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EUROPEAN SOCIAL CHARTER

5th National Report on the implementation of the European Social Charter

submitted by

THE GOVERNMENT OF GREECE

Article 2, 4, 5, 6, 21, 22, 26, 28 and 29
for the period 01/01/2017 - 31/12/2020

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Greek Report
On the Revised
European Social Charter

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May 2022

Ministry of Labour
&
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Article 2 – The right to just conditions of work

Paragraph 1

Question (a)

Legal framework to ensure reasonable working hours - enforcement measures and monitoring arrangements

Monitoring compliance with labour law provisions on working hours is carried out in accordance with the current legislative framework[1].

The table below presents information on the number of workers who, during inspections, were found to be employed outside their working hours, account taking various types of employment, together with the number and the amounts of fines imposed on the inspected enterprises.

[1] Presidential Decree 88/1999, Law4093/2012, Law4144/2013, Law4554/2018, Law4635/2019 etc, as amended and in force.

TABLE

YEARS	Number of Workers employed outside of working hours (Total)	Number of workers whose statutory overtime hours had not been declared	Number of workers whose statutory overtime hours had not been declared, after opinion given by the ASE	Number of workers whose overtime hours had not been declared	Number of workers who were working on a day off	Number of part-time workers for whom the modification of working hours had not been declared	Number of workers employed in rotation for whom the modification of working hours had not been declared	Number of full-time workers for whom the modification of working hours had not been declared	Fine Amounts	Fines imposed (in Euro)
2018	**1.807**	138	31	125	377	718	117	301	842	2.506.996
2019	**6.839**	259	2	405	1.300	3.003	506	1.364	3.012	10.819.096
2020	**3.529**	229	3	236	322	1.648	179	912	1.798	4.221.773

For the rest applies what is mentioned in the last national report (24th Greek Report) on article 2 par. 1 ESC.

Question (c)

Information on law and practice as regards on-call time and service (including as regards zero-hours contracts), and how are inactive on-call periods treated in terms of work and rest time as well as remuneration.

Based on both theory and case-law and on the interpretation of articles 648-652, 657-663, 666-667, 660 and 671 of the Civil Code, in combination with the provisions of Law 3239/55, 1876/90 and 3755/1957, it follows that generally an employment relationship involves the active or positive provision of intellectual or physical activity for the achievement of a certain economic result by the worker. However, provision of dependent work exists even when the worker's freedom is restricted being obliged to remain at a place and time set by the employer, in order to be ready for the performance of duty, if the circumstances necessitate it[2]. In this case we have a readiness to perform duty relationship.

An employee's readiness to perform duty is divided into the following two main categories, depending on the intensity of his alertness: a) *actual readiness* to perform duty or standby duty and b) *mere readiness* to perform duty or on-call duty.

When actually ready or standby, the employee must maintain his mental and physical alertness and remain either at the company premises or at another specific location and, when required, be able to go to the workplace and make himself available to the employer during specified hours as appropriate. This form of readiness is considered to be full-time employment, irrespective of work occurrence and thus, such form of readiness is fully equal to normal work, since apart from the restriction of one's freedom in favour of another person, full physical and mental alertness of the worker is also required. Thus, when an employee is on standby duty all labour law provisions apply, for example those referring to working time limits (i.e., increments on pay for night or overtime work)[3].

When merely ready or *on-call* the employee, on agreement with the employer, is required to restrict his freedom in favour of the latter, by remaining at a specific place and time, without being obliged to maintain his mental and physical alertness in order to make himself available to the employer at any time. This is also readiness to perform on-call duty where the worker must remain at a specific place (for example in his house) and be ready to perform his duties, when requested, restricting thus only the freedom of his movements (an

[2] Supreme Court Decision No.70/2010, Supreme Court Plenary Decision No.10/2009, One Member Athens Court of First Instance Decision No.362/2008, Athens Court of Appeal Decision No. 6002/2004

[3] Supreme Court Decision Nos. 766/2012, 1352/2009, 115/2009, 112/2009, 1512/2008, Thessaloniki Court of Appeal Decision No.830/1995, Supreme Court Decision Nos. 1234/1990, 157/1989, 66/1989, 1418/1984

indicative case is the doctor who stays at the hospital overnight or declares his location in order to be notified by phone in order to provide his services, in an emergency[4]).

This form of readiness is also considered to be dependent working relationship, but it is assumed by case law that all labour law provisions do not apply, unless otherwise agreed, except for cases of actual work occurrence or, when due to special circumstances, the employee is obliged to remain alert[5]. The provisions of law or of CLAs setting out pay thresholds do not apply, nor the provisions on pay increments for night work or work on Sundays and holidays, or those on working time limits relating to additional pay for overtime, statutory overtime exceeding 45 hours, etc. However, salary should be paid and if the salary amount is not agreed upon, it shall be defined pursuant to article 653 of the Civil Code (salary that normally applies) depending on the duration of the worker's commitment, etc[6]. The worker is entitled to additional, supplementary pay which, if is not agreed upon, shall be defined based on the salary that normally applies to each specific case. [7]

If therefore, there is no agreement on the salary amount, the employer must pay the «*salary that normally applies*», i.e., the one that is paid by all employers for the provision of similar work or services to other workers of the same age who provide the same type of services at the same place and time and under the same conditions.

Question (d)

Impact of the COVID-19 crisis on the right to just conditions of work and on general measures taken to mitigate adverse impact

In this unprecedented negative global situation, urgent and exceptional measures were taken by our country, but also by most European countries, for reasons of prevention and protection against the new coronavirus. A brief reference of those measures is made

[4] Supreme Court Decision No.459/65

[5] Supreme Court Decision No.70/2010, Supreme Court Plenary Decision No.10/2009, Supreme Court Decision No.207/2009, Ioannina Court of Appeal Decision No.103/2008, Supreme Court Decision No.802/2003, Supreme Court Decision No.962/2007, Supreme Court Decision No.1659/1995, Supreme Court Decision No.1208/1995, Thessaloniki Court of Appeal Decision No.830/1995, Thessaloniki Court of Appeal Decision No.2580/1995, Supreme Court Decision No.1184/1993, Supreme Court Decision No.1234/1990, Thessaloniki Court of Appeal Decision No.2043/1990, Supreme Court Decision No.66/1989, Supreme Court Decision No.1406/1988, Supreme Court Decision No.1511/1987, One Member Athens Court of First Instance Decision No.4334/1985, Supreme Court Decision No.1127/1984, Piraeus Court of Appeal Decision No.139/1984

[6] Supreme Court Decision No.70/2010, Supreme Court Plenary Decision No.10/2009, Supreme Court Decision No.207/2009, Supreme Court Decision No.1749/2008, Ioannina Court of Appeal Decision No.103/2008, Supreme Court Decision No.802/2003, Supreme Court Decision No.1659/1995, Supreme Court Decision No.1208/1995, Supreme Court Decision No.1184/1993, Supreme Court Decision No.1234/1990, Thessaloniki Court of Appeal Decision No.2580/1995

[7] Athens Court of Appeal Decision No.7980/1992

below. In addition to the restrictive measures adopted at an early stage, the Hellenic Government also adopted relief measures to alleviate from the repercussions occurred.

Emergency prevention and protection measures against the new coronavirus COVID-19[8]
(by way of illustration):
- Temporary ban on travel outside Greek territory
- Temporary ban on the operation of schools and all kinds of educational structures, institutions and bodies, public and private ones, of any type and degree, places of religious worship, as well as a temporary ban and suspension of travel- for any reason- of teachers and other staff, of pupils and students of any of the above school units, educational structures and institutions.
- Temporary ban on the operation of theaters, cinemas, sports and artistic events areas, archeological sites and museums, health-regulated establishments, private enterprises, public services and organizations, as well as public gathering places in general.
- Temporary imposition of restriction measures for public transport within the territory.
- Temporary stay-at-home restriction to avoid actions that could cause the spread of the disease.

Measures implemented in the field of work:
- Work in rotation/ turn-based work
- Distance working/ teleworking
- Security personnel at work - Special leaves (special purpose leave for children care, special sick leave)
- Public entry restriction at services, observance of preventive measures according to the instructions of the National Organization of Public Health (EODY), restriction or suspension of official travels abroad, use of means such as teleconference where possible (ex. during the operation of collective bodies)
- Measures for vulnerable groups facilitation
- Recruitment of temporary staff to deal with the new coronavirus COVID-19, restriction of public service in person, suspension-redefinition of deadlines for submitting a request or administrative appeal to the administration.
- Ability to use reduced working hours for parents as a one-off and temporary measure[9].
- Establishment of a special support mechanism for workers under a dependent labour relationship at enterprises-employers, the operation of which has been temporarily banned due to emergency measures for Covid-19 coronavirus, including measures of financial

[8] The relevant Acts of Legislative Content (PNP), the most important of which are PNP 25/2/2020, PNP 11/3/2020, PNP 14/3/2020, PNP 20/3/2020, PNP 30/3/2020 provide initially for the possibility of adopting such measures. The adoption of Joint Ministerial Decisions followed, in order to specialize and implement the envisaged measures.
[9] Law4690/2020 (O.G. 104A΄).

support, special purpose compensation, insurance coverage, special allowances and training checks[10].
- Suspension of employment contracts[11]
- Prohibition of termination of employment contracts[12].
- Special purpose compensation[13]
- Extension of the deadline for the payment of insurance contributions as well as of the deadlines for the payment of installments, arrangements or facilitations for the payment of insurance contributions –on installments terms- by enterprises for the employees.

In the context of measures aiming to contain the spread of coronavirus COVID-19 and more specifically to address the shortage of qualified nurses, as well as upgrade the conditions for the provision of nursing care services[14], nursing specialties were established with an eighteen months (18) training period and specialization granted within a six months (6) training period.

Furthermore, two thousand two hundred fifty positions (2.250) of specialized nurses were established, with the majority of them (1.650) being training positions of "Emergency and Intensive Nursing" and 600 of the specialty "Public health nursing/Community nursing".

[10] 8 Article 13 PNP 14/3/2020

[11] Article 11 para.2 A (a) and (c) PNP-20/3/2020 provides for the possibility of suspending the employment contracts for a part or all of their staff, by private sector enterprises-employers, which are significantly affected by the negative effects of the Coronavirus-COVID 19 phenomenon, in order to adapt their operational needs to the adverse environment created. The private sector enterprises-employers that make use of the above regulation are obliged after the expiration of the suspension period of their personnel's employment contracts, to keep the same number of job posts for a period equal to that of the suspension.

[12] Article 11, para1 PNP-20/3/2020: Employers-enterprises suspended from their business activity by order of a public authority and for as long as the measures against the coronavirus COVID-19 last should not make staff reduction by terminating employment contracts. In such case, these terminations of contracts are deemed invalid.

[13] Article 11, para.2 B (a) PNP- 20/3/2020- Workers whose employment contract is suspended, either due to a ban on the operation of the enterprise by order of a public authority, or due to the implementation of the measure of subpara 2A (a), are entitled to a one-off financial assistance, as a special purpose compensation.

[14] By virtue of the articles 58 and 59 N.4690/2020 (O.G. 104 A΄) with subject "Ratification: a) the 13.4.2020 legislative act "Measures to address the ongoing consequences of the COVID-19 pandemic and other urgent provisions" (Α΄84) και b) the 1.5.2020 legislative act «Further measures to mitigate the consequences of the COVID-19 pandemic and the restoration of social and economic normalcy» (Α΄90) and other provisions" as amended by the article 32 «Establishment of Trainee Nursing Positions – Conditions for obtaining a nursing specialty and specialization» of the Law4715/2020 (O.G.149A΄).

It is noted that the specialty of Emergency and Intensive Nursing has been operating since September and the specialty of Public Health Nursing/Community Nursing since October 2020.

Furthermore in order to mitigate the Covid-19 pandemic and with a view to support the health care providers, including the Primary Health Units, the programme concerning the abovementioned specialties, as well as the distribution of time between modules and educational structures, may deviate from the relevant provisions, for a period not exceeding the four (4) months, upon the decision of each specialty's Coordinator and following a suggestion of the competent Health Region Governor.

The procedure of the nursing specialty (Emergency and Intensive Nursing & Public Health Nursing/ Community Nursing) obtainment was regulated by the Γ6α/Γ.Π.39226 (O.G.2656/B`/30-6-2020) Ministerial Decision, as amended and currently in force.

Question (e)

Measures put in place in response to the COVID-19 pandemic intended to facilitate the enjoyment of the right to reasonable working time - information on the legal instruments used to establish them and the duration of such measures.

Remote work and flexible working hours

In the context of extraordinary and temporary measures in the labour market in order to address and restrict the consequences of COVID – 19 pandemic, article 4 of the Emergency Law dated 11/03/2020 on «Urgent measures to reduce the impact of COVID-19 and its dissemination» as amended and in force[15], provides inter alia that:

«…2.a) The employer may decide to determine that work provided by the worker at the workplace referred to in the individual contract, shall be carried out via the remote work system …». Pursuant to the above provision, a series of Joint Ministerial Decisions have been issued which extended the employer's option to decide that work provided by the worker at the workplace referred to in the individual contract, shall be carried out via the remote work system, account taking of the phenomenon's evolution[16].»

[15] See article 4 of PNP dated 11.03.2020 on «Urgent measures to reduce the impact of COVID-19 and its dissemination» (O.G.55A΄), ratified by article 2 of Law 4682/2020 (O.G.76 A΄), and amended by article 8 of PNP dated 22/08/2020 on «Emergency measures to improve urban transport, supply personal protective equipment and recruit school cleaning staff, support tourism businesses and the labour market and strengthen the General Secretariat for Civil Protection to deal with the impact of COVID-19 pandemic, and support the flood victims of Evia island who were affected by the floods of the 8th and 9th of August 2020» (O.G. 161A΄).

[16] By virtue of JMD No36124/1194/11-9-2020 of the Ministers of Finance, of Labour and Social Affairs and of Health (O.G. 3945B΄) the duration of the said measure was extended till 31.12.2020.

Furthermore, the provision of Article 235 of Law 4727/2020 (A'184) provides that: "For emergency reasons of public health protection against COVID-19 corona virus, the following rules shall be laid down as regards workplace and working time organization:

a) The remote work system applies mandatorily to employees of private-sector enterprises-employers, in all cases where their work can be provided under this scheme, at a rate of 40% of the total number of those employees. In compliance with the present Law, enterprises-employers must within twenty-four hours of its publication in the Government Gazette declare in advance at the ERGANI Information System of the Ministry of Labour and Social Affairs the remote work plan of 40% of their employees, for whom this measure may be applied and for the entire time period specified herein, by completing the Form 4.1 "DECLARATION OF TELEWORKING-SPECIAL PURPOSE FORM[17]". In case of violation of the obligation arising from the previous sub-paragraph, a fine of three thousand (3000) euros is imposed on the enterprise-employer, following an inspection carried out by the Labour Inspectorate of the Ministry of Labour and Social Affairs.

b) The working hours of employees at public sector enterprises-employers must be adjusted at the beginning and at the end of the working day so that employees arrive and leave every half hour within a two-hour period depending on arrival and departure time of their working day respectively. For the period of application of this provision, the employer's obligation to declare any change or modification of the employees' working hours or working time organization at the ERGANI Information System of the Ministry of Labour and Social Affairs is being suspended. In any case, the provisions of Presidential Decree 88/1999 (O.G.94A΄) continue to apply, as well as the employer's obligation to declare in advance the overtime and statutory overtime over 45 hours at the ERGANI Information System of the Ministry of Labour and Social Affairs. The above working hours adjustment does not change the type of employment contract of these workers.

c) This measure applies within the Region of Attica from the publication of this law in the Government Gazette until 4 October 2020. By Joint Decision of the Ministers of Finance, Development and Investment, of Labour and Social Affairs and of Health, it is possible: i) to extend the validity of this Act for a longer time period or to extend it to other areas of the Territory as well, ii) to change the percentage of paragraph (a) and iii) to determine other specific issues for the application of this Act."

In the explanatory memorandum relating to that provision, it is expressly provided that the employer's above-mentioned obligation to apply the remote work system "…exists only in those cases where the work can be provided via the remote work system, i.e. only if the nature of the work provided is compatible with teleworking, Therefore, educational structures under the Ministry of Education and Religious Affairs, health service structures

[17] Para.2 of Article 4 of the Act of Legislative Content (PNP) of 11.3.2020 (O.G.55 A΄) which was ratified by Article 2 of Law4682/2020 (O.G.76A΄).

(diagnostic centers, private sector hospitals, medical centers etc.), pharmaceutical wholesalers, supermarkets and courier services are exempted from this obligation…"

In accordance with the above provision, a series of Joint Ministerial Decisions[18] were issued for 2020, by which the application of the above measure was extended throughout the territory, while the 40% provided for therein was increased to 50%, taking into account the course of this phenomenon.

The last of these Joint Ministerial Decisions, the JMD No.48690/1476/25.11.2020 of the Ministers of Finance, Development and Investment, of Labour and Social Affairs and of Health (O.G.5245B΄) provided for the extension of these measures until 31.12.2020.

Question (f) – previous negative conclusions

Daily rest time – maximum hours of rest per week

In enterprises running on a five-day workweek that apply the conventional working hours schedule of up to 40 hours per week, the possibility of working 5 additional hours on a weekly basis was established[19], as overtime, at the employer's discretion. These 5 additional working hours on a five-day workweek (i.e., 41st, 42nd, 43rd, 44th, and 45th) are remunerated at a rate that equals with the amount of the normally paid hourly wage increased by 20%, and are not included in the permissible overtime limits. Work performed beyond 45 hours a week in the abovementioned enterprises (on a five-day workweek) is considered as statutory overtime and is governed by all legal consequences and formalities (article 1 of Law 3385/2005). Moreover, employment exceeding the legal daily working hours, i.e., 9 hours on a daily basis, on a five-day workweek[20], is also considered as overtime.

Moreover, in accordance with article 1(2) of Law 3385/2005, employment exceeding 45 hours a week (on a five-day workweek) of 48 hours (on a six-day workweek) is also considered as overtime.

Salaried workers who work overtime are entitled to pay equal to their hourly wage increased by 40%, for every hour of statutory overtime work until they reach 120 hours of overtime within a year.

Furthermore, by Decision of the Minister of Labour and Social Security, issued following opinion of the Supreme Labour Council, as appropriate, authorization may be

[18] Ν040000/1269/02.10.2020 (O.G.4316B΄), Ν044921/1377/02.11.2020 (O.G.4830A΄) and Ν048690/1476/26.11.2020 (O.G. 5245B΄)

[19] According to article 4 of Law 2874/2000 (O.G. A΄286), as replaced by article 1 of Law 3385/2005 (O.G. A΄ 210), and amended by article 74(10) of Law3863/2010 (O.G.A΄ 115).

[20] It follows from the combined provisions of article 1(2) of Law 3385/2005 stipulating that "in any case the regulations on the legal daily working hours still apply" and article 6 of the National General Collective Labour Agreement dated 16-2-1975 together with the relevant caselaw, Supreme Court Decisions No.1317/2015, No.441/2014 etc.

granted[21] for overtime beyond the legal limits, for workers employed in enterprises and works in general, as well as in the Public Sector and in Public Law Legal Entities, in the following cases: a) urgent work the performance of which is deemed absolutely necessary and cannot be postponed, b) extremely urgent work, to serve the armed forces, the Public Sector and Public Law Legal Entities. Pay for overtime work approved by virtue of the said Decision can be up to 60% of the paid hourly wage. For every hour of exceptional overtime, for the performance of which the legal formalities are not followed by the employer, the worker is compensated with his hourly wage increased by 80%[22].

