



**AFEM**

**Association des Femmes de l'Europe Méridionale**

**Association of Women of Southern Europe**

**GREECE:**

Long, unpredictable and non-family friendly working hours put at stake work-life balance, in particular to the detriment of female workers.

**A comment submitted by AFEM  
to the European Committee of Social Rights  
on the national report of Greece**

**with regard to Article 20 of the European Social Charter**

**ON THE RIGHT TO EQUAL OPPORTUNITIES BETWEEN  
WOMEN AND MEN**

Paris, June 2026

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## **ASSOCIATION OF WOMEN OF SOUTHERN EUROPE (AFEM)**

### **INGO enjoying participatory status with the Council of Europe**

**Our action is placed under the motto :**

**« There is no future for Europe without guaranteeing the fundamental rights of women and men ». « Safeguard social rights to exit the crisis »**

The Association of Women of Southern Europe (AFEM), is a federation of women, associations and national platforms of feminist associations, from the countries of the European Union and its neighborhood, particularly in Southern Europe and the Mediterranean region. Created in 1996, by personalities and associations from the five countries of Southern Europe (France, Spain, Greece, Italy, Portugal), which participated in the World Conference on Women's Rights in Beijing, it has its headquarters in Paris and is governed by the French law of associations.

AFEM works for the construction of a democratic and social Europe, based on the guarantee and promotion of fundamental human rights, first and foremost equality between women and men in all areas, and for the strengthening of Euro-Mediterranean civil society on the basis of the same universal values and rights. To this end, AFEM pursues a permanent dialogue with the institutions of the Council of Europe, the United Nations, the European Union, the national and local public authorities of the countries in which it operates and civil society organizations.

AFEM has enjoyed consultative, then participatory INGO status with the Council of Europe since 2001. It was the first feminist INGO to sit on the governing bodies of the INGO Conference of the Council of Europe, the 4th pillar of the CoE (from 2007 to 2015) and was entitled to present collective complaints for violations of the European Social Charter. AFEM participated and contributed to the process of elaboration of the Istanbul Convention (2009-2011), the First World Forum for Democracy (2012) and the High-Level Conferences on the European Social Charter (2014-2016). It has sustained and contributed to the first collective complaints in relation to women's rights to sexual and reproductive health and equal pay (IPPFN, 2012, GEFDU 2016). AFEM is member of the Academic Network on the European Social Charter and contributes to its activities: see notably C. S. DIMITROULIAS commentary on Article 23 "Communication of copies of reports and comments" in THE ANESC and Berrin CEYLAN ATAMAN (ed.), *The European Social Charter: A Commentary, Volume 5 (Part III, Art A and B, Part IV, Art C)*, Brill, 27 August 2026.

With a Euro-Mediterranean vocation, AFEM was the only women's INGO to sit on the governing bodies of the Euromed Non-Governmental Platform (2007-2012) and to preside the Euromed France Network of which it is a founding member (since 2005). It participated to and co-organized the Euromed Civil Fora with the support of the European Commission (since 2001). At the international level, AFEM coordinates the Group of Feminist INGOs of the Civil Society Assembly in the framework of the Habitat III global process (since 2014) and co-organizes events at the World Urban Forum. It has been member of the board and Vice-president for Europe of the International Alliance of Women, delegate at UNESCO and is founding member of the Women Platform for Action International WOPAI (since 2024).

AFEM is known for having been at the origin of the feminist mobilizations that successfully led to the consecration of equality between women and men among the fundamental rights and essential values of the European Union. She proposed the introduction of Article 23 of the Charter of Fundamental Rights of the EU, and the mention of equality between women and men in Article 2 of the European Constitutional Treaty, and the current Lisbon Treaty.

The present contribution by AFEM is meant to be monothematic: it focuses on the deregulation of working time provisions in the recent years (2023 to date) and its possible (or rather expected) toll on equal opportunities between women and men in the Greek labour market.<sup>1</sup> Why is this important?

