the Presidential Decree, protection of the rights of the representatives of the employees is ensured, that is:

1. It is forbidden to the employers or to persons acting on their behalf or to any third person to engage in acts or omissions in order to obstruct the exercise of the rights of the representatives of the employees that arise from this decree.

2. a) Failure to comply with the obligations emanating from the provisions of the decree results in the enforcement of administrative penalties in accordance with Article 16 of Law 2639/1998.

That is:
"1. To the employer who violates the provisions of the Labour Law with a justified act of the responsible Supervisor of Directorate of Labour Inspectorate or of Centre for the Prevention from Professional Risks or of the Special Labour Inspector who checked the case and after the employer has been invited to provide explanations, is imposed:

a. Fine for each violation, from five hundred Euro (500,00€) up to fifty thousand Euro (50.000,00€).

b. Temporary pause of the operation of the particular productive procedure or of the department or of the departments or of the whole of the enterprise or undertaking for a time interval up to three (3) days. In addition, with a decision of the Minister of Employment and Social Insurance, it is possible, after a justified proposal of the competent Labour Inspector, to impose on the employer a temporary pause of the operation for a time interval longer than three (3) days or even a permanent pause of the operation of the particular productive procedure or of the department or of the departments or of the whole of the enterprise or undertaking.

Presidential Decree 240/06 has not provided for criminal penalties, it has provided only for administrative ones. Nevertheless, Article 7§1, Presidential Decree 240/06 is about the protection that enjoy the representatives of the employees when they exercise their duties, as they are described in Law 1264/82 and Law 1767/88. That is:

-Articles 14§5 and 9, Law 1264/82 (Article 9§1, Law 1767/88) are about protection against discharge and transfer respectively, and Article 14§10 is about the reasons according to which a representative of the employees could be made redundant only restrictively. Only the Committee for the Protection of Union Members (E.P.S.S.), Article 15, Law 1264/82 replaced by Article 25, Law 1545/85 is competent to give a decision as to whether such a reason exists and consequently a representative of the employees can be made redundant or whether the transfer of a representative of the employees is necessary. The primary committee has three members and the president of the Court of First Instance of the area where the employee works is nominated as the president of the Committee. The Committee is a collective administrative body and its decisions are administrative acts. Against the decisions of the Committee as

enforcement administrative acts a recourse to the Council of State is possible.

By Article 9§2, Law 1767/88 it is forbidden to employers, to persons who act on their behalf or to third persons to prohibit the employees from exercising their rights while Article 9§3 of the same law specifies that being and acting as a member of the Council of the Employees can not be a reason for unfavourable treatment by the employer.

Furthermore, Law 1767/88 (Article 17§1 and 2), by referring to Article 16§8 and 9, Law 1264/82, provides for the possibility of appealing to the Court against the employer or against a third person who violates provisions of the law about the protection of the members of the Council of Employees and of their actions, about the provision of facilitations and about the right of co-decision and receiving information. Article 17§1 specifies that "if the employer does not conform to his/her obligations that arise from the provisions of Articles 8,12 and 13, the provisions of Article 16§8 and 9, Law 1264/82 are applied accordingly". Article 16§8, Law 1264/82 is about the decision of the Labour Inspector if any disagreement occurs, and §9 is about the right of the employer to appeal to the Justice of Peace. The Justice of Peace judges according to the procedure specified with Articles 663 and next ones, Code of Civil Procedure (Special procedure of labour disputes).

Concerning the clarifications asked by the European Committee of Social Rights, about the Council of the Employees and Trade Unions, we would like to inform you of the following:

Council of the Employees (C.E.) is an institution for the participation of the employees to the employers' decisions that concern them, in fact of all the employees and not the members of the union only. At work time decisions are made at the exploitation place, that aim at the improvement of work terms and conditions in accordance with the development of the enterprise.

According to the interpretative circular (register number 51759/13.6.88) of the Ministry of Employment and Social Protection concerning Law 1767/88, participation and advisory work can be done by the C.E. who take precedence over trade unions in this field. Although the C.E. put forward the rights and the needs of employees at exploitation level, they are not instruments for struggling and for claiming the interests of the employees by opposing the employers. Consequently, the activities of the Unions differ from the activities and the mission of C.E. The aim of the legislator is the harmonious cooperation, mutual information and opinion exchange between the C.E. and the Unions at work place.