Finally, the weekly working hours of salaried workers, over a period of maximum four (4) months, may not exceed an average of 48 hours, including overtime hours[23]. Annual paid leave and sickness leave periods are not taken into account when calculating the average.

[21] In accordance with article 1 of Law 264/1973 (O.G. A΄342), as replaced by article 74(11) of Law 3863/2010 (O.G. A΄115).

[22] Article 74 (10) of Law 3863/2010.

[23] In accordance with article 6 of P.D. 88/1999 (O.G. A΄94).

Paragraphs 2, 3, 4,5, 6, 7

Question (a)

Special arrangements related to the pandemic or changes to work arrangements following the pandemic

See above under Question (d).

Question (b) – previous negative conclusions

(i) Paid public holidays

Within the framework of Article 2, paragraph 2 of the Revised ESC

By a combination of provisions[24] as mandatory public holidays in the private sector are declared the following: a) 25th of March, b) Easter Monday, c) Feast of the Assumption of the Virgin Mary (15th of August), d) Nativity of Christ (25th of December), e) 26th of December and f) 1st of May, whereas 28th of October may be declared as a discretionary public holiday.

Employees legally employed **on the above-mentioned public holidays** are entitled[25] to receive the statutory daily wage **increased** by 75% as it has been mentioned in previous reports, irrespective of the validity of their employment agreement and other possible consequences.

(ii) Granting annual paid leave

Within the framework of Article 2, paragraph 3 of the Revised ESC

According to the legislation in force[26], employees under a fixed-term or open-ended employment contract are entitled to a paid annual leave from the beginning of their employment in a particular enterprise.

This leave is granted by the employer on a pro rata basis according to the time period under which the employee has been employed by that employer. The eave granted is calculated on the basis of an annual leave of 20 working days for a five-day working week and 24 working days for a six-day working week, corresponding to 12 months of continuous

[24] See paragraph 1 of Article 4 of the Royal Decree 748/1966 (O.G. A'179) as amended and in force with Article 42 of Law 4554/2018 (O.G. 130A'), paragraph 2 of Article 4 of the same above-mentioned Royal Decree and paragraph 2 of Article 4 of the same Royal Decree and paragraph 2 of Article 4 of the same Royal Decree 2 of Article 1 of Law380/1968 (O.G. A'85), as replaced and in force by Paragraph 1 of Article 14 of Law 4468/2017 (O.G. A'61).

[25] In accordance with the provisions of paragraph 1 of Article 2 of Law3755/57 (A'182), as amended by Law435/1976 (O.G.A'251) and in force since the Joint Ministerial Decision of the Ministers of Finance and of Labour, as interpreted by the similar decision No.25825/1951.

[26] See paragraph 1 of Article 2 of Law539/1945 (O.G.A'229) as amended by paragraph 1 of Article 13 of Law3227/2004 (O.G.A' 31) and replaced by Article 1 of Law3302/2004 (O.G. 267/ A/ 28-12-2004) as well as by the circular No3392/01-03-2005 of the Minister of Employment.

employment. Until the end of the first calendar year during which the employee was hired, the employer is obliged to grant in installments the paid annual leave which corresponds to the period of the worker's employment in the enterprise concerned and which is calculated as above.

This leave is increased by one (1) working day for each year of employment in addition to the first year, up to twenty-six (26) working days in the case of a six-day working week or up to twenty-two (22) days if the undertaking implements a five-day working week. During the third calendar year, as well as during the following ones, employees are entitled to their full annual leave at any time in that year.

In addition, according to the provisions of Article 3 of the National General Collective Labour Agreements 2008/2009, employees who have completed 10 years of service under the same employer or 12 years of prior service under any employer and under any employment relationship are entitled to a leave of 30 working days, if a six-day working week scheme applies and to a leave of 25 working days if a five-day working week scheme applies. From 01-01-2008, after 25 years of service or prior service, employees are entitled to one (1) additional day of leave, i.e. a total of 31 working days on a six-day working week scheme and 26 working days on a five-day working week scheme respectively.

Furthermore, according to paragraph 16 of Article 3 of Law 4504/1966, employees under a private-law employment relationship, working for any employer, are entitled to a holiday bonus equal to the total annual leave pay, provided that this bonus may not exceed a 15-day salary for employees paid on a monthly salary and 13 working days for employees paid on a daily wage. The above bonus shall be paid together with the employee's holiday pay.

At the same time, by virtue of all general provisions, the leave shall be granted to the employee as such, whereas, according to paragraph 1 of Article 4 of Emergency Law 539/1945, the employer and the employee agree upon the time period when the leave shall be granted, whereas the employer is obliged in any case to grant the requested leave at the latest within two months after the employee's relevant application.

However, it should be noted that such an application does not constitute a formal requirement for the exercise of the right to paid leave by the employee and that the employer is obliged before the end of the calendar year to grant a paid annual leave to the employee, even if the employer is not requested to do so.

In case of termination of the employment relationship in any way (dismissal, leaving work, etc.), before receiving the annual leave due, the employee is entitled to holiday pay and holiday bonus by the employer under Article 1, paragraph 3 of Law 1346/1983, in accordance with the remuneration he would have received if he had been granted a leave.

In accordance with the provisions of Decision No.97/09 of the Supreme Court, the employee is entitled to holiday pay and holiday bonus at the time of termination of the employment relationship, which is the due payment day.

The same applies to fixed-term employment contracts that have expired without the legally required authorization.

Furthermore, in accordance with paragraph 6 of Article 2 of Emergency Law 539/1945, the period during which the employee was or is absent from work due to short-term illness,

is considered as working time and it isn't offset against the days of leave to which the latter is entitled.

According to Article 3 of Law4558/30, short-term illness is considered to be one (1) month for employees who have served up to four (4) years, three (3) months for employees who have served up to ten (10) years, four months for employees who have served up to fifteen (15) years and six months for those employees who have served for more than fifteen (15) years.

If the employee exceeds the limits for short-term illness, the excess working days are offset against the days of leave to which the employee is entitled. Nevertheless, at any case, the employees shall be entitled to holiday pay and holiday bonus for the same calendar year, despite the fact that their right to days of leave[27] has been lost.

Furthermore, as regards the possibility of splitting up the annual leave[28], those mentioned in the previous Greek report (24th Greek Report on the ESC) apply.

(iii) As regards domestic workers

Within the framework of article 2 paragraph 5 of the Revised ESC

There has been no change since the previous Greek Report (see 24th Greek report on the ESC).

[27] The decisions of the Athens Court of Appeal N05373/96, the Thessaloniki Single-member Court of First Instance N0838/99, the decision of the Plenary of the Supreme Court N027/2004 and the decision of the Thebes Multi-member Court of First Instance N012/2006 are also relevant.

[28] According to case 3 of subpara IA.14 of Article 1 of Law4093/2012 (O.G. A'222) which replaced Article 8 of Law547/1999 (O.G. A'55), in the part that ratified Article 7 of the NGCLA of 26/01/1977 and which was amended by Article 6 of Law3846/2010 (O.G. A'66).

Article 4 – The right to fair remuneration

Paragraph 1

Questions (a) + (d)

Previous negative conclusions on article 4, paragraph 1 ESC

As regards minimum wage

Private Sector

- **Minimum salary and minimum wage**

As mentioned both in the 3rd and the 4th Simplified Greek Report[29]:

Already since 2012, in Greece, minimum salary and wage have been set by law and not by collective bargaining, by virtue of subparagraph IA.11 of Law 4093/2012 (O.G. A΄222). Before the adoption of this law, minimum salary and wage were set by collective bargaining the outcome of which was reflected in the National General Labour Collective Agreement (NGLCA) each time in force.

By virtue of article 103 of Law 4172/2013 (O.G. A΄169) as in force, a new fixing mechanism was introduced for the statutory minimum salary and wage, following broad consultations. The said article provides legislative authority to the Minister of Labour to issue Decision on the fixing of the minimum salary, with the agreement of the Cabinet.

According to article 103, para.3 of Law 4172/2013, the amount of the statutory minimum wage and salary shall be fixed by considering the state of the Greek economy and its prospects for growth in terms of productivity, prices, competitiveness, employment, unemployment rate, income and salaries.

Moreover, paragraph 4.a., article 103 of Law 4172/2013 stipulates that «In order to determine the statutory minimum wage and salary, consultations shall be held between social partners and the Government, with the technical and scientific assistance of specialized scientific, research and related institutions and experts on financial issues, and in particular on labour economics, social policy and industrial relations, coordinated by a committee, in accordance with para.5 of the present article».

Paragraph. 4b.aa), article 103 of Law 4172/2013 provides that on behalf of workers throughout the country, the Greek General Confederation of Labour (GSEE) shall participate in the consultations, together with other secondary sectoral or occupational trade union organizations representing workers of the private sector at national level, that are proposed by the GSEE and called upon by the consultations Coordination Committee.

The said procedure was first started in September 2018 and was finalized with the adoption of Ministerial Decision No.4241/127/30.1.2019 (O.G. B΄173), according to which the

[29] In particular, see 3rd Simplified Greek Report, pp. 16 and 17 and 4th Simplified Greek Report, p.6 on article 4 par. 1 ESC.

statutory minimum wage and salary were determined as of 01.02.2019, for full-time employment, for white and blue collar workers throughout the country, without any discrimination on the grounds of age as follows:

a) For white collar workers the minimum salary shall be determined at six hundred and fifty euros (650,00 euros).

b) For blue collar workers the minimum wage shall be determined at twenty nine euros and 4 cents (29,04 €).

More specifically, based on article 1, para.2 of Circular No.7613/395/18.02.2019 of the Minister of Labour, Social Security and Social Solidarity (ΑΔΑ: ΨΤΠΧ465Θ1Ω-Ν12), from the entry into force of the new statutory minimum salary and wage, any reference made in the current legislation to the minimum salary and wage, that concerns/introduces discrimination on the grounds of age shall be considered repealed. Moreover, as regards seniority-based increments that have already been set, the provisions shall apply of sections i and iii, case c, without any age reference, and of cases d to f, subparagraph IA.11.3, paragraph IA, article 1 of Law 4093/2012 (Α΄222), as in force.

Therefore, based on para.6 of the above mentioned circular, any reference in the current legislation to the minimum wage or salary of the NGLCA in general shall mean reference to the statutory minimum wage and salary as they are detailed in it.

Recently, the procedure for the adjustment of minimum wage level initiated on 24 February 2020, following the establishment of a three-member consultations coordination committee. However, the developments in the coronavirus pandemic necessitated the postponement of the consultation initially to September 2020, then to November 2020 and finally to March 2021. The above procedure was completed and the relevant Ministerial Decision was signed[30] .

It is furthermore noted that the consultation process stipulated in art. 103 of Law 4172/2013 was completed on June 30th, with the submission of the finding, drawn by the Centre of Planning and Economic Research (KEPE) in collaboration with the five-member committee of experts. The Cabinet subsequently approved, on July 26th 2021, the increase of the minimum wage by 2%, starting from January 1st 2022.

[30]In particular, according to Ministerial Decision No. 107675/2021, published in the Government Gazette 6263/Β΄/ 27-12-2021 it was decided:
"The determination, in accordance with the provisions of article 103 of law 4172/2013 (Α '167), of the legal minimum salary and the legal minimum wage, for full employment, for the employees and craftsmen of the whole country, without age discrimination, as follows:
a) For white collar workers, the minimum salary is set at six hundred and sixty three euros (663.00 €).
b) For blue collar workers the minimum wage is set at twenty-nine euros and sixty-two cents (€ 29.62).
This decision is valid from January the 1st."

Also, the new Ministerial Decision on the increase of the minimum wage has now been published in the Official Gazette. This is Ministerial Decision No.38866/2022 Official Gazette 2030/B/21-4-2022, according to which the following are decided:
The determination, according to article 103 of Law4172/2013 (A '167), of the legal minimum wage and salary, for full employment, for the employees and craftsmen of the whole country, without age discrimination, as follows:

a) For white collar workers, the minimum salary is set at seven hundred and thirteen euros (€ 713.00).

b) For blue collar workers, the minimum wage is set at thirty-one euros and eighty-five cents (€ 31.85).
This decision is valid from May 1, 2022.

Public Sector

During the reference period no collective bargaining took place in the State for employees of entities other than first and second-level local self-government organizations.

It should be noted that the Special Collective Labour Agreement (SCLA) for permanent staff of first and second level local self-government organizations is drawn up pursuant to the provisions of Law 2738/1999, following the negotiations between the most representative second-level trade union organization (POE-OTA and OSYAPE respectively) and the State.
In addition, pursuant to the provisions of Art. 18 par. 13 of Law 3731/2008 «The negotiations for drawing up collective labour agreements, according to the provisions of Law 2738/1999, with permanent employees of first- and second-level local self-government organizations are conducted by the Directorate General of Local Government of the Ministry of Interior, which is the competent representative body of the State in these and without prejudice to Art. 24, par. 3 of Law 3205/2003».

Regarding the permanent staff of first and second-level local self-government organizations, the following Special Collective Labour Agreements (SCLAs) have been signed during the same period:

- **First-level local self-government organizations**

- The Special Collective Labour Agreement (SCLA) of POE-OTA (O.G.B'2945) dated from August 2, 2017 by which the provisions of the previous two (SCLAs) of the years 2002 and 2009 are codified, whereas new staff categories are provided for, which are granted an additional annual leave and reduced working hours.
- The Special Collective Labour Agreement (SCLA) of POE-OTA (O.G. B'6159) dated from December 21, 2018 by which an additional annual leave and reduced working hours are granted to specific categories of personnel.

As previously mentioned, POP-OTA has acceded to the above mentioned SCLA by virtue of the provisions of Article 133 of Law 4504/2017.

- **Second-level local self-government organizations**

- The Special Collective Labour Agreement of OSYAPE (O.G. B'2358) dated from June 4, 2018 which regulates for the first time labour issues relating to the employment terms and conditions as concerns the staff of the regions (second-level local self-government organizations), as amended by the Special Collective Labour Agreement (O.G.B'1052), dated from March 15, 2019.

As regards the private law personnel of first - and second-level local self-government organizations, pursuant to the option provided for under the provisions of Art. 19 of Law 1876/1990, during the reference period, the following collective bargaining took place and the following collective labour agreements were signed with the trade union representatives of the employees covered by POE-OTA, POP-OTA, PEM-OTA and OSYAPE:

- POE-OTA: Collective labour agreement (CLA) of 2013 (No.9/1-8-2014), CLA of 2018 (Π.Κ. 15/6-8-2018)[31]
- POP-OTA: Collective labour agreement (CLA) of 2013 (No.10/1-8-2014), CLA of 2018 (Π.Κ. 17/5-10-2018)[32]
- PEM-OTA [Panhellenic Association of Musicians of Local Self-Government Organizations]: Collective labour agreement (CLA) of 2015 (No.4/14-7-2015), following the mediation the Organization of Mediation and Arbitration (OMED), and CLA of 2018 (No.19/5-11-2018)[33]
- OSYAPE: Collective labour agreement (CLA) of the year 2018 (No.16/28-9-2018)[34].

The above mentioned Collective Labour Agreements (CLAs) regulate issues of leaves, working hours e.tc. and not pay related issues, following the entry into force of Law 4024/2011.

In addition, with regard to Article 7 of the Convention and to wage regulation issues for employees under an open-ended private law employment relationship working in the Public Sector, in public law legal entities, in first and second level local self-government organizations, private law legal entities and public utility companies, we inform you that until the end of 2015, the provisions of our previous report for the implementation of the **Convention No.154 "On the promotion of collective bargaining"** for the reference period 2009-2014 are still in force.

From 1/1/2016 the provisions of Law 4354/2015[35] "*Salary arrangements in the public sector*" apply. Their scope covers permanent and probationary civil servants, as well as employees under an open-ended or fixed term private law employment relationship of the bodies described in detail in Article 7 of the above Law.

[31] Organization of Mediation and Arbitration (OMED): Official Texts of POE-OTA CLAs 2013 & 2018
[32] OMED: Official texts of POP-OTA CLAs 2013 & 2018
[33] OMED: Official texts of PEM-OTA CLAs 2015 & 2018
[34] OMED: Official text of OSYAPE CLA 2018
[35] Law4354/2015, Official Gazette website

In particular, regarding the **Salary classification and development of the serving employees**, article 26 of the above law provides the following:

1. In the first application of this Article, the remuneration of officials in the salary scales referred to in Article 9 shall be made in accordance with their formal qualifications, the length of service in the body they serve, and the time of service recognized by that body; until 31.12.2015.
2. After the salary classification of the previous paragraph, the salary development of all employees is suspended until 31.12.2017. From 1.1.2018 the salary evolution is reactivated, in accordance with the provisions of article 11 taken into account and any excess time, which was calculated during the initial classification, but without taking into account the time interval from the date of entry into force of the provisions of this law until 31.12.2017.
3. For the calculation of the salary increase due to the granting of educational leave, where this is provided by the current provisions, only the basic salary is taken into account.

It is pointed out that the Collective Labour Agreements mainly concern the granting of non-wage benefits and are now governed by the provisions of Article 43 of Law 4484/2017[36]. According to paragraph 2 of the said article as well as to the directives of the No. 01.2/92306/ΔΕΠ/18-12-2017 interpretative circular of the Deputy Minister of Finance, any collective agreement or ministerial decision or decision of the Governing Body providing for the granting of non-wage benefits by the General Government bodies is co-signed by the Minister of Finance when the expenditure exceeds 5,000 euros per year. Local self-government organizations are excluded from this regulation. In addition, it is stipulated that a study on the number of workers the benefit concerns, the cost incurred, as well as the way of coverage approved by the Director General of Financial Services of the supervisory Ministry, taking into account the approved Medium-Term Financial Strategy Framework, is attached to each collective agreement concerning the granting of non-wage benefits, as an annex and integral part thereof.

At this point, reference could also be made to the No. 274/2017 Opinion of the First Department of the Legal Council of the State, which has been accepted by the Deputy Minister of Finance. By this Opinion, it was unanimously agreed that wage regulations included in a Collective Labour Agreement, signed between the administration of a state private law legal entity and its workers' trade union, shall not apply and shall not entail legal consequences, provided that the above regulations deviate from the regulations of Law 4354/2015, which set out the pay-related issues for employees of the public sector, local self-government organizations, public and private law legal entities that fall within the scope of Chapter B' of Law 4354/2015.

[36] Law4484-2017_Official Gazette website

(a) Special purpose compensation to employees in companies whose activity was suspended by state order or in companies severely affected - valid from March 2020

This Employees' Support Scheme has been established, for employees under dependent employment status (full-time as well as part-time), in companies-employers in the private sector whose operation had been suspended (as per their activity code number-KAD) either by virtue of state order or whose business activity was severely affected by the state measures due to the COVID-19 pandemic. Support measures included: Labour Contract Suspension, Special Purpose Compensation, social insurance coverage, and the Christmas and Easter allowance for the employees. The companies-employers that were severely affected were required after the completion of suspension of the employment contracts, to maintain the same number of jobs and with the same type of employment contract, for a period equal to period of suspension of contracts of these workers. This obligation did not exist in the case of companies that by the form, the type or their activity had a specific time operation. The concept of the same number of jobs did not include those who had left voluntarily their work, retirees or due to death.

The amount of special purpose allowance was EUR 534 per person, corresponding to 30 days (proportion of this depending on the number of days employees abstain from work). For the period 15 March to 30 April 2020, the amount was EUR 800 and for November 2020, the amount was proportion of EUR 800 corresponding to 30 days. The measure had been valid until 30 September 2021. The allowance was not taxed. The state budget covered social security contributions calculated on their nominal salary for the time period covered by the special purpose compensation.

