

## GREECE

### **I. Legal notice – disclaimer**

This sheet aims to provide a general overview of the main substantive rules concerning terms and conditions of employment to be respected in accordance with the legislation transposing Directive 96/71/EC concerning the posting of workers in the framework of the provision of services (OJ L 18 of 21.1.1997). By its very nature, such a sheet can only summarise and does not necessarily contain all the information relevant in this context. In no way can it replace legislative, regulatory or administrative texts, or applicable collective agreements. The information below has been provided by the authorities of the Member States, who have made every effort to ensure its accuracy. Neither the Commission nor the Member States concerned can, however, guarantee that the information provided is always precise, complete, accurate and up to date. Furthermore, publication on the portal of the European Commission does not imply in any way that the latter or its services consider the rules presented in this way to be in conformity with Community law.

### **II. Instrument transposing Directive 96/71/EC**

Official publication: Presidential Decree No. 219/2000 (Government Gazette 190, Vol. I 31 August 2000)

Internet link: [www.ypakp.gr](http://www.ypakp.gr), which is available only in Greek. The English version is under construction. The exact time that the English version will be ready has not been determined.

### **III. Information on legislation applicable in accordance with the Directive**

Information on legislation applicable to undertakings which, for a limited period of time, post workers to the territory of Greece can be obtained at the following address:

Ministry of Labour, Social Security and Social Solidarity  
Directorate-General of Labor and Labor Market Integration  
Directorate of Terms of Work  
Individual Labor Contract and Collective Organization Section  
Tel.: +302131516449, +30 2131516447, +30 2131516385, +302131516384  
Fax: +30 2105295402  
E-mail: [vtsioli@ypakp.gr](mailto:vtsioli@ypakp.gr), [dmihailidou@ypakp.gr](mailto:dmihailidou@ypakp.gr), [dpantazidou@ypakp.gr](mailto:dpantazidou@ypakp.gr),  
[oron\\_ergasias@ypakp.gr](mailto:oron_ergasias@ypakp.gr)  
Website: [www.ypakp.gr](http://www.ypakp.gr)

Ministry of Labour, Social Security and Social Solidarity  
Directorate-General of Labor and Labor Market Integration  
Directorate of Health and Safety at Work  
Tel.: +30 2131516346  
Fax: +30 210 3214310  
E-mail: [vgiannakopoulos@ypakp.gr](mailto:vgiannakopoulos@ypakp.gr)  
Website: [www.ypakp.gr](http://www.ypakp.gr)

Information can also be obtained at the:  
Labour Inspectorate Body  
Tel.: +30 2105289222  
Fax: +30 2105231215  
e-mail: [ekourenta@ypakp.gr](mailto:ekourenta@ypakp.gr), [kysepes3@otenet.gr](mailto:kysepes3@otenet.gr)

Website: [www.ypakp.gr](http://www.ypakp.gr) under the relevant section

#### **IV. Failure to comply with the prescribed terms and conditions of employment**

Cases of failure to comply with the prescribed terms and conditions of employment in Greece and possible cases of illegal transnational activities can be reported to the following address:

Labour Inspectorate Body

Agisilaou 10

10437 ATHENS – GREECE

Tel.: +30 2105289117

E-mail: [kysepes3@otenet.gr](mailto:kysepes3@otenet.gr)

Comprehensive information for those wishing to post workers in Greece can be found below. More detailed information can be gained by calling the above-mentioned telephone numbers or writing to the above-mentioned email address.

#### **V. Situations constituting a posting [Article 1 of the Directive]**

Presidential Decree No. 219/2000 applies to undertakings taking [one of] [the following] transnational measure[s]:

By **Presidential Decree 219/2000**, *setting out measures for the protection of workers who are posted to Greece to carry out temporary work within the framework of the transnational provision of services* (Government Gazette, Series I, No 190/31.08.2000), Greece transposed Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18 of 21.01.1997).

Presidential Decree 219/2000 applies to undertakings established in an EU Member State or in a non-EU Member State that has signed the Agreement on the European Economic Area, which, in the framework of the transnational provision of services, post workers, where such posting falls under one of the following cases:

- (a) post workers on their account and under their direction, under a contract concluded between the undertaking making the posting and the party for whom the services are intended, operating in Greece, provided there is an employment relationship between the undertaking making the posting and the worker during the period of posting;
- (b) post workers to an establishment or to an undertaking owned by the group of which the posting undertaking is a member provided there is an employment relationship between the undertaking making the posting and the worker during the period of posting;
- (c) being a temporary employment undertaking or placement agency, hire out a worker to a user undertaking established or operating in the territory of Greece, provided there is an employment relationship between the temporary employment undertaking or placement agency and the worker during the period of posting.

