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EUROPEAN SOCIAL CHARTER

24th National report on the implementation of the 1961 European Social Charter

(Articles 2 and 4)

and

9th National report on the implementation of the 1961 European Social Charter

(Articles 2 and 3 of the 1988 Additional Protocol)

submitted by

THE GOVERNMENT OF GREECE

for the period 01/01/2009 – 31/12/2012)

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24th Greek Report on the European Social Charter

Article 2
The right to just conditions of work

Article 4
The right to a fair remuneration

Period of Reference
01/01/2009 – 31/12/2012

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Ministry of Labour,
Social Security and Welfare

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Article 2 – The right to just conditions of work

Paragraph 1 – Reasonable daily and weekly working hours

Question 1 – General legal framework

Those mentioned in the previous Report of the Greek Government still apply. Moreover, we wish to inform you as follows:

(A) As regards the workers in the private sector, there was a change with regard to the *minimum daily rest*. More specifically, according to art. 1 of Law 4093/2012 (O.G. A΄ 222), which is in full compliance with Directive 93/104/EC, for every period of 24 hours, the minimum daily rest shall be 11 consecutive hours. This 24-hour period starts at 00:01 and ends at 24:00.

(B) As regards the workers in the public sector, there was a change with regard to the *weekly working hours* of employees at public agencies, local government organizations and public law entities. More specifically, article 41 of Law 3979/2011 (O.G. A΄ 138) "on e-Government and other provisions" replaced paragraph 5, article 1, Law 1157/1981 (O.G. A΄ 126), hence, the weekly working time was increased from thirty seven and a half (37 and ½) hours to forty (40) hours.

This new weekly working time concerns the permanent employees and personnel working under an open-ended private law employment relationship at agencies of the State, first- and second-level local government organizations and other public law entities, as well as categories of personnel working at agencies and bodies of the State and of the wider public sector that follow their work schedule. This regulation does not affect the work schedule of teaching professionals of all grades.

Moreover, the Minister of Administrative Reform and e-Government accepted the opinion given by the Legal Council of the State, according to which the reduction in the working hours by one (1) hour per day may be extended, without the respective wages cuts, to cover the regular employees or employees working under an open-ended private law employment relationship at agencies of the State, public law entities and local government organizations, who enjoy a special work schedule (specially designated) and have an assessed degree of disability of at least 67% or have children with a degree of intellectual, mental or physical disability of at least 67% or a wife with a degree of disability of 100% being their dependant.

Upon acceptance of this opinion, the said facility constitutes an independent right of the employees who meet the legal requirements and also enables a more effective tackling of health problems related to disability, for which the State should care and take the necessary measures.

Finally, the acceptance by the Minister of Administrative Reform and e-Government of another opinion of the Legal Council of the State is pending. According to this opinion, a reduction in the working hours by one (1) hour per day, without the respective wages cuts, may apply to employees working under a fixed- term private law employment relationship at agencies of the State, public law entities and local government organizations, who have an assessed degree of disability of at least 67% or have children with a degree of intellectual, mental or

physical disability of at least 67% or a wife with a degree of disability of 100% being their dependant, and who already enjoy reduced working hours.

Question 2 – Measures taken to implement the legal framework

By decision of the Minister of Administrative Reform and e-Government "Establishment of the arrival and departure time for employees of public agencies and public law entities", the arrival and departure time for **civil servants** shall, at their option, be as follows:
(a) arrival time: 07:00 - departure time: 15:00
(b) arrival time: 07:30 - departure time: 15:30
(c) arrival time: 08:00 - departure time: 16:00
(d) arrival time: 08:30 - departure time: 16:30
(e) arrival time: 09:00 - departure time: 17:00

This new regulation aims at:
- equalizing the working hours of workers in the public and private sectors under the current fiscal and social circumstances;
- enhancing the productivity of public agencies and, more specifically, of those that deal directly and daily with the public (citizens – enterprises), as required by the society at large; and
- meeting the current administrative needs and, hence, reducing the need for hiring additional personnel.

Answers to the additional questions of the ECSR

According to article 2 "Tasks and powers – Inspection and support tasks" of Law 3996/2011 (O.G. 170/A/5-8-2011) "Reform of the Labour Inspectorate, regulation of social security issues and other provisions", the tasks of the Labour Inspectorate include to monitor and control the implementation of the labour law provisions, inter alia, on the terms and conditions of work and the working time. For the discharge of its tasks, the Labour Inspectorate shall monitor and inspect the workplaces in any enterprise and undertaking of the primary, secondary and tertiary sectors and, in general, any private or public workplace and undertaking or place where it seems probable that workers are employed.

Concerning the additional question of the ECSR about the control of the compliance with the regulations on the working hours, below is a table containing statistical data kept by the Labour Inspectorate with regard to the control by the Labour Relations Inspectors of the compliance with the provisions on the **exceeding of the working time**.

YEAR	FINES	COMPLAINTS– REPORTS	LABOUR DISPUTES
2009	741	50	404
2010	917	15	401
2011	474	16	505
2012	675	13	643

Paragraph 2 – Public holidays with pay

Question 1 – General legal framework

Those mentioned in the previous Report of the Greek Government still apply. We recall that employees at public agencies, local government organizations and public law entities obtain a compensatory rest day within the week, in case they work on Sunday or public holiday.

Regarding the workers in the private sector, we recall that every industrial, manufacturing, commercial work and every professional activity on Sundays and public holidays is prohibited. In that regard, it is also forbidden to employ personnel, with the exception of the cases expressly stipulated by the relevant provisions under the circumstances described in Royal Decree 748/1966.

It is pointed out that, according to para1, art. 10, Royal Decree 748/1966, salaried workers in the private sector working on Sunday shall be entitled to a compensatory weekly rest period of twenty-four (24) consecutive hours on another working day.

Besides, in Greece article 4 of Royal Decree 748/1966 provides for four (4) mandatory public holidays per year plus one (1) discretionary public holiday at the employer's discretion, as well as the 1st of May, which may be declared a mandatory public holiday by decision of the Minister of Labour from time to time. If personnel in the private sector work on those four plus two days, they shall receive the statutory daily wage increased by 75%. At this point, we wish to reiterate that in Greece the decisions on crucial labour law issues are taken upon consultation among the social partners. Hence, any increase in the additional remuneration, to which workers on public holidays are entitled, shall be a result of a dialogue among the social partners at the appropriate level, in order to be a generally acceptable decision.

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

Question 1 – General legal framework

Workers in the public sector

Those mentioned in the previous Report of the Greek Government still apply.

Workers in the private sector

Those mentioned in the previous Report of the Greek Government still apply.

Moreover, indent 3, subparaIA.14, article 1, Law 4093/2012 as well as Circular no 26352/839/28-11-2012 of the Ministry of Labour, Social Security and Welfare update the procedure for the granting and division of the annual ordinary leave of workers, in order to cover all types of enterprises and be able to **meet the seasonal needs** arising in certain enterprises. More specifically, the said provision contemplates as follows:

(a) The employer may divide the leave into two periods within the same calendar year in case of a particularly serious or urgent need arising in the

context of the enterprise or undertaking. The first period of leave granted in this way may not be shorter than six (6) working days if a system of six-day weekly work applies or five (5) working days if a system of five-day weekly work applies or twelve (12) working days if the worker is a minor. In this case, the granting of the two periods of leave shall be agreed between the employer and the worker.
(b) Upon written application by the worker to the employer, the leave may be divided into more than two periods of time, where there are two options:

(i) One part of the leave shall be ten (10) consecutive working days if a system of five-day weekly work applies or twelve (12) working days if a system of six-day weekly work applies or if the worker is a minor. In this case, the procedure shall be governed by the relevant law provisions on leaves, which provide for the granting of leave or part of the leave by the employer to the worker, as agreed between the two parties.

(ii) As regards enterprises employing regular personnel under open-ended dependent employment contracts and temporary/seasonal personnel under fixed-term dependent employment contracts, which at a certain period of the year are at their peak of activity due to the kind or object of their business, the employer may decide to grant to the regular personnel the part of ten (10) or twelve (12) consecutive working days of leave if a system of five-day or six-day weekly work applies respectively, at any time within the calendar year in which the leave must be granted and, in particular, at a period when the work is not so intensive. Employer's decision on the granting of part of the leave of two (2) working days as well as worker's application for division of the leave do not require an approval by the Social Labour Inspectorate, however, the enterprise shall have to keep them for five (5) years and make them available to the Labour Inspectors if requested.

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

Question 1 – General legal framework

As regards workers in the public sector, we refer to the previous Report of the Greek Government.

Concerning workers in the private sector, the latest Collective Labour Agreement on Mines was signed on 26-7-2011 (effective date: 1-1-2011) and concerned the conditions of remuneration and work of workers in metal mines, lignite mines and quarries; this Collective Labour Agreement is still in force. It provides that an unhealthy work allowance shall be paid to categories of workers subject to it, as a percentage of the applicable minimum salary or daily wage from time to time. Moreover, it stipulates that the weekly period of work shall be forty (40) hours and that the 4th of December, feast day of Saint Barbara (Patron Saint of miners), shall be a public holiday.

In addition, the national occupational Collective Labour Agreement dated 30-3-2011 (effective date: 1-1-2011) on operators, drillers, assistant operators of excavating and hoisting machinery in metal and lignite mines across the country, provides for health and safety at work regulations (*article 6.1 Pharmaceutical products at workplace; 2. Personal protection equipment as per*

paragraph 1, article 8, KELME; 3. Supply of Milk). Furthermore, it provides for the granting of a special circumstances allowance, while the 4th of December, feast day of Saint Barbara (Patron Saint of miners), shall be a public holiday.

According to para4, art.2, Act of the Council of Ministers no 6/2012 (O.G. 38/A/28-2-2012) "the regulatory terms of a collective labour agreement that has expired or has been terminated shall be in effect for a period of three (3) months after the expiry of termination thereof…". According to the interpretative circular of the above Act of the Council of Ministers (12-3-2012) "if, upon the lapse of three (3) months after the expiry or termination of a collective labour agreement, a new collective labour agreement has not been concluded, then all regulatory terms concerning the allowances shall cease to apply, however, the regulatory terms that concern the basic salary or basic daily wage (as stipulated by the collective labour agreement that expired or was terminated), on the one hand, and the years of service, child, education and hazardous occupation allowances, on the other hand, shall continue to apply, as long as such allowances were provided for by the collective labour agreements that expired or were terminated.

Finally, we wish to reiterate that according to Law 1876/1990 (O.G. 29/A/1990), as amended and currently in force, the collective bargaining in Greece is free. Article 2 defines the matters that can be the subject of negotiations among the social partners and, eventually, the content of the respective collective labour agreement. Therefore, the trade unions may freely negotiate about matters related to the favourable treatment of workers due to their special conditions of work, and reflect the outcome of the negotiations in the text of the Collective Labour Agreement.

Negative Conclusion of the European Committee of Social Rights concerning the additional holidays or reduced working hours for workers engaged in dangerous or unhealthy occupations

The negative conclusion is based on the Decision of the European Committee of Social Rights on Collective Complaint No. 30/2004 related to the Appeal by the Marangopoulos Foundation for Human Rights (MFHR) against Greece and, regarding para4 of art.2, it concerned the fact that the workers of the Public Power Corporation do not benefit in practice from compensatory measures, such as reduced working hours or additional holidays, due to the arduous nature of their work. At this point, we would like to clarify that, according to its Conclusions, the European Committee of Social Rights acknowledges that the lignite mine workers of the Public Power Corporation are granted compensatory paid holidays of five (5) additional working days per year. Therefore, it focuses on the non-compliance of Greece with the provisions of the European Social Charter with regard to the other categories of employees working underground, who are not entitled to any compensatory time-off (see Conclusions XIX-3).

Concerning workers, other than those in the Public Power Corporation, who work underground, we wish to inform you as follows:

First of all, as regards the workers in the mining sector in general, the social security legislation provides for a very important compensatory benefit

because of the arduous nature of their work. This benefit enables retirement under reduced requirements as compared to the other workers (earlier retirement, shorter period of employment).

Moreover, regarding the legal framework, the Regulation on Mining and Quarrying Works, which is the basic institutional tool governing the operation of mining industry in respect of the safety conditions and rational exploitation, was revised in 2011 by Ministerial Decision no D7/A/12050/2223/14-6-2011 (O.G. 1227 B). By this new Regulation, the Greek legislation incorporated, in a single text, the acquis communautaire on issues concerning the health and safety of workers engaged in the detection, exploitation, utilization and processing of minerals, the mines and quarries restoration works, as well as various labour law issues. In addition, the new Regulation on Mining and Quarrying Works modernizes several provisions in order to be in line with the recent technological developments, while particular emphasis is given to environmental protection issues.