Table 1 shows the number of employees having received Special Purpose Compensation in 2020 per month, from one day per month to the whole month.

Table 1: Number of employees having received the Special Purpose Compensation per month in 2020

Month	Number of employees
15 March-30 April 2020	808.688
May 2020	541.064
June 2020	133.173
July 2020	72.814
August 2020	104.306
September 2020	123.211
October 2020	143.767
November 2020	660.180
December 2020	652.309

Source: ERGANI IS, extraction date 18.10.2021

(b) Employment Support Mechanism "SYN-ERGASIA" - financial support for short-term work

The Employment Support Mechanism “SYN-ERGASIA” started to be implemented with the joint ministerial decision no. 23103/478 / 13-06-2020 (B '2274), as amended and in force, which was issued pursuant to article 31 of law 4690/2020 (A' 104).The purpose of the "SYN-ERGASIA" Mechanism is to provide support, in the form of financial support for short-term work, to employees of companies - employers in the private sector with the aim of maintaining full-time jobs. The “SYN-ERGASIA” Mechanism includes exclusively employees, who work under a full□time employment contract in companies of continuous or seasonal operation, regardless of the Activity Code Number (KAD). The companies - employers that make use of the “SYN-ERGASIA” Mechanism, can unilaterally reduce the weekly working time up to the percentage of fifty percent (50%) either for part or for all their employees for one or more months within the period that the Mechanism is valid. They are also obliged not to terminate contracts of the employees who are included in the mechanism. In order for companies to join the Mechanism, they must meet specific financial criteria.

Employees receive state financial support for short-term employment, which shall amount to 60% of their net salary, corresponding to the time period during which they do not provide work. In the event that the net salary of the employee (i.e. the total amount of the part of the salary paid by the employer and the part of the salary paid by the State), after the above adjustment, is less than the net statutory minimum salary or daily wage, the difference shall be covered by the state budget. The proportion of the annual leave allowance and the Christmas allowance for the year 2020 corresponding to the financial support shall be covered by the state. Accordingly, the Easter allowance for the year 2021 corresponding to the financial support is also covered by the state. Since December 2020, the nominal salary taken into account for the calculation of the financial subsidy of short-term work cannot exceed the maximum insurable salary of article 38 of Law 4387/2016 (A'104) which is EUR 6,500 per month. From 15 June 2020 to 30 June 2020, the employers' insurance contributions, corresponding to the time during which workers are not employed, were covered by the State budget by 60%. From 1 July 2020 total insurance contributions,

corresponding to the time during which workers are not employed are covered by the State budget by 100%. The total number of beneficiaries for each month in 2020 is shown in table 2.

The SYN-ERGASIA Mechanism is being extended until May 31, 2022.

Table 2: Number of employees of "SYN-ERGASIA" Mechanism per month in 2020

Month	Number of employees
June 2020	29.665
July 2020	44.528
August 2020	39.316
September 2020	42.554
October 2020	41.226
November 2020	29.882
December 2020	19.490

Source: ERGANI IS, extraction date 18.10.2021

Question (b)

Fair remuneration (above the 60% threshold, or 50% with the proposed explanations or justification) for workers in atypical jobs, those employed in the gig or platform economy, and workers with zero hours contracts.

By virtue of article 59 «Measures for the protection of part-time workers» of Law4635/2019 on «Investing in Greece and other provisions» (O.G. A' 167), article 38, para.11 of Law1892/1990 (O.G. A΄ 101) was amended as follows:

«11. If there is a need for additional work beyond the agreed upon, the worker has the obligation to provide it, if he is capable of providing it, and his refusal would be contrary to good faith rules.

For every hour of additional work, the part-time employee shall be compensated at the agreed rate increased by twelve percent (12%). A part-time employee may refuse to provide work beyond the agreed upon, when such additional work is required on a regular basis. In any case such additional work may be provided maximum till the employee's working hours reach the normal working hours of the comparable full-time worker».

By virtue of article 67 of Law 4808/2021 (O.G. 101/A΄/19.06.2021) new protective provisions on **telework** are introduced**,** including working time limits, as follows:

[…]

6. The agreement on telework does not affect teleworker's employment status and work contract as regards full- or part-time employment, employment in rotation or other form of employment, but changes only the way work is performed. Telework may be provided on a full- or part-time basis or on employment in rotation basis, 100% remotely or in combination with employment provided at the employer's premises.

[…]

10. The teleworker has the right to disconnect which means that he has the right to fully refrain from work-related activities and, in particular, not to communicate digitally or

respond to phone calls, e-mails or any other forms of communication after his working hours and during his leaves.
Any discrimination against the teleworker is prohibited on the grounds of exercising his right to disconnect.
11. Teleworking hours as well as the ratio of telework and work provided at the employer's premises shall be reported on the ERGANI Information System.

Articles 68 – 71 of Law 4808/2021 (O.G. 101/A΄/19.06.2021) provide for a new protective framework for service providers – natural persons on **digital platforms** concerning their contractual relationship, trade union rights, health and safety and the requirement to be informed about their rights. Detailed presentation of the above provisions shall be made in our country's next Report.

In the context of enforcement of the above mentioned Ministerial Decision [MD No.4241/127/30.01.2019, see question (i)] on fixing the statutory minimum wage and salary of full-time workers, the SEPE has taken special action to this end, making use of the data on the ERGANI Information System and the possibilities of the SEPE Integrated Information System. More specifically, Industrial Relations Inspectors conducted targeted inspections on minimum wage and salary threshold compliance, during the months of March, April, May and June 2019. Inspections conducted in 2.197 enterprises referred to the salaries of 44.721 workers. Sixty-six (66) administrative fines totaling 135.513,50 euros were imposed where relevant violations were ascertained.

During the period 2017 – 2020, the SEPE did not handle cases relating to violation of the principle of equal pay between men and women, either through labour dispute resolution or anonymous complaint followed by onsite inspection of the enterprise.

In any case, workers whose labour rights are violated are entitled to have recourse to the SEPE by either lodging an anonymous or named complaint (article 2 (f) of Law 3996/2011) or by applying for labour dispute resolution (article 23B of Law 4144/2013). Complaints are lodged via the online service for anonymous complaints (at www.sepe.gov.gr), or by email to the Labour Inspection Department of the employee's place of work, or by visiting or calling the competent Labour Inspection Department and also via the 1555 hotline (former 15512). The worker may find information on labour issues via the above mentioned SEPE site. (www.sepe.gov.gr).

The table below presents percentage of workers per monthly salary range for the period 2017 – 2020:

Monthly salary range (in Euro)	**2017** Rate % (total of employees)	**2018** Rate % (total of employees)	**2019** Rate % (total of employees)	**2020** Rate % (total of employees)
≤500	22,65	22,13	20,46	20,00
501 - 600	11,00	11,33	3,28	3,10

601 - 700	8,91	9,10	11,74	12,04
701 - 800	8,81	8,82	12,49	12,83
801 - 900	6,86	6,99	8,38	8,33
901 – 1.000	6,04	6,03	7,39	7,51
1.001 – 1.200	10,47	10,51	10,86	10,88
1.201 – 1.500	9,43	9,35	9,52	9,46
1.501 – 2.000	7,67	7,58	7,68	7,64
2.001 – 2.500	3,63	3,60	3,61	3,56
2.501 – 3.000	1,78	1,79	1,81	1,78
>3.000	2,74	2,78	2,80	2,87
TOTAL	100,00	100,00	100,00	100,00

Source: Special Annual Issue of ERGANI IS for the years 2017,2018,2019 and 2020

At this point it should be noted that the salary range of ≤500 euros refers to workers on part-time employment or employment in rotation. The change of percentage in salary range (501 – 600) observed during the years 2019 and 2020 is due to the fact that up to and including 2018, the minimum salary was fixed at 586,08 euros, for employees over 25 years of age, and at 510,95 euros, for employees below 25.

Paragraph 2

Question (d) – previous negative conclusions

Flexible working time arrangements

Working time arrangements

By virtue of article 42 of Law 3986/2011 «Urgent Measures Implementing the Medium Term Fiscal Strategy Framework 2012-2015» (O.G. 152 A΄), which replaced article 7 of Law 3846/2010 (O.G. 66 A΄), the working time arrangement system was been re-established. In particular, the new provision now allows enterprises with standard working hours up to 40 hours per week to apply an increased employment system (two hours per day in addition to eight hours) for a certain period of time, provided that the working hours beyond forty per week or beyond any smaller standard working hours shall be deducted from the working hours of another time period, which is a period of reduced employment. The periods of increased and reduced employment may not exceed a total of six months, within a period of twelve months (reference period).

Furthermore, in the above enterprises, instead of the previous paragraph's arrangement, up to two hundred and fifty six (256) hours from the total working time within one calendar year, may be distributed by increasing the number of working hours over certain time periods, which may not exceed thirty-two (32) weeks per year and correspondingly by reducing the number of working hours during the rest of the calendar year.

In both previous cases, in order to offset the additional hours worked during the period of increased employment, instead of reducing his working hours, the worker may be granted respective number of days of rest or a combination of reduced working hours and days of rest. More specifically, in case of working time arrangement on a yearly basis (see previous paragraph) the worker may be granted a respective increase in the number of annual paid leave days or a combination of reduced working hours and additional days of leave.

During the period of reduced employment in the previous two cases, exceeding the agreed upon reduced weekly working hours is allowed by way of exception. In this case, the provisions on pay rates under article 1 of Law 3385/2005 (O.G. A΄ 210), as replaced and in force by article 74, para.10 of Law 3863/2010 (O.G. A΄ 115) shall apply.

The working time arrangement in the above mentioned cases is set out in enterprise-level collective labour agreements or by agreement between the employer and the enterprise's trade union organization or between the employer and the works council or the employer and an association of persons. A different working time arrangement system[37] can be specified by means of enterprise-level and sector-level Collective Labour Agreements, depending on the sector's or the enterprise's particularities.

[37] See article 42, para.7 of Law 3986/2011.

We would also like to note that, in accordance with article 42, para.8 of Law3986/2011, if due to any reason the working time arrangement is not applied or completed, all protective provisions specifying the consequences of exceeding the daily and weekly working hours shall fully apply.

However, in any case, the adoption and implementation of a working time arrangement system should be also governed by the relevant provisions of P.D. 88/1999 (O.G. A΄94), as amended and in force, which constitute the minimum standards of working time arrangement. More specifically:

1) For every twenty four (24) hours period, which starts at 00.01' and ends at 24.00', a minimum daily rest period is established of eleven (11) consecutive hours [38]. Moreover, the minimum daily rest period, explicitly provided for by Directive 93/104/EC (now 2003/88/EC) also applies to shifts, as these are provided for in the P.D. 88/99[39] as a method of organizing work. Hence, for workers employed in shifts, a daily rest period of 11 consecutive hours should be allowed between the end of a shift and the beginning of the next one.

2) Workers should be granted a minimum rest period of twenty four (24) consecutive hours per week, which should include Sunday in principle, depending on labor law provisions and practices in force for each category of workers[40]. The consecutive hours of daily rest referred to in article 3 of P.D.88/1999 are added to the above mentioned hours.

3) Finally, according to article 6 of P.D. 88/1999 (O.G. A'94), the weekly working hours of salaried workers may not be more than forty eight (48) hours on average for every period of maximum four (4) months, including overtime. Annual paid leave and sick leave periods are not included or taken into account when calculating the average.

Overtime work

By virtue of article 4 of Law 2874/2000 (A΄286), as replaced by article 1 of Law 3385/2005 (A΄210) and amended by article 74, paragraph 10 of Law 3863/2010 (A΄115), in undertakings applying standard working hours up to 40 hours per week on five days working week basis, five (5) additional hours of work per week are established as overtime work which is carried out at the discretion of the employer. These 5 hours of overtime on five days working week basis (41st, 42nd, 43rd, 44th, 45th hour) are remunerated with the paid hourly rate increased by 20% and are excluded from the permitted limits of overtime work. Work beyond 45 hours per week (on a five-day working week), is considered as statutory overtime work and is subject to all the legal consequences and formalities (article 1 of Law 3385/2005). Exceeding the statutory 9 working hours per day on a five-day working week is also considered to be statutory overtime (from the combined reading of provisions

[38] By virtue of case 2, subpara. IA.14, article 1 of Law4093/2012 (O.G. A΄222), replacing article 3 of P.D. 88/1999 (O.G. A'94).

[39] As explicitly referred to in interpretative circular No.26352/839/28-11-2012 of the General Secretary of the Ministry of Labour, Social Security and Welfare.

[40] By virtue of article 5 of P.D. 88/1999 (O.G. A΄94), as replaced by article 3 of P.D. 76/2005 (O.G. A΄117).

of article 1, para.2 of Law 3385/2005, stipulating that «in any case the regulations on the statutory daily working hours shall still apply», under article 6 of the NGCLA dated 16-2-1975 and the relevant case-law of Supreme Court Decisions No. 1317/2015, 441/2014 etc).

Moreover, work beyond 45 hours per week on a five-day working week and beyond 48 hours per week on a six-day working week is considered to be statutory overtime, in accordance with Article 1, para.2 of Law 3385/2005.

Employees, who work overtime, for each hour of statutory overtime work and up to the completion of 120 hours on an annual basis, are entitled to remuneration equal to the paid hourly wage increased by 40%.

Furthermore, in accordance with article 1 of Legislative Decree[L.D.]264/1973 (O.G.A΄342), as replaced by article 74, paragraph 11 of Law 3863/2010 (O.G.A΄115), by Decision of the Minister of Labour, Social Security and Welfare issued following opinion given by the Supreme Labour Council, authorization may be granted, as appropriate, for overtime work carried out beyond the above statutory limits by employees working in all enterprises and works, in general, and in the Public Sector and the Public Law Legal Entities, under the following circumstances: a) urgent works the performance of which is absolutely necessary and cannot be postponed b) extreme emergency to serve the armed forces, the Public Sector and the Public Law Legal Entities. Remuneration for overtime work approved by such Decision is equal to the paid daily wage increased by 60%. For every hour of exceptional overtime for the performance of which the formalities provided for by law are not respected by the employer, the worker is entitled to remuneration equal to the paid hourly wage increased by 80% (article 74, paragraph 10 of Law 3863/2010).

Moreover, by decision No.40331/D1.13521/13-9-2019 (3520/B΄/19-9-2019) of the Minister of Labour and Social Affairs, as in force, on «redefining the terms of online submission of forms falling within the area of competence of the SEPE and the OAED» and by virtue of article 36 of Law4488/2017, the procedure for the entry of overtime hours in the ERGANI Information System was explicitly established. This procedure provides that the new E8 form Notification of overtime or statutory overtime work must be submitted online at the ERGANI Information System at any time before workers start working overtime, i.e., even one hour before they start working overtime, as referred to in the relevant document.

Finally, in accordance with article 15 of the PNP dated 14/3/2020 «*Urgent measures to address the need to limit the spread of COVID-19 coronavirus*» (O.G. A΄64), ratified by article 3 of Law 4682/2020 (A΄76), in combination with article 23 of Law 4722/2020 (Ά 177):
«*If an immediate risk of emergence and spread of COVID-19 coronavirus still exists, the absence of which shall be certified by decision of the Minister of Health and until […]31.12.2020 {…} enterprises-employers, who have exhausted the legally provided maximum limits of overtime for their workers, are allowed to employ their workers overtime without relevant approval decision by the Minister of Labour and Social Affairs, for the adoption of which the Supreme Labour Council's opinion is required, in accordance with article 1 of L.D. 264/1973 (A΄ 342). The said overtime work may not exceed the maximum daily limits provided for by relevant provisions*».

Question (a)

On-call service, zero-hour contracts, inactive periods of on-call duty

Based on both theory and case law[41], it has been accepted that an employment relationship, as a general rule, involves the active or positive provision of mental or physical activity by the worker in order to attain a certain financial result.

However, provision of dependent work exists even when the worker's freedom is restricted being obliged to remain at a place and time set by the employer, in order to be ready for the performance of duty, if the circumstances necessitate it. In this case we have a **readiness to perform duty relationship**.

An employee's readiness to perform duty is divided into the following two main categories, depending on the intensity of his alertness:

- actual readiness to perform duty or standby duty and
- mere readiness to perform duty or on-call duty.

When actually ready or on standby, the employee must maintain his mental and physical alertness and remain either at the company premises or at another specific location and, when required, be able to go to the workplace and make himself available to the employer during specified hours as appropriate. This form of readiness is considered to be full-time employment, irrespective of work occurrence and thus, such form of readiness is fully equal to normal work, since apart from the restriction of one's freedom in favour of another person, full physical and mental alertness of the worker is also required. Thus, when an employee is on standby duty all labour law provisions shall apply.

When merely ready or on-call, the employee, on agreement with the employer, is required to restrict his freedom in favour of the latter, by remaining at a specific place and time, without being obliged to maintain his mental and physical alertness in order to make himself available to the employer at any time. A dependent working relationship also exists with mere readiness to perform duty, however, it is accepted by case-law, that all labour law provisions shall apply, unless otherwise agreed, only when there is work occurrence or due to specific circumstances the worker is obliged to remain alert. Therefore, the provisions of law or of CLAs setting out pay thresholds do not apply, nor those on pay increments for night work or work on Sundays and holidays, or those on working time limits relating to additional pay for overtime, statutory overtime exceeding 45 hours, etc. However, salary should be paid and if the salary amount is not agreed upon, it shall be defined pursuant to article 653 of the Civil Code (salary that normally applies) depending on the duration of the

[41] By interpreting articles 648-652, 657-663, 666-667, 669 and 671 of the Civil Code, in combination with the provisions of Law3239/55 (now 1876/90) and of L.D. 3755/57.

worker's commitment, etc[42]. The worker is entitled to additional, supplementary pay which, if not agreed upon, shall be defined based on the salary that normally applies to each specific case[43].

[42] Supreme Court Decision 70/2010, Supreme Court Plenary Decision 10/2009, Supreme Court Decision 207/2009, Supreme Court Decision 1749/2008, Ioannina Court of Appeal Decision 103/2008, Supreme Court Decision 802/2003, Supreme Court Decision 1659/1995, Supreme Court Decision 1208/1995, Supreme Court Decision 1184/1993, Supreme Court Decision 1234/1990, Thessaloniki Court of Appeal Decision 2580/1995.

[43] Athens Court of Appeal Decision 7980/1992.

Paragraph 4

Question (a)

Reasonable period of notice for termination of employment (legal framework and practice)

Termination with notice is provided in the event of open-ended private law dependent employment contracts.

More specifically, the termination of an employee's open-ended employment contract may occur either with immediate effect (non scheduled termination) or with prior notice (scheduled termination). Scheduled termination is the one that takes place at a certain time period before the date on which, according to law, one of the parties wishes to terminate the relationship and puts an end to it after such period. The employment relationship is terminated from the notice date resulting in its end, provided the remaining conditions stipulated by law also apply. The only difference in this case is that the end of the employment relationship does not take effect upon termination, i.e., the receipt of one party's relevant formal notification by the counterparty, but after the notice period between the termination and the definitive end of the relationship[44].

By virtue of case 1, subpara.IA.12, article 1 of Law4093/2012, as in force, the notice periods were set, in the event of termination with notice (scheduled termination) of a private sector employee's open-ended employment contract, as follows:

- For employees having completed twelve (12) months to two (2) years of service with the same employer, a notice of one (1) month prior to dismissal is required.
- For employees having completed two (2) to five (5) years of service with the same employer, a notice of two (2) months prior to dismissal is required.
- For employees having completed five (5) to ten (10) years of service with the same employer, a notice of three (3) months prior to dismissal is required.
- For employees having completed ten (10) years or more of service with the same employer, a notice of four (4) months prior to dismissal is required.