More particularly, according to Article 12, paragraph 4, Law 1767/88, as it was replaced by Article 8, paragraph 3, Law 2224/94, C.E.:

"4. together with the employer decide on the following issues:
a) compilation of the rules of procedure of the enterprise
b) the health and safety regulation of the enterprise
c) compilation of training programs about the new methods for

organising the enterprise and the use of new technologies

d) scheduling the training, continuing education and the retraining of the personnel, especially after any modification of the technology used

e) the ways of checking the presence and behaviour of the personnel in the framework of the protection of the personality of the employees, especially from the audio-video media

f) programming annual leaves

g) reintegration of persons disabled by an occupational accident that took place at the enterprise at employment positions suitable to them

h) scheduling and controlling cultural, recreation and social events

The above responsibilities are practiced by the C.E. only if there is no trade union functioning in the enterprise and these issues are not subject to a Collective Labour Agreement.

It should however be noted that those issues are principally regulated with an enterprise Collective Labour Agreement. Nevertheless, if the Union of the enterprise does not pursue this type of regulation, then C.E. can regulate these issues in agreement with the employer, as it is specified in the interpretative circular of Law 1767/88.

Finally, according to Article 5, paragraph 1 of the same law, C.E., if there is no enterprise union, are responsible to bring to the employer any issue relevant to the application of the Labour Law, materialisation of Collective Labour Agreements and any other agreements that result in particular conditions, favourable to the employees in the work place.

According to Article 13

§1. The employer shall inform C.E. about the following issues before the application of his/her respective decisions:

a) change of the legal status of the enterprise

b) total or partial transfer, expansion or reduction of its premises

c) introduction of new technologies

d) changes in personnel structure, increase or decrease of the number or employees, temporary lay-offs and job rotations

e) annual scheduling of investments concerning the measures of health and safety of the enterprise

f) give to the C.E. any piece of information concerning the aforementioned issues and the issues in Article 12 of this law

g) scheduling of possible overtime work.

§2. In addition, C.E. have the right to be informed about:

a) the general trends of the enterprise as regards the economic sector as well as production scheduling

b) the balance sheet and the report of the enterprise

c) the operating account of the enterprise

§6. The members of C.E. and the employer each time make joint decisions about

the topics of joint meetings and the information that can be given to third parts".

The issues above that concern crucial work agreements and directly influence employee relations, according to the law, should be communicated to the C.E. before their materialisation.

The following issues mentioned in Article 12 are among the responsibilities of C.E.:
§5. "study and propose ways of improving the productivity of all production factors"
§6. "propose measures for the improvement of work terms and conditions"
§7. "propose their members as members of the Committee for Health and Safety"

Trade unions

Article 7, paragraph 1, Law 1264/82 specifies that: "all employees who within the last year have completed two months of work with the enterprise or undertaking or in their specialisation, have the right to become members of one organisation of the enterprise or undertaking and of one organisation of their professional specialisation, provided that they meet the legal provisions set by the organisation constitutions.

Article 10 of the same law specifies that:

§1 "employees who are members of the primary Unions, elect their boards, their audit committees and their representatives in the secondary organisations and can be elected, provided that they have fulfilled their financial obligations according to the organisation's constitution"

§2 "all primary trade unions participate with their representatives in the election of the administrative bodies of the Federation and the Labour Centre to which they belong, provided they have fulfilled the financial obligations according to each organisation's constitution"

§3"all secondary trade unions elect representatives for higher unions only".

From the above it can be inferred that the right of electing and being elected as a member of the board, the audit committee or as representative to a higher union belongs only to the members of the trade union provided they have fulfilled their financial obligations according to each organisation's constitution. Employees who are not members do not have this right.

Elections for the bodies of the trade unions are done with the proportional representation system (Article 12§1) and are carried out by an electoral committee chaired by a legal representative (article 11§1).

Presidential Decree 240/2006 does not affect the special procedures of information and consultation of Presidential Decree 178/2002 (Official Gazette 162/A'/2002) "Measures for the protection of the rights of employees in the case

of transfer of undertakings, businesses or of parts of businesses or undertakings, in conformity with Directive 98/50/EC of the Council", article 8 of which provides for the following:

The transferring partner and the legal successor shall inform the representatives of the employees, who are affected by the transfer, about the following: a) the date or the proposed date of transfer b) the reasons for the transfer c) the legal, economic and social implications for the employees resulting from the transfer d) any measures provided concerning the employees. The transferring partner shall inform the representatives of his/her employees on these issues in good time and in any case, well before his/her employees are directly affected by the transfer as regards their conditions of employment and work.