It is widely acknowledged that extended working hours and unilaterally<sup>2</sup> and unpredictably changing work schedules have a negative impact on women's employment.<sup>3</sup> According to CJEU *Danfoss*<sup>4</sup>, the employee's adaptability to variable hours "may also work to the disadvantage of female employees, who, because of household and family duties for which they are frequently responsible, are not as able as men to organize their working time flexibly". In the same vein, the European Committee of Social Rights (ECSR), interpreting Articles 2(1) and 27(1b) of the Charter, acknowledges the risk posed to the work-life balance for parents and carers by working hours that are changed unexpectedly and unilaterally by the employer, stressing that "in order to protect the private and family life of workers, the Charter "recognises the importance of informing these workers clearly and within a reasonable period of time of any change in working time".<sup>5</sup> According to the ECSR, within the framework of the obligation of states to take into account the needs of workers with family responsibilities, the duration and organisation of working time are central issues<sup>6</sup>, and the relevant measures may not be imposed unilaterally by the employer.<sup>7</sup> Working long hours that are not desired by the employee has negative consequences on work-life balance.<sup>8</sup>

Greece's Gender Equality Index for 2025, while improving, stands at 57.0 out of 100 (compared to the EU at 63.4), placing the country fifth from the end. Regarding the domain of time, Greece falls to the second place from the end scoring 57.0 out of 100 (compared to the EU average at 65), with significant divergence in all three subdomains (informal care of children, informal long-term care, housework chores).<sup>9</sup>

The cumulative effect of prolonged working time and prolonged hours of unpaid care and domestic work is particularly pressing on women in Greece. Due to a decade of austerity measures, Greece entered the pandemic crisis with its care system dismantled.<sup>10</sup> The

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<sup>1</sup> Petroglou, P. (2024), 2024, "Ο εργασιακός ν. 5053/2023 υπό την οπτική του φύλου και του συνδυασμού εργασιακής και οικογενειακής ζωής" (Labour Law 5053/2023 from the perspective of gender and the combination of work and family life), *Επιθεώρησης Εργατικού Δικαίου* (Labour Law Review), 2024, pp.911-927.

<sup>2</sup> Individual agreements should be subject to strict judicial scrutiny in view of the CJEU well-established case law that "the worker must be regarded as the weaker party in the employment relationship, so that it is necessary to prevent the employer from being in a position to impose a restriction of his or her rights on him or her". CJEU, 12 October 2023, C-57/22 *Ředitelství silnic a dálnic*, para. 44; 2 March 2023, C-477/21 *MÁV-START*, para. 36; 12 January 2023, C-356/21 *TP (Monteur audiovisuel pour la télévision publique)*, para. 43; 22 September 2022, C-120/21 *LB (Prescription du droit au congé annuel payé)*, para. 44; 28 October 2021, C-909/2019 *Unitatea Administrativ Teritorială D*, para. 47; 17 March 2021, C-585/19 *Academia de Studii Economice din București*, para. 51; 14 May 2019, C-55/18 *CCOO*, para. 44; 5 October 2004, C-397/01 to C-403/01 *Pfeiffer and Others*, para. 82; 25 November 2010, C-429/09 *Fuß*, para. 80; 6 November 2018, C-684/16 *Max-Planck-Gesellschaft*, para. 41. In the same vein, judgment No 830/2024 of the Greek Supreme Civil Court.

<sup>3</sup> See, among others, para 10 of the Preamble to Directive 2019/1158.

<sup>4</sup> CJEU, 17 October 1989, 109/88 *Danfoss*, paras. 21, 25.

<sup>5</sup> ECSR, *Confédération générale du travail (CGT) v. France*, Application No. 154/2017, 15 March 2019, para. 50; ECtHR, Conclusions 1998, Interpretative Declaration on Article 2(1).

<sup>6</sup> ECSR, Conclusions 2005, Interpretative Declaration on Article 27(1b); Conclusions 2005, Estonia.

<sup>7</sup> ECSR, Conclusions 2005, Lithuania. See also I. Schomann, Article 27: The Right of Workers with Family Responsibilities to Equal Opportunities and Equal Treatment, in: Bruun et al. (eds), *The European Social Charter and the Employment Relationship*, 2017, pp. 454-66, 460.