As regards the calculation of severance pay in case of termination with notice, the provisions of the last paragraph of case 1, subparagraph IA.12, article 1 of Law 4093/2012, as in force, shall apply. When the employment contract comes to an end with the elapse of the notice period stipulated by the provision, the employer who terminates with notice a private sector employee's dependent employment contract shall pay the dismissed person half of the severance pay amount that should be paid for termination without notice, which is explicitly stipulated in cases 2 and 3, subparagraph IA.12, article 1 of Law 4093/2012, as in force.

For the calculation of severance pay amount the service period from the hiring date till the notice date shall be taken into account without including the period from the notice till

[44] Supreme Court Decision No.323/38, Ioannina One-member Court of First Instance Decision No.265/82, Supreme Court Decision No.2064/86 etc.

the dismissal date (Supreme Court Decisions No323/38 and No2064/86). The severance pay amount is calculated based on the regular earnings of the last month before the termination of the employment contract on a full-time employment basis (Ministry of Labour Circular No.26352/839/28-11-2012). The term "last month" means the time period starting from the termination date of the employment contract till the respective date of the previous month, i.e., the severance pay amount is calculated based on the work month and not the working month[45].

Question (b) – previous negative conclusions

(i) *Severance pay of manual workers*

Article 1, para.1 of Royal Decree No. 16/18 -7-1920 on «*Expanding the scope of Law 2112 also on workers, technicians and servants*» (O.G.158A΄) provides that: «The obligation, under Law 2112, to terminate employment contracts of private sector employees shall also apply to all categories of workers, technicians and servants …».

Moreover, according to article 1 of Law 3198/1955 on «*Amending and supplementing the provisions on termination of employment relationships*» (O.G.98A΄): «Enterprises or undertakings … may terminate the employment relationship of their workers, technicians and servants, however, they must pay them the severance pay defined by virtue of Royal Decree 16/18-7-1920, in the event of unannounced termination of employment contracts. In such cases prior notice is not allowed…». The table below shows the severance pay due to blue collar workers in case of termination of their employment contracts.

TABLE B΄: SEVERANCE PAY FOR BLUE COLLAR WORKERS	
According to Royal Decree No 16/18-7-20, Law 3198/55, Law 1849/89 article 20 ratifying article 7 of the 1989 NGCLA, Law 2224/94 article 50 ratifying article 4 of the 1994 NGCLA, Law 2556/97 article 22 ratifying article 6 of the 1996/97 NGCLA, article 4 of the 1998-99 NGCLA and article 5 of the 2000-2001 NGCLA, article 4 of the 2002-2003 NGCLA, article 4 of the 2004-2005 NGCLA, article 3 of the 2006-2007 NGCLA and Law 3899/2010	
Years of service with the same employer	**Severance Pay Amount**
1 year completed to 2 years	**7** daily wages
2 years completed to 5 years	**15** daily wages

[45] Supreme Court Decision No.72/98, Salonica Court of Appeal Decision No.448/88, Salonica One-member Court of First Instance Decision No.187/91, Athens One-member Court of First Instance Decision No.1408/71, Supreme Court Decision No.1808/84, 999/82, Koukiadis A. Labour Law 1995, pages 708 - 709.

5 year completed to 10 years	**30** daily wages
10 year completed to 15 years	**60** daily wages
15 year completed to 20 years	**100** daily wages
20 year completed to 25 years	**120** daily wages
25 year completed to 30 years	**145** daily wages
30 year completed or more	**165** daily wages

(ii) Periods of notice or severance pay in case of termination of employment during the probationary period

Regarding the probationary period, paragraph 5a of article 17 of Law 3899/2010 "*Urgent measures for the implementation of the support program of the Greek economy*" (O.G.A'212) stipulates the following: "In paragraph 2 of article 74 of Law3863/2010 paragraph is added as paragraph A as follows: "A. Employment with an employment contract of indefinite duration is considered as probationary employment for the first twelve (12) months from the day of its validity and which can be terminated without notice and without severance pay, unless the parties otherwise agree."

Paragraph 5

Previous negative conclusions

Conditions under which wage reductions can take place

Article 664 of the Civil Code provides for special protection of salary against the employer, according to which the employer may not offset salary due with a claim (for example a loan) he may have against the worker to the extent that such salary is absolutely necessary for the maintenance of the worker and his family and also provided that the worker has no adequate revenue from other sources for this purpose. Understandably, the extent of the salary that may not be offset depends on the particular conditions of each specific case[46]. This is a prohibition of public order and therefore, any waiver of white or blue collar workers' relevant right shall be null and void (Law 4694/30).

The above mentioned prohibition shall not apply to the offset of a claim that the employer may have by reason of fraudulent prejudice caused by the worker during the performance of his work. In this case the offset is allowed without restrictions. For the application of the said provision prejudice must be caused fraudulently by the worker during performance of his work (sabotage, damage to machinery with intent, etc.), although recklessness or severe negligence does not mean that he acted fraudulently[47].

Article 53, para.8 of Law 4635/2019 provides for exceptions to the application of collective agreements' terms. More specifically: «National and local sectoral and occupational CLAs may lay down special terms or may exclude from the application of certain regulatory terms workers employed in specific categories of enterprises, such as social economy enterprises, non-profit making legal entities and enterprises facing severe financial problems, such as mainly undertakings under pre-insolvency or quasi-insolvency or insolvency proceedings or out-of-court settlement or reorganization proceedings. By decision of the Minister of Labour and Social Affairs and following opinion of the Supreme Labour Council, the criteria are specified for excluded undertakings and the categories of collective agreement terms are determined that shall be excluded for such undertakings, together with any other issue relating to the application of the present provision, in particular as regards enterprise specific protection measures taken for existing jobs.».

[46] Supreme Court Decision No.346/70, Supreme Court Decision No.570/78, Athens Magistrate's Court Decision No.511/93, Salonica Court of Appeal Decision No.3953/90.

[47] Salonica Court of Appeal Decision No.3953/90. Athens Court of Appeal Decision No.2035/70, Supreme Court Decision No.844/99.

PUBLIC SECTOR

PERMANENT EMPLOYEES

[Article 109, Law3528/2007]

«1. The disciplinary sanctions imposed on civil servants are:

a) ....., b) a fine of up to 12 months of salaries, c) The deprivation of the civil servant's right to promotion from one (1) to five (5) years, d) the deprivation of the right to participate in a selection procedure of head of statutory unit of any level from one (1) to five (5) years*, e) the removal of the duties of head of statutory unit of any level for the term of office or the remainder thereof, f) the demotion by up to two (2) ranks, g) the temporary dismissal for a period from three (3) to twelve (12) months with a full deprivation of salary and..... 3. Where the disciplinary penalties referred to in points c` to g` of paragraph 1 are imposed and there are aggravating circumstances, the Disciplinary Board may impose an additional administrative penalty between EUR 3.0 and EUR 30 000. Where the disciplinary penalty of final dismissal is imposed and in the case of disciplinary offences under cases d` and e` of par. 1, art. 107 of the present which relate to financial matters, the disciplinary board may impose an additional administrative penalty from EUR 10.0 to EUR 100.000 .....b. Regarding the breaches of cases ιδ`, ιε`, ιστ`, ιη`, ιθ`, κα`, κβ`, κδ` of par. 1, article 107, no penalty lower than the fine may be imposed. .....».*

[Article 144, Law 3528/2007]

«.....5. The disciplinary decision imposing a fine as a penalty or an amount of money as an administrative penalty is enforced by the head of the service ordering the payment of the civil servant's salary. If the service contract is terminated, the fine and the amount of the administrative penalty is collected pursuant to the provisions concerning the collection of public revenues. The punished civil servant, and not his/ her heirs, is exclusively responsible for the payment. The fine is calculated on the basis of the salary paid to the civil servant at the time of issue of the first instance disciplinary decision. When the fine is set to an amount equivalent to up to one fifth (1/5) of his/her salary, it is deducted as a lump sum from the salary of the first month to follow the finalization of the decision. When the amount of the fine is larger, it is deducted piecemeal every month. The monthly amount of the deduction is determined in the disciplinary decision and may not exceed one fifth (1/5) of the civil servant's salary.

Cases when no Salary is Due

[Article 43 of Law 3528/2007]

«1. No salary is payable when the civil servant was responsible for not offering his services at all or offered them only partially.

2. The salary cutback in the cases of par. 1 is effected by act of the competent body responsible for the settlement and disbursement of expenditures, which must be notified by the head of the personnel service or the civil service where the civil servant is serving. The civil servant may seek recourse against this act, which is notified to him/her against receipt, before the service

council within ten (10) days from the date of the notification. The recourse does not have a suspensive effect. The service council's decision is final.
3. In the cases where the civil servant's dismissal procedure has been initiated on the grounds of an incurable disease, the civil servant will be paid the active or suspended salary up to the termination of the service contract, however for no more than six (6) months after the expiration of the convalescence leave or the temporary cessation of service."

As regards the request for information on the right of employees to a reasonable period of notice regarding the termination of employment, the provisions concerning the termination of the employment relationship of civil administrative servants of the State and legal persons governed by public law, officials of the State or legal persons governed by public law are reported below. The above employees, according to a constitutional or legislative provision, are governed by special provisions, and the same applies to officials of local authorities, for matters not regulated by the abovementioned provisions specific to them (ref. Article 2 of Law 3528/2007). The relevant provisions of Presidential Decree 410/1988 governing, on the same subject, private-law employees are also reported below.

In particular:
Reasons for Termination
[Art. 147, Law 3528/2007]
The service contract is terminated upon the occurrence of the civil servant's death, acceptance of resignation, forfeiture and dismissal."

Causes of Dismissal
[Art. 152, Law 3528/2007]
"A civil servant may be dismissed only for the following reasons:
a) when the disciplinary sanction of his/her final dismissal is imposed*, b) physical or mental disability,*
c) because of the cancellation of the post he holds,
d) because he has reached the age limit and has completed thirty-five years of service,
e) because he is unsuitable according to Article 95 of the present Code."

Ipso jure dismissal due to the attainment of the age limit
[Art. 155, Law 3528/2007]
"1 .A civil servant is ipso jure dismissed from service upon the attainment of his sixty- seventh year of age."

EMPLOYEES WITH A PRIVATE LAW CONTRACT OF INDEFINITE DURATION
[Article 46, Presidential Decree 410/1988]

Cases of termination of the employment contract [Article 40, Law 993/1979 – Article 291 Law 1188/1981]
«The employment contract shall be terminated in the following cases:

a) Death.
b) Forfeiture.
c) Dismissal.
d) Termination.
e) Expiry of its duration.».

[Article 48, Presidential Decree 410/1988]
Dismissal [Article 42 Law 993/1979 - Article 293 Law 1188/1981]
«In accordance with the provisions of this Chapter, persons recruited shall be dismissed for the following reasons:
a) Reaching of the age limit set out in the next article.
b) Inadequacy.
c) Physical or mental disability and
d) elimination of an employment post.».

[Article 49, Presidential Decree 410/1988]
Dismissal due to age limit [Article 43 Law 993/1979 - Article 294 Law 1188/1981) – Article 3 par.5 Law 1057/1980]
«1. Unless otherwise specified by law, the staff of this chapter shall be automatically dismissed from the service as soon as they reach the age of 62. In regard with the implementation of the preceding subparagraph, the civil servant' s birthday is considered to be December 31st of his/her year of birth. If this personnel, upon attaining their sixty-second year of age, has not completed forty years of total public service, they shall remain in service until this period is completed and, in any case, until they attain their sixty-seventh year of age at the latest.

[Article 53]
Termination of the employment contract by the service [Article 47 Law 993/1979 –Article 298 Law 1188/1981]
1. The employment contract may be terminated by the service at any time for a significant cause. A significant cause includes the following:
a) Infringement of art. 38 par. 1 case α΄.
b) Breach of duty, pursuant to the Criminal code or other special criminal law.
c) Unjustifiable abstention from the performance of the duties for at least fifteen (15) consecutive days.
d) Infringement of secrets of the service.
e) The commission within one year, since the offence has been committed and punished at least by a fine equal to the salary of one month, of another offence which may be punishable by the same penalty.
f) The systematic misconduct in the performance of the duties.
g) Serious disobedience to the legitimate orders of the superiors.
2. The termination of the employment contract, in accordance with the provisions of this Article, shall be effected by decision of the body responsible for the recruitment, following the

reasoned opinion of the service council concerned. Termination of the employment contract begins from the notification of the decision to the employee.

[Article 54]
Termination of the employment contract by the employee [Article 48 Law 993/1979 –Article 299 Law 1188/1981]
1. The employee shall be entitled to terminate the employment contract at any time.
2. The complaint shall be made by means of a written declaration submitted to the service.
3. The complainant shall be obliged to provide his services for fifteen (15) days from the submission of the document referred to in the previous paragraph, unless the service intends to relieve him or her of that obligation, in whole or in part.

[Article 55]
Compensation [Article 49 of Law 993/1979 — Article 300 of Law 1188/1981 — Article 16 of Law 1539/1985 - Article23(30) of Law 1735/1987]
1. Without prejudice to the provisions of paragraphs 3 and 4 of this Article, the compensation for dismissal or termination of the employment contract by the service shall be as follows:
a) For staff in continuous service between one and three years, the remuneration of one month, more than three years and up to six years, the remuneration of two months, more than six and up to eight years the remuneration of three months and more than eight and up to ten years the remuneration of four months.
b) For each completed year of service after ten years and up to thirty years, the above compensation shall be increased by the amount of one month's remuneration.
2. The compensation shall be calculated on the basis of the regular full-time remuneration for the last month. In calculating the compensation, monthly earnings exceeding eight times the daily wage of an unskilled worker, multiplied by the number thirty (30) shall not be taken into account .
3. Regarding staff of this Chapter who are affiliated to State insurance regarding pension and are dismissed in accordance with the provisions of Articles 49, 50 and 51, if, at the time of dismissal, they are entitled to a pension from their own public service, the compensation provided for in paragraph 1 shall not be paid.
Regarding staff who are dismissed in accordance with the provisions of Articles 52 and 53, if, at the time of dismissal or termination of the contract, they are entitled to a pension from their own service, a compensation shall be paid equal to half of that laid down in paragraph 1 of this Article, except from cases a, b, and c of Article 53(1), for which no compensation is payable.
4. Staff under a private law employment contract who are not covered by public insurance for the purposes of granting a pension, provided that they fulfil the conditions for receiving a pension, may withdraw from the service, receiving 40 % of the compensation provided for in the provisions in force for those who are affiliated for supplementary pension and 50 % for those who are not affiliated for supplementary pension.
Regarding staff who are dismissed in accordance with the provisions of Articles 49, 50, 51, 52 and 53, if, at the time of dismissal they are entitled to a pension from their own service, a compensation shall be paid equal to half of that laid down in paragraph 1 of this Article, except

from cases a, b, and c of Article 53(1), for which no compensation is payable. Staff dismissed in accordance with the provisions of Article 13 shall be entitled to the same compensation under the same conditions.
5. The compensation rate provided for in the previous paragraph shall be calculated in accordance with paragraph 1 of this Article and may not exceed the maximum compensation limit laid down in Article 2(2) of Emergency Law 173/1967, as adjusted each time. This provision applies from the entry into force of Law 993/1979.
6. The provisions of paragraph 4 shall also apply to the staff of local authorities. In particular, the second subparagraph of paragraph 4 shall apply to the above staff if, at the time of dismissal, they are entitled to a pension from local authorities from their own service.
7. Supplementary insured persons for the purposes of paragraph 4 of this Article shall mean those who have fulfilled the conditions for receiving a supplementary pension. This provision has been in force since February 1, 1983.
8. If the employment contract for a fixed or indefinite period lasted for more than one year and is terminated by the death of the recruited person, 50 % of the above compensation shall be paid to the necessary heirs under the Civil Code, with the exception of adult children. Adult children shall also be entitled to this compensation if they attend a public or recognised school or higher education institution and are not more than 25 years old. Female children are entitled to the above compensation regardless of age, provided they are unmarried and do not work.
9. Paragraphs 1 to 8 of this Article shall apply mutatis mutandis to an employment relationship.
10. The provisions of the previous paragraphs shall apply mutatis mutandis to employees with an employment relationship of indefinite duration who were in service at the time of publication of Law 993/1979 and Law *1188/1981, who do not belong to the special scientific, technical or auxiliary staff referred to in Articles 9 of Law 993/1979 and 258 of Law 1188/1981.*

EMPLOYEES WITH A PRIVATE LAW CONTRACT OF FIXED DURATION:
[Article 63]
Termination of the employment contract [Article 8 of Law 993/1979 and Article 257 of Law 1188/1981, in conjunction with Article 9(2) of Law 1476/1984]
1. The employment contract shall be terminated automatically as soon as unforeseen and urgent needs have been met or the duration of the contract expires, and in any case as soon as eight (8) months have elapsed since the need for recruitment has occurred. The automatic termination of the contract shall be the subject of an ascertaining act of the body responsible for the recruitment.
2. During employment, the contract may be terminated for significant cause. Unjustified abstention from work for at least three (3) consecutive days shall be deemed to be termination of the employment contract by the recruited person.
3. Staff whose contract of employment is terminated in accordance with the provisions of this Article shall not be entitled to compensation for that reason.

On the basis of all the above provisions and according to administrative practice, officials whose employment relationship termination is imminent ipso jure are previously informed in order to take any further action arising in the course of their duties, in particular to assess the staff they head, to take any remaining normal leave, (it should be noted that for permanent employees and employees with a private law employment relationship of indefinite duration of the State, failure to take the normal leave shall not be compensated), or in order to complete any further action required in the course of their duties.

Article 5 – The right to organise

Question (a)

- data on trade union membership prevalence across the country and across sectors of activity, as well as information on public or private sector activities in which workers are excluded from forming organisations for the protection of their economic and social interests or from joining such organisations.

- information on recent legal developments in these respects and measures taken to promote unionisation and membership (with specific reference to areas of activity with low level of unionisation, such as knowledge workers, agricultural and seasonal workers, domestic workers, catering industry and workers employed through service outsourcing, including cross border service contracts).

LEGISLATIVE FRAMEWORK

Freedom of association and trade union action is enshrined in our country's Constitution (Article 23§1/O.G.A'211/24.12.2019[48]), is protected by International Labour Conventions and regulated by Law 1264/1982 *"For the democratization of the Trade Union Movement and the safeguarding of workers' freedom of association"* (O.G.A'79/01.07.1982) as in force.

Law 1264/1982 guarantees workers' trade union rights and regulates the establishment, organization, operation and action of their trade union organizations (article 1§1) with the aim of safeguarding and promoting their labour, economic, insurance, social and trade union interests (article 4§1).

With regard to recent **legal developments**, it is noted that by paragraph 4 of Article 54 of Law 4635/2019 (O.G.A'167/30.10.2019) the creation of a **Register of Workers' Trade Unions and Employers' Associations** was established. Workers' Trade Unions and Employers' Associations shall be listed in the above Register, kept in the ERGANI Information System of the Ministry of Labour and Social Affairs. The Register shall be kept in electronic form as a database in the ERGANI Information System and shall consist of: a) the General Register of Workers' Trade Union Organizations (GEMISOE) and b) the General Register of Employers' Associations (GEMIOE). Ministerial Decision No.62599/26.8.2021 *"Register of Workers' Trade Unions and Employers' Associations"* (O.G.B'4279/16.9.2021) regulates the Registers' operation details. The above-mentioned register shall be in full operation on **1/2/2022**. (see Ministry's relevant press release https://ypergasias.gov.gr/xekina-tin-1i-fevrouariou-i-leitourgia-tou-mitroou-ton-syndikalistikon-organoseon/).