When the transferring partner or the legal successor intends to take measures for changing the status of their employees, they shall consult the representatives of his/her employees on such measures in good time with a view to seeking agreement.

The results of consultations shall be written down in proceedings where the final positions of the interested parts will be expressed.

The obligations that are stipulated in the present article are valid either in the case that the decision about the transfer was made by the employer or by an enterprise that controls the employer. Furthermore, the employer shall conform to the obligations described in the present article even if the enterprise that controls him/her has ceased to provide information.

In case that in an undertaking or a business there are no representatives of the employees for reasons beyond their will, the employer shall inform all the employees well in advance and in written about a) the date or the proposed date of transfer b) the reasons for the transfer c) the legal, economic and social implications for the employees resulting from the transfer d) any measures provided concerning the employees.

All employees are informed at the same time and all are informed in good time.

As regards the issue of informing and consulting the employees with fixed term contracts, no change has occurred with Presidential Decree 180/2004 (Official Gazette 160/A'/2004), that modified Presidential Decree 81/2003 (Official Gazette 77/A'/2003) "Arrangements concerning employees with fixed term contracts". The relevant provisions of Presidential Decree 81/2003 have been set out in the 3rd Greek Report, Article 3 of the Additional Protocol.

-Maritime work

Starting from the commonly recognised specificities both at national and international levels with regard to labour provided in other branches of the economic activity, maritime work is governed by **special provisions** of

domestic law which is in compliance with the **requirements of International Instruments and the requirements of the European Union**. More specifically, regarding the compliance of domestic law with the requirements of Article 2 of the Additional Protocol to the European Social Charter and taking into account that:

a) The seamen, as workers, in their career, work on the same vessel only for small periods of time /are employed with the same shipping company,
b) Issues concerning the organisation of work and vessel staffing are not related to the decisions of the employer-ship owner, but mainly to the implementation of requirements and relevant provisions imposed by the national and international maritime law,

we would like to note that **a Presidential Decree applies which provides for the establishment of a general framework regarding the information of and consultation with vessels' crews**; this decree is the outcome of consultations with the maritime social partners, securing the realistic, substantial and effective information of – consultation with vessels' crews, acknowledging at the same time the institutional role of the Panhellenic Seamen's Federation (the second degree seamen's organisation) in the representation of Greek Seamen.

More specifically, by virtue of the Presidential Decree 190/08 (O.G. A' 248) on the «*Establishment of a general framework concerning the information of and the consultation with the ocean going vessels' crews, in compliance with the Directive 2002/14/EC of the European Parliament and the European Council dated March the 11th 2002 on the "establishment of a general framework concerning the information of and the consultation with workers in the European Community" (L 80)*», the details regarding the information of and the consultation with vessels' crews are determined on the basis of the practices and specificities of the maritime work. During the information and consultation process the ship owner and the seamen's representatives work in a spirit of partnership, respecting mutually their rights and obligations and taking into account both the interests of the ship owner and those of the seamen. More specifically, **reflecting the provisions of article 2 para1 of the 1988 Additional Protocol and within the framework of the provisions in para2 of the above article**, information and consultation cover the communication of data from the ship owner to the seamen's representatives and the exchange of views and/or the negotiations between them over possible developments concerning the vessel's operation and the financial status of the ship owner, in case these developments may result in partial or total, permanent loss of jobs for the seamen or the application of different employment and remuneration terms on the vessel. Information is given and consultation is held:

a. at a convenient time, in an efficient manner and with the appropriate content,

b. on the basis of data provided for by the ship owner and the opinion, which seafarers' representatives are entitled to express,

c. in such a manner, so that seafarers' representatives could meet the ship owner or his representative and take a reasoned answer to the opinion they have probably expressed,
d. with a view to achieving the conclusion of an agreement about the actions concerning the decisions laying within the ship owner's competence.