<sup>8</sup> ILO, Working Time and Work-Life Balance Around the World, <https://www.ilo.org/publications/working-time-and-work-life-balance-around-world>.

<sup>9</sup> Informal care of children under 12 years old for more than 35 weekly hours (EL-W37, EL-M15 ~ EU-W41, EU-M20); informal long-term care for more than 20 hours per week (EL-W26, EL-M12 ~ EU-W20, EU-M13); housework chores every day (EL-W65, EL-M28 ~ EU-W59, EU-M33).

<sup>10</sup> S. Theodoropoulou, Has the EU become more intrusive in shaping national welfare state reforms? Evidence from Greece and Portugal, 2014, <https://www.etui.org/sites/default/files/14%20WP%202014%2004%20EU%20intrusiveness%20in%20welfare>

harmful effects of austerity measures on women, their rights and gender equality have also been recognized by European institutions.<sup>11</sup> In its latest report on Greece, the United Nations Committee on the Elimination of Discrimination against Women (CEDAW)<sup>12</sup> noted with concern, among other things, the large number of women employed in unpaid care work in Greece. It recommended that the Greek Government recognize, reduce and redistribute the burden of unpaid care work carried by women, by providing affordable childcare and care services for the elderly and by promoting the equal sharing of domestic and family responsibilities between women and men. Strengthening policies for the combination of professional and economic life is imperative in view of the demographic problem (low fertility, aging population) that plagues the country. Difficult living conditions (negative savings rates, shrinking purchasing power, insufficient wages to cover basic needs, high rates of poverty and social exclusion combined with the housing crisis) create a stifling environment for young people in Greece to become independent and start their own families (in 2021, 72.9% of young people aged 18 to 34 lived with their parents in Greece compared to 49.4% in the EU), while also triggering the flight, especially of young people, abroad: it is estimated that at least 500,000 Greeks —5% of the population—migrated abroad from the start of the economic crisis in 2010 to 2019, while net migration inflows in recent years up to and including 2021 were negative.<sup>13</sup>

According to the latest data (2026),<sup>14</sup> in Greece, the gap in employment rates between men and women remains large and the female labour force participation rate, while improving, remains among the lowest in the OECD. Enabling a better balance between work and family life would facilitate the labour market access for women, thereby increasing skill supply. Daycare capacities are however low as spending is geared towards birth grants rather than in-kind support.<sup>15</sup>

In such a context, the deregulatory provisions on working time which are analysed below should be revisited under the lense of reconciliation of professional and family life as a "natural corollary" of gender equality and a prerequisite for its substantive achievement.<sup>16</sup> Till then, their cumulative effect should undergo a close gender screening and gender monitoring on the basis of robust statistical data disaggregated by sex and made available to the public.

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[%20state%20reforms%20Theodoropoulou%20Web%20version.pdf](#) ; M. Thanopoulou / J. Tsiganou, Gender in Science without Numbers, From academia to work-life balance, Main results of case studies, National Centre for Social Research, Athens, 2016.

<sup>11</sup> European Parliament resolution of 21 January 2021 on the EU Strategy for Gender Equality (2019/2169(INI)), [https://www.europarl.europa.eu/doceo/document/TA-9-2021-0025\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2021-0025_EN.html).

<sup>12</sup> CEDAW, Combined eighth and ninth periodic reports of Greece (CEDAW/C/GRC/8-9), adopted at its 2041st and 2042nd meetings, held on 6 February 2024, <https://documents.un.org/doc/undoc/gen/n24/045/22/pdf/n2404522.pdf?token=RUG98weVaDHSYvZmD9&fe=true>; EELN flash report (Greece), 7.6.2024, 'CEDAW's concluding observations on Greece', <https://www.equalitylaw.eu/downloads/6094-greece-cedaw-s-concluding-observations-on-greece>.