#### **VI. Posted workers (Article 2 of the Directive)**

Directive 96/71/EC applies to workers who, for a limited period of time, carry out their work in the territory of a Member State other than the State in which they normally work.

### Definition of 'worker'

There is a dependent employment contract in place – being the sole arrangement to which the provisions of labour law applies – where, under the terms and conditions of the relevant agreement between the parties (employer - employee), the employee has to provide the work in person to the employer for a fixed or open-ended period against remuneration, irrespective of how this remuneration is determined and paid, without any additional responsibility (for the employee) to achieve a certain result, whereas while performing the work, the employee is legally and personally subordinate to the employer, which is reflected in the employer's right to determine the place, time, manner and extent of the work to be provided, within the rules of law and the conditions of the contract, in a way that is binding on the employee, giving him the instructions and orders necessary for this purpose, which must be followed and executed, as well as the right to monitor and control the employer's compliance with these and the general performance of the work allocated. Qualifying a service contract as a dependent employment or project or independent service contract falls within the jurisdiction of a court of law, which is not bound by the qualification given to the contract by the parties, as 'dependency' is a legal concept.

'Posted employee' means any employee, as per the above, who normally works in the territory of another EU Member State or in a non-Member State that has entered into an agreement with the European Economic Area, whom the undertaking posts to the territory of Greece to carry out his work for a limited period.

### Regulation 593/2008

Law 1792/88 (Government Gazette, Series I, No 142/1988) was ratified by the contract of 10 April 1984 on the accession of the Hellenic Republic to the Community Convention of 19 June 1980 on the law applicable to contractual obligations, which has been in force in Greece since 1 April 1991. This matter is subject to the provisions laid down in Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I).

For example, following are some of the criteria found by national case law to be crucial for making employment contracts subject to the laws of Greece: specifying explicitly in the employment contract that it is governed by the laws of Greece; the degree of relevance between the contract and Greece (place of drafting of the contract, normal place where the work is carried out, place where the hiring undertaking is established, nationality of the parties, etc.); the domicile or place or residence of the parties; the employee's place of social security; the language used in drafting the contract; and including a provision in the contract to the effect that the provisions laid down in Greek labour legislation apply to certain matters (holiday bonuses, paid leave, termination of the contract, etc.).

According to the case law of the Court of Justice of the European Communities, the temporary nature of an activity carried out on the territory of a Member State in the context of free provision of services cannot be determined abstractly, but should be judged on a case-by-case basis, depending on the duration, frequency and periodicity or continuity.

It should be noted that if an occupational activity in Greece can no longer be considered as being exercised temporarily, taking account of the above-mentioned criteria, but is stable and continuous, *all* the binding rules and regulations in force in Greece apply.

## **VII. Work periods and rest periods [Article 3(1)(a) of the Directive]**

Articles 3 to 6 of Presidential Decree No. 88/1999, Government Gazette 94, I of 13 May 1999.

The remaining provisions contained in a collective labour agreement or judicial ruling are available on the following website: [www.ypakp.gr](http://www.ypakp.gr)

The provisions on work periods and rest periods are to be found in Presidential Decree 88/99 and in Law 3385/05.

In particular, Decree 88/99 transposed into Greek legislation Council Directive 93/104/EC concerning certain aspects of the organisation of working time, which provides for an obligatory 15-minute rest break when the work lasts longer than 6 hours (Article 4). Moreover, under Article 3 of the above Presidential Decree, as replaced by point 2 of subparagraph IA.14 of paragraph IA of Article one of Law 4093/2012 (Government Gazette, Series I, No 222/12.11.2012), the minimum rest period in any 24-hour period must not be less than 11 uninterrupted hours. Moreover, workers are, per each seven-day period, entitled to a minimum uninterrupted rest period of 24 hours, including, in principle, Sunday, depending on the labour law provisions and practices applicable to each category of workers, plus the 11 hours' daily rest (Article 5 of Presidential Decree 88/1999, as replaced by Article 3 of Presidential Decree 76/2005 (Government Gazette, Series I, No 117/19.05.2005)). There are a number of branches of activity to which a five-day working week applies and, therefore, workers are, per each seven-day period, entitled to a rest period of 48 hours (National General Collective Labour Agreement 1975, Government Gazette, Series II, No 276).

Finally, the weekly contractual working time for all workers in Greece is 40 hours (National General Collective Labour Agreement 1984, Government Gazette, Series II, No 81). Article 6 of the above Presidential Decree provides that the weekly working time must not exceed 48 hours, including overtime, averaged out over each four-month period at the longest.

Article 1 of Law 3385/2005 establishes that, in companies where up to 40 hours a week are required under the contract, employees may work an additional 5 hours each week, as extra working time, at the discretion of the employer.