[48] The entire text of the Constitution was published in the said Government Gazette in Demotic Greek language, according to the parliamentary Resolution of November 25th 2019 of the IX Revisionary Hellenic Parliament.

In accordance with paragraph 1 of Article 14 of Law 1264/1982, *"The officers and agencies of the State shall be obliged to implement the measures necessary to safeguard the unimpeded exercise of the right to establish and independently run trade unions"* whereas, in accordance with paragraph 1 of Article 16 *"work is a right and is protected by the State"*. For the rest, workers are free to join trade unions and have the right to collective bargaining.

PUBLIC SECTOR

Article 46 of Law 3528/2007 (O.G. A'26/09.02.2007) *"Ratifying the Code of Conduct for Public Civil Servants & Employees of Public Law Legal Entities"* ensures the unimpeded exercise by employees of the freedom of association and strike action.

In particular, Article 46 stipulates the following:

"Freedom of association and the right to strike

1. Freedom of association and the unimpeded exercise of the rights related thereto shall be guaranteed to employees.

2. Employees shall be free to establish and join trade unions and exercise their trade union rights.

3. Strike action is a right of employees and is exercised by their trade unions as a means of safeguarding and promoting their economic, labour, trade union, social and insurance interests and as a manifestation of solidarity with other employees for the same purposes. The right to strike shall be exercised in accordance with the provisions of the law regulating it.

4. Trade unions shall have the right to negotiate with the competent authorities on their members' pay, terms and conditions of employment".

POLICE

The **legal framework** that establishes the Union Rights of police officers in service is summarized as following:

First of all, as already mentioned, Freedom of Association is generally established in article 23 of the Constitution and with it the unimpeded exercise of relevant rights within the legal framework. In accordance with the second subparagraph of paragraph 2 a ban to the right of strike in any form which is a specific expression of Union freedom is introduced for those who serve in law enforcement bodies.

Additionally, in article 1 of Law 2265/1994 (O.G.A΄209/05.12.1994) the provisions of Law 1264/1982 regarding unionization in the Hellenic Police Force are expanded so that police officers of all ranks are given the possibility to create unions and in this way collectively express work, financial and social issues that are of concern to them.

Specifically, in accordance to article 30a of Law 1264/1982, as amended and valid, the following are stated:

In paragraph 3 some restrictions in exercising the Union Rights of police officers are set as they do not suit the specific nature and mission of the Hellenic Police.

In paragraph 4 the creation of trade unions for police officers in service is provided as follows:

"a. A primary officer union in every region and a primary police officer union up to the rank of Police Warrant Officer in each one of the Police departments of Athens, Piraeus, Northeastern Attica, Southeastern Attica, West Attica and Thessalonica, as well as every police department of the prefecture. Only police officers who serve in departments which are located within the geographical limits of the abovementioned prefecture or the abovementioned Police Departments or Police Directorates respectively can be members. Officers are able to become members of the police officer union instead of the officer union. Police Warrant Officers may join the police officer union instead of the officer union."
b. One federation of primary union police officer organizations and one federation of primary union officer organizations, as secondary union organizations.
c. One tertiary union organization (confederation), which is made up by the two abovementioned federations and in which there is a number of representatives defined by its union statute. The provision of the third subparagraph in paragraph 3 of article 9 of the present law does not apply to the representation of the abovementioned federations in the tertiary organization".

Subsequently, paragraph 5 defines:
"Every police officer is entitled to be a member of just one primary union of the Police Directorate or the Police Department or the region of paragraph 4 where he serves. A police officer who is assigned to a service whose local jurisdiction extends to more Police Departments or Police Directorates or regions where his service is located can be a member in the union of the Police Directorate, Police Department or region where his service is located without taking into consideration the hierarchical subordination of his Service. If a police officer joins a second trade union they must be de-registered from the first one. In case of transfer to a different Police Directorate or Police Department or region the police officer must be deregistered from the trade union where he belonged and has the right to join the trade union of the Police Directorate or Police Department or region to which he is transferred. The de-registration is not obligatory if the transfer was due to educational or training reasons for all of its duration."

Finally, according to paragraph 10:
"Police officers' trade unions and their members are not allowed in particular:
a. to participate in strikes as well as all kinds of events of politicians or trade unions or political figures or practice propaganda for or against them. Conferences and cultural trade union events are excluded.
b. to become members of other professional trade unions, apart from International Police Trade Unions, or represent other employees.
c. to become involved in any way in administrational issues of their service."

ARMED FORCES

A] On 5 July 2016, Law 4407/2016 was adopted, with publication date on 27 July 2016 (O.G.113/A/27.07.2016). By Article 50 of the above law, Article 30C was added to Law 1264/1982. The said Article includes provisions for the establishment of trade unions within the Armed Forces.

B] In paragraph 4 of Article 30C, it is expressly provided that active-duty military personnel is allowed to establish in each Region a primary Regional Union for the active-duty military personnel and a Panhellenic Federation of primary Regional Unions as a secondary body.

It is noted that the legislation governing all public sector personnel applies to the civilian personnel of the Ministry of National Defense (see above).

Question (b)

- information on measures taken or considered to proactively promote or ensure social dialogue, with participation of trade unions and workers organisations, in order to take stock of the COVID-19 crisis and pandemic and their fallout, and with a view to preserving or, as the case may be, restoring the rights protected under the Charter after the crisis is over.

During the period under consideration, there is no specific provision in the texts of the National General Collective Labour Agreements relating to the participation of trade unions and workers' organizations in order to take stock of the COVID-19 crisis and pandemic and their fallout.

Article 6 – The right to bargain collectively

Paragraph 1

LEGISLATIVE FRAMEWORK

The employer must inform and consult with his workers' representatives prior to making any decision that may affect their rights, especially when such decision shall lead to substantial changes in their relationship.

The ultimate goal of information and consultation is the strengthening of social dialogue and the relationship of trust within the enterprise or the group of enterprises (both at national as well as at Union level), with a view to preventing hazards, increasing flexibility in work organisation, raising awareness among workers as regards adaptation needs, their involvement in the development and progress of the enterprise and, consequently, enhancing its competitiveness.

Employers, therefore, in a spirit of cooperation, must inform and consult with their workers or their representatives, keeping in mind that the said procedure aims at protecting their workers' rights and their enterprises' interests, in the context of identifying sustainable and effective measures for the consolidation and/or growth of their enterprises.

Law 1876/1990 «*Free collective bargaining and other provisions*» (O.G.A΄27/08.03.1990), as in force today, which is the main instrument on Collective Labour Agreements (C.L.A.), acknowledges the right to free bargaining between the parties concerned (employers and workers), in order to conclude Collective Labour Agreements that will lay down workers' pay and working terms.

Working terms (i.e., pay and working conditions) are concluded by the contracting parties (sectoral or occupational workers' trade unions and employers' organisations, or trade unions of workers within the enterprise and the employer) and are laid down following consultations, upon the signing of relevant Collective Labour Agreements by the contracting parties. In the event of failure of such consultations, the parties may have recourse to the Organisation for Mediation and Arbitration (O.ME.D.) by which Arbitral Awards (A.A.) are rendered equal to and having the same effect as the CLAs.

Article 1, para.1 of Law 1876/1990 on its scope of application, stipulates that it applies to all workers bound by a dependent working relationship under private law with any Greek or foreign employer, enterprise, undertaking or service of **the private or public sector**, including workers in agriculture, livestock farming and related works and domestic workers.

According to article 3, para.1 of Law 1876/1990, CLAs are distinguished into national general (applying to all workers throughout the country), sector-level (applying to workers of most similar undertakings or enterprises of a certain town, region or even of the entire country), enterprise-level (applying to workers of an undertaking or enterprise), national occupational (applying to workers of a certain occupation and specialties similar to that occupation throughout the country), and local occupational (applying to workers of a certain occupation and/or similar specialties within a specific city or region).

Article 7, para.2 of Law 1876/1990, stipulates that the terms of individual employment contracts which derogate from the regulatory terms of Collective Labour Agreements are more prevalent if they provide greater protection to workers.

According to article 8 of Law 1876/1990, CLAs and AAs with the same effect, as referred to in article 16 of the same law, shall be binding upon both workers and employers who are in dispute or are members of contracting sectoral or occupational trade unions, within their local, occupational or time scopes, unless they are declared generally binding (under the conditions stipulated by the above-mentioned law) by decision of the Minister of Labour and Social Affairs.

Where an employer is bound by an enterprise-level collective labour agreement, its terms shall govern all workers of the enterprise (article 8§3 Law 1876/1990 as in force) and if the employment relationship is regulated by more than one collective labour agreements in force, the provisions on concurrence of collective agreements shall apply, in accordance with article 10 of Law 1876/1990 as in force.

Firm-level collective labour agreements are concluded, by order of priority, by trade unions of the enterprise that cover its workers. In the event that there is no trade union in the enterprise, they are concluded by an association of persons, and, in any event, irrespective of the category, post or specialty of workers in the enterprise. If such trade unions do not exist, collective agreements are concluded by the respective primary sector-level organizations and the employer (§5 of article 3 of Law 1876/1990 as in force).

By virtue of case 2a, subparagraph IA.11 of **Law 4093/2012** (O.G.A΄222/12-11-2012), which replaced article 8.1.1 of Law 1876/1990, national general labour collective agreements (NGLCAs) set the minimum non-wage working terms, applicable to workers throughout the country. Basic salaries and wages, all kinds of increments on them and any other wage term, apply only to workers employed by employers of the contracting employers' organizations and may not be less than the statutory minimum wage and salary.

The special provisions (institutional) that are regulated by virtue of the NGLCA and apply to workers throughout the country are the following: parental leave, maternity leave, breastfeeding and child care leave, wedding leave, child birth leave, leave to single parent families, leave due to the death of a relative, leave to sit for exams for students, leave for under-aged students, healthcare for unemployed young persons, night work for pregnant women, leave due to sickness of dependants, leave for blood transfusions and its derivatives or hemodialysis, protection of addicted persons against termination of their employment contracts, leave for post-graduate students to sit for exams, leave due to AIDS, parental leave to a person whose child needs blood transfusions and its derivatives or hemodialysis, to workers who are foreign nationals extra annual leave after 25 years of service, leave/time-off in order to monitor one's children school performance, reconciliation of professional and family life for foster parents.

By virtue of article 19 of Law 1876/1990, *the provisions of this law shall apply to* ***workers bound by an employment relationship under private law and employed by the State, Public Law Legal entities and local self-government agencies****, provided that*

the nature of the said provisions does not preclude their application and subject to the following regulations:
1. Any reference to employers' organizations or to individual employers shall mean the Minister of Finance or his authorized representative. In particular, as regards workers employed by Public Law Legal Entities and Local Self-Government Agencies, the said reference shall be understood to include also the supervising Minister. In this case these two Ministers may decide to be represented by the same person. On behalf of the workers, collective labour agreements that apply to workers of this category shall be signed by the trade union organization of the corresponding level.
2. Where due to the absence of such trade union organization It is not possible to conclude a collective labour agreement for workers of the above categories, their working conditions shall be defined as follows: a)by joint decision of the Minister of Finance and of the competent Minister, in the event of persons employed by the State, b) by decision of the Minister of Finance and the supervising Minister, in the event of workers employed by Public Law Legal Entities and Local Self-Government Agencies.».

It has to be noted that the Rules of Procedure that govern the **Hellenic Police Force**, do not provide for collective bargaining, because both the particular nature and the object of these authorities differ significantly from those of the remaining public sector. (Please refer to the information given in article 5)

Law 1767/1988 (O.G.A'63/06.04.1988) introduces **works councils**. Workers in any enterprise employing at lease fifty (50) persons are included in the scope of its application. These employees shall have the right to elect and form works councils to represent them in their dealings with the enterprise. In enterprises where there is no trade union organization, only twenty (20) workers shall be required to form works councils (article 1).
The function of works councils is participatory and consultative. Their aim is to improve the employees' working conditions in relation to the development of the enterprise. The operation of these councils shall at no point prejudice the purpose, means and rights of trade unions which, by means of their activity, in accordance with articles 22 and 23 of the Constitution and of Law 1264/1982, safeguard and promote the labour, economic, social insurance, social and trade union interests of workers (article 12, para.1).
Agreements reached between employers and works councils do not bind trade union organizations. They may seek more favourable arrangements for the workers through collective agreements (article 12, para.2). Works councils shall cooperate with the trade union organization in the enterprise and shall keep the orgranisation informed on matters falling within the council's remit (article 12, para.3).
The competences of works councils are the following:
1. The works councils shall decide jointly with the employer on the following issues, provided they are not regulated by law or a collective labour agreement and provided there is no trade union organization in the enterprise:
a) the drawing up of the company's internal rules.
b) the company's health and safety rules,

c) the development of information programs about new methods for the organization of the undertaking and the use of new technologies.
d) scheduling of further education, continuing education and training for the staff, in particular after each major change in technology,
e) the manner of monitoring the presence and behavior of the staff in the context of protecting workers' privacy especially in relation to audio-visual means.
f) scheduling of annual leaves.
g) the re-integration into the workforce of workers who have been injured in occupational accidents at the enterprise and their placement in jobs suitable for them,
h) planning and supervising of cultural, recreational and social events and social facilities.
A written agreement shall be drawn up, in regard to the above mentioned matters, which shall take regulatory effect upon signing, be posted on the works council notice board and be communicated to the trade union organization of the enterprise or, if such a union does not exist, to the corresponding secondary level organisation (article 12, para.4).
2. Works councils shall study and propose ways to improve productivity for all the factors of production. To this end, they may call upon experts from the institution referred to in article 10.2 of the law (article 12, para.5).
3. Works councils shall propose measures to improve working terms and conditions (article 12, para.6).
4. Works councils shall propose, from among their members, nominations for their representatives on the Health and Safety Committee (article 12, para.7).

Article 16.4 of **Law 1264/1982** (O.G.A΄79/01.07.1982) also stipulates that, «*It shall be the duty of the employer or of his authorized representative, to meet the representatives of the trade union organization, following their request, at least once a month, and to ensure the settlement of issues that cause concern to the workers or their organisation.*».

Paragraph 2

- information on specific measures taken during the pandemic to ensure the respect of the right to bargain collectively.

In order to ensure respect for the right to collective bargaining, by virtue of article 17 of the PNP dated 13.4.2020 on «Measures to tackle the continuing impact of COVID-19 pandemic and other urgent provisions» (A΄84), which was ratified by article 1 of Law 4690/2020 (O.G.A΄104/30.5.2020), the term of workers' and employers' trade union executive bodies, referred to in article 9 of Law 1264/1982, was extended. The said term had expired during the emergency measures taken till 10.4.2020, in order to address and limit the spread of COVID-19. A series of legislation followed that included relevant provisions. The most recent regulation on the above mentioned issue was included in article 133 of **Law 4808/2021** (O.G.A΄101/19.06.2021) according to which the term of trade unions and employers' organizations is extended till 31.10.2021, on condition that in the meantime elections shall not be held for new bodies, in accordance with the unions' articles of association. Moreover, under para.2 of the same provision, until 31.10.2021 the meetings and the elections of the executive bodies of the above mentioned organizations and legal entities may also be held remotely, following decision of their competent executive bodies, regardless of what their articles of association stipulate.

Furthermore, article 2 of **Law 4690/2020** (O.G.A΄104/30.5.2020) ratified the PNP dated 1.5.2020 on «*Further measures to tackle the continuing impact of COVID-19 pandemic and return to social and economic normality*» (A΄90). Article 15 provides that the regulatory terms' validity of Collective Labor Agreements and Arbitral Awards shall be extended till 30th of June 2020. Their three month extension, in accordance with article 9 of Law 1876/1990 (A΄27), had expired during the period 29/2/2020 – 30/4/2020.

Paragraph 3

National law provides for procedures/institutions for the resolution of all disputes arising from a labour relationship or employment contract, whether these are disputes arising during collective bargaining for the conclusion of a CLA and/or after the conclusion of a CLA and refer to its terms, or disputes referring to the application of and compliance with labour law provisions.

More specifically,

a) Conciliation procedure and resolution of labour disputes.

until the adoption and entry into force of Law 4808/2021 (O.G. 101/A/19.6.2021), the relevant institutional framework provides for two (2) separate procedures, "conciliation" and "labour dispute resolution", that apply under the terms and conditions provided in article 3 of Law 3996/2011, as amended by article 23 of Law 4144/2013.

Below you can find the relevant provisions.

«Article 23 - Amendments of Law 3996/2011

1. Article 3 of Law 3996/2011 is replaced as follows:

A. Conciliation

1. The SEPE shall intervene as conciliator after a request made by the relevant trade unions or employers' organizations or by the employer individually in order to settle any dispute or disagreement on issues arising from an employment relationship, even on issues not addressed in a collective agreement. A conciliation procedure shall not be initiated for cases falling within the area of competence of the OMED, as these are defined by Law 1876/19901876/1990.

2. The conciliation procedure shall be initiated after an application is lodged by the interested party and communicated to the other party by all appropriate means. The application shall contain information on the parties and their demands.

3. Conciliation shall be conducted at local or regional or national level. At local level, conciliation shall be conducted before the competent Head of Department or Labour Inspector designated by him. At regional level, conciliation shall be conducted either before the competent Head of Regional Directorate or before the competent Labour Inspector designated by him. The competent Directorate of the Ministry of Labour, Social Security and Welfare shall deal with cases at national level, in accordance with article 13 of Law 1876/1990.

4. During conciliation procedure, in addition to legal advisers, up to five (5) representatives in total of each party concerned may be present. At the choice of each party, the following may attend the meetings: on behalf of the workers, representatives of a) the primary or secondary or occupational trade union, b) the district's Labour Center, c) GSEE, and on behalf of the employer or employers, representatives of their trade union. During conciliation procedure a sign language interpreter and a translator may be present in order to assist deaf or hard-of-hearing persons or foreign nationals respectively.

5. Conciliation aims at achieving convergence of party views the soonest possible by all appropriate means in order to put an end to the dispute and ensure a peaceful work environment. At the end of conciliation procedure minutes of meeting shall be drawn up confirming the agreement or disagreement of the parties. The minutes shall be signed by the

parties concerned and the dealing Labour Inspector who must issue a reasoned opinion, where appropriate.
In the event that the Labour Inspector is unable to form an opinion, he shall express a fully justified opinion on his inability.

B. Labour dispute resolution

1. Labour disputes are all sorts of disagreements between a worker or workers and an employer arising from the employment relationship and referring to the application of and compliance with labour law provisions.
2. A worker or workers invoking common interest, the employer as well as the trade unions concerned have the right to request the intervention of a Labour Inspector in order to settle labour disputes.
3. The resolution of a labour dispute is handled by the Head of the competent Department or the Labour Inspector designated by him. If the Head of the competent Department or the Head of the competent Regional Directorate considers that the labour dispute needs further consideration, then it shall be examined at second instance by the Head of the competent Regional Directorate.
4. The labour dispute resolution procedure shall be initiated after an application is filed by the person concerned and communicated to the other party by all appropriate means. The application shall include information on the parties and their demands on which the discussion for the resolution of the labour dispute shall be based.
5. During the labour dispute resolution procedure, in addition to legal advisers, up to five (5) representatives in total of each party concerned may be present. At the choice of each party, the following may attend the meetings: on behalf of the workers, representatives of a) the primary or secondary or occupational trade union, b) the district's Labour Center, c) GSEE, and on behalf of the employer or employers, representatives of their trade union. During the labour dispute resolution procedure, a sign language interpreter and a translator may be present in order to assist deaf or hard-of-hearing persons or foreign nationals respectively.
6. During the labour dispute resolution procedure the parties are required either to attend in person or be represented by a legal advisor or other authorized person. The dispute resolution procedure is recorded in minutes which are signed by the parties present and the Labour Inspector, who must express his opinion on the dispute.
Upon request, minutes may be made available in Braille format or other formats accessible to people with disabilities. If one of the parties is not present, the Labour Inspector shall note down the opinion of the party who attends the meeting and if the absence is not justified, then a rebuttable presumption is established regarding the truth of the latter's allegations.
Moreover, the Labour Inspector may impose administrative sanctions on the absent party, under article 24 of the present law, following written explanations.
7. If labour law violations constitute criminal offences, the Labour Inspector shall file a complaint or complaint report with the office of the competent Prosecutor.»