In accordance with article 6 of the above Presidential Decree on the protection of the aforementioned seafarers' rights and the supervision of fulfillment of ship owners' obligations:

- Complaints about non-compliance with the obligations of the ship owner and seafarers' representatives, as these are defined in the Presidential Decree, are investigated by the Head of Directorate for Maritime Work, within the framework of a pre-defined, common and similar system of written procedures and stages.
- In case a violation has been ascertained, irrespective of whether criminal proceedings are to be conducted, a fine is imposed by reasoned decision of the above-mentioned Head of Directorate.

Article 3 – The right to take part in the determination and improvement of the working conditions and work environment in the undertaking

Negative Conclusion of the European Committee of Social Rights on the grounds that the great majority of workers are not granted this right

The right of participation to the improvement of work conditions and of the work environment within the enterprise as far as health and safety is concerned, is given not only to the vast majority, but to all the employees without exception.

This is proved by the clear and explicit provisions of the National Law that were presented in the first Greek report, the most important of which are presented again in what follows:

In Article 10 under the title "Consultations and participation of the employees" of the Presidential Decree 17/1996 "Measures for the improvement of safety and health of the employees at work" it is provided that, apart from the provisions about the responsibilities of the representatives of the employees and the Committees for Health and Safety at Work (E.Y.A.E) of Law 1568/85 and about the Councils of the Employees of Law 1767/88, the following hold, among others:

1. The employers ask for the employees' opinion and facilitate their participation within the framework of all issues related to safety and health at work. This entails consultation with the employees and the right of the employees and of their representatives to make proposals.
2. Employees participate in a balanced way and according to the valid legislation and/or practice, or their opinion is sought by the employer in advance and in good time as regards:
    a) any activity that may have substantial effects on safety and health
    b) identification of employees in the enterprise or/and of individuals beyond the enterprise or/and of the External Service for Protection and Prevention who take up the duties of safety technician or/and of occupational physician, as well as of their activities and the identification of the employees who are responsible for the application of the measures concerning first aids, safety against fire and the evacuation of spaces by the employees
    c)information about the written estimation of risks and the identification of protection measures, information about the special book and the list of accidents and information concerning the legislation about safety and health and the measures for protection and prevention
    d) planning and organisation of training of the employees on issues of safety and health
    e) compilation of the regulation about health and safety at work
    f) dealing with problems concerning the interaction of work environment with the wider environment
3. The employees should not suffer unfavourable conditions because of their

activities that are described above
4. The employees have the right to address to the responsible Work Inspectorate, if they believe that the measures taken and the facilities provided by the employer are not enough to ensure safety and health at work.

We would like to point out that the election of Committees or of Representatives of the Employees for issues of safety and health at work or the appointment of Representatives from the C.E. is simply a right of the employees, that, even if it has not as yet been exercised, does not prevent the employees from participating to procedures provided by the legislation in order to ensure their participation to the regulation and improvement of work conditions in the enterprise.

Beyond and independently of the above regulations that provide for the participation of employees in the improvement of work environment, national legislation gives the right to the employees to take measures on their own in case of immediate and serious danger for their own safety or for the safety of other people when it is not possible to communicate with the responsible supervisor (Presidential Decree 17/96, Article 9, paragraph 5). Furthermore, all employees have the right to stop working and abandon work place in case of serious, immediate and inescapable danger with no unfavourable implication (Presidential Decree 17/96, Article 9, paragraphs 3 and 4).

In a nutshell, we would like to point out the following:

All employees with no exception, in all enterprises, even if no trade unions or C.E. exist, have the right to select their representatives in issues of regulation and improvement of work conditions and work environment (based on provisions of Law 1568, Articles 3 and 3 and Presidential Decree 17/96, Article 3). The responsibilities of these representatives and the obligations of the employers towards them ensure the provisions of Article 3 of the Additional Protocol.

The right of participation in the improvement of work conditions and work environment within the enterprise is maintained by the employees even in the case when they do not exercise their right mentioned in the previous paragraph to select representatives on these issues (Presidential Decree 17/96, Article 10).

Given the above, it becomes clear that the national law does not make the existence of representatives (that is, committees or councils or trade unions) a prerequisite for the participation of employees. Instead, all employees can directly participate to the regulation and improvement of work conditions. Actually, this is not simply a right of the employees but an obligation of the employer as well (Presidential Decree 17/96, Article 10) and failure to conform to it results in punishment.