Where a 6-day week applies, extra working time amounts to 8 hours per week. The 5 hours of extra working time per five-day period (41<sup>st</sup>, 42<sup>nd</sup>, 43<sup>rd</sup>, 44<sup>th</sup> and 45<sup>th</sup> hours) and the 8 hours of extra working time per six-day period (from the 41<sup>st</sup> to the 48<sup>th</sup> hour) are remunerated at the paid hourly rate plus 20% of the legal daily wage. Work beyond 45 hours per week (in each five-day period) (after the 9<sup>th</sup> hour each day) or beyond 48 hours (per six-day period) (after the 8<sup>th</sup> hour each day) is – under paragraph 2 – considered as overtime, is remunerated at the paid hourly rate plus 40% of the legal daily wage (legal overtime), or 60% of the legal daily wage (overtime following approval), or 80% of the legal daily wage (illegal overtime) and is subject to all the relevant statutory consequences, formalities and approval procedures.

## **VIII. Paid annual holidays [Article 3(1)(b) of the Directive]**

Article 1 of Law 3302/2004, Government Gazette 267 I of 28 December 2004.

The remaining provisions contained in a collective labour agreement or judicial ruling are available on the following website: [www.ypakp.gr](http://www.ypakp.gr)

The rules on granting the annual paid leave are set out in Mandatory Law 539/45, as amended by Law 3302/2004.

In particular, under Article 1 of Law 3302/2004, every employee in a dependent employment relationship, with either a fixed term or a permanent contract, is entitled to annual paid leave from the beginning of his employment with the undertaking concerned. This leave is granted by the employer on a *pro rata* basis, depending on how long the worker concerned has been employed by that employer. The proportion is calculated on the basis of a 20 working days' leave for a 5-working-day week or a 24 working days' leave for a six-working-day week, corresponding to 12 months' continuous employment. The employer must grant the employee the correct proportion of the above regular leave by the end of the first calendar year in which the employee was recruited. During the second calendar year, the worker is entitled to take his regular paid annual leave in instalments, according to the time he has worked for the undertaking concerned. 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 or up to twenty-two (22) days if the undertaking operates a five-working-day week. During the third and subsequent calendar years, the worker is entitled to take all his annual leave at any time during the year.

## **IX. Pay [Article 3(1)(c) of the Directive]**

All provisions relating to pay (National General Collective Labour Agreement, judicial ruling, etc.) are set out on the following website: [www.ypakp.gr](http://www.ypakp.gr)

- The National General Collective Labour Agreements, after the date of entry into force of point 2a of subparagraph IA.11 of paragraph IA of Article one of Law 4093/2012, specify the minimum non-payroll working terms and conditions applicable to all workers in Greece. Basic salaries, basic daily wages, all kinds of surcharges thereto and all other payroll conditions, in general, apply only to workers employed by employers who are members of contracting employer organisations, and may not be lower than the statutory minimum salary and daily wage. The minimum salary for workers older than 25 years of age is fixed at EUR 586.08 and the daily wage for workers-technicians older than 25 years of age is fixed at EUR 26.18. The minimum salary for workers younger than 25 years of age is fixed at EUR 510.95 and the daily wage for workers-technicians younger than 25 years of age is fixed at EUR 22.83. The above sums are increased in accordance with the worker's previous employment, as established by 14 February 2012. The above provisions apply in conjunction with Judgment No 2307/2014 of the Plenum of the Hellenic Council of State.

The latest National General Collective Labour Agreement (NGCLA) of 31 March 2016 (PK 5/31.03.2016) was entered into, on the one hand, by and between the Hellenic Federation of Enterprises (SEV), the General Confederation of Professionals, Craftsmen and Merchants (GSEVEE), the Hellenic Confederation of Commerce and Entrepreneurship (ESEE) and the Association of Greek Tourism Enterprises (SETE), and, on the other hand, by the General Confederation of Greek Workers (GSEE). The NGCLA is effective from 1 January 2016 to 31 December 2016. Article 40 of Law 4320/2015 setting out arrangements on the taking of immediate measures to address the humanitarian crisis, on the organisation of the government and governmental bodies, and other provisions (Government Gazette, Series I, No 29/19.03.2015) provides that the regulatory clauses of a national general collective labour agreement that expired or was terminated will remain in effect for six months of the date of expiry or termination and will apply to the workers recruited in that period.

In addition to the statutory minimum salary and daily wage and the provisions laid down in the NGCLA, Law 1876/90 recognises the right to conduct free negotiations between the parties concerned (employers and workers), with a view to concluding national collective labour agreements setting out the remuneration and working conditions for workers in each

sector, profession or undertaking. If the parties concerned fail to reach an agreement, they may severally or jointly seek the services of the Organisation for Mediation & Arbitration (OMED) (Article 14 of Law 1876/90, Article four of Law 4303/14). These conditions are binding on the parties that have agreed on them.

