

# Legal Flash

June 2021

## Major reform of labour law is introduced by L. 4808/2021

The key aspects of such reform are summarized below:

### *A. Individual Employment Relationships*

#### *Harassment and violence in the workplace*

The applicable regime combatting violence and sexual harassment in the workplace is codified. New rights are determined in favour of the employee who encounters such behaviors, such as, indicatively, the unilateral (subject to certain conditions) request for leaving from the workplace, without being deprived of his/her salary, while new obligations are simultaneously established for the employer, such as, indicatively, the drafting of a relevant policy of prevention and treatment of such incidences (for enterprises with more than 20 employees).

#### *New forms of special leaves*

New forms of leaves in relation to family and parental needs are introduced (e.g. leave for the submission to methods of medically assisted reproduction) while, simultaneously, already existing leaves are enhanced in favour of the employee (e.g. paternity leave).

#### *Time limits of employment*

- ✓ The maximum limit of overtime is increased from the generally applicable limit of 120 hours annually, to 150 hours annually.
- ✓ The compensation of illegal overtime is increased from 80% to 120%.
- ✓ Employees have the right, also individually, solely upon their request, to work under a more flexible time schedule, which will be based on 40 hours of employment on average, within broader time periods (“working time arrangement”)
- ✓ The lunch break is defined from 15 to 30 minutes daily.
- ✓ 3 additional days of mandatory holiday are added, thus increasing the total number of mandatory holidays to 9 annually.
- ✓ The list of enterprises which are allowed to occupy employees on Sundays, is extended (i.e. logistics, data centers, etc.)
- ✓ The unpaid leave is for the first time legislatively established.
- ✓ Provision of the possibility for the annual paid leave to be used until the first 3 months of the next calendar year.

**Upgrade of the IT system ERGANI (ERGANI II) and establishment of the employment digital card**

The new system (ERGANI II) may support also the use of the employment digital card. The hours of employment will be monitored by the authorities via an electronic platform in which any change in relation to the working hours of the employees, such as, in particular, the commencement and end time of employment, the work break, the violation of the legal working hours as well as any kind of leave, will be recorded in real time.

The non-activation of the employment digital card may result in the imposition of a fine amounting to 10.500 € per employee, while the repetition of such offense by the employer for 3 times within 12 months will lead to a 15-day cessation of the operation of the enterprise.

**New regime of termination of individual employment agreements**

- ✓ As of 01.01.2022, all distinctions between white- and blue-collar employees, in relation to the termination of their employment agreements, are abolished and the compensations of the blue-collar employees are assimilated with the ones of the white-collar employees.
- ✓ The notion of “Garden Leave” is introduced in the Greek legislation for the first time, which allows the employer to deny the acceptance of the employees’ services during the period of notice prior to the termination of the employment relationship in case of an ordinary termination, subject to the condition that the employer will continue to pay their salary, during said period of notice.
- ✓ The process of dismissals is substantially amended, especially regarding the ones that will take place following the date that L.4808/2021 will enter into force. Specific grounds of invalidity of the termination are enumerated, while the inversion of the burden proof in certain instances is provided.
- ✓ In case of an invalid dismissal, the employee, and/or the employer subject to certain conditions, may request, instead of the re-hiring (of the employee), the payment of an additional compensation amount ranging between 3 monthly salaries and the double amount of the legal compensation.
- ✓ The employer may, within the deadline of 1 month from the termination, to rectify any typical omissions in relation to the validity of the termination, with the exception of the payment of the compensation, in order to avoid the invalidity of such termination.
- ✓ A permission is not required for the termination of the employment agreement of trade unionists, for which the only requirement is the existence of a material ground.

**Teleworking**

- ✓ Possibility of unilateral application for grounds of protection of the public health or the health of the employees.
- ✓ Explicit establishment of the right of the employees to disconnect from the digital means.
- ✓ Prohibition of camera use for the monitoring of the employee’s performance.

**Digital platforms for the provision of services**

For the first time, an explicit legislative provision is introduced, regarding the digital platforms through which services may be provided (e.g. food delivery services). Provided that specific terms are included in the agreement which connects the platforms with the provider of the services, an assumption of existence of an agreement for the provision of independent services is established.

## **B. Collective Employment Relationships**

### **Register of Trade Union of Employees**

- ✓ The trade unions of employees are registered with the General Registry of Trade Unions of Employees (GE.MI.S.O.E). The act of incorporation of a union of individuals should be submitted henceforth to the GE.MI.S.O.E, instead of the competent court.
- ✓ Penalties for any trade unions which do not adhere to their obligations in relation to their data uploaded to the GE.MI.S.O.E, are provided (e.g. suspension of the right of negotiation and drafting of collective employment agreements, suspension of funding etc.).

### **Collective Employment Agreements**

Any collective employment agreements which will be submitted to the competent authorities, as of 01.01.2022, should include a codification of all their applicable terms, otherwise solely the codified provisions will apply.

### **Strikes/work stoppages**

- ✓ The legal notification to the employer prior to the performance of a strike, or even a work stoppage for few hours, should be written and served by a court bailiff.
- ✓ The trade union which declares a strike is obliged to protect the right of the employees who do not participate in said strike. In case of violation of the aforesaid obligation, the strike may be ceased, while civil liability of the management members of the trade union may arise as well.
- ✓ In case a strike or a work stoppage which has been declared by a first-level trade union is found to be illegal, said strike or work stoppage may not be declared again by the respective second- or third-level trade union.

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This information is intended only as a general update for interested persons and should not be used as a basis for decision making. For further details please contact PwC: 268, Kifissias Avenue 15232 Halandri tel. +30 2106874400

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