<sup>13</sup> P. Liarkovas (2024), 'Bankflation: The inflation of "banking greed"', [https://www.kepe.gr/wp-content/uploads/2024/03/%CE%91%CE%BD%CE%B1%CE%BB%CF%8D%CF%83%CE%B5%CE%B9%CF%82\\_%CE%95%CF%80%CE%B9%CE%BA%CE%B1%CE%B9%CF%81%CF%8C%CF%84%CE%B7%CF%84%CE%B1%CF%82\\_1-2024.pdf](https://www.kepe.gr/wp-content/uploads/2024/03/%CE%91%CE%BD%CE%B1%CE%BB%CF%8D%CF%83%CE%B5%CE%B9%CF%82_%CE%95%CF%80%CE%B9%CE%BA%CE%B1%CE%B9%CF%81%CF%8C%CF%84%CE%B7%CF%84%CE%B1%CF%82_1-2024.pdf)

<sup>14</sup> OECD (2026), *Foundations for Growth and Competitiveness 2026*, p.205, OECD Publishing, Paris, <https://doi.org/10.1787/40a7532f-en>.

<sup>15</sup> Not surprisingly, the ambitious programme "Nannies in the Neighbourhood", co-funded by the EU, by making eligible grandparents or other members of the family to register as caregivers, risks to be turned into a programme of family grants instead of an in-kind support. EELN flash report (Greece) of 30 June 2026 'Programme "Nannies in the Neighbourhood" for the care of children aged 2 months to 2.5 years' (to be published); EELN (Greece) flash report of 30 September 2020, <https://www.equalitylaw.eu/downloads/5250-greece-programme-nannies-in-the-neighbourhood-for-the-care-of-children-aged-0-5-2-5-years-108-kb>.

<sup>16</sup> CJEU 17.6.1998, C-243/95 *Hill*, para. 42; CJEU 2.10.1997, C-1/95 *Gerster*, para. 38.

## **Article 20 ECSR: the right to equal opportunities between women and men**

### **First question (legal framework)**

**Long, unpredictable and non-family-friendly working hours put at stake work-life balance, in particular to the detriment of female workers.**

#### **1. Act 5239/2025<sup>17</sup>**

Act 5239/2025, OJ A 178/17.10.2025 legislation introduced several deregulatory provisions on working time with detrimental effects on work life balance.

**(i) A 13-hours Work Day:** Notably, Article 7 of Act 5239/2025 establishes for the first time a 13-hours working day by raising the daily maximum overtime limit to four hours (i.e. 8-hours normal working time + 1-hour special overtime («υπερπαρασία») + 4-hours overtime = 13-hours work day),<sup>18</sup> with the annual maximum overtime limit remaining at 150 hours. According to the Act, the employee's refusal to work beyond 8 hours does not constitute grounds for dismissal, nor can it lead to any detrimental change or adverse discrimination against the employee. In its report on the Bill,<sup>19</sup> the Scientific Committee of the Greek Parliament questions the applicability of the new provision in that a 13-hours work day plus the 30-minutes break (Article 4 of the EU Working Time Directive 2003/88)<sup>20</sup> does not leave room for the minimum daily rest period of 11 consecutive hours per 24-hour period (Article 3 of the EU Working Time Directive). The new provision attracted international publicity.<sup>21</sup>

**(ii) Working time arrangements, including through individual agreements** between the employer and the employee with a reference period from one week **up to 12 months yearly** (Article 8 of Act 5239/2025). In its report on the Bill, the Scientific Committee of the Greek Parliament noted that no prior registration of this settlement agreement in the digital platform "ERGANI" is foreseen, in order for it to be known to the supervisory authorities and to ensure its compliance in practice.

**(iii) Splitting of the annual leave** (with the exception of a part of five consecutive working days) upon the employee's petition (Article 10 of Act 5239/2025). The Scientific Committee of the Greek Parliament questioned how the authenticity of the employee's request for annual leave to be split will be ensured.