## **X. Rules concerning hiring-out of workers and terms and conditions which apply to temporary workers [Articles 3(1)(d) and 3(9) of the Directive]**

The provisions relating to temporary agency workers are given in Articles 113 to 133 of Act 4052/2012 (Government Gazette 41, Vol I of 1 March 2012), as have been amended by subparagraph IA.8 of paragraph IA of article one of Law 4093/2012, par. 7 of article 24 and par. 3 of article 80 of Law 4144/2013 (Government Gazette 88, Vol I of 18 April 2013) and subparagraph IA.4 of paragraph IA of article one of Law 4254/2014 (Government Gazette 85, Vol I of 7 April 2014) .

Articles 113-121 of Law 4052/2012 (Government Gazette, Series I, No 41), as amended by subparagraph IA.8 of paragraph IA. of Article one of Law 4093/2012 *on the approval of the Medium-Term Fiscal Strategy Framework 2013-2016 – Emergency Measures for Implementing Law 4046/2012 and the Medium-Term Fiscal Strategy Framework 2013-2016* (Government Gazette, Series I, No 222), Article 24(7) and Article 80(3) of Law 4144/2013 *on combating wrongdoing related to social security and the labour market, and other provisions falling within the jurisdiction of the Ministry of Labour, Social Security and Welfare»* (Government Gazette, Series I, No 88), and subparagraph IA.4 of paragraph IA. of Article one of Law 4254/2014, setting out measures for the support and development of the Greek economy within the scope of Law 4046/2012, and other provisions (Government Gazette, Series I, No 85), transposed into the national legislation Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 **on temporary agency work**.

The above provisions aimed at: (a) ensuring protection of temporary agency workers and improving the quality of temporary agency work by establishing provisions ensuring equal treatment for temporary agency workers and those recruited directly by the user undertaking; and (b) establishing a suitable framework for the use of temporary agency work, with a view to contributing effectively to the creation of jobs and to the development of flexible forms of working.

To ensure the principle of equal treatment, provision is made to the effect that the basic working conditions of temporary agency workers, including remuneration, are, for the duration of their assignment at a user undertaking, at least equal to those that would apply if they had been recruited directly by that undertaking (user undertaking) to occupy the same job.

The cases in which employment by user undertakings of a worker under a fixed-term contract is prohibited, on grounds relating in particular to the protection of temporary agency workers, the requirements of health and safety at work and the need to ensure that the labour market functions properly and abuses are prevented, are also specified.

Furthermore, to protect the labour rights of temporary agency workers, provision has been made for entering into a fixed term or a permanent employment contract, in writing and in advance, by and between the temporary employment undertaking and the employee, setting out specific conditions, as well as entering into a contract, in writing and in advance, by and between the temporary employment undertaking and the user undertaking, setting out *inter*

*alia* provisions on the remuneration and social security coverage of the employee for as long as he offers his services to the user undertaking.

Generally, the working conditions that apply to workers posted through a temporary employment undertaking falling under the scope of Presidential Decree 219/2000 are the same as those that apply to any worker posted in Greece.

## **XI. Health, safety and hygiene at work [Article 3(1)(e) of the Directive]**

All provisions relating to the health and safety are set out on the website of the Ministry: [www.ypakp.gr](http://www.ypakp.gr).

Concerning Greek legislation in force on health and safety at work, Law 3850/2010, ratifying the code of laws on health and safety at work (Government Gazette, Series I, No 84), as ratified and effective, sets out general principles on the protection of workers, in accordance with the EU Directives and the international labour conventions of the International Labour Organisation.

The general provisions on health and safety at work, as laid down in Law 3850/2010 [Presidential Decree 17/1996, setting out measures to improve the safety and health of workers at work, in compliance with Directives 89/391/EEC and 91/383/EEC (Government Gazette, Series I, No 11/18.01.1996), is included in the encoded legislation] provide a modern and effective institutional framework for promoting the health and safety of workers. Law 3850/2010 sets out basic provisions on the organisation of health and safety at work, specifying the key health and safety actors, i.e. the employer, the safety engineer, the occupational physician and the health and safety committees. It also sets out the obligations and responsibilities of employers (i.e. risk assessment, setup of protection and prevention services) and of workers (i.e. compliance with the relevant provisions, appropriate use of machinery and equipment).

There are also numerous pieces of legislation, in compliance with EU Directives, relating to hazardous (physical, chemical and biological) agents, the use of working equipment, the protection of specific categories of workers, etc.

## **XII. Rules concerning terms and conditions of employment of pregnant women and women who have recently given birth [Article 3(1)(f) of the Directive] Legal references**

All provisions relating to the protection of pregnant women and women who have recently given birth are set out on the website of the Ministry: [www.ypakp.gr](http://www.ypakp.gr).

