



18 December 2006

RAP/Cha/**GR**/XVII(2006)add

EUROPEAN SOCIAL CHARTER

REPLY TO SUPPLEMENTARY QUESTION

17th report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF GREECE

(for the period 1 January 2001 to 31 December 2004:
Articles 2§1)

Report registered at the Secretariat on 14 December 2006

CYCLE XVIII-2

**Additional questions of the European Committee of Social Rights with respect to the 17th
Greek Report on the implementation of the European Social Charter
Article 2 para1**

- *Could the working hours exceeding 60 hours in one week or up to 16 hours on one day be authorized under the legislative order 515/1970 by the virtue of which the extension of the work schedule beyond statutory limits can be authorized?*

The approval of overtime exceeding the maximum working hours (*yperoria*) via ministerial decision, in transgression of the legal limits does not entail prolongation of the upper daily and weekly working limits as they are defined in the Presidential Decree 88/99 (namely, twelve-hour daily work or forty eight-hour weekly work over a four-month reference period, overtime inclusive)

- *Can the reference period for averaging the working hours under flexible working hours regime exceed 4 months? If yes, what is the maximum it can reach?*

By virtue of paragraph 2 of the article 14 of the Presidential Decree 88/99, there is room for deviation without prejudice of the law currently in force, through collective bargaining between the most representative organizations of employers and workers or between the employers and the most representative organizations of the workers as well as through agreements between employers and the representatives of the workers in the workers' councils, on condition that equivalent periods of compensating rest are granted to the workers concerned, or, exceptionally, where such concession of compensating rest is, by way of exception, impossible, the workers concerned are afforded appropriate protection according to the evaluation of risk at work provided for in Article 8 (paragraph1) of the Presidential Decree 17/96.

Up to now, no such agreements or collective bargaining referred to by the aforementioned provision have been communicated to the Ministry of Employment.

APPENDIX

SECRETARIAT GENERAL

DIRECTORATE GENERAL OF HUMAN RIGHTS – DG II

SECRETARIAT OF THE EUROPEAN SOCIAL
CHARTER
THE EXECUTIVE SECRETARY

HD/ESC 324
CDH/SF



Strasbourg, 8 November 2006

Dear Ms Mandraki,

The European Committee of Social Rights is currently examining the 17th Greek report on the European Social Charter and has instructed me to forward to you the enclosed question concerning Article 2§1.

The ECSR would be grateful if you could reply to these questions before 15 January 2007 in order to allow the information to be taken into account in Conclusions XVIII-2.

Yours sincerely,

Régis BRILLAT

Ms Marita MANDRAKI
Department of International Relations
General Directorate of Administrative Support
Hellenic Ministry of Employment and Social Protection
40 Pireos Street
GR-101 82 ATHENS

Postal Address:
Council of Europe
F-67075 Strasbourg Cedex

Tel.: +33 (0)3 88 41 20 00
+33 (0)3 88 41 32 58
Fax: +33 (0)3 88 41 37 00

E-mail: social.charter@coe.int
<http://www.coe.int>

8 November 2006

Question in respect of the 17th report of Greece

Article 2§1:

The Committee would like to ask the following questions:

- Could the working hours exceeding 60 hours in one week or up to 16 hours on one day be authorised under the Legislative Order 515/1970 by the virtue of which the extension of the work schedule beyond statutory limits can be authorised?
- Can the reference period for averaging the working hours under flexible working hours regime exceed 4 months? If yes, what is the maximum it can reach?