Concerning the workers in underground bauxite, nickel laterite and mixed lead-zinc sulphide ore mines, there is no provision for compensatory measures either in the form of reduced working hours or additional paid holidays. The said workers are covered by the general
provisions of the National General Collective Labour Agreement (see above). However, the long-standing approach of the Greek Government is the support and prevention of occupational risks as well as the gradual but continuous improvement of the conditions of work through the implementation of specific preventive measures, and not the compensation or provision of other kinds of compensatory benefits. Besides, the Greek Government believes that the compensatory measures policy, on the one hand, leads to an undue complacency and, on the other hand, is not in line with the need for continuous alertness by all parties involved, which is necessary for the promotion of health and safety issues. To this end, Laws 1568/1985 on "Health and Safety of Workers" and 2639/1988 on the "Regulation of Labour Relations, Establishment of the Labour Inspectorate and other provisions" were passed.

In accordance with the above, art.11 of the new Regulation on Mining and Quarrying Works provides for measures for the protection of workers' health and safety regarding the time of daily work (successive shifts, etc.), any overtime (overtime is not permitted in underground work with the exception of emergency cases), employment of disadvantaged people, employment of minors or workers in special condition (pregnancy, etc.) and, in general, mining work under a special regime or under special conditions. A similar reference to specific measures is made in article 21 (protection from noise), art.22 and 25 (protection from suspended dust, gases, vapours, radiation, chemical agents, etc.), art.26 (protection from vibrations). Moreover, para2, art.23 concerning the protection of workers from thermal stress provides for intermittent work and/or full cessation of activities where required by thermal stress conditions.

We also wish to reiterate that employees working underground and/or workers in an environment of sediment-related hazards of a cumulative nature, already enjoy a special social security status, because it has been recognized that they perform an arduous and/or hazardous work (under special conditions) and are entitled to retire earlier (reduction of the years during which they are

exposed to risks), since such workers fall under the Regulation on Arduous and Unhealthy Occupations.

Furthermore, it is important to consider that in Greece the number of workers employed in underground mines - continuously or periodically - is very small, that is, less than 3% of the total number of workers in the mining sector, which comprises about 1,100 metal or other mines, quarries and supporting units, where approximately 15,000 workers are employed (average number in the four-year period 2009-2012). The following Table 1 shows the number of such workers.

Table 1: Workers in underground mines across the country for the period 2009-2012

Year of activity	2009	2010	2011	2012
Total number of persons working underground	315	285	306	473

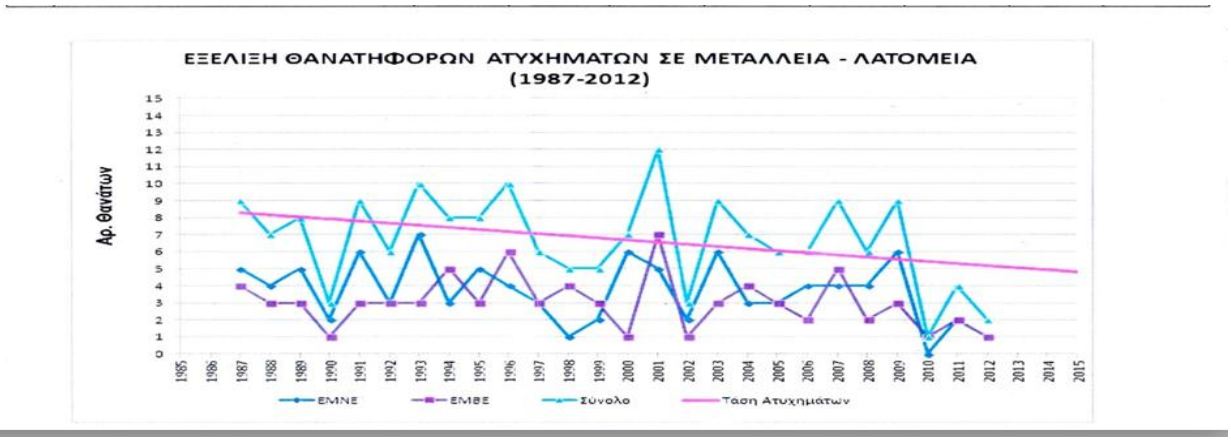
A similar conclusion may be drawn concerning both the number of workers and the overall participation in the entire production process of the other lignite mines, except for those of the Public Power Corporation SA (Table 2). Indeed, the staff in those lignite mines (300-400 workers) do not exceed 5-7% of the total number of workers in the lignite mines of the Public Power Corporation SA (about 4,000-5,000 workers). Moreover, the production in such lignite mines does not exceed 3-5% of the total lignite production in the country.

Table 2: Production and staff of lignite production companies (except the Public Power Corporation SA) for the period 2009-2012

		2012		2011		2010		2009	
S/N	**Lignite production company**	Staff	Production (tons)	Staff	Production (tons)	Staff	Production (tons)	Staff	Production (tons)
1	Lignite mines Eleni Karapati	1	750	1	500	1	900	3	700
2	Lignite mines Emm. Karapatis & Co. Gen. Part.	-	800	1	600	1	1000	3	1250
3	Emm. D. Karapatis	-	900	1	1100	1	1300	3	1650
4	Lignite mines Kyparissia Magdalini Karapati	-	800	1	1000	1	700	3	1800
5	Dimitrios Em. Karapatis + Guano	-	6621	10	3528	10	3468	19	5200
6	Lignite mines Maria Mich. Karapati		5000	4	2500	6	1228	4	2052
7	Lignite mines Achladas SA	224	550845	291	1499291	319	2606860	279	2905201
8	M.E.T.E.	110	420657	114	137026	27	0	41	7226
	TOTAL	**335**	**986373**	**423**	**1645545**	**366**	**2615456**	**355**	**2925079**

Finally, we inform you that, by consistently implementing a policy on the prevention of occupational risks and in an attempt to improve the working conditions through specific preventive measures, the Greek Government has ensured the intensification of inspections carried out by its inspection authorities in mining undertakings across the country, with a view to the enforcement of the legislation and reduction of accidents. The following graph shows the development of fatal accidents in the mining sector from 1987 to 2012 inclusive.

DEVELOPMENT OF FATAL ACCIDENTS IN MINES – QUARRIES (1987-2012)



** Number of deaths; EMNE (Mines Inspectorate of Southern Greece); EMVE (Mines Inspectorate of Northern Greece); total; accidents trend*

Paragraph 5 – Weekly rest period

We refer to the previous Report of the Greek Government. However, given that the European Committee of Social Rights concludes that domestic staff and seamen are not covered by the Greek legislation guaranteeing a weekly rest period, we would like to provide some clarification about seamen. First of all, a distinction should be made between seamen and those working on fishing vessels. According to the Negative Conclusion of the European Committee of Social Rights on the application of art.2§5, workers in the fishing sector are those who are not covered by the Greek legislation regarding the weekly rest period and not seamen in general, who, as acknowledged by the European Committee of Social Rights, are anyhow covered by Presidential Decree 76/2006, whose article 3 stipulates that "a minimum continuous rest period of twenty-four hours per week is ensured for workers".

Therefore, clarifications should be provided about this category of workers in the fishing sector. Such workers are covered by Presidential Decree 152/2003, which stipulates that "the normal working hours' standard of seafarers is, in principle, based on an eight-hour day with one day of rest per week and rest on public holidays". Moreover, according to art.3 of the same P.D., the term 'seafarer' "means any person who is employed or engaged in any capacity on board a seagoing ship**".** Therefore, workers in fishing are included too**.**

Besides, Directives 2003/88/EC, 1999/63/EC and 1999/95/EC have been incorporated in the Greek legislation, which provide that "the minimum hours of rest for seafarers may not be less than 10 hours in any 24-hour period and 77 hours in any seven-day period".

From the above it is concluded that the national law meets the international requirements both as regards seafarers in general and workers in fishing, since it covers the granting of daily and weekly rest to the said workers.

Concerning **domestic staff**, as the representative of the Greek Government stated during the proceedings of the 123rd Government Committee, this issue was going to be discussed for the first time in the ILO Conference in June 2011, where an International Labour Convention accompanied by an International Labour Recommendation on Decent Work for Domestic Workers would be adopted. Indeed, during the proceedings of the 100th International Labour Conference, the International Labour Convention No. 189 and the International Labour Recommendation No. 201 on "Decent Work for Domestic Workers" were adopted. Both texts have been submitted to the Hellenic Parliament, which will consider whether they will be ratified.

At this point, we wish to note that domestic work– as is well known – is a type of work with many particularities and concerns a vulnerable group of workers, who not only work but often live in their employer's house (live-in personnel), and this makes the distinction between working time and non-working time as well as, in general, the compliance with the basic conditions of work, more difficult. Moreover, in case of violations, it is difficult to control the application of the relevant provisions and take measures, because of the place of performance of the work (employer's house), which is not accessible, therefore the Labour Inspectorate cannot intervene. In particular, in Greece the following apply:

(A) From articles 647, 648 and 663 of the Civil Code; para1(b), art.3, Royal Decree as of 16-7-1920; para2(a), art.1, Emergency Law 539/1945; subpara(c), single article, Royal Decree 376/1971 "on extension of Emergency Law 539/1945 to cover domestic and other personnel"; para1(d), art.2, Royal Decree 748/1996; art.43, Law 1836/1989; para2, art.8, National General Collective Labour Agreement as of 26-2-1975 ratified by Law 133/1975; in conjunction with para1, art.1, Law 1876/1990, the following appear: (a) **Definition – Domestic Workers** are those who, under a dependent employment contract, provide their services to the employer (who is entitled to claim the performance of the work from the worker and is obliged to pay the wages), mainly in furtherance of the domestic or personal needs of the employer, his/her family members or third parties. Their secondary employment in activities related to the employer's occupation carried out in his/her house may not cancel their capacity of domestic workers. Where such workers live and eat in their employer's house, they are called "**live-in domestic workers**". The same applies if the employer and the worker have agreed that the worker will provide his/her services to a third person (art.651 of the Civil Code); (b) Due to the peculiar nature of the (live-in) domestic workers' services and the special circumstances under which they provide them (within the domestic environment and under circumstances of trust and special care for the worker – article 663 of the Civil Code), the special provisions on working time of workers, extra working hours, overtime and increments, the provisions that prohibit work on Sundays and

excluded days, the provisions on work on Sundays and holidays, the provisions on the payment of increments for work on Sundays and at night as well as the provisions on journeys outside the place of employment may not apply to (live-in) domestic workers.

However, according to article 663 of the Civil Code, the employer shall be bound to make such arrangements concerning the periods of work and rest of the live-in domestic worker as to safeguard his/her health as well as the exercise of his/her religious and civil rights. In addition, Royal Decree 376/1971 and paragraph 2, article 8, National General Collective Labour Agreement dated 26.2.1975 extended the scope of Emergency Law 539/1945 in order to cover the aforesaid regarding the granting of paid leave (as well as the holiday allowance and compensation). They are also entitled to receive Christmas and Easter bonuses under article 1, Law 1082/1980 and paragraph 9, article 4, Ministerial Decision 19040/1981.

(B) Presidential Decree 76/2005 "Amendment of Presidential Decree 88/1999 'Minimum standards for the organisation of working time in compliance with Directive 93/104/EC', which was issued in compliance with Directive 2000/34/EC of the European Parliament and of the Council" does not apply to domestic workers (they are also excluded by Presidential Decree 88/1999). The Directive on the organisation of working time (Directive 93/104/EC as amended and currently in force) was drafted on the legal basis of protecting workers' health and safety, thus, the social provisions on working hours largely 'follow' the exemptions and derogations stipulated by the relevant legislation on working conditions.

Article 4 – The right to a fair remuneration

Paragraph 1: The right of workers to a remuneration such as will give them and their families a decent standard of living

Public-Sector Salary Scheme

From 1-1-2009 to 31-10-2010, the public-sector salary scheme of permanent civil servants working with the State, Legal Persons governed by public law and Local Authorities was defined according to Law 3205/2003 (Government Gazette 297 Issue A'). Such law had established a remuneration system dependent upon the years of service and the class of each civil servant, under the Hellenic Code of Civil Servants. More specifically, monthly earnings of each civil servant consisted of the basic salary of each Salary Grade (SG) at which the civil servant was classified, on the one hand, and, on the other hand, of the benefits he/she was entitled to, according to articles 8, 11, 12, 13 and 24 of the same law, subject to the fulfillment of conditions for their payment. It is noted that up to 2008, minimum wages of each salary grade, as they were defined according to the above mentioned provisions, were being readjusted annually, on the basis of the increase rate defined by legislation regarding the annual wage policy.