The main pieces of legislation for the protection of pregnant women are:

- PD 176/1997 (Government Gazette 150, Vol. I of 15 July 1997), as amended by article 2 of PD 41/2003 (Government Gazette 44, Vol I of 21 February 2003), measures for the improvement of safety and health of pregnant workers and workers who have recently given birth or are breastfeeding, including protection from dismissal,
- Art.7 of the NGCLA 1993, art. 11 of Law 2874/2000, Art. 7 of the National General Collective Labour (hereinafter referred NGCLA) 2000-2001, concerning maternity leave
- Art. 15 of Law 1483/84 (Government Gazette 153, Vol. I of 8 October 1984), as amended by article 20 and 24 of Act 3896/2010 (Government Gazette 207, Vol. I of 8 December 2010), as



amended by article 36 par. 1 of Law 3996/2011 (Government Gazette 170, Vol. I of 5 August 2011), protection from dismissal for maternity reasons,

- Art. 142 of Law 3655/2008, Ministerial Decision 33891/606/08, art.36 par. 2 of Law 3996/2011 (Government Gazette 170, Vol. I of 5 August 2011), concerning special leave and allowance for maternity protection,
- Law 3896/2010 (Government Gazette 207, Vol. I of 8 December 2010), concerning equal opportunities and equal treatment of men and women in work.

### **Maternity leave**

The duration of the maternity leave is set at 17 weeks for workers of any employer under an employment contract governed by private law. Of these, eight weeks must be granted to the worker before confinement and 9 weeks afterwards. Compliance with these time limits is mandatory. If the worker gives birth prematurely, the remaining maternity leave is granted after confinement, so that the leave amounts to a total of seventeen (17) weeks.

### **Protection against dismissal**

Termination of a contract of a female worker is prohibited and regarded as completely void throughout the pregnancy period and up to 18 months after the date of confinement or during her absence for a longer period of time, due to sickness attributed to the pregnancy or confinement, unless there is a serious reason for this termination.

### **Special maternity protection allowance**

A special maternity protection allowance is granted to female workers in the private sector upon expiry of the maternity leave, or of the equal leave granted instead of reduced working hours. The allowance is granted on condition that the female worker has received a relevant grant for the maternity leave from the Social Security Organisation (IKA-ETAM), and that the child care leave (for using, in the alternative, the reduced working hours as a leave) is covered only by the provisions laid down **the National General Collective Labour Agreement, in force each time**. The allowance is granted for six (6) months, and the female worker is provided with a grant and social security coverage by the Greek Manpower Employment Organisation (OAED)

### **Return to one's post**

Article 16 of Law 3896/2010 establishes the right of a female worker who has obtained a maternity leave or a special maternity protection leave, to return, at the end of those leaves, to the same or an equivalent post, to suffer no detriment to her employment conditions, and to benefit from any improvement in working conditions to which she would have been entitled during her absence.

### **Health and safety of endangered pregnant workers and workers who have recently given birth or are breastfeeding**

Special protection is granted to pregnant workers and workers who have recently given birth or are breastfeeding, whose work poses health and safety risks. If it is established, using the relevant procedure, that there is a risk to their safety or health, the employer has to take such measures as required to prevent the exposure of the female worker to that risk by permanently or temporarily adjusting the working conditions and/or temporarily adjusting her working hours. Where it is technically and/or objectively impossible to adjust the working conditions and/or working hours, the employer has to take such measures as required to transfer the female worker to another post. Where it is also technically and/or objectively impossible to transfer her to another post, the female worker has to be relieved of the obligation to carry out her work for as long as it takes to protect her safety and health. In any event, the female worker cannot be forced to carry out any tasks that are hazardous to her own health or that of her child.



### **XIII. Rules concerning terms and conditions of employment of children and young people [Article 3(1)(f) of the Directive]**

All provisions relating to the protection of minors are set out on the website of the Ministry: [www.ypakp.gr](http://www.ypakp.gr).

The basic provisions that protect children and young people are: Act 1837/1989 (Government Gazette 85, Vol. I of 23 March 1989), PD 62/1998 (Government Gazette 67, Vol. I of 26 March 1998) and Ministerial Decision No 130621 (Government Gazette 875, Vol. 2 of 2 July 2003) on the works and activities that is forbidden occupation for children and young people.

