

The crisis and national labour law reforms: a mapping exercise

Country report: Greece

1. Introduction

Since the onset of the economic crisis, the Greek economy has been mired in deep recession.¹ Between 2010 and 2015, Greece's gross domestic product (GDP) decreased by 8.1 per cent, although in the last two quarters of 2015 there was some improvement.² Lately a gradual improvement in the labour market situation has facilitated some increase in household consumption.³ Despite these positive developments, however, economic problems continue to plague Greece and to affect the labour market. In September 2016, the unemployment rate stood at 23.1 per cent. Notably, it is significantly higher among women (28.4 per cent) than among men (21.2 per cent) and highest of all among young people aged 15 to 24 (46.1 per cent).⁴

Under the strain of the so-called 'bailout' programmes and the implementation of the 'memoranda of understanding' agreed between the Greek government and its creditors, labour law has undergone radical changes. According to Papadimitriou (2012), the first steps taken in terms of labour law reforms before the full onset of the crisis were consistent with the protective function of labour law; however, the perspective soon changed and the austerity agenda began to take hold, facilitated by the demands of international lenders.⁵

In line with the guidelines of the Troika – now the 'Quadriga'⁶ – and the commitments made by successive governments, extensive legislative reform has taken place. For instance, in the period 2010–2013 alone, more than 28 new laws were adopted, aimed at introducing so-called 'structural reforms' in the labour market, mainly the drastic reduction of labour costs and the widespread implementation of work 'flexibility'.⁷

In recent years, Greece's severe economic situation has been accompanied by major alterations in the political scene and a huge humanitarian crisis. In the aftermath of the January 2015 elections, for example, radical leftist Syriza party swiftly forged a coalition government with the right-wing Independent Greeks party, with a pledge not to apply the Economic Adjustment Programme agreed by the previous Samaras government. However, after several months of harsh negotiations, in June 2015 there was a political stand-off between the government and the creditors that resulted in a referendum on the 'bailout' programme. Nevertheless in the end, with the country pushed to the brink of a forced exit from the euro zone, the Greek government opted for a third 'bailout' programme, albeit one rejected by popular vote in a referendum. Overall, the labour law reforms and cooperation with international creditors have enjoyed a very little support among the population, thus adding to doubts about their effectiveness and success.

It is worth mentioning that the programme countries, Greece included, do not receive Country-specific recommendations, as they are subject to more intensive monitoring under

¹ Eurofound, Greece working life country profile, 2010–2015, retrieved from:

<http://www.eurofound.europa.eu/observatories/eurwork/comparative-information/national>

² European job mobility portal, Labour Market information –Greece, 2016, retrieved from:

<https://ec.europa.eu/eures/main>.

³ Focus economics, Greece economic outlook, 2016, retrieved from: <http://www.focus-economics.com/countries/greece>

⁴ Trading economics, Greece unemployment rate, 2016, retrieved from:

<http://www.tradingeconomics.com/greece/unemployment-rate>

⁵ Papadimitriou C. (2012), The Greek labour law face to the crisis: A dangerous passage towards a new juridical nature, *Revue de droit comparé du travail et de la sécurité sociale - English Electronic Edition*, 2012/3, 4 p.

⁶ The Troika has been now renamed the 'Quadriga' to mark the inclusion of the European Stability Mechanism (ESM) in the talks, especially within the new third 'bailout' programme.

⁷ Eurofound, *op. cit.*

programmes that professedly aim to restore macro-financial stability, growth and competitiveness.

2. Labour law reforms 2010–2011

In 2010 and 2011, a wide range of legislative changes were introduced, aimed at increasing work flexibility and affecting both individual and collective labour law. The key areas affected were access to the labour market, job security, working time and the system of collective bargaining.

2.1 Access to the labour market

2.1.1 Management of temporary employment

According to Law 3845/2010 on the implementation of the support mechanism of the Greek economy by the Eurozone countries and the IMF, adopted on 6 May 2010 (FEK A'65/06.05.2010), every person registered with the Labour Force Employment Organisation (OAED) due to casual or long-term unemployment has the right to receive unemployment benefit, the so-called 'cheque for reintegration into the labour market'. When such an unemployed person finds a job the employer receives the 'cheque' directly from the OAED instead. In this way unemployment benefit has been turned into a subsidy for employers.

In order to facilitate the continuation of working life among people approaching pensionable age, the OAED subsidises temporary employment agencies in hiring unemployed persons aged 55–64 to work in the public sector.

Law 3846/2010, adopted on 11 May 2010 (FEK A' 66/11.05.2010) and entitled 'Guaranties on job security and other provisions', implemented some provisions of the Temporary Employment Agency Directive (2008/104/EC). Contrary to the regime previously in force, the intention was to allow the recourse to temporary agency work (TAW) only in specific circumstances (temporary, seasonal or extra needs). According to the new law, temporary agency workers are entitled to equal treatment regarding all terms and conditions of employment and not only pay, as if they had been directly recruited. In certain situations the recourse to temporary agency work is prohibited:

- when temporary agency workers substitute employees on strike;
- when the indirect employer has over the past six months dismissed employees in the same occupational category for economic reasons or has initiated collective redundancies over the past 12 months;
- when the business of the indirect employer is in a state of clearance;
- when the job by its nature exposes the employees to health and safety risks;
- when the employee is subject to the special provisions concerning the insurance of building workers.