In its Report on the Bill,<sup>22</sup> the Greek National Commission for Human Rights deplored that the risk of the cumulative adverse social consequences of the provisions of the Bill (Act 5239/2025) on working time, following the previous provisions of Act 5053/2023 (see under I.2 below), does not appear to have been assessed, insofar as extended working hours and unilaterally changing schedules are provided, to the detriment of workers with family responsibilities, especially women.

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<sup>17</sup> EELN, flash report (Greece) of 24 December 2025, 'Introduction of 13-hour work day raises concerns over Work-Life Balance', <https://www.equalitylaw.eu/downloads/6466-greece-introduction-of-13-hour-work-day-raises-concerns-over-work-life-balance>.

<sup>18</sup> The remuneration for overtime work is equal to the hourly wage paid increased by 40%.

<sup>19</sup> Scientific Committee of the Greek Parliament, Report on the Bill, 13 October 2025, see [here](#).

<sup>20</sup> Article 4 of Directive 2003/88 was transposed by Article 4(1) presidential decree 88/1999, as amended by Article 56(1) Act 4808/2021, which provides for a break from 15 up to 30 min. when the daily working time exceeds four consecutive hours.

<sup>21</sup> BBC, 16.10.2025, '[Greece passes labour law allowing 13-hour workdays in some cases](#)'; The Guardian, 1.10.2025, '[General strike against 13-hour work day brings Greece to a halt](#)'; The Conversation, 12.11.2025, '[Exhausted employees don't want it – so why has Greece introduced a 13-hour work day?](#)'; The European Correspondent, 7.12.2025, '[Feeling poor? Work 13 hours a day](#)'.

<sup>22</sup> NCHR, [Report to the Greek Parliament](#), Observations on the Bill, 10 October 2025.

The above provisions of Act 5239/2025 have to be examined in conjunction with previous deregulations under Act 5053/2023, transposing Directive 2019/1152.

## **2. Act 5053/2023<sup>23</sup>**

Act 5053/2023, OJ A 158/26.09.2023<sup>24</sup> transposed into the national legal order Directive 2019/1152<sup>25</sup> on transparent and predictable working conditions. On this occasion, the following deregulatory provisions on working time were adopted:

### **(i) A Six-Day week**

Articles 25 and 26 of Act 5053/2023 introduced for the first time a six-day working week for: (i) enterprises of continuous operation (with a system of alternating shifts) that apply a five-day working week and (ii) enterprises that are not by nature of a continuous operation and apply a five-day working week, but only in the exceptional case of an unforeseeably increased workload.<sup>26</sup> The law did not provide for a reasonable notice period, nor for the right of workers to refuse employment on the 6th day. In its remarks on the Bill, the National Commission on Human Rights (NCHR) deplored, inter alia, the non-effective public participation before the adoption of the Bill.<sup>27</sup>

At the time of its adoption, the compatibility of Greece's six-day work week with the EU acquis, inter alia, in the field of gender equality has been raised before the European Parliament.<sup>28</sup> Moreover, upon its entry into force on 1 July 2024,<sup>29</sup> the new measure has been strongly criticised by the international media as running counter to the international trend to introduce a four-day working week, to reduce working time<sup>30</sup> and to promote work-life balance.<sup>31</sup> In the wake of this negative publicity and without any amendment to the law, government officials initially declared that the employee's refusal to work on the 6th day would be abusive as contrary to "good morals" if it is repeated.<sup>32</sup> This narrative

<sup>23</sup> EELN flash report (Greece), 'Introduction of Six-Day Work Week Raises Concerns over Work-Life Balance', <https://www.equalitylaw.eu/downloads/6149-greece-introduction-of-six-day-work-week-raises-concerns-over-work-life-balance>

<sup>24</sup> Petrolou, P. (2024), 2024, "Ο εργασιακός ν. 5053/2023 υπό την οπτική του φύλου και του συνδυασμού εργασιακής και οικογενειακής ζωής" (Labour Law 5053/2023 from the perspective of gender and the combination of work and family life), *Επιθεώρησης Εργατικού Δικαίου* (Labour Law Review), 2024, pp.911-927.

<sup>25</sup> Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union.