In accordance with the above provisions:

- Any minors who are not yet 15 years of age are not allowed to carry out any type of work.
- By way of derogation, children not younger than 3 years of age are allowed to be engaged in cultural and related activities, following permission from the competent Labour Inspection Body, to be granted at the employer's request, subject to the limitations set out in the above provisions.
- The daily remuneration paid to minors must not be lower than the minimum daily wage specified for an unskilled worker under the National Collective Labour Agreement.
- It should be noted that the national general labour agreements, following the date of entry into force of indent 2a of subparagraph IA.11 of paragraph IA of Article one of Law 4093/2012, set out minimum non-payroll working conditions that apply to all workers in Greece. Basic salaries, basic daily wages, all kinds of surcharges thereto and all other payroll conditions, in general, apply only to workers employed by employers who are members of contracting employer organisations and may not be lower than the statutory minimum salary and daily wage.
- For minors aged 15-18 to be employed, it is necessary to obtain a minor's working logbook from the competent Labour Inspection Body, in accordance with Ministerial Decision No 1390/1989 (Government Gazette, Series II, No 766/09.10.1989).
- Minors who are not yet 16 years of age or attend various schools are allowed to work for up to 6 hours per day and up to 30 hours per week. They are not allowed to carry out overtime work and work at night-time.
- Adolescents are not allowed to work for more than 8 hours per day and 40 hours per week. Moreover, adolescents are not allowed to carry out overtime work, and minors are not allowed to carry out work at night-time.
- Minor workers are entitled to a daily rest of at least twelve consecutive hours, which must include the period from ten in the evening to six in the morning. Therefore, the employment of adolescents (i.e. all young people aged 15 to 18 who are no longer subject to compulsory education under the applicable legal provisions) is prohibited from 22.00 to 06.00. In addition, adolescents are entitled to a minimum weekly rest of two (2) consecutive days, of which one should be Sunday. If the working day exceeds 4.5 hours, young people (minors) should have a break of at least thirty consecutive minutes.
- The annual leave should be granted in summer, during the school vacation period, and half of that leave may be granted in other periods of the year, at the minor's request.

- Specific protective provisions are put in place for the health, safety and morals of minors, as well as for ensuring their protection from risks related to their vulnerable nature and the prevention of any form of exploitation or abuse thereof.

#### **XIV. Equality and non-discrimination [Article 3(1)(g) of the Directive]**

All provisions relating to equality and non-discrimination are set out on the website of the Ministry: [www.ypakp.gr](http://www.ypakp.gr)

##### **Legal references**

- Law 3896/2010 (Government Gazette 207, Vol. I of 8 December 2010), concerning equal opportunities and equal treatment of men and women in work.  
More specifically, Law 3896/2010 adapted national legislation to Directive 2006/54/EC of the European Parliament and of the Council.  
The Law **aims** to ensure that the principle of equal opportunities and equal treatment of men and women in respect of work and employment is applied in relation to:(a) access to employment, including promotion and professional training, including education intended to ensure employment;(b) the working terms and conditions including pay; and (c) professional social security systems.  
In the above context, Article 2 defines the concepts of direct and indirect discrimination based on sex, harassment and sexual harassment, pay and professional social security systems.  
Moreover, Article 3 also explicitly prohibits all forms of direct or indirect discrimination based on sex, primarily in connection with one's family status. Harassment, sexual harassment and all forms of less favourable treatment, based on the tolerance or rejection of that behaviour, constitute discrimination based on sex. It is also stipulated that all forms of less favourable treatment associated with the gender reassignment of a person, an order that entails discrimination against a person based on sex, and less favourable treatment of women, based on pregnancy or motherhood, constitute discrimination based on sex.  
In respect of the mechanisms and penalties, the independent authority of the **Greek Ombudsman** has been designated as competent authority for monitoring the principle of equal opportunities and equal treatment for men and women with regard to access to employment, professional training and development, as well as working conditions, and a special cooperation scheme with the Hellenic Labour Inspectorate has been put in place, the latter being the competent national mechanism for monitoring the implementation of national labour legislation and the imposition of penalties.  
The Law also provides for **legal protection** (Article 22) and ensures that all persons who feel that they have suffered loss due to failure to comply with the provisions of this Law, even following expiry of the relationship under which the discrimination took place, are entitled to judicial protection and have the right to appeal to the competent administrative authorities (Labour Inspection Body), including the mediation procedures carried out by the Greek Ombudsman. Exercising those rights will not affect the deadlines specified for lodging judicial and administrative appeals.  
Finally, in the event of failure to comply with the provisions of the above law, civil penalties are imposed for full compensation of the person affected, which must cover both non-pecuniary and pecuniary damage and any losses incurred or gains prevented, as well as administrative and criminal penalties (for sexual harassment), pursuant to Article 23 of Law 3896/2010, as in force each time.
- **Equality - Principle of equal treatment**  
Upon adoption of **Law 3304/2005** (Government Gazette, Series I, No 16) **on the application of the principle of equal treatment irrespective of racial or ethnic origin, religion or belief, disability, age or sexual orientation**, which transposed into national legislation

Directives 2000/43/EC and 2000/78/EC, a general framework was established to combat discrimination based on racial or ethnic origin, religion or belief, disability, age or sexual orientation.