According to article 16 of Presidential Decree 17/96, every employer who violates these provisions faces administrative (fine and temporary suspension of

the works of the enterprise) and penal sanctions.

The right of the employees to participate in the determination and improvement of the working environment and conditions is also provided in Law 1767/88 "Councils of the Employees and other labour provisions".

Article 12 refers to the issues (compilation of the rules of procedure of the enterprise, proposal of measures towards the improvement of working terms and conditions, suggestion of means for increasing productivity, programming annual leaves, etc), which are dealt with by the enterprise trade union, provided it exists and has the intention to fix them. In case that these issues are not regulated by the enterprise trade union or by Collective Labour Agreement, the Council of the Employees and the employer co decide on them.

(A detailed presentation of the aforementioned provisions of Law 1767/88 has been given in the answer on Article 2 of the Additional Protocol).

ANNEX

This table includes the development of minimum wage and salary for married unemployed people, according to years of occupational experience, for the period 1.1.2005 to date, on the basis of the National General Collective Labour Agreements.

TABLE – MINIMUM WAGE AND SALARY N.G.C.L.A. OF YEARS 2005-2009

MANUAL WORKERS

DATE	SINGLE							MARRIED							DATE
	YEARS OF OCCUPATIONAL EXPERIENCE							YEARS OF OCCUPATIONAL EXPERIENCE							
	0-3	3-6	6-9	9-12	12-15	15-18	18-ABOVE	0-3	3-6	6-9	9-12	12-15	15-18	18-ABOVE	
1/1/05*	25,56	26,51	27,78	29,03	30,30	31,56		28,12	29,06	30,33	31,59	32,86	34,12		**1/1/05***
1/9/05*	26,41	27,38	28,69	29,99	31,30	32,60		29,05	30,02	31,33	32,63	33,94	35,24		**1/9/05***
1/1/06*	27,18	28,17	29,52	30,86	32,21	33,55		29,89	30,89	32,24	33,58	34,92	36,26		**1/1/06***
1/9/06*	27,96	28,98	30,38	31,76	33,14	34,52		30,76	31,79	33,17	34,55	35,94	37,31		**1/9/06***
1/5/07*	29,39	30,47	31,93	33,37	34,83	36,28		32,33	33,41	34,87	36,31	37,77	39,22		**1/5/07***
1/1/08*	30,40	31,52	33,03	34,52	36,03	37,53	39,05	33,45	34,56	36,07	37,56	39,07	40,57	42,09	**1/1/08***
1/9/08*	31,32	32,47	34,02	35,56	37,11	38,66	40,22	34,45	35,60	37,16	38,69	40,25	41,79	43,35	**1/9/08***
1/5/09*	33,04	34,25	35,89	37,51	39,15	40,78	42,43	36,34	37,56	39,20	40,82	42,46	44,09	45,74	**1/5/09***

The following National General Collective Labour Agreements were taken into account

EMPLOYEES									
DATE	**SINGLE**				**MARRIED**				**DATE**
	YEARS OF OCCUPATIONAL EXPERIENCE				**YEARS OF OCCUPATIONAL EXPERIENCE**				
	0-3	**3-6**	**6-9**	**9-ABOVE**	**0-3**	**3-6**	**6-9**	**9-ABOVE**	
1/1/05*	572,30	619,97	676,33	732,69	629,53	677,20	733,56	789,92	**1/1/05***
1/9/05*	591,18	640,43	698,65	756,87	650,30	699,55	757,77	815,99	**1/9/05***
1/1/06*	608,32	659,00	718,91	778,82	669,16	719,84	779,75	839,65	**1/1/06***
1/9/06*	625,97	678,11	739,76	801,41	688,56	740,71	802,36	864,00	**1/9/06***
1/5/07*	657,89	712,70	777,49	842,28	723,68	778,49	843,28	908,07	**1/5/07***
1/1/08*	680,59	737,29	804,31	871,34	748,65	805,35	872,37	939,40	**1/1/08***
1/9/08*	701,00	759,41	828,44	897,48	771,11	829,51	898,54	967,58	**1/9/08***
1/5/09*	739,56	801,17	874,01	946,84	813,52	875,13	947,96	1020,80	**1/5/09***

Από 24-5-04 PN. 16/28-5-04

Από 12-4-06 PN. 14/13-4-06

Από 2-4-08 PN. 13/18-4-08

* EURO