What is more, the provisions of Part B (articles 29 to 55) of the above law amended, codified or restructured the applicable provisions regarding the special-sectoral remuneration grids regulating the earnings of particular classes of civil servants and Public Officials (e.g. Judicial Officials (Judges), NHS Physicians, etc) including Armed Forces and Law Enforcement personnel.

It is noted that article 24(3)(a) of Law 3205/2003 provided that "*issues addressed by this law shall not be subject to collective bargaining".*

Concerning the wage arrangements of the *personnel working under open-ended or fixed term employment relationships governed by private law, employed by the State, Legal Persons governed by public law and Local Authorities*, you are hereby advised that the provisions of Law 1876/1990 established the framework of collective bargaining, concerning all the employees working under a dependent employment relationship governed by private law with any domestic or non-domestic employer, business, holding or agency of the private or the public sector of economy. According to this law, the earnings of employees who worked under an employment relationship governed by private law were determined upon collective bargaining, if such employees were represented in a trade union. Particularly regarding the State, Legal Persons governed by public law and Local Authorities, *if the said public officials were not represented in any trade union, their remuneration grid was determined upon ministerial decisions.* Thus, the salary scheme of civil servants employed by the State, Legal Persons of public law and Local Authorities under employment relationships governed by private law, was defined either upon Joint Ministerial Decision no. 2/7093/0022/5-2-2004 if they were not represented in the trade union, or through collective bargaining and signing of a Collective Labor Agreement or Arbitration Award by the Organisation for Mediation and Arbitration pursuant to the provisions of Law 1876/1990.

Within the framework of 2009 wage policy, no rise of minimum wages was granted. However, article 17 of law 3758/2009 (G.G. 68A) established the payment of a lump sum, as an extraordinary financial benefit based on the criterion of monthly earnings of each employee. In particular, for monthly earnings up to 1500 €, the amount of 500 € was granted and for monthly earnings from 1501 € to one thousand and seven hundred euro 1700 €, the amount of 300 € was granted.

Regarding 2010, according to article 1 of Law 3833/2010 on the "Protection of national economy – Emergency Measures to tackle with fiscal crisis" (G.G. 40A), there has been a reduction, applied retroactively as of 1-1-2010, in the earnings of State civil servants and public officials, including Armed Forces and Law Enforcement personnel. Such provisions formulate the income policy for 2010, its pillars being the reduction in allowances, earnings and all kinds of emoluments, both in the public sector in the narrow sense and the broader public sector, aiming at the protection and promotion of the general public interest for the purpose of tackling with the financial crisis.

Specifically, the *reductions in the employees' earnings* imposed by the above provisions are the following:

- Allowances, compensations and remunerations in general have been reduced by 12%, except from the family benefit of article 11, the benefit concerning the length of service, the benefit granted for on-calls under article 45, the radioactivity allowance of article 8(A)(16), the postgraduate studies allowance under article 8(A)(1), the allowance to graduates of the National School of Public Administration and the National School of Local Government under Article 8(A)(2), the special conditions allowance under Article 51(A)(10), the Allowance for Increased Operational Readiness of Units under Article 51(A)(8), the Performance Incentive Bonus of articles 12 and 47 of law 3205/2003 and the disability and risk allowances under article 3(2) of Law 2448/1996.
- Reduction by twenty per cent (20%) in the allowance provided to Judicial Officials (Judges) under article 30(A3) of law 3205/2003 for the more rapid and more effective handling of cases and the compensation of expenses incurred during the exercise of their duties (library creation and update, office organization) including the allowance provided to State Legal Council members under article 33(A3) of law 3205/2003, for the more rapid and more effective defense of cases of the State and Legal Persons governed by public law before the courts, as well as the compensation of expenses incurred during the exercise of their duties, as currently in force.
- Reduction by 7% in all regular earnings, allowances, compensations and remunerations of Chairpersons, Vice Chairpersons and members of independent administrative authorities.
- Reduction by 30% in Christmas, Easter and summer bonuses.

Further reduction in the earnings of civil servants and public officials, including Armed Forces and Law Enforcement personnel was effectuated as of 01-06-2010, as a result of the third article of Law 3845/2010 "Measures for the implementation of the support mechanism for the Greek economy by the euro area Member States and the International Monetary Fund" [Government Gazette 65A]. Specifically, all allowances, compensations and remunerations were further

reduced by 8%, except of the ones mentioned above. All regular earnings, allowances, compensations and remunerations of Chairpersons, Vice Chairpersons and members of independent administrative authorities were further reduced by 3%, whereas Christmas, Easter and summer bonuses were set to 500€, 250€ and 250€ respectively, setting as a criterion for their payment the amount of the regular earnings which must not exceed 3.000€ (it is noted that payment of the above Christmas, Easter and summer bonuses was applicable until 31-12-2012). The said provisions also apply to the personnel of state-owned Legal Persons governed by private law and public undertakings, Legal Persons governed by public law or Local Authorities.

The said reductions are applicable without exception to all civil servants and public officials of the State, Legal Persons governed by public law and Local Authorities as well as to all employees of Legal Persons governed by private law and public undertakings, including those paid at the minimum wage.

Finally, article 3 of Law 3833/2010 provided that, from the entry into force of such law up to 31-12-2010, the contemplation, granting or payment of rises, in any way and for any reason, over any the above earnings of any nature and description, beyond the total earnings formulated according to the above was forbidden.

As of 1-11-2011, the earnings of permanent employees and employees working under open-ended private law relationship by the State, Legal Persons governed by public law and Local Authorities are determined by virtue of the provisions of Second Chapter of Law 4024/2011 (G.G. 226A'). The provisions of Law 4024/2011 aim at further rationalization, simplification and narrowing of differences prevailing under the pre-existing remuneration system, concerning Public Administration personnel within the context of a difficult financial situation in our Country. In particular, the new remuneration grid – ranking system:

- incorporates a part of the allowances payable until 31-10-2010 into the minimum wage;
- adopts a mixed remuneration system, on the basis of which the wage development of an employee is linked to the rank award and, therefore, an employee's rank is currently linked to his/her respective wage. Employees are classified into four classes, depending on their formal qualifications (University Education, Technological Education, Secondary Education and Compulsory Education). The employees of each class are developed in the ranks provided for such class. Each class rank corresponds to a minimum wage. Beyond such minimum wage, there are salary grades for each rank;
- maintains the way of calculation for minimum wages, by associating the entry minimum wage of all classes with the entry minimum wage of Compulsory Education Class (780€) through fixed coefficients;
- abolishes all allowances, benefits and compensations payable until 31-10-2011 and defines the allowances that shall be payable if the terms and conditions for their payment are met (allowance for dangerous and unhealthy work, allowance for remote and neighboring border regions, Christmas, Easter and summer bonuses, family benefit for children, allowance for a highly responsible job, incentive of goal achievement and incentive of fiscal goal achievement);

- provides the possibility for overtime work, upon a remuneration set each time under a Ministerial Decision, setting 20 (twenty) hours per month as the upper limit;
- sets specific limits for the amount of the payable compensations regarding the operation of collective organs;
- defines the payment method of the differences arising between the earnings that were payable in the month prior to the implementation of the above law and those provided by the provisions of the communicated law;
- provides that the personnel working under open-ended private-law employment relationship shall directly fall under this law. Until 31-10-2011, the earnings of such personnel were defined under Collective Labor Agreements.

In addition, the salary scheme of civil servants and public officials of the State, Legal Persons governed by public law and Local Authorities, working under open-ended private-law employment relationship is defined by Joint Ministerial Decision no. 2/13917/0022/17-2-2012 (G.G. 414 B), which was rendered upon authorization of article 22, Law 4024/2011.

The monthly minimum wage of employees falling under the provisions of Chapter B' of Law 4024/2011 is 780€ for Compulsory Education Graduates, 858€ for Secondary Education Graduates, 1,037€ for Technological Education Graduates and 1,092€ for University Education Graduates.

The monthly minimum wage of civil servants and public officials of the State and the Armed Forces and Law Enforcement personnel, remunerated under Part B' of Law 3205/2003 is 1.138,72€ (earnings of a Sergeant who has graduated from the Officers Training School).

It is noted that the above mentioned amounts are *gross* and not net.

Family benefit in the public sector

Institutional Framework until 31.10.2011: According to article 11 of Law 3205/2003 (as amended by art. 2(2) of Law 3336/2005), there was a provision for a family benefit to the married State employees, with or without minor children, mounting to 35 euro, increased by 18 euro for each one of the first two children (53 euro and 71 euro respectively), by 47 euro for each third and fourth child (118 euro and 165 euro respectively) and by 73 euro for each child over the fifth one (inclusive) (238 euro for the fifth, 311 for the sixth etc).

Current Institutional Framework: According to article 17 of law 4024/2011, a monthly family benefit is granted, dependent upon the family status as follows:

For an employee with children who are unmarried and minor or unable to work (at least 50% disability) or with children studying in Secondary Education (up to 19 years old), Higher or University Education (up to 24 years old), such benefit is 50 euro for one child, 70 euro in total for two children, 120 euro in total for three children, 170 euro in total for four children and is increased by 70 euro for each additional child.

Private Sector

Law 1876/1990 (G.G. 27/A/8-3-1990) "Free Collective Bargaining and other provisions", recognizes the right of free bargaining between the interested parties (employers and employees) in order to conclude Collective Labor Agreements which will prescribe the payment and employment terms of employees. The above agreements are absolutely free and therefore, the Ministry of Labor does not intervene in any stage of the bargaining procedure for the drafting of collective labor agreements. In particular, article 2 of this law prescribes the issues which may be the subjects of collective bargaining and the final content of each collective labor agreement, including the amount of the minimum wage of each collective labor agreement. In case free bargaining fails, the parties may recourse to the services of the Organization for Mediation and Arbitration (OMED) [article 14, Law 1876/90, article 14, Law 3899/2010 (G.G. 212/A/17-12-2010), article 3 of Act no. 6/2012 rendered by the Council of Ministers (G.G. 38/A/28-2-2012)]. Bargaining opening and the issues related to minimum earnings are decided upon an initiative of the parties, always subject to the conditions set forth by law.

In addition, according to article 4 of law 1876/1990 "trade unions of employers and employees and individual employers have the right and the obligation to bargain for the conclusion of collective labor agreements".

According to article 8 of Law 1876/90, Collective Labor Agreements and the similar Arbitration Awards (article 16 of Law 1876/90) bind the employees and the employers who are members of the contracting trade unions or the arbitration parties respectively. If such agreements are declared extensive upon a decision rendered by the Minister of Labor (currently Minister of Labor, Social Security and Welfare) subject to the conditions proscribed by the said law, they are binding for all the employers and employees of the sector or profession, as of the publication date of the respective ministerial decision in the Official Government Gazette (article 11, Law 1876/90 as amended by article 37, Law 4024/2011), as long as the employers are members of the contracting or under arbitration employers' organizations of the Collective Labor Agreement or Arbitration Award. The institution of extension (i.e. the declaration of a Collective Labor Agreement to be binding upon a Decision rendered by the Minister of Labor) has been suspended for the term of implementation of the Medium-Term Fiscal Strategy Framework (article 37, Law 4024/2011).

According to article 37 of Law 4024/2011, the legislator allows for the conclusion of company agreements, which, under the conditions of this law, *prevail over the terms of the sectoral collective work regulations, even if the last ones are of an obligatory nature,* for the term of the Medium-Term Fiscal Strategy Framework; such agreements may not include working terms more unfavorable to employees than those prescribed in the National General Collective Labor Agreement.

Act no.6 dated 28-2-2012 rendered by the Council of Ministers on the "Regulation of issues for the implementation of par. 6, article 1, Law 4046/2012", par. 1, art. 1 provides that "*as of 14-2-2012… the minimum monthly and daily wage limits of the National General Collective Labor Agreement applicable on 15-7-2010, as were provided for and applied on 1-1-2012, shall be reduced by 22%. As of 14-2-2012… the minimum monthly and daily wage limits of the National General Collective Labor Agreement applicable on 15-7-2010, as were provided for and applied on 1-1-2012 for young people under 25 years old shall be reduced by 32%.*

The reduced by 32% minimum monthly and daily wage limits of the previous indent shall also apply to the trainees of art. 74(9), Law 3863/2010. Article 74(8) of Law 3863/2010, article 43 of Law 3986/2011 (A' 152) and any other provision which contradicts the provisions hereof shall be repealed".