Finally, the duration of the placement of an employee with the user undertaking cannot be longer than twelve months, with the possibility to extend it up to 18 months in case the temporary worker replaces an employee whose contract is suspended, regardless of the reason for the suspension. If such an extension takes place, the temporary worker is entitled to an open-ended contract with the user undertaking. However, by means of Law 3899/2010 (FEK A' 212/17.12.2010) adopted on 17 December 2010, the duration of placement with the user undertaking (renewals included) was extended to 36 months.

Managerial prerogative was broadened by amendments to the regulation of flexible forms of employment. Law 3899/2010 extended the period of short-time work based on a unilateral decision by the employer from six months (Law 3846/2010) to nine months per year.

Law 3986/2011 (FEK A' 152/01.07.2011) significantly changed the legal framework and rules for the use of fixed-term contracts:

- renewal without time limitation, if concluded for objective reasons;
- permission for successive fixed-term contract up to three (instead of two) years, if not concluded for objective reasons.

2.1.2 New youth employment schemes

With particular regard to the high levels of youth unemployment, the Greek Parliament introduced so-called 'stage agreements' for hiring unemployed persons up to 24 years of age in Law 3845/2010. Thereafter, persons registered with the OAED can conclude an agreement with private companies and employers in general for a period of up to 12 months, during which their gross earnings will correspond to 80 per cent of an unskilled worker's minimum wage, as set out in the relevant collective agreement.

During the third and fourth evaluation of the first 'bailout' programme, new measures were announced,⁸ underpinned by the objective of combatting youth unemployment (which at the time stood at 40 per cent). Law 3986/2011 introduced a new 'youth contract', allowing young people (up to 25 years of age) to enter into contracts of employment with a term of up to 24 months, with a salary 20 per cent lower than what used to be offered for the first job, and no entitlement to unemployment benefits at the end of the work period. The effectiveness of the scheme is questionable, however, because while it might ease hiring for employers, it might also increase the precariousness of young workers and worsen their labour market position in the longer term.

2.2 Job protection

2.2.1 Wider scope for collective redundancies

Law 3845/2010 introduced a provision stating that that the limit of legitimate collective redundancies could be raised by presidential decree, while at the same time redundancy compensation could be reduced. So far, there is no information on whether this option has actually been used.

In 2010, Law 3863/2010 on the new social security system and relevant provisions (FEK A' 115/15.07.2010) lowered the thresholds for collective dismissals. Particularly, in accordance with Article 74, collective dismissals are now considered to be collective:

- when more than six employees lose their jobs at companies of between 20 and 150 employees, compared with the previous threshold of four employees for companies with 20–200 employees;
- the threshold is set at 5 per cent of staff or more than 30 employees for companies with more than 150 employees, compared with the previous level of 2–3 per cent of staff and 30 employees for companies with more than 200 employees.

2.2.2 Changes in employment termination rules

According to Law 3846/2010, the employer may choose to suspend rather than to terminate an employment contract. There is a requirement that the employer consult the trade unions before any suspensions. No employee may be suspended for more than three months each year, and after this, another three months must go by before the same employee can be suspended again. For public utilities and services employing more than 5,000 employees, prior approval of the Minister of Employment is required.

Regarding the length of notice periods for terminating the employment of white-collar workers, Law 3863/2010 provided that the employer can choose whether to give advance notice or not. Not giving notice, however, results in a penalty for the employer; half of the severance pay is waived if the notice period is fully respected; otherwise, severance pay is higher.

Law 3899/2010 (Art. 17, para 5) significantly changed the rules on probationary periods and terminations during such periods. For the first time, by means of a new subparagraph added to the aforementioned law (Art. 74, para 2 Law 3863/2010), a probationary period of 12 months in case of a permanent contract was allowed (previously no probationary period

⁸ ELIAMEP, Crisis Observatory, Third update of the Memorandum of Understanding, 28 February 2011, Fourth update of the Memorandum of Understanding, 2 July 2011.

existed). During this period, the employment contract may be terminated without notice and compensation, unless the contracting parties decide differently. However, as regards unfair dismissals based on abuse of the employer's termination right, workers during a probationary period have essentially the same rights as regular workers with more than one year's tenure. According to case law, any dismissal not justified by the employer's 'legitimate business interests' constitutes unfair (abusive) dismissal and is rendered null and void. Furthermore, a dismissal can be qualified as unfair on the grounds of the exercise of a right manifestly exceeding the bounds of good faith, morality or social or economic purpose (Art. 281 of Civil Code). The consequence is that the contract of employment is deemed to have continued to exist without interruption (in a strict sense, no legal order of reinstatement is necessary) and the employer is obliged to pay the employee their wages due for the whole of the intervening period since the date of the nullified termination.⁹

In addition, the deadline for a termination notice in the case of permanent contracts was reduced to one month for employees who have been working at least one year, compared with the previously applicable four months, regardless of seniority.