The principle of equal treatment irrespective of religion or belief, disability, age or sexual orientation applies to all persons in the public and private sector and relates to:

(a) **conditions for access to employment and occupation**, including selection criteria and recruitment conditions and promotion;

(b) **access to all types and to all levels of vocational guidance**, vocational training, advanced vocational training and retraining, including practical work experience;

(c) **employment and working conditions**, including dismissals and pay;

(d) **membership of and involvement in an organisation of workers** or employers, or any professional organisation, including the benefits derived from participation in such organisations.

The principles of equal treatment irrespective of race or ethnic origin apply, in addition to employment and occupation, to:

(a) **social protection**, including social security and healthcare;

(b) **social advantages**;

(c) **education**;

and (d) **access to and supply of goods and services** which are available to the public, including **housing**.

## **XV. Terms and conditions of employment concerning other matters [Article 3(10) of the Directive]**

As regards whether certain Member States have imposed conditions of employment and occupation relating to matters other than those referred to in Article 3(1) of the Directive, where it comes to provisions relating to public order, as well as the conditions for employment and occupation set out in the collective agreements or arbitration awards within the meaning of paragraph 8 relating to activities other than those referred to in then Annex, Greece has not used the first indent of Article 3(10) in its national legislation. The second indent of Article 3(10) was transposed into our national legislation, as the core of the mandatory provisions of Article 3(1) of the Directive covers all activities (by law, presidential decree, collective agreement, ministerial decision, etc.), with certain exceptions relating to the duration of the posting.

## **XVI. Procedural and administrative requirements**

The procedural and administrative requirements are described in article 5 of the PD 219/2000.

To ensure and make effective the implementation of Presidential Decree 219/2000, the undertakings that are subject to the scope thereof and post workers to the territory of Greece under Article 2(2) of said Presidential Decree, must, before commencement of the provision of services and irrespective of the duration thereof, submit to the competent departments of the Labour Inspection Body operating in the place where the services are provided, the following documents, which must be drafted in Greek:

(a) a written declaration including the following details: (i) the name or the corporate name of the undertaking, its registered office, address and legal form; (ii) the identity details (name, surname, father's name, mother's name, date of birth, residence address, etc.) of the legal representative of the undertaking; (iii) the identity details (as per the above) of the representative of the undertaking in Greece during the provision of the services; (iv) the address of the place(s) where the posted workers are to carry out their work, as well as the name or the corporate name, registered office, address and legal form of the undertaking(s)

for which the posted workers are to carry out their work; (v) the date of commencement of the provision of services and of the posting of the workers, including the potential duration thereof; and (vi) the nature of the activity carried out, as well as that no hazardous materials or methods are used;

(b) a list of the posted workers for authentication, in two copies, which must indicate for each one of them: (i) the name, surname, age and job specialty; (ii) the date of entry into force of the employment relationship, any similar employment by other employers and the family status; (iii) the duration of the daily or weekly work, the start, stop, break and end times of the daily work, as well as the weekly rest period; and (iv) all kinds of remuneration paid.

The undertaking must see to it that one copy of the above lists is posted at a conspicuous location at the workplace, and the other copy is kept on file by the competent departments of the Labour Inspection Body.

In the event of a change to the above details, the undertakings must have a complementary list authenticated, depending on the case at hand, within fifteen (15) days of the occurrence of the change.

In the event of work carried out in shifts, the undertakings must, in addition to the above lists, also submit for authentication a list of the weekly shift rotation schedule.

No posted workers can be employed without prior submission of the documents referred to in paragraph 1 of this Article.

## **XVII. Mediation mechanisms in case of conflict**

The Labour Inspection's Body mediation/reconciliation competence and the corresponding procedure was provided for in article 7 (n) of Act 2639/1998 (Government Gazette 205/A'/02.09.1998) (revoked by par. 14 of article 33 of Act 3996/2011), and is now provided by article 9 of Act 3846/2010 (Government Gazette 66/A'/11.05.2010), par. 2 j(b) of article 2 of Act 3996/2011, article 3 of Act 3996/2011 (Government Gazette 170/A'/05.08.2011) as replaced by par. 1 of article 23 of Act 4144/2013 (Government Gazette 88/A'/18.04.2013) and articles 40, 42 and 46 of P.D. 113/2014 (Government Gazette 180/A'/29.08.2014).

(A) The Directorate for Labour Remuneration of the Ministry is responsible *inter alia* for intervening to amicably resolve any issue arising from an employer-employee dispute or disagreement, with assistance from a conciliator. It is also responsible for the management and monitoring of the labour dispute resolution system, in cooperation with the Labour Inspection Body (Article 14(3b) of Presidential Decree 113/2014).