By virtue of Circular no. 4601/304/12-3-2012 which interpreted the said Act No. 6/2012, *minimum earnings limits* became as follows:

1) For employees under 25 years old:

i) minimum monthly wage 510.95€ (unmarried, with no previous work experience)

ii) minimum daily wage 22.83€ (unmarried, with no previous work experience)

2) For employees over 25 years old:

i) minimum monthly wage 586.08€ (unmarried, with no previous work experience)

ii) minimum daily wage 26.18€ (unmarried, with no previous work experience).

By virtue of article 4 of the said Act No. 6/2012, "as of 14-2-2012 and until the unemployment rate falls under 10%, the validity of law provisions, regulatory acts, Collective Agreements or Arbitration Awards which provide increases in monthly or daily wages is suspended, including those concerning maturity of service, only on the condition of the lapse of specific working time…".

Subparagraph IA.11, Law 4093/2012 (G.G. 222/A/12-11-2012) establishes a new system for the formulation of the minimum monthly and daily wage for private-law employees all over the country. Currently "*the national general collective labour agreements define the minimum non-wage conditions applicable to the employees of the country. Minimum monthly wages, minimum daily wages, all kinds of increases in such wages and any other wage condition shall only apply to those who work for employers participating in the contracting employer organisations and may not be less than the legal statutory minimum monthly or daily wage"* (Case 2a). Moreover, the same subparagraph provides that "… collective agreements of all kinds must not define monthly regular earnings or full-time daily wage less that the statutory minimum monthly and daily wage" (case *h).*

Circular no. 26352/839/28-11-2012, interpretative of Law 4093/2012, repeats the minimum amounts, as they have been formulated under circular no. 4601/304/12-3-2012, but there is no distinction anymore between unmarried and married employees, i.e. the marriage allowance is necessarily granted only by the members of the employer organisations who are contracting parties in the National General Collective Labour Agreement (Subparagraph IA 11(2a).

The National General Collective Labour Agreement dated 14-5-2013 (Act 4/14-5-2013) was signed between the Hellenic Confederation of Professionals, Craftsmen & Merchants (GSEVEE), the National Confederation of Hellenic Commerce (ESEE) and the Association of Greek Tourism Enterprises (SETE), on the one hand, and the General Confederation of Greek Workers (GSEE), on the other. The National General Collective Labor Agreement preserves the marriage allowance for the members of the contracting trade unions.

Ten national Collective Labor Agreements and Collective Labor Agreements for professionals of the same sector and 9 local Collective Labor Agreements for professionals of the same sector have been submitted to the competent service of the Ministry of Labor, Social Security and Welfare during 2013 - up to September of this year.

The table below includes the three-month Labor Cost Index (LCI) from the first quarter of 2008 (base year) up to the second quarter of 2013 (last one available). It concerns the total economy [Sectors of economic activity B-S]; for every quarter there are 12 indexes itemized as follows:

1. Four Indexes with no adjustment
   - Labor Cost Index-Total (LCI_Total)
   - Labor Cost Index-Total excluding bonuses (LCI_TXB)
   - Wages Index
   - Employers' social security contributions Index
2. The above 4 Indexes seasonably adjusted
3. The same Indexes – Working day adjusted

Also, according to the Structural Earnings Survey with 2010 as the benchmarking year, the mean (average) gross annual earnings per employee are 22,987€.

The following methodological note includes more info per Index.

METHODOLOGICAL NOTES	
General	The Labor Cost Index for Branches B-S is a quarterly index with base year 2008=100.00.
Purpose of the index –	
Definitions	The indexes are compiled per branch of economic activity, for the total labour cost, the labour cost excluding bonuses, the monthly and daily wages and the social security contributions, not seasonably adjusted, seasonably adjusted and working day adjusted, with 2008 as the base year. Moreover, indexes are calculated for groups of economic activity branches. B-S Group covers the total Economy (except Primary Sector, Households and Extraterritorial Organizations Activities)
	Total Labour Cost includes employees' earnings, employers' social security contributions (except wage tax) which relate to employment. From the total labour cost, any subsidies received by employers have been subtracted, whereas vocational training costs have not been included. The Labour Cost Index (LCI_Total) is calculated on the basis of gross earnings and the employers' social security contributions compared to working hours. Gross earnings include monthly and daily wages (regular payments and overtime payments), bonuses and extraordinary bonuses (Christmas and Easter

	bonuses, holiday pay and any other kind of bonuses not regularly paid), as well as payments for non working days (e.g. leaves, national holidays, maternity leaves, post-natal child-care leaves, sick leaves, severance pays, etc).
	Labour Cost excluding bonuses includes the total labour cost from which the bonuses and extraordinary bonuses have been subtracted (Christmas and Easter bonuses, holiday pay and any other kind of bonuses not regularly paid). The calculation of the index (LCI_TXB) is on the basis of labour cost excluding bonuses compared to working hours.
	Monthly and daily wages include all kinds of gross earnings, i.e. monthly and daily wages (regular payments and overtime payments), bonuses and extraordinary bonuses (Christmas and Easter bonuses, holiday pays and any other kind of bonuses not regularly paid), as well as payments for non working days (e.g. leaves, national holidays, maternity leaves, post-natal child-care leaves, sick leaves, severance pays, etc). The calculation of the Wages index (LCI_Wages) is on the basis of gross earnings compared to working hours.
	Employers' social security contributions are calculated after the subtraction of any subsidies that the employers may receive and are related to salaried employees' earnings. The calculation of the index (LCI_Other) is on the basis of employers' social security contributions compared to working hours.
Legal Framework	The Labour Cost Indexes in the Sectors B-S are compiled in the framework of implementation of the Regulation (EC) 450/2003 of the European Parliament and of the Council on the compilation of the labour cost indexes.
Reference period	Quarter
Base year	2008=100.00
Statistical	
Classification	The new Eurostat classification of economic activities, NACE Rev.2, is used.
Geographical Coverage	All Greece

Sectors of economic activity	**Sectors of Economic Activity by NACE Rev. 2**	**Description**
	B	Mining and quarrying
	C	Manufacturing
	D	Electricity, gas, steam and air conditioning
	E	Water supply, sewerage, waste management and remediation activities
	F	Construction
	G	Wholesale and Retail Trade, Repair of Motor Vehicles and Motorcycles
	H	Transportation and Storage
	I	Activities Accommodation Services and Food Services
	G	Information and Communication
	K	Financial and insurance activities
	L	Real Estate
	M	Professional, scientific and technical activities
	N	Administrative and support service activities
	O	Public Administration and Defence; Compulsory Social Security
	P	Education
	Q	Human Health and Social Work Activities
	R	Arts, Entertainment and Recreation
	S	Other Service Activities

HELLENIC REPUBLIC
HELLENIC STATISTICAL AUTHORITY

TABLE 1. Evolution of Labour Cost Index (Total cost, Cost excluding bonuses, Wages, Employers' Social Security Contributions)

2008 = 100,0

Sectors of Economic Activity by NACE Rev. 2	Quarter	Non seasonably adjusted				Seasonably adjusted				Quarter Working Days adjusted			
		Total Cost	Cost excluding bonuses, extraordinary pays	Wages	Employers' Social Security Contributions	Total Cost	Cost excluding bonuses, extraordinary pays	Wages	Employers' Social Security Contributions	Total Cost	Cost excluding bonuses, extraordinary pays	Wages	Employers' Social Security Contributions
B-S	1st 2008	91,5	101,2	91,4	91,7	99,5	98,4	100	97,4	90,8	101,9	91,2	91,3
B-S	2nd2008	99	98,4	98,9	98,7	100	99,9	101,3	101,5	99	98,4	99,1	98,7
B-S	3rd 2008	108,2	107,9	107,9	109	100,9	100,9	101,5	101,5	110	107,4	110,3	109
B-S	4th 2008	101,7	93	101,8	101	97,9	99,9	97,4	97,1	101,9	92,7	101,9	101,8
B-S	1st 2009	87,6	92	88	86,3	96,2	94,4	96,2	94,3	87,6	91,3	88,3	85,8
B-S	2nd2009	99,6	96,6	99,9	98,1	101,1	97,7	101,3	100	99,6	99,7	100	98,1
B-S	3rd 2009	103,3	101,9	103,9	100,8	100,2	98,3	101,4	96,3	103,6	102,7	103,9	101,8
B-S	4th 2009	110,5	101,3	110,6	110	103,6	100,5	104,1	104,7	110,8	103,3	110,6	97,2
B-S	1st 2010	99,5	97,1	99,8	99	107,9	100,2	108,2	109,1	99,4	94,7	100,1	98,3
B-S	2nd2010	99,3	96,8	100,1	97,1	102,2	98	102,7	100,5	99,3	96,8	100,2	96,5
B-S	3rd 2010	98,7	99	100,4	96,6	97,5	95,2	100,1	95,2	98,3	101,2	99,9	96,5
B-S	4th 2010	105,1	98,1	106,3	103,4	97,9	96,4	99,3	95,7	106,1	99,7	106,8	104,6
B-S	1st 2011	90,4	94,7	93,5	84,8	96,2	97	98,8	93,2	90,4	92,8	93,7	83,7
B-S	2nd2011	95,7	95,1	97,6	91,8	97,2	96,4	98,9	95,0	95,7	95,1	97,6	91,8
B-S	3rd 2011	92,9	93,8	94,8	88,8	92,0	93,5	94,7	87,3	93,2	94,9	94,4	89,5

B-S	4th 2011	97,9	91	100,3	92,7	92,6	91,5	94,8	92,1	97,2	90,8	99,5	91,7
B-S	1st 2012	81,7	86,8	84,9	74,5	89,7	89,9	92,4	83,3	81	85,4	84	74,2
B-S	2nd2012	88,4	85,8	90,3	84,8	89,9	87,3	91,6	85	88,6	85,7	90,3	84,6
B-S	3rd 2012	82,3	83,3	85	77,2	83,7	84,8	85,9	77,5	82	81,6	84,8	76,6
B-S	4th 2012	94,5	86	97,5	87,7	88,4	86,1	90,7	81	93,4	84,3	96,5	86,9
B-S	1st 2013	72,9	77,7	74,7	70,2	80	80,7	81	78,4	73,4	76,7	75,4	70,3
B-S	2nd2013	81,6	80,3	83,5	78,6	81,4	79,8	83,3	77,7	81,7	80,3	83,5	78,7

Additional allowances and benefits

Tax Reliefs to salaried employees

The tax-free threshold of 12,000 euro for salaried employees continued to apply up to financial year 2011 for income acquired within 2010. For financial years 2012 and 2013 (income acquired within 2011 and 2012 respectively), according to article 38 of Law 4024/2011, the general tax-free threshold was reduced to 5,000 euro due to the restrictive fiscal policy in the midst of the fiscal crisis. However, increases of the tax-free threshold remained as follows:

For the first child, the tax-free threshold is increased by 2,000 euro, for the second child by another 2,000 euro, and for each additional child it is increased by 3,000 euro. In addition, an increase in the tax-free threshold from 5,000 euro to 9,000 euro was provided to young people up to 30 years old, pensioners over 65 years old and disabled persons or pensioners having disabled children regardless their age (given that their declared income does not exceed 9,000 euro).

Rent subsidy and interest-rate subsidy

In 2009, the Worker's Housing Agency (OEK) programs were being normally implemented. In 2009, within the context of a rent subsidy program – the general conditions of which have been described in detail in the previous national report (20th National Report for Greece, reference period: 01/01/2005 – 31/12/2008) – the income threshold for an unmarried person to be subsidized was 12,000 euro and the subsidy amount was 155€ per month (1,380 € annually).

Also, the program of interest-rate subsidy was in progress regarding loans granted by cooperating banks. The context and the conditions of such program have been also described in the previous national report. The income upper limit for someone to have access to this kind of loan remained to 6,457€, whereas the subsidy rates for unmarried beneficiaries remained at the same levels.

Individuals (unmarried beneficiaries with no dependant children) with motor disabilities or paraplegia, pensioners due to total disability, blindness or serious amputation were provided with a special housing assistance, within the framework of article 31(2) of OEK Regulation. The application could be submitted at any time, there were no income thresholds and beneficiaries received interest-free loans from OEK funds, each amounting to 100,000€, in order to buy a house.