As regards the conciliation procedure which was conducted at the Headquarters of the Ministry of Labour and Social Affairs during the period under examination, the following

table summarizes the number of dispute resolution cases via conciliation during the period from 01/01/2017 to 31/12/2020.

	2017	2018	2019	2020
Number of Dispute Resolution Cases	120	128	103	36
Resolved	75%	59%	53%	55%

b) Chapter C of Law 1876/1990 introduces the procedures of Mediation and Arbitration

In case of disagreement between the parties as to the existence and content of the collective agreement, if there is a common agreement to the appeal proceedings, the dispute resolution will be pursued via the procedures of mediation and arbitration.

In particular:

Article 14 of Law 1876/1990 stipulates the following:

"1. If collective bargaining fails, the interested parties have the right to request the Mediation services or to resort to Arbitration.

2. The terms of recourse to Mediation and Arbitration and the entire procedure is stipulated by relevant clauses in collective agreements or in case such clauses have not been agreed, the terms can be regulated by unanimous agreement of the negotiating parties. In case of absence of such agreements the provisions of this law shall apply.

3. The Mediation and Arbitration services in general, as well as those provided by the mediators and arbitrators of the Organization for Mediation and Arbitration (OMED), are based on the principles of right judgment, objectivity and impartiality".

Article 15 "Mediation" of Law 1876/1990 stipulates the following:

"1. The appointment of a mediator may be requested by any of the interested parties.

2. The Mediation procedure begins with the filing of a relevant application by the interested parties, submitted jointly or separately. In the latter case, the application is communicated to the other party. The application includes the invitation (to mediation) addressed by one party to the other, the particulars of the parties involved and their designated representatives, the proposals or the requests, the reasons which justify them, any alternative proposals and counter-proposals and any other data which may facilitate the negotiations.

3. The mediator shall be selected by the parties from the special list of mediators. In case of disagreement between the parties, the mediator shall be appointed by lot. For this purpose, forty-eight (48) hours after the submission of the application, the competent department of the OMED shall invite the parties to be present at a designated place and time for the selection of the mediator, or in the case of disagreement, to select the mediator by lot.

The drawing shall take place in the presence of the President of OMED or his/ her representative appointed by him/ her and each party shall have the right to express its objection for the person selected by lot. The alternate mediator shall be appointed by the same procedure. After the appointment of the mediator, a minute of the mediation shall be drawn

up. The mediator must assume his/ her duties within five (5) working days at the latest from the date of his/ her appointment.
4. The mediator shall invite the parties to joint discussions, conduct separate hearings with the parties on their reasoned proposals and counter-proposals for the conclusion of a collective agreement, which shall be summarized in a Mediation Minute, examine the economic situation and the overall competitiveness of the productive activity referred to in the collective dispute and the development of the purchasing power of wages and conduct inquiries, fact finding examinations and any other research or inquiry on the terms and conditions of employment, with the assistance of one or more experts of his/ her choice.
5. The employer's side and any competent authority have the obligation to provide the mediator with all information and assist him in his work. For the employer's side in particular, the provisions described in paragraph 4 of Article 4 of Law 1876/1990 shall apply.
6.a) if the parties fail to reach an agreement within twenty (20) working days from the day following the one on which the mediator takes up his/ her his duties, which may be extended by agreement of the parties, the latter shall notify the Parties of a reasoned proposal for mediation. The mediation proposal shall indicate: i) the parties to be bound by the proposed collective agreement and their representatives who participated in the mediation procedure, ii) how to resort to mediation, iii) the issues negotiated in the mediation procedure, iv) the data, memoranda, etc., by which the parties have justified their proposals and counter-proposals, v) the issues on which agreement has been reached, vi) the issues on which disagreement has been maintained and on which the substantive judgment of their proposal is justified as set out in paragraph 6 of Article 16 hereof and vii) the explicit terms of the proposed collective agreement without reference to other regulations.
The mediator shall have the right by reasoned decision, to refrain from making a proposal by setting a deadline for the parties to resume consultations, which may not be less than three (3) nor more than six (6) working days and which may be extended by agreement of the parties. The right referred to in the preceding subparagraph shall be granted once to the conciliator. If the parties fail to reach an agreement or if the deadline set has expired, the mediator shall notify the parties of a reasoned proposal for mediation containing the information referred to in the second subparagraph of this paragraph".

Article 4, Paragraph 6 of Law 4303/2014 stipulates the following:
"6. This regulation shall enter into force on the date of its publication in the Official Gazette. For any appeals filed with the OMED and to date no arbitral award has been issued, the provisions of this Article shall apply. The same applies to arbitral awards that have been notified to the parties after the publication of the decision of the Plenary of the Council of State No. 2307/2014. In the cases referred to in the preceding subparagraph, the time limit for appeal before the Secondary Five-Member Arbitration Committee shall commence ten (10) days from the publication of the present Law.
b) If the parties do not notify in writing their acceptance of the mediator's proposal within five (5) working days of its notification, they shall be deemed to have rejected it. The acceptance or rejection of the proposal shall also be communicated to the other Party. The mediator's

proposal shall also be communicated to the other party. The mediator's proposal may be published by the mediator in the daily and/ or periodical press.
c) If the proposal is accepted, the mediator shall invite the parties to sign a collective agreement".

Article 16 "Arbitration (First Degree)" of Law 1876/1990 stipulates the following:
1. Recourse to arbitration may be made at any stage of the bargaining by agreement of the parties. In particular for public undertakings of Chapter A' of Law 3429/2005, as in force, the application of paragraph 4 of Article 56 of Law 3691/2008, as in force, is required.
(...) 4. The arbitrator or arbitrators of the Tripartite Arbitration Board, the designation of one of the arbitrators as chairman of the Board, as well as their alternates, are selected by agreement of the parties from the list of arbitrators of the Organization for Mediation and Arbitration (OMED) and by lot in case of disagreement. Within forty-eight (48) hours from the recourse to arbitration, the competent department of the OMED shall invite the parties to appear at a designated place and time for the selection of an arbitrator or Arbitration Board and its chairman, as well as their alternates. The selection or the lot shall take place before the President of the OMED or his representative designated by him. Each party shall have the right to object once to the person drawn by lot. The Arbitrator and the Tripartite Arbitration Board are required to take office within five (5) working days since their designation.
5. The arbitrator and the Arbitration Board share the same rights with the mediator. They shall study all the data and findings collected at the mediation process and the additional data concentrated during the arbitration procedure and mostly the economic and financial data, the development of competitiveness and the economic situation of the more vulnerable enterprises of the production activity to which the collective dispute refers, the progress in reducing the competitiveness gap and the unit labour cost during the fiscal adjustment program as well as the evolution of the salary purchasing power"
6. The arbitral award must have a full and reasoned justification as for the terms set out in it, which may not contradict or modify provisions of the legislation in force. The arbitral award shall clearly set out all regulatory terms. Regulatory terms of other collective arrangements in force shall remain in force by the arbitral award. The completeness of reason shall be subject to judicial review in accordance with Article 16B hereof.
7. The arbitral award shall be issued within fifteen (15) days from the assumption of the duties of the arbitrator or the Arbitration Board, if mediation was preceded, and within thirty-five (35) days if it was not. The decision of the Arbitration Board shall be taken unanimously or by majority vote. The arbitral award shall be notified by the competent department of the OMED within five (5) days from its issuance to the parties bound by it.
8. The decision of the arbitration shall be equivalent to a collective labour agreement and shall apply from the day following the submission of the application for mediation, unless the parties agree otherwise.
9. In cases of recourse to arbitration, the exercise of the right to strike shall be suspended for a period of ten (10) days from the date of its recourse".

Article 16A "Appeal against the arbitral award (Second Degree)" of Law 1876/1990 stipulates the following:

"1. Against the arbitrator's or Tripartite Arbitration Board's award, any of the parties may lodge an appeal, which shall be filed with the secretariat of the OMED. The deadline for the appeal is set at ten (10) days from the notification of the decision. The enforcement of the judgment shall be suspended due to the deadline applied and the lodging of the appeal. The suspensive effect shall last until a decision on the merits of the appeal has been issued.

2. The appeal is heard by a Secondary Five-member Arbitration Board composed of:

(a) Two members drawn from the list of arbitrators of the OMED and (b) one Counselor of the Council of State[49] and one Judge of the Areios Pagos[50], who shall be selected with their alternates by the relevant Supreme Judicial Council for one (1) year-term, and one Counselor of the State Legal Council, who shall be selected with his alternate by the Plenary of the latter for one (1) year-term. These members, as well as the arbitrators, shall enjoy full independence in the performance of their duties.

3. The remuneration of the members of the Secondary Five-member Arbitration Board is determined by the OMED's Regulation of Remuneration, issued in accordance with the procedure of par. 2 of Article 18 of Law No. 1876/1990.

4. The election of the members of the Secondary Five-member Arbitration Board, dealing with a particular appeal, if they are not the persons referred to in case b of paragraph 2, shall be made by lot, in accordance with the procedure of paragraph 4 of Article 16 of this Law and shall be chaired by the most senior Counselor of the Council of State or Judge of the Areios Pagos.

5. In the proceedings before the Secondary Five-member Arbitration Board and as for the decision to be issued, the provisions of paragraphs 5, 6 and 8 of Article 16, as in force, shall apply. The decision shall be issued on the basis of the data submitted at the first degree arbitration.

6. The arbitral award shall be issued within twenty (20) days from the date on which the Secondary Arbitration Board takes up duties, unanimously or by majority, and shall be notified by the competent department of the OMED within five (5) days of its issuance to the parties bound by it."

Paragraph 6 of this Article and Law stipulates that:

"6. This Law shall enter into force on the date of its publication in the Official Gazette. For any appeals filed with the OMED and for which no arbitral award has been issued to date, the provisions of this Article shall apply. The same applies to arbitral awards that have been communicated to the parties after the publication of the No.2307/2014 decision of the Plenary of the Council of State. As regards the cases referred to in the preceding subparagraph, the

[49] i.e. The Supreme Administrative Court of Greece

[50] i.e. The Supreme Civil and Criminal Court of Greece

deadline for appealing before the Secondary Five-Member Arbitration Board shall begin ten (10) days from the publication of this Law."

Article 17 "Organization for Mediation and Arbitration" of Law 1876/1990 stipulates the following:

"1. A private law legal entity is hereby established under the name "Organization for Mediation and Arbitration", based in Athens.

The Organization for Mediation and Arbitration (OMED) is an independent body operating according to the provisions of the present Law, the presidential decrees and regulatory acts which are issued under authorization of Article 18(2) of Law 1876/1990, as well as by decisions of its Board of Directors by way of derogation from the provisions relating to the public sector.

2. The mission of OMED is to support free collective bargaining by the provision of Mediation and Arbitration services to trade unions, employers' organizations and individual employers. In view of its mission, OMED may: a) organize administrative support services for mediation and arbitration proceedings b) undertake information and training programs on collective bargaining, labour relations and labour economy addressed mainly to representatives of trade unions and employers' organizations, c) undertake scientific research and studies on issues relevant to its mission and d) issue an annual report submitted to the Board of Directors of a) the Greek General Confederation of Labour (GSEE), b) the Hellenic Federation of Enterprises (SEV), c) the Hellenic Confederation of Professionals, Craftsmen and Merchants (GSEVEE), d) the National Confederation of Hellenic Commerce (ESEE), as well as to the Minister of Finance and the Minister of Labour and Social Security.

3. The Organization for Mediation and Arbitration is administrated by a seven (7) -member Board of Directors consisting of:

a) one representative of SEV, one of GSEVEE and one of ESEE with their alternates,

b) three representatives of GSEE with their alternates and

c) the President and his alternate chosen by unanimous decision of the members of cases a and b, a decision taken at a meeting convened by the Minister of Labour and Social Security before the Board of Directors is constituted. The President and his alternate shall be persons of recognized status and experience in labour relations or labour economy or labour law.

4. One representative of the Ministry of Labour and Social Security with his or her alternate, who holds a university degree and experience in labour relations, shall participate as an observer, without a right to vote, in the meeting of the Board of Directors.

5. For cases a and b of paragraph 3, the designation of representatives by the competent bodies shall be made within a period of fifteen (15) days from the invitation of the Minister of Labour and Social Security.

6. The Board of Directors is constituted by decision of the Minister of Labour and Social Security. By the same decision, the President and his alternate are designated from among the regular members of the Board of Directors.

7.(a) The term of the Board of Directors is five years. The re-appointment of regular members can be extended for another five years.

(b) In case of resignation or death of a member of the Board of Directors, the Board of Directors is legally established and the alternate member can participate as regular one. In the

absence of a regular member, the Minister of Labour and Social Security, in accordance with the procedure referred to in paragraph 5 of this article, calls upon the legal entity to which the missing member is affiliated, to appoint another person for the remaining term of the missing member.

The term of the members of the Board of Directors, established by decision No. 10650/Δ1.1956/ 9.4.2014 (ΥΟΔΔ 233) of the Minister of Labour, Social Security and Social Solidarity, is automatically extended from its expiry until 31.3.2018.

8. (a) The mediators and the arbitrators constitute two autonomous special bodies. The maximum number of posts for mediators and arbitrators for the whole country is thirty-eight (38), twelve (12) of which must be arbitrators. By decision of the Board of Directors in response to any emerging needs, the number of mediators and arbitrators can be increased or reduced for each body, without exceeding the maximum limit of thirty-eight (38) posts.

(b) The mediators and arbitrators exercise a public mission, without having the status of a civil servant and enjoy full independence in the performance of their duties. They are required to perform these duties with objectivity, in compliance with the Code of Conduct of the Body of Mediators-Arbitrators which is issued by unanimous decision of the seven (7) members of the Board of Directors.

9. (a) The mediator candidates must:

i. be at least 35 years of age

ii. hold a university degree in law or economic sciences or related studies

iii. have 5 years of proven experience on issues of labour relations

(b) The arbitrator candidates must:

i. be at least 45 years of age

ii. hold a university degree in law or economic sciences or related studies

iii. have ten (10) years of proven experience in labour relations issues.

(c) Additional qualifications are taken into consideration, such as Master's degrees and relevant publications, especially on issues of labour relations.

The Board of Directors may, by regulation, lay down additional qualifications to those referred to herein.

10. The mediators and arbitrators shall be appointed for a three-year term which shall be renewable with the possibility of changing the status of mediator or arbitrator during their previous term.

In order to renew their term, they are re-assessed in accordance with the provisions of a special regulation and by a justified decision of the Board of Directors issued following a unanimous decision of the seven (7) members of the Board of Directors.

11. (a) The appointment shall occur after a public notice for the posts of mediators and arbitrators. The candidates shall submit curricula vitae, diplomas, relevant publications and a declaration of preference as to which of the two bodies they wish to join as well as anything else specified in the notice.

(b) The Board of Directors after examining the candidates' files and possibly, after a face-to-face interview, shall select the most capable candidates by unanimous decision of the seven (7) members of the Board of Directors.

12. Presidential Decrees issued on the proposal of the Minister of Labour and Social Security, following the unanimous opinion of the Board of Directors of OMED, expressed by unanimous decision of the seven (7) members of the Board of Directors may regulate any detail concerning the issues referred to in paragraphs 3 to 11 of this article, including the number of posts for mediators and arbitrators and the administrative or other personnel of OMED.."

Paragraph 4

Question (a)

- information on specific measures taken during the pandemic to ensure the right to strike (Article 6§4).

No specific measures related to the right to strike were taken during the pandemic and for the reference period.

Article 21 – The right to information and consultation

LEGISLATIVE FRAMEWORK

(Please refer to our previous Report – see also the 9th Greek Report on the Additional Protocol to the ESC – Article 2)

- Law 1767/1988 (O.G. A΄63/06.04.1988) «*Works councils and other labour provisions – Ratification of International Labour Convention No.135*», specifies the terms and conditions under which works council shall be formed and operate.
- P.D. 240/2006 (O.G. A΄252/16.11.2006) «*Establishing a general framework for informing and consulting employees*», in accordance with Directive 2002/14/EC dated 11.3.2002 of the European Parliament and of the Council, establishes a general framework on the minimum requirements as regards the right to information and consultation of employees in undertakings or establishments in the Greek territory.

In addition to the above, below you can find specific issues for which information and consultation of employees is explicitly provided for.

- Mass dismissals (article 3 of Law 1387/1983)
- Business transfers (article 8 of P.D. 178/2002)
- Suspension of employees from work (article 4 of Law 3846/2010)
- Part-time employment and employment in rotation (article 2 of Law 3846/2010, article 17 of Law 3899/2010),
- Working time arrangement (article 42 of Law 3986/2011)
- Work breaks (article 4 P.D. 88/1999)

Moreover, article 61 of **Law 4622/2019** (O.G. A΄133/07.08.2019) on law drafting and better law-making in general stipulates the following: «*1. Consultation process shall be initiated by disclosing the draft regulation, by appropriate means, for the timely information and participation of any interested person in it. The Presidency of the Hellenic Republic is the authority responsible to initiate the consultation process, in cooperation with the relevant Authority of the Ministry having the legislative initiative. 2. Consultation on draft bills can also be carried out via the site www.opengov.gr and shall last two (2) weeks. During consultation, a draft of the bill's provisions and a preliminary Regulatory Impact Analysis shall be posted on the website allowing for comments on the bill per article. 3. The duration of consultation process can be reduced up to one (1) week or extended for one (1) more week, following proposal of the relevant Minister and approval by the Presidency of the Hellenic Republic, for duly substantiated reasons, stated in the report on the public consultation that accompanies the regulation. 4. The Coordination Authority of the relevant Ministry shall draft a report on the public consultation, presenting in groups the comments and proposals of those who have taken part in the consultation and documenting whether they should be incorporated or not into the final provisions. This report shall be included in the final Regulatory Impact Analysis under article 62 of the present law and shall accompany the regulation when submitted to the Parliament. It shall be posted on the website where the*

consultation has taken place and forwarded by e-mail to the addresses from which the comments were sent».

Maritime Labour

We refer to the information provided in our previous Report (See the 9th Greek Report on the Additional Protocol to the ESC – Article 2).

Question (a)

- information on specific measures taken during the pandemic to ensure the respect of the right to information and consultation.

We would like to note that the efforts made in order to limit the Covid–19 pandemic and the emergency measures applied to mitigate its consequences on the economy and the society in general, have significantly affected labour market conditions too. In this context, a number of Acts of Legislative Content, Laws, Ministerial Decisions and Circulars were issued referring to the suspension of business activities, suspension of employment contracts, teleworking, granting of leaves, etc.

Among these measures, the suspension of employment contracts (Ministerial Decision No.12998/232/23.3.2020/O.G.B΄1078/28.3.2020) was the main tool adopted for the protection of workers, during the periods when the enterprises remained closed by state order, and also for the enterprises affected by the pandemic. The common characteristic of this measure, i.e. suspension of employment contracts, is the employers' – enterprises' obligation to inform without delay in writing or by e-mail their workers on the declaration of suspension, by informing them about the ref. number obtained by the ERGANI Information System after registering the suspension of their employment contracts.