<sup>26</sup> Articles 25 and 26 Act 5053/2023 added Articles 182C and 182B respectively to the Code of Individual Labour Law (presidential decree 80/2022, OJ A 222/4.12.2022).

<sup>27</sup> The NCHR was not consulted by the executive on the draft bill despite its area of expertise. Moreover, the period of public debate (25.8.2023-11.9.2023) coincided with extended wildfires and floods in Thessaly due to which a state of emergency had been declared and the country was practically cut into two parts, rendering problematic the participation of stakeholders. See NCHR, Remarks on the Bill, September 2023, <https://www.nchr.gr/images/pdf/apofaseis/ergasia/fin.pdf>. The issue of effective and timely consultation of stakeholders has been also addressed by the European Commission in the 2024 Rule of Law Report (Country Chapter on the rule of law situation in Greece), SWD(2024) 808 final.

<sup>28</sup> Ernest Urtasun (Verts/ALE), 5.10.2023, Question for written answer E-002956/2023 to the Commission, "Increase of working hours in Greece", [https://www.europarl.europa.eu/doceo/document/E-9-2023-002956\\_EN.html](https://www.europarl.europa.eu/doceo/document/E-9-2023-002956_EN.html). Answer given by Mr Schmit on behalf of the European Commission E-002956/2023(ASW), 27.11.2023, [https://www.europarl.europa.eu/doceo/document/E-9-2023-002956-ASW\\_EN.html](https://www.europarl.europa.eu/doceo/document/E-9-2023-002956-ASW_EN.html).

<sup>29</sup> Decision of the Minister of Employment No 24595/28-3-2024, OJ B 1966/29-03-2024.

<sup>30</sup> The Guardian, 1 July 2024, "Greece introduces 'growth-oriented' six-day working week", <https://www.theguardian.com/world/article/2024/jul/01/greece-introduces-growth-oriented-six-day-working-week>; CNBC, 2 July 2024, "Greece becomes first EU country to introduce a six-day working week", <https://www.cnbc.com/2024/07/02/greece-becomes-first-eu-country-to-introduce-a-six-day-working-week.html>; The New York Times, 6 July 2024, "Some countries are trying a 4-day workweek. Greece wants a 6-day one", <https://www.ekathimerini.com/nytimes/1243315/some-countries-are-trying-a-4-day-workweek-greece-wants-a-6-day-one/>; The Washington Post, 4 July 2024 "Why work four days a week when you can work six? Greece gives it a shot", <https://x.com/washingtonpost/status/1808814021849550914>.

<sup>31</sup> Koujianou Goldberg, P., 19 July 2024, "Is Greece's Six-Day Work Week a Harbinger?", Project Syndicate, <https://www.project-syndicate.org/commentary/greece-six-day-week-result-of-low-birth-rates-aging-population-by-pinelopi-koujianou-goldberg-2024-07>. Pinelopi Koujianou Goldberg is the Elihu Professor of Economics and Global Affairs and an Affiliate of the Economic Growth Center at Yale University.

<sup>32</sup> See declarations of the Minister Labour Niki Kerameos and of the Deputy Minister of Labour Kostas Karagkounis, inter alia, in: The Press Project, 5 July 2024, «Ο εργαζόμενος δεν μπορεί συνεχώς να αρνείται την



was subsequently improved by the Greek PM who stated that employment on the 6th day is only possible if agreed between the parties.<sup>33</sup> Although the law has not been amended, following a huge number of such requests in the first month of the application of the measure (July 2024) and the international negative publicity, the digital platform was regulated to allow such requests only for enterprises of continuous operation (using a rotating shift system) that typically have a five-day working week. However, the law has not been amended to date, which gives room for future implementation to enterprises of non-continuous operation as well.