Since 2010, due to problems regarding the financial coverage of OEK programs and the decrease in its reserves, the suspension of several ongoing programs began, such as the granting of loans of interest-rate subsidy and the granting of loans for the purchase or the construction of a new residence or for the maintenance, extension or completion of an existing residence from OEK equity. Under Ministerial Decision no. 15349/492/G.G. 1146B'/29-07-2010, no further applications were received regarding all OEK lending programs and a specific provision was made for particular pending lending procedures which could be completed.

In 2010, the OEK rent subsidy program was not implemented at all.

Within 2011, the only program which was implemented was that of the rent subsidy for the rents that had been paid in 2009 in order to fill in the gap following the non implementation of such programme in 2010. Ministerial Decisions set stricter criteria for subsidy awarding than the ones applicable in the past, both for income thresholds and other conditions. The income threshold for unmarried beneficiaries to be entitled to subsidy remained at 12,000 €, but the subsidy amount depends on the income. For income up to 6,000 €, it was 100€ per month (1,200€ annually), for income from 6,001 – 9,000 €, it was 80€ per month (960 € annually) and for income from 9,001 – 12,000€, it was 60€ per month (720€ annually).

Law 4046/2012 (G.G. 28A'/14-02-2012) and specifically chapter 4 thereof (structural reforms for the enhancement of growth), par. 41, abolished OEK along with the Workers Fund Organization (OEE) as special purpose vehicles concerned with social expenditure which do not constitute priority. Act no. 7/28-02-2012 (G.G.39A'/29-02-2012) rendered by the Council of Ministers provided that the competences of the repealed bodies would be transferred to the Hellenic Manpower Employment Organisation (OAED), where a Special Account is established to which the cash reserves and any revenue of the repealed bodies would be transferred in order to cover any operating costs and the expenditure required exclusively regarding commitments, benefits and programs. OAED did not undertake any new programs and benefits excluding the continuing operation of kindergartens. The said Act appointed a five-member Provisional Steering Committee assigned with the task to settle operating liquidation acts of liabilities and entitlements, including all other necessary and established legal relationships of the two repealed bodies, excluding the undertaking of new commitments resulting from new programs and benefits.

According to Statutory Order (G.G. 188/A/03-10-2012) and Act no. 37/04-10/2012 (G.G. 256A'/ΥΟΔΔ/04-10-2012) rendered by the Council of Ministers, the said Provisional Steering Committee had its operation extended in order to settle the existing backlog. In any event, there is no possibility for planning and implementing new programs or for granting new benefits neither by the Provisional Steering Committee nor by OAED.

According to law 4144/2013 (G.G. 88A'/18-04-2013), employees' housing protection was added to OAED scope, absorbing the purpose and the competences of the repealed OEK. Hereafter, OAED is legitimized to implement activities regarding such sector too.

Paragraph 2: The right of workers to an increased rate of remuneration for overtime work

General legal framework

According to article 1 of Law 3385/05, as amended by par. 10 and 11 of article 74 of Law 3863/2010 (G.G. A'115), *regarding the enterprises which work on a five-day weekly basis and apply a conventional working schedule up to 40 hours a week, the possibility of working 5 additional hours on a weekly basis was established, as additional working time at the employer's discretion.* In cases where a 6 working-day weekly system applies, the additional working hours are

8 per week. The five additional working hours for five-day work (41st, 42nd, 43rd, 44th, 45th) as well as the eight additional working hours for six-day work (from 41st to 48th), *shall be paid by the normally paid hourly wage increased by 20% and such additional working hours shall not be included in the permissible overtime limits provided by the respective provisions.*

The weekly work of employees in the enterprises mentioned in the 1st paragraph, over forty-five (45) hours shall be considered as overtime in terms of legal consequences, formalities and approval procedures. For employees who work six (6) days per week, overtime is working over forty-eight (48) hours per week. In any event, the provisions regarding the legal daily working hours continue to apply.

Salaried employees who work overtime are entitled for each hour of legal overtime and up to the completion of one hundred twenty (120) hours annually, a remuneration equal to the normally paid hourly wage increased by forty per cent (40%). The remuneration for over one hundred twenty (120) hours annually legal overtime work is the normally paid hourly wage increased by sixty per cent (60%).

Each overtime hour, for which the formalities provided by law and the approval procedures are not observed, shall hereafter be characterized as *exceptional overtime.*

For each exceptional overtime hour, the employee is entitled to remuneration equal to the normally paid hourly wage increased by eighty per cent (80%).

Additional questions posed by the European Committee of Social Rights

The respective provisions regarding overtime do not contain the possibility of granting a day off instead of the legal remuneration to employees who work overtime. However, there is a possibility for working hours set-off upon implementation of the working hours set-off system provided by article 42 of Law 3986/2011 (G.G. A'152).

More specifically, such provision allows enterprises in which conventional working hours (up to 40 hours, five-day weekly work) apply to implement an increased work system (two hours per day over the eight-hour working time) for a particular time period, on the condition that the additional hours over the forty, or over the working hours of shorter conventional working hours per week shall be subtracted from the working hours of another time period which is a part-time employment period. The time period of increased-time and part-time work cannot exceed six (6) months in total, within a time period of twelve (12) months (reference period).

Further, in the aforementioned enterprises, instead of the arrangement of working time described above, up to two hundred fifty-six (256) working hours from the total employment time within one (1) year may be allocated with increased number of hours to specific time periods, which cannot exceed thirty-two (32) weeks annually and, respectively, decreased number of hours for the remaining time of the calendar year.

In both previous cases, the employee may be granted with a respective day off or proportional increase in his/her annual paid leave or a combination of reduced hours and days off or leave days instead of reduction in his/her working

hours in order to offset the additional hours he/she worked during the increased working time period.

During the part-time period of the previous two cases, the excess of the agreed reduced weekly working hours, which is exceptionally allowed, shall be remunerated according to article 1 of law 3385/2005 (A' 210), as replaced and in force by article 74(10) of law 3863/2010 (A' 115).

The working time arrangement is adopted through company collective labor agreements or though agreements concluded between the employer and the company trade union or between the employer and the employees' council or between the employer and the association. The association can be established by at least the twenty-five (25%) per cent of the employees of an enterprise which employs at least twenty (20) people or by fifteen per cent (15%) if the total number of employees is up to twenty (20).

Company collective agreements and the agreements mentioned in the previous paragraph are submitted before the competent Labour Inspectorate, according to article 5, law 1876/1990.

Finally, it is noted that company and sectoral Collective Labour Agreements, can specify other working time arrangement systems depending on each branch or company particularities.

Legal Framework Implementation Measures

Law 3996/2011 (G.G.170/A/5-8-2011) on "Reforming the Labour Inspectorate, social security arrangements and other provisions" in article 2 "Tasks and competences – Monitoring and Support Activities" provides, inter alia, the following:

"The Labour Inspectorate's task is to supervise and monitor the implementation of labor legislation, to investigate whether employees are covered by insurance or not, whether they work illegally or not, to reconcile and resolve labor disputes as well as to provide information to employees and employers regarding the most effective means to ensure compliance with the applicable law.

2. For the execution of its tasks, the Labour Inspectorate has the following competences:

a. Inspects and monitors workplaces by any available means, it carries out any necessary investigation and auditing in all primary, secondary and tertiary sector enterprises and holdings and generally in any private or public workplace or any place where it is likely to find employees… and supervises the observance and implementation of:

aa) labour law provisions concerning especially working terms and conditions, working time limits, remuneration or other benefits, employees' safety and health…"

Additionally to the above, you are advised that the Labour Inspectorate (S.EP.E), being eminently the control mechanism for the correct application of labor law and specifically anything related to working conditions (time limits, remuneration), employment legality, the investigation regarding insurance coverage of employees, the safety and health of employees who work under open-ended or fixed-term private-law or public-law employment relationships, full-time or part-time, the carrying out of controls either on own initiative within

the context of their planned monitoring activities, or upon complaints. In addition, S.EP.E. examines any query submitted before the agency regarding the correct application of labor law.

Moreover, in the context of its conciliation activity, the Labour Inspectorate settles labor disputes. Labor disputes are settled upon a written request of the applicant before the Inspectorate, which subsequently convenes a tripartite meeting (inspector-employee-employer), during which the dispute and its settlement are discussed.

It is noted that the working disputes resolution by the Labour Inspectorate is very important for applicants-employees because in this way time and money consuming litigations with unknown and doubtful results for employees can be avoided.

Specifically, regarding the implementation of article 4(2) of the European Social Charter regarding the right of workers to a fair remuneration and specifically regarding the increased rate of remuneration for overtime work, for the reference period from 01/01/2009 up to 31/12/2012, according to the statistics kept with S.EP.E. regarding the activities of its Labor Inspectors concerning the excess of working time limits, we refer to the following:

Regarding the *monitoring activity* of the Hellenic Labour Inspectorate and following the audits carried out:

a. During 2009, 50 complaints were submitted and 741 fines were imposed for infringements identified. Also, during 2009, 404 labour disputes between employees and employers were settled.

b. During 2010, 15 complaints were submitted and 917 fines were imposed for infringements identified. Also, during 2010, 401 labor disputes between employees and employers were settled.

c. During 2011, 16 complaints were submitted and 474 fines were imposed for infringements identified. Also, during 2011, 505 labour disputes between employees and employers were settled.

d. During 2012, 13 complaints were submitted and 675 fines were imposed for infringements identified. Also, during 2012, 643 labour disputes between employees and employers were settled.

Paragraph 3: The right of men and women workers to equal pay for work of equal value

According to the Constitution, the principle of equal remuneration for work of equal value is founded on par. 2, article 4 of the Constitution which provides that: "*Greek men and women have equal rights and equal obligations*". Also, par. 1 of article 22 of the Constitution provides that *"Work constitutes a right and shall enjoy the protection of the State, which shall care for the creation of conditions of employment for all citizens and shall pursue the moral and material advancement of the rural and urban working population. All workers, irrespective of sex or other distinctions, shall be entitled to equal pay for work of equal value".*

Regarding gender discrimination, there is a new institutional framework in our country, for the implementation of *the principle of equal treatment of men and women in matters of employment and occupation,* which explicitly

incorporates equal remuneration between men and women and which specifies the above constitutional requirements.

Specifically, according to the provisions of law 3896/2010, our national law has been harmonized with the provisions of Directive 2006/54/EC and previous respective laws were abolished (Law 3488/2011 and Law 1414/1984). Such abolition and replacement of older legislation did not result to downgrading of the protection status of employees, but the older legislative framework was reinforced and in parallel was codified.

The *scope* of this law is extended in order to have general application to all employees. Analytically, according to article 17 of this law, the provisions applied to employees or candidates for employment in the Public sector or the broader public sector as well as in the private sector, regardless the employment relationship or type of employment, including the contract of employment for the performance of a specific piece of work and the paid command and regardless the nature of the services provided; they also apply to free-lance professionals and to persons who acquire or are about to undergo any kind or sort of vocational education.

In particular, article 2 of the above law includes, inter alia, the definitions of *direct discrimination, indirect discrimination and pay,* as follows:

"(a) 'direct discrimination': where one person is treated less favourably on grounds of sex than another is, has been or would be treated in a comparable situation;

(b) 'indirect discrimination': where an apparently neutral provision, criterion or practice would put persons of one sex at a particular disadvantage compared with persons of the other sex, unless that provision, criterion or practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary;

(e) 'pay': the ordinary basic or minimum wage or salary and any other consideration, whether in cash or in kind, which the worker receives directly or indirectly, in respect of his/her employment from his/her employer;"

Also, par. 1 of article 4 of Law 3896/2010, which provides that: "*Men and women are entitled to equal pay for the same work or for work to which equal value is attributed",* enriched the content of the rule of equal pay of men and women, in harmony with article 22 (1)(b) of the Greek Constitution, article 4 of Directive 2006/54/EC as well as international labour law (ILC 100).

In addition, the principle of equal pay is promoted by provisions like article 4(2) of such law, which provides the following:

*"*2. a) Where a job classification system is used for determining pay, it shall be based on the same criteria for both men and women and so drawn up as to exclude any discrimination on grounds of sex.

b) The principle of equal treatment shall be observed during the planning and implementation of staff assessment systems which are linked to wage development; the discrimination on grounds of sex or marital status shall be prohibited."

The above mentioned provision does not impose on enterprises the use of job classification and personnel assessment systems for determining pay, whereas the compulsory implementation of such provision on the majority of enterprises in our country would cause operation-related problems or would be not applicable, as such enterprises are small or medium-sized. However, where

enterprises implement such systems, then, they must observe the principle of equal treatment of men and women and they should prohibit pay discriminations on grounds of sex.