Moreover and in order to ensure representation and information of employees in an undertaking, if consultation with the employer took place during the pandemic, or if employees should have been informed on certain issues that had arisen, by virtue of article 17 of the PNP dated 13.4.2020 on «*Measures to tackle the continuing impact of COVID-19 pandemic and other urgent provisions*» (A΄84/13.04.2020), which was ratified by article 1 of Law 4690/2020 (O.G.A΄104/30.5.2020), the term of workers' and employers' trade union executive bodies, referred to in article 9 of Law 1264/1982 (O.G.A'79/01.07.1982), was extended. The said term had expired during the emergency measures taken till 10.4.2020, in order to address and limit the spread of COVID-19. A series of legislation followed that included relevant provisions. The most recent regulation on the above mentioned issue was included in article 133 of **Law 4808/2021** (O.G. A΄101/19.06.2021) according to which the term of trade unions and employers' organizations is extended till 31.10.2021, on condition that in the meantime elections shall not be held for new bodies, in accordance with the unions' articles of association. Moreover, under para.2 of the same provision, until 31.10.2021 the meetings and the elections of the executive bodies of the above mentioned organizations and legal entities may also be held remotely, following decision of their competent executive bodies, regardless of what their articles of association stipulate.

Furthermore, article 2 of **Law 4690/2020** (O.G.A΄104/30.5.2020) ratified the PNP dated 1.5.2020 on «*Further measures to tackle the continuing impact of COVID-19 pandemic and return to social and economic normality*» (A΄90/01.05.2020), article 15 of which provides that the regulatory terms' validity of Collective Labor Agreements and Arbitral Awards shall be extended till 30th of June 2020. Their three month extension, in accordance with article 9 of Law 1876/1990 (A΄27/08.03.1990), had expired during the period 29/2/2020 – 30/4/2020.

Finally, please refer to the information given under **Article 22 of the present Report** on the measures taken to address the COVID-19 pandemic.

Maritime Labour

We would like to underline that the seafaring profession has certain particularities, the most important of which is the fact that there is no possibility for remote working, and therefore, the impact of coronavirus pandemic caused increased problems compared to other categories of workers. Under these particular conditions and given the fact that a maximum period of shipboard service for seafarers is specified, after which they must leave their service, in combination with the increased demand for handling of products and the need for crews to staff vessels and replace the existing ones, with the consent of seafarers, extensions to their employment contracts are approved, where appropriate.

- make specific reference to the situation and arrangements in the sectors of activity hit worst by the crisis whether as a result of the impossibility to continue their activity or the need for a broad shift to distance or telework, or as a result of their frontline nature, such as health care, law enforcement, transport, food sector, essential retail and other essential services

The economic activities hit by the pandemic are the following: tourism, catering industry (in particular night clubs, restaurants, bars, etc.), extracurricular and artistic activities (theaters, cinemas, dance schools, playgrounds, etc.), retail sector, mainly enterprises that did not have the ability of online trading, and transport sector. More specifically as regards seasonal workers in tourism industry, they were allowed to submit unilateral declarations with re-employment entitlement by employers of core and non-core hotel and tourism units and coach tour companies, that operate on a seasonal basis and did not fully operate or operated partially during the summer of 2020. (Joint Ministerial Decision 23102/477/12.6.2020/O.G. B΄2268/13.06.2020).

CONCLUSIONS XX-3 (2014)

Supervision

Concerning the supervision of the exercise of the right to information and consultation, the Committee asks that the next report provide a full and up-to-date description of the situation

Sanctions

Ministerial Decision 60201/Δ7.1422/20-12-2019 (O.G.B΄4997/31.12.2019) «Classifying offences and fixing penalty levels imposed by Labour Relations Inspectors (SEPE)»

This decision classifies labour law offences and determines the calculation methods for fines imposed by the Labour Relations Inspectors by taking into consideration specific criteria.

Annex I entitled "Table of general offences with fines imposed irrespective of the number of affected persons" includes inter alia, sanctions for offences relating to workers and employers consultation framework.

More specifically:

a. Non compliance with the procedure followed for suspension from work (previous consultation, notification of competent SEPE authorities), (para.28)

«Article 10 of Law 3198/1955 (O.G. 98A'/ 23.04.1955), as supplemented by article 1 of Legislative Decree 206/1974 (O.G. 362A') and replaced by article 4 of Law 3846/2010 (O.G. 66A'/11.05.2010), as amended by article 1, subpara. IA., case 4 of Law 4254/2014 (O.G. A΄85/07.04.2014)».

b. Violation of P.D. 240/2006 on «Consultations with employees» (para.41)

«Articles 4, 6, 7 and 8 para.1 of P.D. 240/2006 (O.G. 252A'/16.11.2006), as amended by articles 42 and 43 of Law 4488/2017 (O.G. 137A'/13.09.2017)».

c. Offence committed by employers, who wish to transfer the ownership of their businesses, in relation to their obligation to inform and consult with their workers (para.58)

«Articles 8 and 9 of P.D. 178/2002 (O.G. 164A'/12.07.2002)».

Article 22 – The right to take part in the determination and improvement of the working conditions and working environment

We refer to the previous relevant Greek Report (9th Greek Report on the Additional Protocol to the European Social Charter - Article 3) and we inform you that, since the submission of the previous Greek Report (November 2013) to date, there have been no legislative or other developments on the issue under consideration.

We remind you of the information provided as regards the Occupational Safety and Health Inspectorate of SEPE, which is responsible for monitoring compliance with and implementation of the provisions for the protection of workers' health and safety and within this context it carries out regular and extraordinary inspections in all workplaces, following a complaint or notification of an accident at work.

Furthermore, the provisions on the establishment and operation of the Joint Inspection Committees in technical works and in the Shipbuilding and Repair Zone, which are composed of inspectors and delegates of the most representative organizations of workers in the economic activity sectors concerned.

The activity of these Committees during the reference years of this report is set out below:

COMMITTEES	2017	2018	2019	2020
TECHNICAL WORKS	134	65	90	70
SHIPBUILDING AND REPAIR ZONE	529	641	699	673
NUMBER OF TOTAL INSPECTIONS	21423	20587	22936	24292

In conclusion, as it has been mentioned in the previous Greek Reports, **all workers without exception, in all enterprises,** even when there are no trade unions or workers' councils to represent them, they have the right to participate in the process of improving working conditions, either through their selected representatives with special competence on issues of workers' health and safety protection, or directly, on their own initiative.

Consequently, according to national legislation and practice, **there are no workers who are not covered by Article 22 of the revised European Social Charter (Article 3 of the Additional Protocol of 1988).**

Question (a)

- information on specific measures taken during the pandemic to ensure the respect of the right to take part in the determination and improvement of the working conditions and working environment in the undertaking to information and consultation.

- make specific reference to the situation and arrangements in the sectors of activity hit worst by the crisis whether as a result of the impossibility to continue their activity or the need for a broad shift to distance or telework, or as a result of their frontline nature, such as health care, law enforcement, transport, food sector, essential retail and other essential services

PRIVATE SECTOR

A. Initially, with the pandemic outbreak in March 2020, **the Department of Occupational Safety and Health of the Ministry of Labour and Social Affairs, the Labour Inspectorate and the Hellenic Institute for Occupational Safety and Health (ELINYAE) issued guidelines for the private sector**, based on the corresponding guidelines and recommendations of the National Public Health Organization (EODY), the General Secretariat for Civil Protection and the World Health Organization, as well as the provisions of national and community legislation on occupational safety and health (OSH).

The purpose of these guidelines was to enhance the effectiveness of the measures proposed by the National Public Health Organization (EODY) for the management and containment of cases of infection from new coronavirus-2019 SARS-CoV-2 in workplaces, emphasizing the need to comply with these measures not only during working hours, but also in all aspects of private and social life. The participation of workers in the determination and improvement of working conditions was focused on the following:

1. Participating in the whole effort; especially those belonging to vulnerable groups had to comply with the rules of personal and respiratory hygiene, symptom management and contact with a confirmed case of COVID-19.
2. Reporting of all cases that could reasonably be considered to present an immediate and serious risk to safety and health, as well as any deficiencies found in the protection systems, Immediately to the employer and/ or to those exercising the duties of a safety technician and occupational physician always in accordance with their training, expertise and appropriate instructions.
3. Informing by the employer of the sanitary measures that the enterprise was about to take or those proposed by the competent bodies for the containment of the pandemic and requirement for their full implementation.

B. Circular No.17312/Δ9.506/04.05.2020 of the Ministry of Labour and Social Affairs was subsequently issued on ***"Measures for the protection of health and safety at workplaces and the prevention of the spread of SARS-COV-2 coronavirus during the lifting of restrictive measures"***.

In addition to the workers' obligation to take personal and respiratory hygiene measures, the specific circular also provided for the employers' obligation to keep their employees informed by any appropriate means. The institution of consultation among the employer, the workers' representatives and the OSH Committees or the workers themselves

was crucial for the submission of proposals and the systematic cooperation in the adoption and supervision of effective prevention measures. Particular emphasis was given to measures taken by workers with symptoms suspicious for COVID-19, as inter alia the prescribed isolation.

Furthermore, the said circular provided for the encouragement of self-assessment by completing the relevant form, in order to keep the company and its employees informed and to take further appropriate measures to prevent the spread of coronavirus.

C. During the pandemic and for reasons of limiting the spread of the coronavirus, the collective health and safety bodies such as the **SYAE –i.e. the tripartite Council on Workers' Health and Safety**- in accordance with Article 26 of Law 3850/2010 (***Code of Laws on Workers' Health and Safety***) had teleconference meetings. Similarly, bodies for the improvement of working conditions, such as the **OSH Committees** of the workers of each company, could meet by videoconference.

PUBLIC SECTOR

It should be noted that, in relation to the management for the COVID-19 pandemic in **the public sector**, the Ministry of the Interior has been responsible for adopting legislation and issuing relevant circulars on public services' operation during the period in question, aiming at serving the public and establishing facilitations for civil servants for reasons related to COVID-19 (leave of absence for high-risk groups, leave of absence due to contact with a COVID-19 case or due to infection with COVID- 19, leave of absence for parent employees due to suspension of school operation, telework). Given the urgency of regulations and the reasons of force majeure which imposed their adoption, no specific consultation procedure with employees was followed for the adoption of these regulations. Nevertheless, it should be noted that the requests submitted by Agencies, citizens and collective bodies were in any case taken into account when adopting the relevant legislation.

CONCLUSIONS XX-3 (2014)

As regards the responses to Conclusions XX-3 (2014) on the 9th Greek Report on Article 3 of the Additional Protocol to the European Social Charter (November 2013), which corresponds to Article 22 of the Revised ESC, and, in particular, as regards the three instruments concerning the private sector, we inform you of the following:

I. In the Code of Laws on Workers' Health and Safety (KNYAE) which was ratified by the first Article of Law 3850/2010 (GG A84/02.06.2010) and which, inter alia, codifies provisions of Law 1568/1985, Presidential Decree 17/96 and Law 1767/1988, the Articles below provide the following:

- ***Article 4:*** "Establishment of a Committee for Workers' Health and Safety–workers' representatives":

"1. Workers in enterprises employing more than fifty (50) persons have the right to form a Committee for Workers' Health and Safety, consisting of their elected representatives in the undertaking.

2. In enterprises employing twenty (20) or more persons, workers have the right to elect representatives with specific competence in matters of safety and health protection in accordance with Articles 4, 5, 6 and 7.
3. In enterprises employing less than twenty (20) persons, employees shall have the right to consult each other and to elect by majority vote their representative for the workers' health and safety".

- ***Article 5:*** "The responsibilities of the Committee for workers' health and safety and workers' representative" and
- ***Article 46:*** "Consultation and participation of workers":

"In addition to the provisions referring to the responsibilities of workers' representatives and OSH Committees of Article 4 and Workers' Councils of Law 1767/1988, the following shall apply:
1. Employers shall consult workers and their representatives and facilitate their participation in all issues relating to occupational safety and health.
This implies:
(a) consultation with workers
(b) the right of workers and their representatives to submit proposals and
(c) balanced participation in accordance with existing legislation and/ or practice
2. Workers or their representatives participate in a balanced way and in accordance with applicable law and/ or practice or they are consulted by the employer in advance and in time with regard to:
a) any action which may have a significant impact on safety and health
b) the designation of the undertaking's workers and/ or persons outside the undertaking and/ or the External Protection and Prevention Services who perform the duties of a safety technician and/ or occupational physician as well as their activities and the designation of workers as provided for in paragraph 2 of Article 45.
c) the information provided for in paragraph 1, cases (a) and (b) and paragraph 2, cases (b) and (c) of Article 43 and Article 47,
d) the procedure provided for in Article 9(1) possible recourse to the External Protection and Prevention Services
e) the planning and organization of the training provided for in Article 48
f) the preparation of health and safety regulations for workers
g) dealing with problems related to the interaction between working and wider environment.
3. Workers' representatives have the right to ask the employer to take the appropriate measures and make proposals to the latter in order to deal with any hazard for workers and/ or to eliminate its sources.
4. Workers and their representatives should not suffer repercussions from their activities referred to in paragraphs 2 and 3.
5. Workers and their representatives are entitled to have recourse to the competent Labour Inspectorate if they deem that the measures taken and the means made available by the employer are not sufficient to ensure occupational safety and health.

6. Workers' representatives may be present during on-site visits and inspections carried out by the competent Labour Inspectorate and are required to formulate their observations."

II. Article 7 of **Presidential Decree 82/2010 (A'145/01.09.2010)** as concerns 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 refers to the above provisions of the Code of Laws on Workers' Health and Safety (KNYAE) as for the participation of workers in the improvement of working conditions:

*"**Article 7***

(Article 7 of the Directive)

Consultation and participation of workers

Consultation and participation of workers and/ or of their representatives shall take place in accordance with Article 46 of the KNYAE on the matters covered by the present decree".

III. Pursuant to the provisions of Article 28 of the KNYAE, **Ministerial Decision A23280/603/30.11.2011 (B'3115/30.12.2011)** "***Establishment of health and Safety Committees of Workers in the shipbuilding and repair zone (EYAE-NEZ) in the areas of Piraeus-Drapetsona-Keratsini-Perama-Salamina"*** was issued, where paragraph 1 and 2 of Article 1 provide for the establishment of the two Committees and the members constituting them. The first Committee for the area of Piraeus-Drapetsona-Keratsini and the second for the area of Perama-Salamina. The same article, in paragraphs 3, 4 and 5 respectively, sets out the work, provisions and procedure for the imposition of sanctions, as well as the term of office of the above Committees.

More specifically:

"1. Two Committees for Workers' Health and Safety are established in the shipbuilding zone (ERAE-NEZ). The first Committee for the Piraeus-Drapetsona-Keratsini area and the second for the Perama-Salamina area.

2. The committees referred to in paragraph 1 shall be set up in accordance with the provisions of Article 28 of the KNYAE and Article 17 paragraph 13 of Law 3996/2011 concerning the "Reform of the Labour Inspectorate Body and Social Security issues and other provisions (O.G.A' 170/05.08.2011) and consist of:

a) The occupational safety and health inspector as chairman, with his alternate.

b) The representative of the Ministry of Citizen Protection with his deputy.

c) The representative of the Technical Chamber of Greece with the specialty of shipbuilding engineer, appointed by the administration with his deputy.

d) Two (2) elected representatives of the workers appointed by the most representative primary trade unions with their deputies.

e) One graduate chemist or certified chemical engineer of the General Chemical State Laboratory with his deputy, both designated by the Minister of Economy and Finance.

3. Each committee carries out daily regular inspections during working days and hours of public services.

4. The monitoring of labour legislation application is carried out by the committee collectively. The relevant suggestions and observations and the recommendation for the impositions of any criminal sanctions as well as the administrative sanctions of the KNYAE are always made by the inspector of occupational safety and health, in accordance with the provisions of the KNYAE as in force at any given time. The Committee shall keep a record of its activities.
5. The term of office of the members of these committees shall be for a two-year period."

IV. Finally, as for the control of work environment organization so that all workers enjoy the right to participate without exception, we refer to the abovementioned and we inform you that, in any case, the SEPE OSH Inspectors are responsible for the enforcement of national and EU legislation on occupational safety and health.

Article 26 – The right to dignity at work

Paragraphs 1 & 2

Question (a)

- Information on the regulatory framework and any recent changes in order to combat harassment and sexual abuse in the framework of work or employment relations.

- Information on awareness raising and prevention campaigns as well as on action to ensure that the right to dignity at work is fully respected in practice.

Regulatory framework

Regarding the right to dignity at work the provisions of Law 3896/2010 apply on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation while bringing the current legislation in line with Directive 2006/54/EC of the European Parliament and of the Council, as amended and in force by virtue of article 22, para.2 of Law 4604/2019.

The said law created a single and clear legislative framework in line with the above mentioned directive, on the implementation of the principle of equal treatment of men and women in matters of employment and occupation, in the private and public sector, in accordance with the spirit and the provisions of the Directive.

Apart from bringing national legislation in line with the above mentioned directive, the synergy of all relevant institutional state mechanisms is pursued as well as their cooperation with the social partners, non-governmental organizations and enterprises, in order to combat in practice the lack of gender equality in the labour market, hindering the participation of women in employment and increasing women's unemployment rates respectively. The law aims at encouraging changes (proactive legislation) by establishing a set of provisions that ensure the effective implementation of the principle, through the appointment of a competent body for one-stop shop for handling complaints referring to its violation, and also through a system of extended legal protection and adequate dissuasive sanctions.

It has to be underlined that the provisions of the above mentioned law have a very wide scope that applies to persons employed or candidates for employment in the Public and broader public sector as well as the private sector, under any relationship or form of employment, including those bound by a works contract or employed on salaried assignment basis, and irrespective of the nature of provided services, to freelancers and to persons in vocational training or candidates for vocational training of any type and form.

The scope of application of the law includes access to employment and recruitment conditions (article 11), prohibiting any form of direct or indirect discrimination on the grounds of sex or marital status, as regards conditions for access to salaried or non-salaried employment or professional life in general, including selection criteria and recruitment conditions, irrespective of the branch of activity and at all levels of the professional hierarchy. Moreover, it is prohibited to make any reference to gender or marital status or use criteria and data leading to direct or indirect discrimination on the grounds of sex, in

accordance with the definitions of the law, as regards publications, advertisements, notices, circulars and regulations, referring to the selection of personnel for vacant posts, the provision of training or vocational training or the granting of professional licenses.

In this context, article 2 defines the terms of direct and indirect discrimination on the grounds of sex, of harassment and sexual harassment, of pay and occupational social security schemes.

It has to be noted that article 22 para.2, of Law 4604/2019 (O.G. A΄50), «Promoting substantive gender equality, preventing and combating gender-based violence», replaced cases a΄, b΄ and d΄ of article 2 of Law 3896/2010 (O.G. A΄170), on the definitions of direct and indirect discrimination and sexual harassment, as follows:

*«a. **"direct discrimination"**: any act or omission that excludes or puts people at an apparent disadvantage on the grounds of sex, sexual orientation and gender identity, as well as any instruction or encouragement of people to treat someone less favorably or unfairly than others on the grounds of sex.»,*

*«b. **"indirect discrimination"**: any act or omission that puts people at a disadvantage on the grounds of sex, sexual orientation and gender identity, due to an apparently neutral provision, criterion or practice, unless such provision, criterion or practice is objectively justified by a legitimate aim and the means to achieve that aim are appropriate and necessary.»,*

*«c. **"harassment"**: where unwanted conduct related to the sex of a person occurs with the purpose or effect of violating the dignity of a person, especially by creating an intimidating, hostile, degrading, humiliating or offensive environment,*

*«d. **"sexual harassment"**: any form of unwelcome verbal, psychological or physical conduct of sexual nature, resulting in the violation of a person's dignity, especially by creating an intimidating, hostile, degrading, humiliating or offensive environment around that person. Provisions in force on sanctions for such conduct shall apply».*

Furthermore, article 3 includes explicit prohibition of any form of direct or indirect discrimination on the grounds of sex, especially in connection with marital status. Harassment, sexual harassment as well as any less favourable treatment due to tolerance or rejection of such conduct constitute discrimination on the grounds of sex and are prohibited. Moreover, the article stipulates that any less favorable treatment of a person on grounds of gender reassignment or discriminatory instruction against a person on grounds of sex as well as less favourable treatment of women related to pregnancy or maternity constitute sex discrimination.

