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**EUROPEAN COMMITTEE OF SOCIAL RIGHTS  
COMITE EUROPEEN DES DROITS SOCIAUX**

18 July 2018

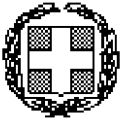
**Case Document No. 2**

**Panhellenic Association of Pensioners of the OTE Group Telecommunications  
v. Greece**  
Complaint No. 165/2018

## **OBSERVATIONS BY THE GOVERNMENT ON ADMISSIBILITY**

**Registered at the Secretariat on 9 July 2018**





HELLENIC REPUBLIC

Ministry of Labour, Social Security and Social  
Solidarity

*International Relations Directorate  
Department of Relations with International  
Organizations*

**Observations of the Greek Government on the admissibility of Collective Complaint 165-2018,  
*Panhellenic Association of Pensioners of the OTE Group Telecommunications*  
*v. Greece***

Following your letter dated 24/05/2018 concerning collective complaint No.165/2018, *Panhellenic Association of Pensioners of the OTE Group Telecommunications v. Greece*, the Greek Government wishes to submit the following observations accordingly:

1. Considering the fact that this complaint is the same as the one filed on 23/08/2017, with reference number 156/2017, as regards both the subject matter and the complainant organization, we do not wish to contest the admissibility of the said complaint for other reasons than the ones we had raised with our observations on the admissibility of collective complaint 156/2017, namely those concerning the nature of the complainant organisation as a trade union.
2. Without prejudice to the fact that your Committee reached the conclusion analysed in paragraph 4 of your Decision on admissibility of complaint 156/2017 of the 22<sup>nd</sup> of March 2018<sup>1</sup>, and taking into consideration the said conclusion, we, nonetheless, wish to maintain firmly the position expressed in our observations on the admissibility of the previous, similar, complaint regarding the nature of the complainant organisation as a trade union for all the reasons expressed in our previous relevant memorandum<sup>2</sup>.

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<sup>1</sup> See ECSR, Decision on Admissibility, Complaint 156/2017, *Panhellenic Association of Pensioners of the OTE Group Telecommunications v. Greece*, 22/03/2018, para4

<sup>2</sup> See Observations of the Greek Government on the admissibility of Collective Complaint 156/2017, *Panhellenic Association of Pensioners of the OTE Group Telecommunications v. Greece*, 21/12/2017: “Article 1 (c) of the Additional Protocol to the European Social Charter that provides for a system of collective complaints, provides the possibility for national representative workers’ and employers’ organizations that fall under the jurisdiction of the party complained against to submit collective complaints. The said complainant organization does not belong to any of the above two categories.

*Moreover, as Greece has not recognized the right of national representative non-governmental organizations that have specific competence on issues relating to the Charter, to submit collective complaints, in accordance with article 2 of the Additional Protocol, the complainant organization without having argued in favour of its representativity, submits the complaint under powers that are not recognized.*

*Furthermore, according to the Committee’s case-law in the context of the Protocol for a system of Collective Complaints, representativity of a trade union is an autonomous concept, whereas it is established that a trade union refers to workers. The criteria set on various occasions by the Committee in its case-law, regarding the representativity of a trade union for the purposes of the Protocol, refer to a union of workers.*

*It is self-evident that the concept of trade union, as used and defined in the context of the Protocol for a system of Collective Complaints, refers to a union of workers”.*

3. We hold the view that the complainant organization, the Panhellenic Association of Pensioners of the OTE Group Telecommunications, can neither be considered as a trade union according to art.1 (c) of the Collective Complaints Protocol, nor falls in some other category of organizations entitled to lodge a complaint, namely under article 2 (1) of the Protocol for all the reasons presented in our former memorandum that concur to the following point: the complainant organization is an *association of pensioners* and not a *workers' union* and cannot be considered as a trade union for the needs of the Collective Complaints Protocol. Therefore the complainant organization does not have *locus standi* in the Collective Complaints Protocol procedure to lodge a complaint against our country.

4. For these reasons, we ask that the European Committee of Social Rights consider the admissibility of the complaint under examination in light of the above and declare it inadmissible.