Moreover, regarding the issue of wage discrimination between men and women, there are no infringements of the principle of equal treatment for work of equal value according to the submitted texts of collective regulations before the Ministry of Labour, Social Security and Welfare (Work Pay Directorate). In general, there is no discrimination between the two genders concerning remuneration and working terms.

Paragraph 4: The right of all workers to a reasonable period of notice for termination of employment

A) Termination of employment upon notice to private-sector employees working under a dependent open-ended employment relationship

Subparagraph IA.12, paragraph IA, article one of Law 4093/2012 "*Approval of the Medium-Term Fiscal Strategy Plan 2013-2016, Urgent implementation measures of Law 4046/2012 and the Medium-Term Fiscal Strategy Framework 2013-2016*" (G.G. 222/A'/12-11-2012)[1], regulates issues related to the termination of open-ended private-sector employment contracts. Such provisions aim to promote flexibility within the labour market in order to improve competitiveness among enterprises and, in addition, they attempt to reduce obstacles in labour mobility to the direction of increasing employability and reducing unemployment which is indispensable for the necessary boosting of the Greek economy.

Case 1, Subparagraph IA.12, paragraph IA, article one of Law 4093/2012[2] replaced the provision of article 1 of Law 2112/1920 (A' 67), as amended and in force, and indent B', paragraph 2, article 74 of law 3863/2010 (A' 115), as amended by indent B', paragraph 5, article 17 of law 3899/2010 (A' 212), as follows:

"*1.The employment contract of a private employee who works under an open-ended dependent employment relationship longer than twelve (12) months, cannot be terminated without a prior written notice by the employer which shall enter into effect on the day following its notification to the employee under the following conditions:*

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[1] As amended by par. 9 and 10 of article 10 of Statutory Order dated 19-11-2012 (G.G. 229A'), which was ratified by paragraphs 9 and 10 of article 34 of Law 4111/2013 on "*Pension Reforms, amendments to Law 4093/2012,ratification of the Statutory Order approving drafts of the agreements amending the main lending facility agreement between the European Financial Stability Fund (EFSF), the Hellenic Republic, the Hellenic Financial Stability Fund (HFSF) and the Bank of Greece (BoG) entitled "PSI LM Facility Agreement" and the lending facility agreement between the EFSF and the Hellenic Republic and the Bank of Greece entitled "Bond Interest Facility", granting of authorizations for the signing of contracts" and other emergency provisions"* [G.G. 18/A'/25-1-2013]

[2] As amended by par. 9 of article 10 of Statutory Order dated 19-11-2012, which was ratified by paragraph 9, article 34 of Law 4111/2013 from the publication of this law (12-11-2012).

a) For employees who have worked from twelve (12) "full" months up to two (2) years, one (1) month notice is required prior to dismissal.
b) For employees who have worked from two (2) "full" years up to five (5) years, two (2) months notice is required prior to dismissal.
c) For employees who have worked from five (5) "full" years up to ten (10) years, three (3) months notice is required prior to dismissal.
d) For employees who have worked over ten (10) "full" years, four (4) months notice is required prior to dismissal.
The employer, who notifies in writing the private-sector employee according to the above, shall pay to the dismissed employee the half of the severance pay provided for dismissal without notice [see point (B) below]."

According to the new provision, *shorter notice periods* are determined, compared to pre-existing ones, when an open-ended dependent employment contract of a private-sector employee who has completed more than fifteen (15) years of service with the same employer, is terminated upon notice. Further, according to interpretative Circular no. 26352/839/28-11-2012 rendered by the Ministry of Labour, Social Security and Welfare, the above provision specifies the exact *time of entry into force of the written notice,* which starts on the next day of the employee's notification (article 241 of the Hellenic Civil Code) and ends upon the expiry of the notice, when the employment relationship is terminated.

B) Termination of employment without notice regarding the employment contract of private-sector employees who work under open-ended dependent employment relationship

According to case 2 of Subparagraph IA.12, paragraph IA, article one of law 4093/2012: "2. After the entry into force of this law, paragraph 1, article 3 of law 2112/1920, as amended and currently in force, shall be replaced as follows: "3. 1. *An employer who neglects his obligation to notify about the termination of the employment contract of a private-sector employee who works under an open-ended dependent employment relationship is obliged to pay the dismissed employee with a severance pay as follows, unless a higher severance pay is contractually or customarily payable:*

TABLE OF EMPLOYEES' SEVERANCE PAYS	
Time of service with the same employer	**Amount of severance pay**
1 full year up to 4 years	2 months' salary
4 full years up to 6 years	3 months' salary
6 full years up to 8 years	4 months' salary
8 full years up to 10 years	5 months' salary
10 full years	6 months' salary
11 full years	7 months' salary
12 full years	8 months' salary
13 full years	9 months' salary
14 full years	10 months' salary
15 full years	11 months' salary
16 full years or more	12 months' salary

The calculation of the above severance pay is based on the last-month regular earnings under full-time status. The second indent of paragraph 1, article 5 of law 3198/1955 (A' 98) shall remain applicable.

Regarding private-sector employees who work under an open-ended employment relationship with the same employer for more than seventeen (17) years, according to case 3 of Subparagraph IA.12, paragraph IA, article one, of the above Law:

Severance pay is paid additionally to the one provided in the previous indent, whenever they are dismissed, according to the following proportion:

For 17 full years of service	1 month's salary
For 18 full years of service	2 months' salary
For 19 full years of service	3 months' salary
For 20 full years of service	4 months' salary
For 21 full years of service	5 months' salary
For 22 full years of service	6 months' salary
For 23 full years of service	7 months' salary
For 24 full years of service	8 months' salary
For 25 full years of service	9 months' salary
For 26 full years of service	10 months' salary
For 27 full years of service	11 months' salary
For 28 full years of service or more	12 months' salary

C) Termination of employment contract of workers-technicians who work under an open-ended dependent employment relationship

Paragraph 1 of article 1 of Royal Decree dated 16/18 July 1920 on the "*Extension of Law 2112/1920 to workers, technicians and servants"* (G.G. 158A') provides that: "The obligation of employment termination of private-sector employees provided by law 2112/1920 shall hereafter apply to all kinds of workers, technicians and servants…"

Moreover, according to article 1 of Law 3198/1955 on the "*Amendment and supplementation of the provisions concerning employment relationship termination"* (G.G. 98A'):
"Enterprises or holdings… may terminate the employment relationship of workers, technicians and servants; however, they are obliged to pay them the severance pay provided by Royal Decree dated 16/18 July 1920 regarding the case of termination of an employment relationship without notice. In such cases no previous notice is allowed….". The severance pay due in the case of termination of an employment contract is illustrated in the following table:

TABLE OF WORKERS-TECHNICIANS SEVERANCE PAY	
Legal Framework: Royal Decree 16/18-7-20, Act 3198/55, Act 1849/89 (art.20 on the ratification of art.7 of National General Collective Labour Agreement of 1989), Act 2224/94 (article 50 on the ratification of art. 4 of National General Collective Labour Agreement of 1994), Act 2556/97 (article 22 on the ratification of art. 6 of National General Collective Labour Agreement of 1996/97), article 4 of National General Collective Labour Agreement of 1998-99 and article 5 of National General Collective Labour Agreement of 2000-2001, article 4 of National General Collective Labour Agreement of 2002-2003, article 4 of National General Collective Labour Agreement of 2004-2005, article 3 of National General Collective Labour Agreement of 2006-2007 and Act 3899/2010	
Time of service to the same employer	**Severance pay amount**
1 full year up to 2 years	**7** wages
2 full years up to 5 years	**15** wages
5 full years up to 10 years	**30** wages
10 full years up to 15 years	**60** wages
15 full years up to 20 years	**100** wages
20 full years up to 25 years	**120** wages
25 full years up to 30 years	**145** wages
30 full years and more	**165** wages

According to the courts' case-law, the different arrangement specified by such provisions, as regards the severance pay amount, specifically the payment of lower severance pay to workers-technicians than the one prescribed for employees, is not opposite to the Constitution, given that the discrimination between employees and workers-technicians is justified because, on the one hand, the services provided are different and not of an equal value (as required by article 22 par. 1 of the Constitution for equal payment) and, on the other hand, the labour market conditions and the employment opportunities are different for each category and therefore, the time required to find a new job varies. For this

reason, it is not discriminatory against workers-technicians and the aforementioned Constitutional provisions are not violated[3].

D) Termination of an employment contract during the trial period

Paragraph 5a, article 17, Law 3899/2010 "Urgent Measures for the Implementation of the assistance programme of the Greek economy" (G.G. 212/A'/17-12-10) provides the following: "In paragraph 2, article 74 of Law 3863/2010, an indent is supplemented as indent A' reading as follows: "A. *Employment under an open-ended contract shall be deemed to be a trial employment for the first twelve (12) months from the day of its entry into force and can be terminated without notice and without severance pay, unless otherwise agreed by the parties."*

The above provision applies to any employment contract termination of employees or workmen-technicians who have not completed a twelve-month employment with the same employer.

Paragraph 5: Limits and conditions for deductions on wages

We refer to the legislative developments described in paragraph 1, article 4 of the European Social Charter.

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[3] Judgment no. 1281/2010 rendered by Areios Pagos, Supreme Court of Greece, Judgment no. 1554/2003 rendered by Areios Pagos, Supreme Court of Greece, Judgment no. 1378/2007 rendered by Appeal Court of Athens.

9th Greek report
On the Additional Protocol to the European Social Charter

Article 2
The right to information and consultation

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

Reference Period
01/01/2009 – 31/12/2012

Athens
November 2013

Article 2 – The right to information and consultation

LEGAL FRAMEWORK – SCOPE OF APPLICATION

(**A**) Article 38 of Law 1892/1990 (Official Gazette 101/A΄/31-7-1990), as replaced by article 2 of Law 2639/1998 (Official Gazette 205/A΄/2-9-1998) and then by article 2 of Law3846/2010 on "*Guarantees for job security and other provisions*" (Official Gazette 66/A΄/11-5-2010) and, following its amendment by paragraphs 1, 2 and 3, article 17, Law3899/2010 (Official Gazette 212/A΄/17-12-2010), stipulates that:

> "*3. In preparing the employment contract or during its validity period, the employer and the employee may - by written individual agreement - agree on any form of rotation work.*
> *Rotation work is work for fewer days per week or fewer weeks per month or fewer months per year or a combination thereof for full daily working hours…*
> *If his/her activities have been reduced, the employer may, instead of terminating the employment contract, impose a system of* ***rotation work*** *in his/her enterprise, the duration of which may not exceed nine (9) months in the same calendar year,* ***provided that he/she has informed and consulted with the workers' legal representatives thereof****, in accordance with Presidential Decree 240/2006 (Official Gazette 252/A΄) and Law 1767/1988 (Official Gazette 63/A΄).*
> *Any agreement or decision as per this paragraph shall be notified to the local Labour Inspectorate within eight (8) days from the conclusion or receipt thereof.*
> *4. The representatives of the workers in pursuance of the previous paragraph shall be, in the following order of priority:*
> *a) the representatives from the most representative trade union of the enterprise or undertaking, which covers the employees in accordance with its articles of association, regardless of their category, post or specialty;*
> *b) the representatives of the existing trade unions of the enterprise or undertaking;*
> *c) the works council;*
> *d) if there are no trade unions and works council, information and consultation shall be made with all workers. The information can take place through a single notice in a prominent and easily accessible place in the enterprise. The consultation shall take place at a time and place designated by the employer…".*

The above show that rotation work imposed unilaterally by the employer is a substitute for the termination of the employment contract, because it is imposed as a preventive measure against dismissals "instead of termination of the contract", and is permissible as long as the following two conditions are **cumulatively** met:
(**a**) Reduction of the activities of the enterprise (substantive condition); and

(**b**) Previous information and consultation between the employer and the workers' legal representatives and, in case there are no trade unions and works council, between the employer and all workers (formal condition)[4].

In order to impose unilaterally the system of rotation work, the employer must conduct a comprehensive discussion with his/her personnel about the reasons for such a business decision, give them the relevant economic details and consider every alternative solution. **If the employer does not provide any details - so that the employees can be made aware of the recent and likely future development of the activities and of the economic condition of the undertaking, as well as about the condition, structure and likely future development of the employment in the undertaking - and if he/she does not allow a period of time for consultation, then the imposition of rotation work shall be illegal, regardless of whether the substantive condition of reduction of the employer's (undertaking's) activities is met[5].**

"15. The employer shall inform the workers' representatives about the number of part-time workers in relation to the development of the total number of workers, as well as about the prospects for hiring full-time workers."