## **(ii) The first-ever institution of a probationary period<sup>34</sup>**

Article 4 of the transferring Act 5053/2023, by adding Article 1A to the Code of Individual Labour Law (CILL),<sup>35</sup> has instituted for the first time in the Greek labour law the probationary period as a distinguished employment period with a downgraded protection status. This is in breach of the gender equality and non-discrimination acquis. According to Article 1A(3) CILL<sup>36</sup>, if, during the probationary period or at its end, "the employer considers that the "service of the employee is not successful" for whatever reason (i.e. not only for reasons connected with the capacity or conduct of the employee but also for economic reasons), the probationary employment relationship is "automatically dissolved", i.e. no termination by the employer is required. The employer has only to submit a notification of the automatic dissolution to the electronic employment platform "ERGANI"<sup>37</sup>.

Moreover, according to Article 1A(6) CILL<sup>38</sup>, full protection against an unlawful dismissal<sup>39</sup> applies only during the probationary period, but not at its end or after its end. This is in blatant breach of the EU law acquis on gender equality (Directive 2006/54), antidiscrimination (Directives 2000/43 and 2000/78), maternity protection (Directive 92/85) and work life balance (Directive 2019/1158), which prohibits any less favourable treatment, including dismissal, of workers on the grounds of sex and the other protected grounds, during pregnancy and maternity leave and on the ground that they have applied

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εργασία» λέει ο υφυπουργός Εργασίας στηρίζοντας την 6ήμερη εργασία" ("The employee cannot constantly refuse the 6-day work", says the Deputy Minister of Labour"), <https://thepressproject.gr/o-ergazomenos-den-borei-synechos-na-arneitai-tin-ergasia-leei-o-yfypourgos-ergasias-stirizontas-tin-6imeri-ergasia/>; "Κεραμέως για 6ήμερη εργασία: "Δε μπορείς να λες συνέχεια όχι στο αφεντικό για 6ημερο" ("Kerameos: for a 6-day job: "You can't keep saying no to the boss for six-day work", <https://www.youtube.com/watch?v=3jnex-zN34c>.

<sup>33</sup> Prime Minister Kyriakos Mitsotakis' interview on CNN with journalist Julia Chatterley, 13 July 2024, <https://www.primeminister.gr/en/2024/07/13/34699>.

<sup>34</sup> EELN flash report (Greece) of 25 March 2024, '[First-ever institution of a probationary period in breach of EU law](#)'.

<sup>35</sup> The Code of Individual Labour Law (CILL) was adopted by presidential decree 80/2022, OJ A 222/4.12.2022.

<sup>36</sup> Art. 1A(3) CILL: "If, during or at the end of the period of time in paragraph 1, the employer considers that the probationary service of the employee is not successful, the probationary contract is automatically dissolved and the time spent is counted as working time for all rights produced up to the point of its solution".

<sup>37</sup> Article 3 Act 5053/2023 & Part C, 1<sup>st</sup> Article, par.15 of the Ministerial Decision 113169/2023, OJ B 7421/28.12.2023.

<sup>38</sup> Art. 1A(6) CILL: "6. In any case during the probationary period, all protective provisions for the employee linked to the dependent employment contract or relationship, in particular articles 162 to 179 and par. 1 of article 339, apply".

<sup>39</sup> In Greek labour law, full protection against unlawful termination in the form of recognition of the nullity of the dismissal, award of full pay without interruption and reinstatement is provided by Article 339 CILL (Article 66 Act 4808/2021, OJ A 101/19.06.2021), inter alia, in the case of discrimination against the employee on the ground of sex and all the other protected grounds; victimisation against the complainants of discrimination and their witnesses; exercise of rights in the case of violence and harassment under the national provisions sanctioning ILO C-190 on violence and harassment (Act 4808/2021); prohibition of dismissal of pregnant and breast-feeding women during pregnancy and up to 18 months after birth and of fathers of newborn children up to six months after birth unless there is a serious ground; dismissal on the grounds that a worker has applied for, or has taken, a family-related leave or has exercised the right to request flexible working arrangements under the national law implementing the WLB Directive. In cases where dismissal is not expressly prohibited by law, instead of the recognition of the nullity of the dismissal, upon request by either of the parties before the court, the remedy may be limited to a compensation amounting from 3 months' wages to double the sum of the legal compensation.

for, or have taken, the family-related leaves or that they have exercised the rights to flexible working arrangements under the WLB Directive:

- during the whole employment relationship (including the probationary period)
- at its end (e.g. the non-renewal of a fixed-term contract upon its expiry due to the employee's pregnancy constitutes a prohibited direct discrimination on the grounds of gender<sup>40</sup>); and
- even after its end (workers should continue to enjoy protection against discrimination even after the end of the employment relationship, as on the event of the employer's refusal to provide references – see also point 41 of the Recital of Directive 2019/1152<sup>41</sup>).