2.3 Working time

2.3.1 Adjusted working time

Depending on business needs and situation, working time can be readjusted. Under the statutory regulation of working time previously in force (Law 3385/2005), working time arrangements could be decided unilaterally by the employer for four-month periods after consulting the tripartite Working Time Arrangements Committee. In accordance with the changes introduced by Law 3846/2010, these arrangements now have to be agreed between the employer and the workers' representatives at the company level.

The general rule is still a working time of 40 hours per week. According to Law 3863/2010, work between 41 and 45 hours a week is 'extra work' and not taken into account when calculating limits for overtime. Work exceeding nine hours a day and/or 45 hours a week is overtime. The extra work is compensated with a 20 per cent increase of the hourly wage.

Law 3986/2011 (Article 42) allows employees to work up to two hours extra per day for every six-month period (previously it was four months within the reference year; the reference period was changed from a calendar year to a 12-month period). Working hours must not exceed 48 hours per week. Hours worked extra are deducted from the working hours of another period or must be compensated by compensatory rest (days off). Alternatively, the law allowed the allocation of up to 256 hours every year within a period of 32 weeks and a reduced number of hours during the rest of the year.

Following the previous system,¹⁰ the management and the most representative union or the works council or the 'union of people'¹¹ of the company had to agree to a flexible working time system. Priority was given to the company trade union and if one did not exist, then the works council. The 'union of people' could conclude the agreement only if the other two representative entities (union, works council) did not exist. The new Law 3986/2011 provides that an agreement can be reached with any one of the abovementioned bodies, even with the 'union of people' and even when an (official) trade union is active in the company (there is no longer a preference for the trade union). In any case, the agreement has to be notified to the Labour Inspectorate in advance.

2.3.2 Flexible working time

Since 2010 Law No. 3846/2010 has defined part-time work as employment shorter than the normal working time on a daily, weekly, fortnightly or monthly basis. Normal working time is calculated based on a comparable full-time employee in the same undertaking. It introduced the right for employees to unilaterally transform the full-time employment relationship into a

⁹ OECD EPL Database (update 2013), 1 p.

¹⁰ Law 3385 of 2005 and Law 3846 of 2010.

¹¹ So-called 'unions of people' are formed by at least 25 per cent of workers in a company employing more than 20 employees and by 15 per cent of workers if the company employs no more than 20 employees.

part-time one. As a prerequisite to the exercise of this right, the company has to have more than 20 employees and the functional needs of the company may not be harmed. Moreover, the employee has the right to return to full employment, unless the refusal of the employer is justified by operational needs.

Previously, the law provided for an option of non-standard practice to add a premium of 7.5 per cent to the hourly remuneration of part-time workers who work fewer than four hours a day. Law 3899/2010 (Article 17(2)) changed the calculation of part-time workers' pay in order to ensure they never exceed the pay of a full-time worker doing the same job, even with overtime. Consequently, the pay for part-time work is now fully proportionate to weekly contractual working hours. In addition concerning pay, in the event a part-time worker is employed for more than the time stated in the individual employment contract, the employee previously was entitled only to an hourly rate without any wage increase. Law 3846/2010 introduced the level of minimum increase for overtime at 10 per cent for part-time workers.

2.4 Collective bargaining

2.4.1 Wage freeze and reduction of expenses of the public sector

Minimum wages and minimum working conditions at national and inter-sectoral level are still laid down in the general National Collective Agreements (EGSSE). In order to achieve wage moderation, as dictated by Greece's creditors, legislative measures were adopted on top of these arrangements. In particular, according to Article 51 of Law 3871/2010 on financial management and responsibility, arbitration awards issued by the Mediation and Arbitration Service (OMED) lost legal effect in so far as they provided for wage increases for 2010 and the first semester of 2011. Additionally, awards for the period 1 July 2011 to 31 December 2012 had to limit any wage increases to those stipulated in the National Collective Agreements.

Prohibitions on wage increases through collective agreements or individual agreements for employees in the public and general public sector were also embodied in Laws 3833/2010 (FEK A' 40/15.3.2010) and 3845/2010. Both laws originally foresaw a reduction of the monthly wages of all public sector employees. In the same vein, premiums for holidays (Christmas and Easter) and for annual leave were reduced drastically and finally abolished by Law 4093/2012 (FEK A' 222/12.11.2012). Further wage reductions for civil servants and employees of public companies followed from Law 4024/2011 (FEK A' 226/27.10.2011), which imposed wage ceilings by occupational category.

2.4.2 Hierarchised collective agreements

The neutralisation of national sectoral agreements and the law giving preference to company labour contracts were the key measures characterising industrial relations during 2010–2011. This change was greeted by major strikes and demonstrations.

