

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX**



12 April 2011

Case Document No. 2

**General Federation of employees of the national electric power corporation
(GENOP-DEI)
Confederation of Greek Civil Servants' Trade Unions (ADEDY)
Complaint No 66/2011**

**OBSERVATIONS OF THE GOVERNMENT
ON THE ADMISSIBILITY**

Registered at the Secretariat on 8 April 2011



**HELLENIC REPUBLIC
MINISTRY OF LABOUR
AND SOCIAL SECURITY**

**DIRECTORATE GENERAL OF
ADMINISTRATIVE SUPPORT
DEPARTMENT OF INTERNATIONAL
RELATIONS**

Athens, 8/4/2011

**TO:
Council of Europe
General Directorate of Human Rights
- GD II
Secretariat of the European Social
Charter
F- 67075 Strasbourg Cedex**

**To the attention of Mr. Regis Brillat
Secretary General of the ESC**

SUBJECT: Collective complaint No. 66/2011 of the «General Federation of employees of the Public Power Corporation (GENOP-DEI) and of the Confederation of the Greek Civil Servants' Trade Unions (ADEDY) against Greece»

The Directorate General of Human Rights of the Council of Europe in a letter dated 1 March 2011, informed the Greek Government of the Collective Complaint submitted by the General Federation of employees of the Public Power Corporation (GENOP-DEI) and of the Confederation of the Greek Civil Servants' Trade Unions (ADEDY) against Greece on 28th February 2011, and asked for its observations on the Admissibility of the said Complaint until 8th April 2011.

Hence, the observations of the Greek Government on the Admissibility of the Complaint are as follows:

1. Representativeness of the complainant trade unions (Article 1c of the Additional Protocol 1995)

The complainant trade unions do not have representativeness under article 1c of the Additional Protocol 1995 to submit this complaint.

GENOP - DEH is a federation of trade unions representing employees of the Public Power Corporation (DEH) which is a public sector enterprise for the production and distribution of electricity in Greece.

ADEDY is a confederation of trade unions representing civil servants of the civil services and public law legal entities in Greece.

Given their aforesaid representation competence, as shall be described below, the implementation scope of article 74 para 9 L.3863/2010 does not affect the rights of employees belonging to their member trade unions. Therefore the alleged violation of a) art.1 para.1, 7 para.2, 7 para.7, 7 para.9, 10 para.2, 12 para.2 and b) 4 para.1 in relation to art. 1 para.2 of the ESC does not affect any of the employees represented by GENOP - DEH and ADEDY.

2. Violation of provisions of the Charter concerning young apprentices

2.1 The alleged violation caused by article 74 para. 9 L.3863/2010 applies only to private employment contract employees in private sector enterprises and not in the public services. In the public services there are no legal provisions for the employment of young persons of 15 to 18 years of age under "special apprenticeship contracts", thus ADEDY is not possible to represent such employees.

2.2. Terms and conditions of employment of the employees at the Public Power Corporation S.A. (DEH) are regulated by its Internal Work Terms Regulation, where there is no provision for hiring young persons of 15 to 18 years of age under "special apprenticeship contracts". Therefore, GENOP - DEH is not possible to represent such employees.

3. Violation of article 4 para.1 in relation to art. 1 para.2

The complainant trade unions do not take into consideration the scope of article 74 para 8 L.3863/2010 for the employment of young persons under 25 years of age, who are facilitated to enter the labour market under a policy to combat unemployment of young persons. For hiring such employees the social security cost is subsidised through employment programmes stipulated by the Greek Manpower Organisation (OAED). Such employment contracts, as provided by OAED programmes, do not apply to public services and the public sector enterprises and they are strictly addressed to the private sector enterprises.

Due to the scope of the employment contracts for the newly entrants under the age of 25 in the labour market, under article 74 para 8 L.3863/2010, their wages are not covered by any particular collective agreement (sectoral, occupational or enterprise). According to article 8 para 1 L.1876/1990 on free collective bargaining, any contract of employment which is not covered by a particular collective agreement is covered by the National General Collective Agreement, which provides the national minimum wages.

As there are no provisions for the employment of the aforesaid employees either in public services or public enterprises, such as DEH, the alleged violation of article 4 para 1 and 2 of the ESC is not possible to affect employees represented by ADEDY or GENOP - DEH.

Concluding position

In light of the above, the Greek Government requests that the complaint No 66/2011, submitted by ADEDY and GENOP - DEH versus Greece, **be found inadmissible**, due to their lack of competence to represent young employees of 15 to 18 years of age under apprenticeship contracts, as well as the newly entrants in the labour market under the age of 25 employed under contracts of subsidised social security costs.

Government Representation

The Greek Government shall be represented before the European Social Rights Committee by *Ms Evaggelia Zerva*, official of the Ministry of Labour and Social Security, Directorate of International Relations and member of the Governmental Committee of the ESC, as well as by *Dr. Maria Dotsika*, lawyer.

THE SECRETARY GENERAL

ANNA STRATINAKI