The above regression in relation to the EU acquis was vividly deplored by the Greek National Commission for Human Rights (NCHR) in its report<sup>42</sup> on the draft law before its adoption by the Greek Parliament, albeit to no avail. The Greek NCHR also noted that according to the jurisprudence of the European Committee of Social Rights on Article 24 ("The right to protection in cases of termination of employment") of the European Social Charter, the exclusion of workers from protection against dismissal up to six months during the probationary period is not reasonable if it is applied irrespective of the capacity or conduct of the employee.<sup>43</sup> According to the Greek NCHR, given the "automatic dissolution" is not considered and registered as a termination of the employment contract by the employer, the worker whose employment contract is automatically dissolved, will not be entitled to an unemployment benefit, even if the required insurance days record is satisfied.

Prof. Dimitris Zerdelis<sup>44</sup>, President of the Greek Association for Labour Law and Social Security, also warned that the restriction of the protection against unlawful dismissal only during the probationary period is of a pure theoretical value, given that at the end of the probationary period (or even before it) the employer can unilaterally "judge" that the service was not successful for any reason.

### **(iii) A 24-hour minimum notice period in unpredictable work<sup>45</sup>**

Article 10 Act 5053/2023 introduced a (very short) 24-hour minimum notice period to which the worker is entitled before the start of a work assignment in case the work pattern is entirely or mostly unpredictable.

On top of the above provisions already in force, the Bill transposing the Pay Transparency Directive (Directive (EU) 2023/970) which is still pending before the Greek Parliament, in its Article 37 extends the possibility of **work on Sundays** to seven new branches of activity.<sup>46</sup>

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<sup>40</sup> CJEU, 4.10.2001, C-109/00, *Tele Danmark*; CJEU, 4.10.2001, C-438/99, *Jiménez Melgar*.

<sup>41</sup> CJEU, 22.9.1998, *Coote*, C-185/97.

<sup>42</sup> National Commission of Human Rights, Observations on the Draft law (Act 5053/2023), September 2023, pp.30-35, <https://www.nchr.gr/images/pdf/apofaseis/ergasia/fin.pdf>

<sup>43</sup> European Committee of Social Rights, (Art. 24) termination of employment, Conclusions 2012, Ireland; Conclusions 2012, Cyprus; Conclusions 2003, Italy.

<sup>44</sup> Zerdelis, D., "The regulation of the probationary period for employees", Newspaper "Kathimerini", 14.9.2023, <https://www.kathimerini.gr/economy/562607689/arthro-toy-d-zerdeli-stin-k-i-rythmisi-tis-dokimastikis-periodoy-qia-ergazomenoys/>

<sup>45</sup> Petroglou, P. (2024), op.cit., pp.911-927.

<sup>46</sup> Printing activities and flexible packaging material production activities; Production and manufacturing of plastic products; Production of insulating materials from asphalt; Production of basic metals and manufacturing of electronic and electrical wires and cables; Manufacture of metal products, except machinery and equipment; Production of tobacco products; Production of perfumes and cosmetic preparations.



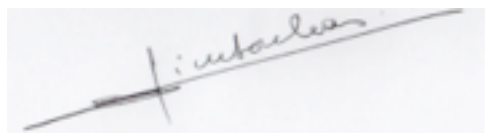
AFEM is going to address shortcomings of the Greek law transposing the Pay Transparency Directive (Directive (EU) 2023/970) following its adoption by the Greek Parliament in the near future.

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