First, with the objective of moving wage setting closer to the company level, Article 2(7) of Law 3845/2010 laid down that the terms of occupational and enterprise agreements could derogate *in peius* from the terms of sectoral agreements and even the National General Collective Agreement (EGSSE). However, following reactions from the social partners, it was agreed to observe the floor of rights laid down by the EGSSE. Any reductions of wage levels are supposed to take place through the introduction of a new type of company-related collective agreement, namely '*special firm-level collective agreements*'.¹²

Second, Law 3899/2010 introduced an option to conclude special company-related collective agreements (CEA). These agreements, under exceptional circumstances, may provide for remuneration and other working terms that are less favourable than the remuneration and working arrangements laid down in the respective sectoral collective agreements, in exchange for job security. In cases of conclusion, extension and renewal of the special company-related agreements a preliminary procedure applies. Parties interested in concluding such agreements must submit a joint explanatory statement setting forth the reasons that justify

¹² Koukiadaki A. and Kokkinou C. (2016), 'The Greek system of collective bargaining in (the) crisis', in: Koukiadaki A., Távara I. and Martínez Lucio M. (eds), *Joint regulation and labour market policy in Europe during the crisis*, ETUI, 2016, 152 p.

their intention to the Social Inspection Council of the Labour Inspectorate (SKEEE). However, the SKEEE's opinion is not binding. This means that the parties may proceed to conclude a special company-related CEA even if the Council rejects it.

This was the first step towards giving general precedence to company agreements over sectoral ones and provided for a complete overhaul of the collective bargaining system in Greece. Following creditors' pressure to further promote such agreements, Law 4024/2011 (Art. 37) of October 2011 was adopted. It abolished special company agreements by allowing 'normal' company agreements to derogate from sectoral ones. However, they still do not take preference over the General National Collective Agreement, which still provides for minimum working conditions and remuneration for all employees. However, two changes are noteworthy:

- (i) In contrast to the previous system, the possibility of signing these company agreements extends to businesses with fewer than 50 employees. Thus, an interesting clarification in case of the absence of a trade union is offered. Company agreements may be signed by 'unions of people', even in large businesses with more than 40 people, provided that the 'union of people' comprises at least three-fifths of the workforce.
- (ii) Under the previous regime, the favourability principle applied absolutely in cases of concurrent sectoral and firm-level collective agreements. The new Article 3(5) temporarily suspended – during the application of the Mid-term Fiscal Strategy Framework (that is, until 2015) – the application of this principle.

2.4.3 Reform of dispute resolution processes

The changes made to collective labour law were extended to the adjudication of disputes via mediation and arbitration. Under the initial regime, the lack of recourse to arbitration by the employer was introduced as a means of redressing the inequality of bargaining power and guaranteeing the effective functioning of collective bargaining.¹³ This regime was dubbed 'asymmetric' by the Troika due to the unilateral right of trade unions to have recourse to arbitration when a proposal has been issued by the mediator and rejected by the employer.¹⁴

Law 3863/2010 initially planned changes to the system of resolution of collective labour disputes. The most striking change was the abolition of 'mandatory' arbitration (referring for details to a presidential decree). Nevertheless, Law 3899/2010, adopted a few months later, further amended the provisions related to the settlement of disputes, maintaining both procedures of resolution: mediation and 'mandatory' arbitration.¹⁵ Unilateral and symmetric access to arbitration was allowed and the OMED's role was redefined. Recourse to arbitration could now take place either by agreement of the parties or unilaterally, under the following conditions:

- either party could resort to arbitration if the other party had refused mediation;
- either party could resort to arbitration immediately after the decision of the mediator was issued.¹⁶

Under the previous regime, the arbitrator could regulate any aspect of the collective agreement. Following the new provisions, arbitration is now limited to determining the basic wage and/or the basic salary. Other terms and conditions of employment, such as working time, leave arrangements and compensation, could no longer be regulated on the basis of arbitration awards.

2.5 Other measures

The principle of the presumption of employment has been inverted. According to the previous system,¹⁷ there was a presumption of self-employment rather than employment if a written contract was entered into and the competent authority was notified. Article 1 of the recent Law 3846/2010 abolished the presumption of self-employment and introduced the opposite

¹³ Article 16 of Law 1876/1990.

¹⁴ Koukiadaki A. and Kokkinou C., *The Greek system...*, *op. cit.*, 153 p.

¹⁵ Papadimitriou C., *Greek labour law*, *op. cit.*, 17 p.

¹⁶ Koukiadaki A. and Kokkinou C., *The Greek system...*, *op. cit.*

¹⁷ Law 2639/1998.

presumption in favour of an employment relationship. Now, in case the work is provided personally only or in principle for the same employer during nine consecutive months, the employment relationship is presumed to be subordinate. In this way, the economic dependency seems now to be presumed indirectly. This has the potential to significantly affect the labour market and the application of labour law and increase the protective scope of the latter in the light of increasing use of new and precarious forms of employment.