Moreover, article 12 includes explicit prohibition of any form of direct or indirect discrimination on grounds of sex or marital status of a worker as regards his working terms and conditions, promotions and the planning and implementation of staff assessment systems.

Moreover, article 14 explicitly prohibits the termination or in any other way ending of an employment relationship and any other adverse treatment: (a) on the grounds of sex or marital status (b) when it constitutes retaliatory conduct by the employer, in case of a worker's refusal to succumb to his sexual or other advances, in accordance with the definitions of article 2 (c) when it constitutes the reaction of the employer or of the person

responsible for vocational training, against a protest, complaint, testimony or any other action of a person, worker, trainee or of his representative, within the undertaking or the training location, before a court or other authority, in relation to the application of the law.

The law provisions also refer to the legal protection (article 22) and ensure that any person who considers that has been harmed because of the non-implementation of these provisions, even if the relationship is terminated, in the context of which discrimination has allegedly occurred, has the right to judicial protection and redress before the competent administrative authorities (SEPE), including mediation by the Ombudsman. The exercise of such rights does not affect the provided time limits for administrative and judicial redress.

Moreover, the same article stipulates that legal entities and associations of persons, who justify relevant legitimate interest, following consent of the person affected by the violations of the present law, can initiate proceedings on his behalf or intervene in support of the complainant before the competent administrative or judicial authorities.

Article 24 introduces the rule on reversal of the burden of proof in cases of gender-based discrimination (Presidential Decree 105/2003, Article 17 of the repealed Law 3488/2006). In particular, when a person claims that he or she suffers discrimination on grounds of sex and invokes -before a court or other competent authority- facts or evidence upon which it may be presumed that there has been direct or indirect discrimination on grounds of sex, or that a sexual or other form of harassment has occurred, the defendant shall bear the burden of proving to the court or other competent authority that there has been no breach of the principle of equal treatment for men and women. The above regulation shall not apply to criminal proceedings.

With regard to the sanction mechanisms, the provisions of Article 25 of Law 3896/2010 and Article 14 "Equality Body for promoting the principle of equal treatment" of Law 4443/2016 shall apply for combating all discrimination on grounds of sex, race, colour, national or ethnic origin, descent, religious or other beliefs, disability or chronic disease, age, family or social status, sexual orientation, gender identity or gender characteristics in the fields of employment and occupation. Following the above provisions, the Greek Ombudsman Independent Authority has been designated as the competent national body for monitoring the implementation of the principle of equal opportunities and equal treatment for men and women and the principle of equal treatment as regards the access to employment, vocational training, career development and working conditions, whereas a specific cooperation scheme with the Labour Inspectorate has been established. The latter is the competent national mechanism for monitoring the enforcement of labour legislation and for imposing sanctions, in accordance with the latest amendment to the statute of the Ombudsman (Law 3094/2003) by the provisions of Articles 18, 19 and 20 of Law 4443/2016.

In particular, it is noted that in accordance with paragraphs 5-12 of Article 20 of Law 4443/2016 the cooperation scheme between the SEPE Agencies and the Greek Ombudsman Independent Authority is being redefined in relation to the previous legislative framework established by the provisions of Article 25 of Law 3896/2010. The aforementioned provisions reiterate the obligation of the SEPE Agencies when receiving complaints –inter alia- to investigate them in accordance with Law 3896/2010 and Law 4443/2016 and inform the

Ombudsman without delay both upon receipt of each complaint and following the completion of their investigatory and any sanctioning actions. They are also required to deal with the relevant complaints and upon the request of the Ombudsman, to whom they submit their actions' results, taking into account in any case the Ombudsman's competence to investigate and formulate the final conclusion on the complaint. The above-mentioned bodies are required to implement the enacting terms of this conclusion within the framework of their disciplinary or sanctioning competence, while deviation thereof shall be allowed only if full and detailed reasons are given.

As a follow-up to the above, the Ombudsman and the SEPE cooperate closely in order to effectively detect enterprises that violate the principles of equality and non-discrimination. More specifically, the local Labour Inspectorates shall deal with complaints and immediately inform the Ombudsman. They have the obligation to submit the results of their actions to the Ombudsman, taking into account in any case, the latter's competence to investigate and formulate the final conclusion on the complaint.

The Labour Inspectorates keep statistical data on the fields of discrimination under Law 4443/2016 and Law 3896/2010. These data are sent to the Directorate for Planning and Coordination of Labour Relations Inspection of the Central Agency of the Labour Inspectorate following a relevant document of the latter. The table below shows the sexual harassment complaints and the SEPE intervention results during the period 2017-2020.

	COMPLAINTS	RESOLVED	OTHER	SANCTIONS
2017	3	1	1 case was referred to the courts	1 sanction amount of €500
2018	3	1	1 case was referred to the courts, 1 case was referred to the Ombudsman by an out-of-court settlement recommendation	
2019	4		3 cases were referred to the Ombudsman for its own actions, 1 case was closed by the Ombudsman	
2020	18	6	11 cases were referred to the courts, one of which has been fined (see next column) 1 case was closed due to the worker's non-attendance at the labour dispute resolution process	1 case of a €2.000 fine

Note: the Ombudsman has been informed about all cases

In the context of continuous education and training, Labour Inspectors participated in a training program on "Prevention and response to violence against women". The said program took place twice in 2020 (June and October) and was organized by the Training Institute of the National School of Public Administration and Local Government.

Furthermore, although this legislation is adopted outside the reference period of the present report, we are aware that Part I of Law 4808/2021 ratified ILO Convention 190 on the elimination of violence and harassment in the world of work, while Part II of the same Law adopted national measures and regulations to implement its requirements, to prevent and address all forms of violence and harassment, including gender-based violence and harassment and sexual harassment. In this context, the SEPE is organizationally enhanced by the establishment of an Independent Department for monitoring violence and harassment at work, with specific responsibilities as regards the complaint management and the imposition of sanctions on infringing employers (Articles 16-19). It is noted that the provisions of Law 4808/2021 apply in parallel and supplement the provisions of Law 3896/2010, whereas they came into force on 19/6/2021, according to Article 165 thereof. A detailed presentation of the provisions of Law 4808/2021 will be included in our next Report on the implementation of Article 26 of the Revised European Social Charter.

Finally, in order to tackle harassment and sexual exploitation in the work environment, the basic legislation on occupational health and safety (OSH), namely *the Code of Laws related to Occupational Health and Safety*, shall apply. It was ratified by the first Article of Law 3850/2010 (GG A'84) and it codifies, inter alia, the provisions of the Presidential Decree 17/96, which transposed the European Framework Directive 89/391/EEC on Occupational Health and Safety.

More specifically, Article 42(1) of the Code of Laws related to Occupational Health and Safety provides that "the employer is obliged to ensure the health and safety of workers in all aspects of work" and in paragraph 7 of the same article, it provides that "the employer shall implement the appropriate measures based on the general principles of prevention, such as the risk avoidance and the assessment of risks that cannot be avoided".

Also, Article 43(1) of the Code of Laws related to Occupational Health and Safety stipulates that "the employer must have at his disposal a written assessment of the occupational health and safety risks, including those related to groups of workers exposed to particular risks" and Articles 47 and 48 thereof stipulate that workers must be informed and trained accordingly.

Relevant actions of the General Secretariat for Demography, Family Policy and Gender Equality

For the period covered by the report, as far as the competences of the General Secretariat for Demography, Family Policy and Gender Equality are concerned, two

major legislative initiatives should be mentioned, which do not however refer exclusively or explicitly to sexual harassment and abuse in the workplace.

Legal Framework

Law 4531/2018 - Ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and adaptation of the Greek law

By Law 4531/2018, the Greek parliament ratified Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), which brought amendments to Law 3500/2006 on domestic violence, to the Penal Code (PC) and to other provisions. The new law underlines the obligation of the state to fully address gender-based violence in all its forms and to take measures to prevent violence against women, protect its victims and prosecute the perpetrators.

Article 40 of the Law is titled «Sexual Harassment» and provides that « *Parties shall take the necessary legislative or other measures to ensure that any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment, is subject to criminal or other legal sanction».*

Law 4604/2019 on "Promoting Substantive Gender Equality, Preventing and Combating Gender-Based Violence"

Provides for the first stand-alone legal framework on gender equality and the elimination of discrimination against women, governed by a comprehensive overview of gender relations without addressing women as a "special category." With regards to violence against women, the law stipulates amongst other provisions that:

The General Secretariat for Demography and Family Policies and Gender Equality (GSDFPGE) is responsible for coordinating, implementing, monitoring, and evaluating the policies and measures taken to prevent and fight all forms of violence covered by the Istanbul Convention (Article 3).

Municipal equality committees will cooperate with the network of the GSDFPGE's structures to prevent and combat violence against women, as well as with civil society institutions (Article 6).

Regional gender equality committees will cooperate with the GSDFPGE's network of structures to prevent and combat violence against women in the respective regional units, as well as with civil society institutions (Article 7).

The GSDFPGE awards the "Equality Label" to public and private businesses that are distinguished, inter alia, for their implementation of policies for the promotion of products and services in a manner that supports the prevention of gender-based violence and discourages violence against women and sexism (Article 21).*The corresponding article has the title "Rewarding enterprises for developing activities to promote substantive gender equality» and by a broader interpretation, the reward also refers to enterprises that combat gender based violence and sexual harassment at the workplace.*

Articles 25-30 stipulate the operation of the Network of Structures for preventing and combating violence and multiple discrimination against women.

Awareness-raising initiatives

In the reporting period, in order to inform the public on violence against women (all forms of violence including therefore sexual harassment), a major nationwide campaign was designed and implemented with the slogan: "You're not the only one, you're not alone" including relevant seminars, informational material in several languages (Greek, English, French, Albanian, Arabic, Kurdish, Farsi, Sorani Kurdish, Urdu), TV and radio spots, cultural events, publicity on public transport, entries in Press, a webpage (www.womensos.gr) and a Facebook page as well as banners in web pages. Its goal was to promote a zero-tolerance attitude towards VAW and to widely disseminate information on existing structures and measures regarding the protection of women victims. Also, special events (information sessions and conferences) were organized as part of the launching of the regional infrastructures (counseling centers all over the country).

In 2017, a public call was launched for personal stories that might make women wonder "Complicity or sexual harassment? What was this now?. The aim of the spots was to make both women and men aware of when a behavior crosses the line of compliment and becomes sexual harassment. Based on these true stories, the four TV spots on sexual harassment in public places were finally created and presented in the context of the celebration of the World Day against Violence against Women (25 November 2017).

A new awareness-raising campaign is planned to take place for the next years under the new National Action Plan for Gender Equality 2021-2025.

Question (b)

Information on specific measures taken during the pandemic to protect the right to dignity in the workplace and notably as regards sexual, and moral harassment.

In reference to the pandemic and the country's response in terms of gender-based violence, as part of the emergency measures to address and prevent the further spread of the COVID-19 (March 2020 onwards), the GSDFPGE has sent instructions to all Structures on their operation procedures in the current situation in order to protect the health of both employees and women victims addressed there. The Network of Structures of the GSDFPGE consists of 63 Structures established and operating for women victims of gender-based violence and refers to all forms of violence (e.g. domestic violence, rape, sexual harassment, trafficking in women): 43 Counseling Centers, 19 Shelters, a 24-hour SOS 15900 helpline.

All structures continued and continue to offer their services adapted to the emergency restrictive measures in force due to the coronavirus, while teleworking and telephone or SKYPE support sessions have already been ensured and are being implemented. Since 2017, the target group of all services has also been expanded to include apart from women victims of gender-based violence, women victims of multiple discrimination (refugees, single parents, Roma etc.) as well.

Question (c)

Please explain whether any limits apply to the compensation that might be awarded to the victim of sexual and moral (or psychological) harassment for moral and material damages.

In case of violation of the provisions of the above law, civil penalties are imposed for the full compensation of the victim, which will cover the material and moral damage and any positive or negative damage, as well as administrative and criminal sanctions, in accordance with the provisions of Article 23 of Law 3896/2010, as in force each time, and article 11 of Law 4443/2016. As a result, there are no limits on the amount of compensation to be paid in favor of the person affected, which is imposed by the courts.

In addition, on this issue, the judgment of the courts is formed taking into account both the national provisions and the requirements of Article 18 of Directive 2006/54 /EU, which stipulates the following:

"Art.18 - Compensation or reparation

Member States shall introduce into their national legal systems such measures as are necessary to ensure real and effective compensation or reparation as the Member States so determine for the loss and damage sustained by a person injured as a result of discrimination on grounds of sex, in a way which is dissuasive and proportionate to the damage suffered. Such compensation or reparation may not be restricted by the fixing of a prior upper limit, except in cases where the employer can prove that the only damage suffered by an applicant as a result of discrimination within the meaning of this Directive is the refusal to take his/her job application into consideration."

Article 28 – The right of workers' representatives to protection in the undertaking and facilities to be accorded to them

Please refer to the information provided under **article 21 of the present Report.**

Article 29 – The right to information and consultation in collective redundancy procedures

A. In Greece, the legal framework for collective redundancies is regulated by Law 1387/1983 "Control on collective redundancies and other provisions" (GG A' 110), as amended so that the Greek law complies with the relevant EU Directives 75/129/EC, 92/56/EC and 98/59/EC. In particular, after the last amendment of Law 1387/1983, pursuant to Article 17 of Law 4472/2017 (GG A' 74), the procedure for collective redundancies has radically changed, as well as the nature of administrative intervention. The main changes concern the Prefect's or Minister's of Labour repealed competence –on a case by case basis- to approve or not the collective redundancies, in case no agreement is reached during negotiations between the employer and the workers' representatives. Also, for the first time, the employer is able to bring to the workers' attention a "social plan" concerning the adoption of accompanying social measures to mitigate the effects of the projected redundancies. Therefore, under the amendments of Law 4472/2017, the Minister of Labour and Social Affairs is no longer involved in the procedure for collective redundancies and the responsibility belongs exclusively to the Supreme Labour Council which however performs only supervisory and inspection duties.

More specifically, Articles 3 and 5 of Law 1387/1983, as formulated and in force, pursuant to Article 17 of Law 4472/2017, define the following:

Article 3- Obligation of the employer for information and consultations

1. Prior to collective redundancies, the employer must enter into consultations with the workers' representatives with the objective of investigating the possibility of avoiding or decreasing the redundancies and their adverse consequences.

2. The employer is required to: a) provide the workers' representatives with all relevant information and b) notify them in writing of: (aa) the reasons for the projected redundancies, (bb) the number and the categories of workers to be made redundant, (cc) the number and categories of workers normally employed, (dd) the period over which projected redundancies are to be effected, (ee) the criteria proposed for the selection of the workers to be made redundant. The above obligations apply irrespective of whether the decision regarding collective redundancies is being taken by the employer or by an undertaking controlling the employer. The employer's argument that the undertaking which decided on collective redundancies did not provide him with the necessary information shall not be considered as an excuse for alleged breaches of the information, consultation and notification requirements. The fact that the employer was not informed by the undertaking which took the above decision, shall not exempt him from his obligation.

3. Copies of those documents shall be submitted by the employer to the Supreme Labour Council (ASE).

4. In consultations with the workers' representatives, the employer may bring to the attention of the workers a social plan for workers who are being made redundant, namely measures to mitigate the effects of redundancy, such as: a) amounts -through corporate social responsibility (CSR)- for training and counseling services for reintegration into the labour market, b) actions for the use of special OAED (Manpower Employment Organization)

programs, addressing the imminent unemployment of workers who are being made redundant, c) as well as possibilities, methods and criteria for their reemployment as a priority.

Article 5- Procedure for Collective Redundancies

1. The period of consultations between workers and the employer shall be thirty (30) days, starting from the date of the employer's invitation for consultations addressed to the workers' representatives within the meaning of the previous article. The outcome of the consultations shall be set out in minutes submitted by the employer to the ASE. The workers' representatives can submit to the ASE a memorandum of consultations.

2. If there is an agreement between the parties, the collective redundancies shall be carried out in accordance with the content of the agreement and valid for ten (10) days from the date of submission of the relevant consultation minutes to the ASE.

3. If there is no agreement between the parties, the ASE may, by reasoned decision issued within an exclusive period of ten (10) days from the date on which the consultation minutes are submitted, ascertain whether the employer's obligation for information and consultations with the workers' representatives, as well as the obligation to notify the relevant documents pursuant to Article 3, have been complied with. For this purpose, the ASE may call and hear the workers' representatives and the employer concerned, as well as persons who have specialized knowledge on individual technical issues. If the ASE considers that the above mentioned obligations of the employer have been met, then the redundancies shall be valid for twenty (20) days from the adoption of the decision. Otherwise, the ASE extends the consultations of the parties or sets a deadline for the employer, so that the latter shall take the necessary actions to comply with the above obligations. If the ASE, by means of a new decision, finds that the employer's obligations have been met, the redundancies shall be valid for twenty (20) days from the adoption of the decision. In any case, the redundancies shall be valid for sixty (60) days from the notification of the consultation minutes of paragraph 1.

4. Paragraphs 2 and 3 shall not apply to collective redundancies triggered by the termination of the undertaking's or exploitation's activities, where this is the result of a judicial decision.

B. As regards the scope of application of **Law 1387/1983**, there has been no legislative intervention to modify or limit it due to the COVID-19 health crisis. On the contrary, during health crisis, the Greek state took measures with a view to financially supporting enterprises and fostering employment. In this context, the "Support Mechanism for Workers" was established (the first by Article 13 of the Act of Legislative Content 14/3/2020, O.G.64A'). Among other measures, the "suspension of the individual employment contract" (Article 11 of the ALC 20/3/2020, O.G.68A') came into effect, either compulsorily, for enterprises/ employers whose activity was interrupted by order of the state authority or optionally, for enterprises/ employers whose activity was significantly affected, due to the general economic and social life constraints and always in compliance with the instructions of health authorities. During the suspension, as well as for a certain period after the suspension has been lifted, the termination of the individual employment contract was prohibited and in case the termination has occurred, then it was considered invalid. In light

of the above, during health crisis and due to the measures adopted, there was a justified and proportionate restriction of the right to terminate individual employment contracts, which had a beneficial effect on the employment in total.

A detailed table is presented, based on cases of collective redundancies which have been notified in writing to the competent Directorate of the Ministry of Labour and Social Affairs from 1/1/2017 to 30/12/2020.

Number of Cases		Number of cases closed by Agreement	Number of cases for which a Social Plan was provided	Total number of Redundant Workers
2017	5	5	3	181
2018	3	3	1	99
2019	3	3	1	117
2020	5	4[51]	1	125

[51] The fifth case concerned an enterprise under a special liquidation regime following a court decision, so in accordance with paragraph 4 of Article 5 of Law 1387/1983, the negotiations have a more informative value and no consideration is given to whether or not an agreement was reached.