(**B**) Article 10, Law 3198/1955 (Official Gazette 98 A΄), as supplemented by article 1, Legislative Order 206/1974 (Official Gazette 362 A΄) and replaced by article 4 of Law 3846/2010, stipulates that:

> *"1. If the economic activities of enterprises and undertakings have been reduced, they may* ***- in writing -*** *instead of terminating the employment contract,* ***put*** *their employees* ***on suspension*** *for a period not exceeding three (3) months in total per year,* ***only upon consultation with the legal representatives of the employees,*** *in accordance with Presidential Decree 240/2006 (Official Gazette 252 A΄) and Law 1767/1988 (Official Gazette 63 A΄).*
>
> *If there are no representatives of employees in the enterprise, information and consultation shall be made with all workers. The information can take place through a single notice in a prominent and easily accessible place in the enterprise. The consultation shall take place at a time and place designated by the employer…"*.

[4] Besides, consultation enables and entitles the workers to be informed clearly and fully about the reasons for the adoption of such measure. In case of its unilateral imposition, either if it is not justified by the information notified to them or if the employer's allegation about reduction of his/her activities proves inaccurate later, the workers may request that the unilateral imposition of a rotation work system be considered by a court in terms of abusive exercise of this right and be declared null and void, and moreover they may claim a compensation corresponding to the wages they would have received if this system had not been imposed. (*I. KOUKIADIS: Labour Law/ Individual Labour Relations and Work Flexibility Law, 3rd Edition, page 421*).

[5] Judgment of the One-member First Instance Court of Athens no 4424/2012, Judgment of the One-member First Instance Court of Athens no 11176/2012, Judgment of the One-member First Instance Court of Athens no 12082/2012, Judgment of the One-member First Instance Court of Athens no 8606/2011, Judgment of the One-member First Instance Court of Athens no 8101/2011.

(**a**) written declaration to the employee stating that the latter is put on suspension;
(**b**) previous information and consultation of the employees' legal representatives or, if there are no trade unions and works council, information and consultation shall be made with all workers;
(**c**) reduction of the economic activities of the enterprise or undertaking[6].

(**C**) Articles 113-121 of Law 4052/2012 (Official Gazette A΄41) on "*Law falling within the competence of the Ministry of Health and Social Solidarity and the Ministry of Labour and Social Security regarding the implementation of the Law on the Approval of the Draft Financial Assistance Facility Agreements between the European Financial Stability Facility (EFSF), the Hellenic Republic and the Bank of Greece, approval of the Draft Memorandum of Understanding between the European Commission, the Hellenic Republic and the Bank of Greece and other urgent provisions for the reduction of the public debt and the rescue of the national economy, and other provisions*", incorporate into national Law the Directive 2008/104/EC of the European Parliament and of the Council of 19th November 2008 on temporary agency work [L327/5.12.2008].

Moreover, articles 20-26 of Law 2956/2001 (Official Gazette 258 A΄), as they were in force, have been abolished; now articles 113-133 of Law 4052/2012 regulate the framework protecting the temporary agency workers, as amended by subparagraph IA.8 of the first article of Law 4093/2012 (Official Gazette 222/A΄) on "*Approval of the Medium-Term Fiscal Strategy Framework 2013-2016 – Urgent Measures for the Application of Law 4046/2012 and of the Medium-Term Fiscal Strategy Framework 2013-2016",* as well as by paragraph 7 of article 24 *and* paragraph 3 of article 80, Law 4144/2013 (Official Gazette 88/A΄) *"Combating Delinquency in Social Security and the labour market, and other provisions falling within the competence of the Ministry of Labour, Social Security and Welfare"*.

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temporary agency workers as the workers hired directly by the user undertaking. In this framework, according to paragraph 1, article 118, Law 4052/2012:

> *"**Temporary agency workers shall be informed of any vacant posts in the user undertaking** to give them the same opportunity as other workers in that undertaking to find permanent employment. Such information may be provided by a general notice in a prominent and easily accessible place in the undertaking to which they provide their services (user undertaking)."*

Moreover, article 119 of the same law provides that:

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[6] Besides, consultation, which according to this provision is a requirement for its application, enables and entitles the workers to be informed clearly and fully about the reasons for the adoption of such measure. In the case that such a measure is imposed without being justified by the information notified to them, or, if the employer's allegation concerning reduction of his/her activities proves inaccurate later, the workers may request that the suspension be considered by a court in terms of abusive exercise of this right and be declared null and void, and, moreover, they may claim a compensation corresponding to the wages they would receive if this system had not been imposed. (*Judgment of the Appeal Court of Thessaloniki no473/1993, I. KOUKIADIS: Labour Law / Individual Labour Relations and Work Flexibility Law, 3rd Edition, page 421*).

"Temporary agency workers shall count for the purposes of calculating the threshold above which bodies representing workers provided for under legislation in force are to be formed at the temporary-work agency and the user undertaking."

Finally, article 120 of Law 4052/2012 stipulates that:

"Without prejudice to national and Community provisions on information and consultation which are more stringent and/or more specific and, in particular, to Presidential Decree 240/2006 (Official Gazette A΄252), ***the user undertaking must provide information on the number of temporary agency workers, the plan of use of temporary agency workers as well as the prospects of hiring them directly, when providing information to the representatives of workers****."*

(**D**) Article 41, Law 3986/2011 on *"Emergency measures for the implementation of a Medium-term Fiscal Strategy Framework 2012-2015"*, (Official Gazette 152A΄) replacing article 3 of Presidential Decree 180/2004 on "*Amendment of Presidential Decree 81/2003 Provisions on employees working under a fixed-term contract*" (Official Gazette 160 A΄), which had amended article 5 of Presidential Decree 81/2003 *on "Provisions on employees working under a fixed-term contract*" (Official Gazette 77 A΄), did not bring about any change regarding the information and consultation of the employees working under a fixed-term employment contract.

We recall that article 7 of Presidential Decree 81/2003 on "*Provisions on employees working under a fixed-term contract*" (Official Gazette 77 A΄), which harmonized Greek law with the provisions of Directive 1999/70/EC *concerning the framework agreement on fixed-term work concluded by the general cross-industry organisations, ETUC, UNICE and CEEP*, stipulates as follows:

"1. Fixed-term workers shall be taken into consideration in calculating the threshold above which workers' representative bodies provided for in the law in force may be constituted at the undertaking.

3. As far as possible, employers should give consideration to the provision of appropriate information to existing workers' representative bodies about fixed-term work contracts or relationships in the undertaking."

(**E**) Finally, there has been no change concerning the information and consultation of workers in the event of transfer of undertakings, businesses or parts of businesses or undertakings. Article 8 of Presidential Decree 178/2002 on "*Measures for the protection of employees' rights in the event of transfer of undertakings, businesses or of parts of businesses or undertakings*" in compliance with Directive 98/50/EC of the Council (Official Gazette 162A΄), still applies to this issue.

(**F**) In addition, article 37 of Law 4024/2011 (Official Gazette A΄ 226) on *"Pension regulations, uniform pay scale – grading system, labour reserve and other provisions for the implementation of the medium-term fiscal strategy framework 2012-2015"* enables workers and employers to enter into collective labour agreements, including when there is no trade union in the enterprise.

According to paragraph 1 of article 37, the enterprise-level collective labour agreements shall be concluded, in order of priority, by the enterprise's

trade union that covers the workers, or if there is no trade union at the enterprise, by an association of persons, regardless of the category, post or specialty of the workers in the enterprise. If there is no association of persons, the agreement shall be concluded by the respective first-level sectoral organisations and the employer.

(**G**) Article 42 of Law 3986/2011 (Official Gazette A΄152) regulates the issue of working-time arrangement in a similar manner. More specifically, paragraph 6 stipulates that the working-time arrangement shall be determined by enterprise-level collective labour agreements or by an agreement between the employer and the trade union at the enterprise concerning its members, or between the employer and the works council or between the employer and an association of persons. This association of persons may be formed by at least twenty-five (25) per cent of the workers of an enterprise that employs more than twenty (20) workers or by fifteen (15) per cent of the workers, if the total number of workers is not more than twenty (20). Subparagraph (iii), paragraph 3, article 1, Law 1264/1982 shall apply to the other issues.

(**H**) As regards **the European issues** and based on Presidential Decree 40/1997 on "*Rights of employees concerning information and consultation in Community-scale undertakings and Community-scale groups of undertakings in compliance with Directive 94/45/EC/22.9.1994*" (Official Gazette A΄ 39), our country incorporated another two Directives by:
- Presidential Decree 91/2006 *"on the involvement of employees in the European company"* (Official Gazette A΄ 92), which incorporated Council Directive 2001/86/EC "*supplementing the Statute for a European company with regard to the involvement of employees*"; and
- Presidential Decree 44/2008 "*supplementing the Statute for a European Cooperative Society with regard to the involvement of employees pursuant to Directive 2003/72/EC/22.7.2003*" (Official Gazette A΄ 72).
In both Presidential Decrees, "involvement of employees" **means any mechanism, including information, consultation and participation, through which employees' representatives may exercise an influence on decisions to be taken within the company**.

Later, Presidential Decree 40/1997 and Presidential Decree 32/2008 on "*Adaptation of Presidential Decree 40/1997 (Official Gazette A΄ 39) to the provisions of Council Directive 2006/109/EC of 20 November 2006 'adapting Directive 94/45/EC on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees, by reason of the accession of Bulgaria and Romania'*" (Official Gazette A΄ 56) were replaced by Law 4052/2012 (Official Gazette A΄ 41) and articles 49-76 "*Rights of employees concerning information and consultation in Community-scale undertakings and Community-scale groups of undertakings in compliance with Directive 2009/38/EC/6.5.2009*".

According to Law 4052/2012, the purpose of the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings is the employees' information and

consultation on transnational matters, which have a significant effect on the interests of employees within the framework of a Community-scale undertaking where they work or within a Community-scale group of undertakings (article 49). For this reason, article 65 provides that the management of establishments of a Community-scale undertaking and the management of undertakings which form part of a Community-scale group of undertakings operating in Greece, as well as their employees' representatives or, as the case may be, their employees, must abide by the obligations laid down by this Law, regardless of whether or not the central management is situated in Greece.

In order for this Law to apply:

- A Community-scale undertaking must employ at least 1,000 persons within the Member States and at least 150 persons in each of two different Member States at least (article 51§1.a).
- The group of Community-scale undertakings must comprise a controlling undertaking and controlled undertakings, employ at least 1,000 persons within the Member States, comprise at least two undertakings of the group in different Member States, and at least one group undertaking must employ at least 150 persons within Member States and at least one group undertaking must employ at least 150 persons in another Member State (article 51§1.b and c).
- 'Employees' representatives' shall mean in order of priority: (i) the trade unions of employees; (ii) the works councils appointed and operating therein, pursuant to Law 1797/1988; and (iii) the representatives elected by the employees by a direct election, in accordance with article 12 of Law 1264/1982 and article 4 of Law 1767/1988 (article 51§1.d).
- The prescribed thresholds for the size of the workforce shall be based on the average number of employees, including part-time employees, employed during the previous two years (article 51§2). Article 69 contemplates that for the calculation of the number of employees as per paragraph 2 of article 51, the fixed-term work contracts that have expired or the part-time contracts shall be converted into the full annual employment applied by the undertaking or the employment sector of employees.

"**Information**" shall mean *transmission of data by the employer to the employees' representatives in order to enable them to acquaint themselves with the subject matter and to examine it*.
Information shall be given at such time, in such fashion and with such content as are appropriate to enable employees' representatives to undertake an in-depth assessment of the possible impact and, where appropriate, prepare for consultations with the competent organ of the Community-scale undertaking or Community-scale group of undertakings (article 51§1.f). The information shall relate in particular to the structure, economic and financial situation, probable development and production and sales of the Community-scale undertaking or Community-scale group of undertakings (article 60§2).

"**Consultation**" shall mean *the establishment of dialogue and exchange of views between employees' representatives and central management or any more*

appropriate level of management, at such time, in such fashion and with such content that enable employees' representatives to express an opinion, on the basis of the information provided about the proposed measures to which the consultation is related, without prejudice to the responsibilities of the management, and within a reasonable time, which may be taken into account within the Community-scale undertaking or Community-scale group of undertakings (article 51§1.g).