3. Labour law reforms 2012–2014

This period was marked by the implementation of the Memorandum of Understanding of the second 'bailout' programme. Under creditor pressure to make the labor market even more 'flexible', a series of austerity measures were introduced, comprising spending cuts and measures to foster the adjustability of layoffs and flexibility in working time, as well as tax increases.

3.1 Labour market access

3.1.1 Direct job creation schemes

Within the array of strategies to combat unemployment, public work programmes, job subsidy schemes and local employment projects were implemented. For example, a subsidy programme for the period 2012–2015 was approved for enterprises owned by local authorities (municipalities and regions) aimed at the employment of 5,000 unemployed, aged 55–64 years old. Within the framework of broader employment promotion policies and job creation, a Government Council for Employment was established by a Decision of the Council of Ministers 13/14.04.2014.

3.1.2 Reinforcement of youth employment strategies

In October 2012 the Hellenic Statistical Authority (ELSTAT) announced a new record unemployment rate of 26.8 per cent of the active population in contrast to 19.7 per cent in October 2011. A total of 56.6 per cent of young people aged 15–24 did not have a job. The highest rate was recorded in 2013 at around 60 per cent. Because of this, youth employment was at the core of various employment strategies.

Several actions were financed in the context of the Human Resource Development Operational Programme and were set to run in 2013–2014. They included the creation of a National Network of Direct Social Intervention for the unemployed up to the age of 30, a training programme in tourism and green jobs, training vouchers in basic IT and communication skills.

Ministerial Decision 3647/139/2.5.2012 amending Ministerial Decision 9892/364/2.11.2011, introduced a grants programme for enterprises for the recruitment of unemployed university graduates. The programme's purpose was to create 5,000 new full-time jobs, with the recruitment of unemployed degree-holders up to the age of 35. In addition, based on the European Conclusions on work prospects for young people in Europe, an ambitious National Action Plan for youth employment was adopted on 10 January 2013. It targeted two main age categories, 15–24 and 25–35 years of age, and was aimed at creating jobs for young people, improving education and vocational training, as well as learning systems mainly linked to work experience.¹⁸

Furthermore, a new legal framework set by Law 4186/2013 (FEK A'193/17.09.2013) established a plan for the modernisation of vocational education and training, aiming at improving the links between the labour market and the economy. Additionally, 'an Observatory within the Institute of Educational Policy' was established in order to record and tackle school dropouts.

¹⁸ Ministry of Labour, Social Security and Welfare, Greek youth guarantee implementation plan, 2014, retrieved from: <http://www.ypakp.gr/uploads/docs/6377.pdf> (in Greek)

Clauwaert S., Rasnača Z., Liakopoulou M-E.

The crisis and national labour law reforms: a mapping exercise. Country report: Greece

Last update: January 2017

In accordance with Law 4144/2013 (FEK A' 88/18.04.2013) and several Ministerial Decisions that implemented Law 3833/2010, internships in firms for about 40,000 young people were subsidised. An alternative type of insurance for occasionally employed young employees, the so-called 'labour ticket', was also created. The latter sought to reduce undeclared work by enabling enterprises to employ and pay only part of the wages of their newly employed staff. Another significant measure under Ministerial Decision No. 32180/446 was aimed at strengthening new enterprises established by young entrepreneurs (previously unemployed), with a focus on innovation.

Finally, a new corporate Apprenticeship Programme for 2014–2020 was approved in 2014. With a one-year apprenticeship contract, 30,000 young technical graduates will get their first job in the sector. They will be paid 70 per cent of basic pay with the guarantee of social coverage and the idea is to improve their chances of being hired following the end of their apprenticeship year.

3.1.3 Incidence of precarious work schemes

As Eurostat data suggest, there has been significant fluctuation in temporary employment. At the onset of the crisis in 2009–2010, temporary work stood at around 12 per cent. During the following period (2011–2013), there was a decline of around 2 per cent, followed by a rise back to 12 per cent in 2014. A further reduction of full-time employment has been noted in recent years. According to the 2014 report by the Labour Institute (INE-GSEE), 36 per cent of recruitments between March 2013 and April 2014 were on part-time contracts and 10 per cent on short-time contracts. In general, regulatory reforms directed towards labour flexibility substantially affected the incidence and nature of atypical employment and increased the risk of precariousness.¹⁹

Law 4052/2012 (FEK A' 41/01.03.2012), as amended by Law 4093/2012, completed the implementation of the Temporary Agency Work Directive, already begun by Law 3846/2010. Within this framework, the use of temporary agency work is subject to certain conditions. First, a limited number of companies may supply temporary workers. For instance, the use of temporary workers was prohibited in the construction sector. Second, the use of temporary workers was prohibited under the circumstances stated in the previous section. However, Law 4254/2014 (FEK A' 85/07-04-2014) reverted to a more liberal framework for temporary agency work. Henceforth, the prohibition of temporary agency work in the construction sector was lifted. The law provided that this prohibition no longer applied to construction work with an initial budget of more than EUR 10 million carried out at the behest of the state, public entities, local authorities and other public sector companies. Furthermore, temporary agency work is limited to six months in the event of collective redundancies and to three months in the event of redundancies of workers with the same skills (according to the previous regime, temporary agency work was prohibited if the company has initiated collective redundancies over the past 12 months or redundancies of workers with the same skills over the past six months).