In particular, pursuant to Article 13 of Law 1876/1990, any disputes arising from the employment relationship, even if not regulated under a collective labour agreement, may be discussed for resolution by the competent trade unions, or by the employer individually, or resolved by mediation of a conciliator.

The conciliator will attempt to ensure convergence between the parties' views as soon as possible, with a view to putting an end to the dispute. At the end of the conciliation procedure, a protocol will be drafted and signed by the parties involved and the conciliator, specifying whether the parties have, or have not, reached an understanding. If the dispute has arisen in the context of bargaining which is carried out for the conclusion of a collective labour agreement and the conciliation procedure has led to an understanding, a collective labour agreement will be signed. The Minister for Labour or an official duly authorised by the

Minister will appoint as conciliator an official of the competent central service of the Ministry of Labour or of the Labour Inspection Body.

Pursuant to Article 14 of Law 1876/1990, as amended by Article 14 of Law 3899/2010 (Government Gazette, Series I, No 212/17.12.2010), ‘1. If the collective bargaining fails, the parties concerned may resort to mediation or arbitration. 2. The terms governing recourse to mediation or arbitration and the overall mediation/arbitration procedure are regulated by means of relevant clauses of the collective agreements or, in the absence of any such clauses, by mutual agreement of the bargaining parties. In the absence of such an agreement, the provisions of this law shall apply. 3. Mediation and arbitration services in general, including those provided by the mediators and arbitrators of the Organisation for Mediation and Arbitration (OMED), are offered in accordance with the principles of sound judgment, impartiality and objectivity.’

(B) Furthermore, pursuant to Article 3 of Law 3996/2011, the Labour Inspection Body may intervene as a conciliator at the request of the relevant labour unions or employer organisations or by an individual employer, with regard to any matter that gives rise to a dispute or disagreement in relation to an employment relationship. Conciliation is carried out at local or regional or national level. At the local level, the conciliation procedure is carried out before the competent Head of Department, or before the Labour Relations Inspector appointed by him. At the regional level, the conciliation procedure is carried out before the competent Head of the Regional Directorate, or before the Labour Relations Inspector appointed by the competent Head of the Regional Directorate. The competent Directorate of the Ministry of Labour, Social Security and Social Solidarity carries out the conciliation procedure at the national level, pursuant to Article 13 of Law 1876/1990 (Government Gazette, Series I, No 27/08.03.1990) at a tripartite level. (The meeting is held at the Ministry, primarily where the dispute has to do with matters affecting all staff members of an undertaking or sector.) No more than five (5) representatives of each party concerned, in addition to the legal advisors, may attend the conciliation procedure. These may include, as chosen by each party, representatives of the primary or secondary trade union, or of the trade union concerning the same profession, or of the Labour Centre of the area concerned, or of the Greek General Confederation of Labour (GSEE) on behalf of the employees, and representatives of the trade union on behalf of the employer(s). A conciliator, i.e. an officer of the competent central service of the Ministry of Labour or of the Labour Relations Inspectorate, may also attend the meeting.

The conciliation procedure aims to attain convergence between the parties’ views as soon as possible, using all means available, with a view to putting an end to the dispute and ensuring labour peace. If the Labour Relations Inspector is unable to form a view, he will only put forward a complete and adequately reasoned opinion on such inability.

(C) Pursuant to Article 3 of Law 3996/2011, as amended by Article 23(1) of Law 4144/2013, in resolving labour disputes, the employee(s) relying on a common interest, the employer and the relevant labour unions are entitled to request the intervention of the Labour Relations Inspector.

The labour dispute resolution procedure is carried out by the Head of the competent Department or by the Labour Relations Inspector, as appointed by the Head of the competent Department, and where the Head of the competent Department or the Head of the competent Regional Directorate holds that the labour dispute at issue needs further examination, the examination is carried out at second instance by the Head of the competent Regional

Directorate, as launched at the request of the party concerned and notified to the counterparty using any means available. Upon completion of the discussion, a record is drafted and signed by the attending parties and the Labour Relations Inspector, who has to formulate an opinion on the dispute. If the infringements of the labour legislation constitute criminal offences, the Labour Relations Inspector files a lawsuit or brings proceedings before the competent Public Prosecutor.

### **XVIII. Information on judicial enforcement procedures**

The competent agency responsible for such matters is:  
the Ministry of Justice, Transparency and Human Rights.

Website: <http://www.ministryofjustice.gr/>

**Mailing address:** 96 Mesogeion Ave, 11527 Athens, Greece

**Tel.:** +30 210 7767000

Pursuant to Article 11 of Presidential Decree 219/2000: ‘Irrespective of the law that governs the labour relationship, any disputes arising from application of Article 4 hereof may also be resolved by the Greek courts of law, in accordance with the applicable provisions.’