The information and consultation of the European Works Council shall relate in particular to the situation and probable trend of employment, investments, and substantial changes concerning organisation, introduction of new working methods or production processes, transfers of production, mergers, cut-backs or closures of undertakings, establishments or important parts thereof, and collective redundancies (article 60§2).

Matters shall be considered to be transnational where they concern the Community-scale undertaking or Community-scale group of undertakings as a whole, or at least two undertakings or establishments of the undertaking or group situated in two different Member States (article 49§3).

The employer or the person who acts on his/her behalf or any third party who carries out acts or omits in order to impede the exercise of the rights of employees' representatives deriving from this Law, shall be punished (**a**) with imprisonment of up to two (2) years according to article 5 of Law 1338/1983 (Official Gazette A΄ 36), as replaced by paragraph 5, article 6, Law 1440/1984 (Official Gazette A΄ 70); and (**b**) with administrative sanctions as per articles 23 and 24 of Law 3996/2011 (Official Gazette A΄ 170). The competent body for the imposition of such administrative sanctions is the Labour Inspectorate.

The administrative sanctions range from three hundred (300) euro to fifty thousand (50,000) euro, according to article 23, Law 4144/2013 (Official Gazette A΄ 88).

Given the nature and objective of the right to information and consultation, the interventions of the Labour Inspectorate agencies are mainly of a conciliatory nature, in case a dispute arises concerning the correct interpretation of the relevant provisions, compliance with and application of the measure, scope, etc. Of course, where a substantiated violation of the relevant provisions is identified, the Labour Inspectorate agencies intervene immediately and impose the sanctions provided for by the law, as previously mentioned.

Finally, it should be pointed out that for the statistical recording of the inspection and conciliatory actions of the Labour Inspectorate and their results, the agencies do not collect specialized data regarding information and consultation matters but, when they are recorded, they are included in the data related to other labour law issues. In addition, at this stage it is not possible to make a comparative analysis of the number of workers covered by the relevant provisions on information and consultation in relation to the total workforce employed across the country. Therefore, it is not possible to provide specialized information about the said issues.

However, **the compulsory electronic submission of forms, as from 1-3-2013, through the Information System of the Labour Inspectorate (SEPE) – Manpower Employment Organization (OAED), will gradually enable the**

full recording of the number of enterprises that employ workforce as well as of the number of workers, so that the information can be promptly used for any individual analysis.

Maritime Labour

Concerning Maritime Labour, we wish to inform you of the following:

As mentioned in the previous Greek Report, the information and consultation issues of crews of vessels plying the high seas are regulated by Presidential Decree 190/2008 (Official Gazette A΄ 248) issued in order to harmonize Greek law with Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 "*establishing a general framework for informing and consulting employees in the European Community*" [EEL 80].

As stipulated in the Directive, the said Presidential Decree applies to vessels employing at least 50 seafarers; the calculation of their number **shall take into consideration the total number of seafarers employed on the vessel**. Accordingly, the thresholds of seafarers employed on the vessel shall be determined in accordance with the requirements concerning the basic composition of the crew.

As regards the information and consultation mechanisms, and, considering that seafarers, as workers, complete their career working only for short periods of time on the same vessel/for the same shipping company, we would like to note that article 4 of Presidential Decree 190/2008 contains practical details about information and consultation, which duly take into account the commonly recognized particularities of maritime labour.

In addition, in order to ensure a uniform protection of seafarers' rights, **our Country ratified the Maritime Labour Convention, 2006 (MLC, 2006), of the International Labour Organization, which is considered as the "Charter of Seafarers' Rights", by virtue of Law 4078/2012 (Official Gazette A΄ 179)**. This International Convention contributes substantially to the determination and enforcement of common minimum standards at global level concerning the working conditions, health and safety of seafarers employed on vessels, while promoting the enhancement of social dialogue on shipping issues within the states and recognizing the importance of participation in the decision-making process. A significant part of the requirements laid down by the MLC, 2006 has been included in the acquis communautaire by means of Directive 2009/13/EC of 16 February 2009 "*implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC*", which was adopted upon consideration of the fundamental social rights enshrined in the European Social Charter.

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

1 – LEGAL FRAMEWORK

During the reference period (1.1.2009-31.12.2012) there has been no change in the legal framework governing workers in public agencies and public law entities with regard to the workers' right to take part in the determination and improvement of the working conditions and working environment (Presidential Decree 17/1996 and articles 2 and 3 of Law 2738/1999, according to which the health and safety measures are the subject of collective bargaining and are laid down by collective labour agreements).

However, during the period 2009-2012 the following statutes were issued, including provisions on the participation of workers in the improvement of the working conditions:

1. **Presidential Decree 82/2010** (Official Gazette A΄ 145) *"on the harmonization with Directive 2006/25/EC of the European Parliament and of the Council on the minimum health and safety requirements regarding the exposure of workers to risks arising from physical agents (artificial optical radiation) (19th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)"*; *article 7 "Consultation and participation of workers"*;

2. **Law 3850/2010** (Official Gazette A΄ 84) *"Ratification of the Code of Laws on Workers' Health and Safety"*, which includes, inter alia, the codification of provisions of Law 1568/1985, Presidential Decree 17/1996 and Presidential Decree 1767/1988 as referred to in our previous report (6th Greek Report);

3. **Ministerial Decision 23280/603/2011** (Official Gazette B΄ 3115) *"Establishment of Workers' Health and Safety Committees in the Shipbuilding and Repair Zone of Piraeus-Drapetsona-Keratsini-Perama-Salamina"*.

2 – MEASURES AND ACTIONS

A. In the context of its tasks, the General Directorate of Working Conditions and Health drafted, for the first time in Greece, the National Strategy on Health and Safety at Work 2010-2013, which sets the general policy framework for the prevention of occupational hazards and reduction of occupational accidents and occupational diseases. The National Strategy on Health and Safety at Work was based on the Community Strategy on Health and Safety at Work (2007-2012) and took into consideration the provisions of the International Labour Convention 187/2006 concerning the Promotional Framework for Occupational Safety and Health as well as the national priorities. More specifically, Axis 9 *"Strengthening of the role of social partners"* provides, inter alia, for the enhancement of the consultation and participation of the social partners in the decision-making process on Occupational Safety and Health.

Moreover, in the framework of the policies on information and dissemination of information on the prevention of occupational hazards, the Directorate of Working Conditions of the Ministry of Labour, Social Security and Welfare organized the following actions, which offered free participation and access to information material to every party involved in health and safety issues in an enterprise (e.g. members of Workers' Health and Safety Committees, workers' representatives, members of Works Councils, etc.).

1. In the context of our country's participation in the Europe-wide campaign of the European Agency for Safety and Health at Work (EU-OSHA) **"Safe and healthy workplaces: Good for You, Good for Business" 2009,** the following actions were implemented:

● One-day workshop entitled "Risk assessment, basic prevention tool in the following sectors: Technical Projects, Agriculture, Education" on 8/12/2009 in Athens.

● Publication and distribution of printed information material:

Technical book entitled "Risk Assessment Tool";

Technical book entitled "Non-binding Guide to Good Practice for Work at a Height";

Posters containing practical instructions for risk assessment drafting in small enterprises.

● Distribution of relevant electronic material, promotional material for the campaign and material for good practice models on risk assessment.

● Production and distribution of audiovisual material (spots) to the biggest radio and television stations.

● Promotion of the campaign through the network of the public transportation means.

● Presentation of relevant information material on the website of the Ministry of Labour and Social Security.

● Visits to workplaces and distribution of information material.

2. In the context of our country's participation in the Europe-wide campaign of the European Agency for Safety and Health at Work (EU-OSHA) **"Safe Maintenance" 2010-2011**, the following actions were implemented:

- One-day information and awareness-raising workshop for the 1st Year of the European Campaign 2010-2011, Athens, 26 October 2010.
- One-day workshop on the "Basic principles of safety and health at work" for the members of the Enterprise Europe Network (EEN) – Hellas and other partners on occupational health and safety issues, Athens, 8 December 2010.
- One-day workshop on the results of the European Survey of Enterprises on New and Emerging Risks (ESENER) conducted in 2009 by the European Risk Observatory, which focuses on the psychosocial risks at work, Athens, 18 February 2011.
- One-day information and awareness-raising workshop for the 2nd Year of the European Campaign 2010-2011, Thessaloniki, 21 October 2011.

● Production (by the General Directorate of Working Conditions and Health) and dissemination of printed and electronic information material and, more specifically:

- Technical book entitled "Electrical Work Safety".

- Technical book entitled "Non-binding Guide to Good Practice for implementing Directive 2002/44/EC (Vibrations at Work)".
- Technical leaflet entitled "New and Emerging Chemical Risks in the Construction Sector".
- Websites on "Safe Maintenance" for the support of the European Campaign 2010-2011 through the portal of the Ministry of Labour and Social Security.

● Presentation of occupational health and safety issues through the public transportation means (metro, electric railways, tram, El. Venizelos Airport), posters and TV spots.

3. In the framework of the EU Programme for Employment and Social Solidarity – PROGRESS (2007-2013), two technical handbooks in 11 languages entitled:
(a) "Prevention of accidents in the workplace" and
(b) "Safety and health signs in the workplace" were published.
4. In the framework of the European Campaign on Health and Safety at Work entitled "**Prevention of occupational hazards through the participation of all stakeholders" 2012-2013**, the following information and awareness-raising actions were implemented in 2012:
● One-day workshops on the "Prevention of occupational hazards through the participation of all stakeholders" in Thessaloniki (7/11/2012), Patra (8/10/2012), Athens (6/7/2012 and 23/5/2012).
● Events in Thessaloniki (6/11/2012), Chalkis (9/11/2012) and Athens (29/10/2012) for the information and awareness-raising of Small and Medium-sized Enterprises on Occupational Health and Safety Issues.

5. In the context of celebration of the **World Day for Safety and Health at Work** by the International Labour Office, for 2010 on "Decent Work", for 2011 on "Occupational Safety and Health Management Systems (OSHMS)", and for 2012 "Promoting safety and health in a green economy", relevant information material was posted on the Ministry's website.

B. Finally, we would like to mention that the role of the Inspectorate for Safety and Health at Work of the Labour Inspectorate is important for the application of the legal framework. The Inspectorate for Safety and Health at Work is in charge of controlling the compliance with and implementation of the provisions on the protection of workers' health and safety and, in this framework, carries out ordinary and extraordinary inspections in all workplaces upon complaint or report on occupational accident. At the beginning of every inspection in a workplace, the Inspectors for Safety and Health at Work invite the members or representatives of Associations or Health and Safety Committees in the enterprises to be present at the inspection and provide useful information to the Inspectors about the problems identified in the workplace and the workers' health and safety protection measures.

Moreover, during the inspections carried out by the Inspectors for Safety and Health at Work, particular emphasis is given to the fulfilment by the employer of the obligation to inform workers on occupational health and safety issues and, hence, raise their awareness, in order to enable them to participate in the determination and improvement of the working conditions and working

environment within the undertaking. In the same direction, the checklists (questionnaires) designed to be used during the campaigns or targeted inspection programmes by the agencies of the Inspectorate for Safety and Health at Work of the Labour Inspectorate, include a special question on this issue.

Since the commencement of operation of the Labour Inspectorate, Joint Inspection Committees for Technical Projects and the Shipbuilding and the Repair Zone have been established and are operating. They consist of Inspectors and representatives of the most representative workers' organizations in the relevant sectors of economic activity. Such committees are established either by virtue of Ministerial Decisions or decisions issued by the Special Secretary of the Labour Inspectorate. The activities of those Committees for the reference years of this Report are shown below:

COMMITTEES	**2009**	**2010**	**2011**	**2012**
TECHNICAL PROJECTS	1,100	935	464	189
SHIPBUILDING AND REPAIR ZONE	969	965	605	715
TOTAL NUMBER OF INSPECTIONS	24,496	25,259	28,150	26,832

Finally, with a view to informing and raising awareness of workers, the representatives of workers' organizations are invited to attend and actively participate in the information workshops and seminars organized in our country by the Labour Inspectorate or the General Directorate of Working Conditions.

3 – STATISTICAL DATA

As mentioned in the 6th Greek Report, **all** workers **without exception** in all enterprises, including where there are no trade unions or works councils, are entitled to participate in the working conditions improvement process either through their appointed representatives who are in charge of workers' health and safety protection issues or directly on their own initiative. **Therefore, according to the national legislation and practice there are no workers not covered by article 3 of the Additional Protocol.**