The previous provisions restricting the use of temporary workers for specific reasons pertaining to the company's functional operations were abrogated. From now on employers can resort to temporary agency work at any time, without having to provide specific reasons.

3.2 Working time

3.2.1 Flexible commercial shop opening hours and overtime

The new Law 4093/2012 issued on 12 November 2012 generated decoupled working hours and shop opening hours. It will now be possible to use a split working-hour system in shops that are open around the clock. The only restriction on working hours is the guarantee of a minimum three-hour midday rest break. As a result, working hours for shop employees have changed. The previous regulations established a 40-hour five-day week. This has now been abolished, since there is now no specific collective agreement that covers shop workers.

¹⁹Koukiadaki A. and Kokkinou C., The rise of the dual labour market: fighting precarious employment in the new member states through industrial relations (PRECARIR), Country report: Greece, CELSI, Bratislava, 2016, 23 p.; Country report: Greece, retrieved from: file:///C:/Users/stage11/Downloads/17_CELSI_RR.pdf

Clauwaert S., Rasnača Z., Liakopoulou M-E.

The crisis and national labour law reforms: a mapping exercise. Country report: Greece

Last update: January 2017

General rules for Greek workers allow a six-day working week. Furthermore, time limits on obligatory rest have also changed, reduced to 11 continuous hours instead of 12 in every 24 hours.

With Law 4177/2013 (Art. 6) the government introduced the free operation of all shops in Greece, regardless of size, for seven specific Sundays a year (FEK 'A 173/08.08.2013). The law also provided for additional optional Sunday trading beyond these enumerated Sundays, under certain conditions.

The same law authorised *in fine* the Minister for Development, following consultation with local and collective bodies, to specify three tourist regions where, for one year and on a pilot basis, all shops can operate freely and without conditions on every Sunday of the year. To enforce this provision, a Ministerial Decision was issued in July 2014 specifying the 10 regions of the country where free operation of shops will be permitted on 52 Sundays of the year.²⁰ It is worth mentioning that the issuing of these measures caused a series of protests from the relevant sectoral organisations of small and medium enterprise employers (the National Confederation of Hellenic Commerce and the Hellenic Confederation of Professionals, Craftsmen and Merchants) and employees (the Federation of Private Sector Employees). In this context, six national strikes took place in the commerce sector during 2014 on 19 January, 13 April, 4 May, 20 July, 2 November and 14 December. An additional strike took place on 13 July 2014 against the pilot Sunday opening of the shops in the areas concerned. Furthermore, on 8 July the organisations jointly lodged an appeal before the Council of State against the Ministerial Decision allowing pilot Sunday trading in 10 regions.

As far as overtime provisions are concerned, the legality of overtime, in accordance with the 2011 regime, was conditional on compliance with certain requirements, such as advance notice to the Labour Inspectorate and maintaining of records on overtime. The new Law 4144/2013 abolished the requirement to notify the Labour Inspectorate. Therefore, overtime work that does not exceed 2 hours per day and 120 hours per calendar year is only required to be recorded by the employer in a special file. Further restrictions were stipulated in Laws 4254 and 4255/2014, whereby re-approvals of overtime work by the Labour Inspectorate have been abolished and a number of reporting requirements from employers to authorities on labour relations and workplace organisation have been streamlined.

3.2.2 Implementation of revised Parental Leave Directive

Law 4075/2012 (FEK A'88/11.04.2012) was adopted to bring Greek legislation into line with the Parental Leave Directive (2010/18/EC). The Law entitles workers (both men and women) individually to parental leave on the grounds of the birth of a child and of the care for that child until the child reaches six years of age. The leave is granted for a period of at least four months and it is provided on a non-transferable basis. Workers who adopt a child are also entitled to this leave.

Entitlement to parental leave is subject to a length of service of one year. In case of successive fixed-term contracts with the same employer, the sum of these contracts is taken into account for the purpose of calculating the qualifying period.

At the end of parental leave, workers have the right to return to the same job or to an equivalent or similar job consistent with their employment contract or employment relationship. Additionally, following the new National General Collective Agreement of 2014 (see below), mothers are entitled to reduce working hours by one hour per day for 30 months after their maternity leave ends. Furthermore, with the employer's agreement, mothers can choose between a reduced work schedule and paid leave to take care of very young children. This continuous period of leave is of equal time value to the reduced working hours to which they are entitled.

Working fathers are also entitled to a period of leave if the mother works and does not use this reduction entitlement. They are entitled to the reduced work schedules and to a period of leave also if the mother is self-employed.

²⁰ Eurofound, Greece: Changes to shop opening hours and working time, 2015, <http://www.eurofound.europa.eu/observatories/eurwork/articles/working-conditions-industrial-relations/greece-changes-to-shop-ope>

3.3 Collective bargaining

3.3.1 Radical adjustment of wage floors

Contrary to the previous approach to wage setting, a nominal reduction of the minimum wage became possible. This would ensure that, as the economy adjusts, and collective bargaining agreements respond, the gap in the level of the minimum wage relative to peers – Portugal and Central and South-East Europe – could be reduced (Law 4046/2012). With Law 4046/2012 (FEK A' 28/14.02.2012) and Law 4093/2012 (FEK A' 222/12.11.2012), the government for the first time since 1990 intervened in free collective bargaining and the formation of the national minimum wage through the General National Collective Agreement.

By means of Ministerial Act 6/2012 adopted on 28 February 2012 for the implementation of Article 1(6) (Law 4046/2012), the legally binding wage floors were reduced by 22 per cent. Equally, the legally binding wage floors were reduced by 32 per cent for workers under the age of 25. Intervention in wage levels, in terms of clauses in the law and in collective agreements that provide for automatic wage increases (dependent on time, seniority and other things) were suspended, until the unemployment falls below 10 per cent. Further to these adjustments, the intention was to replace wage rates set in the National General Collective Agreement with a statutory minimum wage rate. Indeed, Law 4093/2012 adopted in November 2012 introduced a new system of setting the national minimum wage: from 1 April 2013 the national minimum wage will be defined by law.

To that end, subsequent legislation (Law 4172/2013(FEK A' 167/23.07.2013)) introduced a new mechanism for setting the national minimum wage, which was expected to apply from 1 January 2017 onwards. According to this new mechanism, the minimum wage will be set by a final decision of the Ministry of Labour, after consultations with the national social partners. Consultations should result in the drafting of a plan based on the results of the consultations. The plan, together with the relevant documents, will be submitted to the Minister of Labour, Social Security and Welfare, who will then submit a proposal to the Cabinet for an opinion. Finally, the Minister of Labour, Social Security and Welfare, after obtaining the opinion of the Cabinet, shall take a decision in accordance with this opinion, setting the minimum wage. The consultation period will start at the beginning of each year and the final ministerial decision will be issued at the end of June. Until then, the minimum wage is set by the exceptional legislature in 2012.

Special wage regimes were foreseen for employees in the public sector/institutions (judges, army, universities, doctors and the like).

3.3.2 Limited extension of application and validity of collective agreements

After the second loan agreement, the government initiated changes concerning the length of collective agreements and their after-effect or 'grace' period. Two major changes were introduced by Article 2 of Act 6 of 28.2.2012 of the Ministerial Council:

- (i) the period of extension of the validity of the agreement was reduced from six to three months;
- (ii) the continuation of benefits beyond the period of three months no longer covers all working conditions, but only a portion of the wage.

The regime could be summarised as follows: a collective agreement that has expired will remain in force for a maximum of three months. If a new agreement is not reached after this period, remuneration will revert back to the basic wage stipulated in the expired collective agreement, plus specific allowances (based on seniority, number of children, education and exposure to workplace hazards, but no longer on marriage status) until replaced by a new collective agreement or new or amended individual contracts. It seems that, apart from hindering the succession of collective agreements, these amendments further promote individual negotiations between employers and employees.²¹

²¹ Koukiadaki A. and Kokkinou C., *The Greek system...*, *op. cit.*, 154 p.

Clauwaert S., Rasnača Z., Liakopoulou M-E.

The crisis and national labour law reforms: a mapping exercise. Country report: Greece

Last update: January 2017

Three categories of collective agreements were affected by these measures. The first deals with 10 collective agreements which expired between 14 August 2011 and 14 February 2012. These were maintained for six months as provided for in Act 1876/1990 and now fall under the new measure. The second refers to 43 collective agreements that expired or were terminated before 14 August 2011. They were extended for six months but, since they were not renewed, they were added to the employment contract. The third concerns collective agreements that expired or were terminated after 14 February 2012 and have not been renewed yet; 25 of them were prolonged for three months as provided for in Act 4046/2012.

On 26 March 2014, a new EGSSE was concluded, mainly seen as a national programme agreement for the economic and social reconstruction of Greece and the establishment of a cooperation network between the social partners. The social partners agreed to promote joint action on issues such as social dialogue and training, with the technical support of the ILO's Athens Liaison Office. Also, a special clause was introduced, providing that if the legislation is changed while the current agreement is still in effect, then direct negotiations would start regarding the wage levels of the national collective agreement.

3.3.3 Restricted recourse to arbitration

In addition to changes in collective agreements and wage determination, new legislative reforms are interfering once again with the settlement of collective disputes. Article 1 of Law 4046/2012 and Act 6 of 28.2.2012 (Art. 3) abolished the unilateral recourse to arbitration and instead allowed requests for arbitration only if both parties consent. Furthermore, arbitration has to be confined solely to determining the basic wage/salary and does not include the introduction of any provisions on bonuses, allowances or other benefits. When considering a request, the OMED must take into account economic and financial considerations alongside legal ones.

The abovementioned legislation led to the Council of State's judgment 2307/2014 ruling that the Memorandum II provisions abolishing the opportunity of trade unions to unilaterally resort to arbitration following the failure of negotiations in order to conclude a collective labour agreement are contrary to the Greek Constitution. In compliance with the latter, Law 4303/2014 (FEK A' 231/17.10.2014) re-instated the right to unilateral recourse to arbitration. In addition, it introduced some new features regarding the initiation of the arbitration procedure by the parties, either jointly or unilaterally. The provision of second-level arbitration was also introduced, alongside the inclusion of representatives from the judiciary in the arbitration tribunal, thus decreasing the significance of specialised arbitrators from the OMED.

3.4 General

3.4.1 Legal compliance with European directives

In 2012 Directive 2009/50 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment was implemented. According to Article 27 of Law 4071/2012, Greece retains or reserves the right to determine the number of third-country nationals entering its territory for the purposes of highly qualified employment. (Article 6 of the Directive). According to this law, the maximum number of jobs for highly qualified employment granted to third-country nationals is determined based on certain criteria related to the interests of the national economy, the available labour supply of both natives and third country workers who reside legally in Greece, as well as the labour demand per occupation. A joint decision by the Ministry of Interior, the Ministry of Foreign Affairs and the Ministry of Employment and Social Security published every second year determines the maximum number of residence permits for labour to be issued to third-country nationals per prefecture, nationality, type and duration of employment.

The transposition of the Directive 2009/52/EC introduced minimum standards on sanctions and measures against employers illegally employing third-country nationals without legal residence rights. The implementing Law 4052/2012 provided that the employment of illegally staying third-country nationals is prohibited. In the case of infringements of the prohibition,

Clauwaert S., Rasnača Z., Liakopoulou M-E.

The crisis and national labour law reforms: a mapping exercise. Country report: Greece

Last update: January 2017

employers shall be subject to administrative sanctions (5,000 euros per illegally employed third-country national) and criminal penalties (imprisonment of at least five months).

In the same vein, immigration legislation, as codified by Law 4251/2014 (FEK A' 80/01.04.2014), laid down the conditions for employing third-country foreign workers lawfully and protected their employment and insurance rights. The objective was to integrate migrants in the labour force smoothly on the basis of lawful employment and to open up positive prospects both for them and for the Greek economy.

3.4.2 National and international observations

At the domestic level, various cases were submitted to the Council of State against the measures associated with the second loan agreement.²² However, with the exception of the changes in arbitration (as seen above) and in pension cuts, the Council has found that most reforms were compatible with the Greek Constitution, on the basis, among other things, that reasons of overriding public interest necessitated the loan agreement.

International observations regarding the reforms in question stake are noteworthy. In 2012 the ILO Committee on Freedom of Association dealt with a complaint submitted by GSEE, the Supreme Administration of Unions of Civil Servants (ADEDY), the General Federation of Employees of the National Electric Power Corporation (GENOP DEI) and the Greek Federation of Private Employees (OIYE) and supported by the International Trade Union Confederation (ITUC), concerning the austerity measures. The Committee found that there were a number of repeated and extensive unjustifiable interventions in free and voluntary collective bargaining and a substantial lack of social dialogue; it highlighted the need to promote and strengthen the institutional framework for these key fundamental rights (ILO CFA Case No 2820).²³

Besides the developments at the ILO level, no less than seven complaints (65/2011, 66/2011, 76/2012, 77/2012, 78/2012, 79/2012, 80/2012) were submitted by Greek trade unions between 2011 and 2012 to the European Committee of Social Rights (ECSR), under the collective complaints procedure to the Revised Social Charter.²⁴ At the end of 2012, the ECSR found that the difference in labour and social protection between older and younger workers, including the introduction of a subminimum wage below the poverty line, and the absence of any dismissal protection during the first year of employment, constitute a violation of the Social Charter. In general, the Committee in its decisions considered that the measures taken to encourage greater employment flexibility with a view to combating unemployment should not deprive broad categories of employees of their fundamental rights in the field of labour law, which protects them against arbitrary decisions by their employers or the worst effects of economic fluctuations.²⁵ More recently, another complaint, No. 111/2014 *Greek General Confederation of Labour (GSEE) v. Greece*, has been brought before the ECSR, alleging violations of the European Social Charter in particular by new laws introduced from 2011 onwards and also by interference in collective bargaining and wage-setting systems.²⁶

Cases were also submitted to the European Court of Human Rights (ECtHR), but the actions were dismissed. Also within the EU, reference can be made to two cases brought before the Court of Justice of the European Union (CJEU) by ADEDY on different measures introduced by the Greek government to combat the excessive budget deficit. However, they were dismissed as the trade union was considered not to be '*directly concerned*' by the actions concerned (CJEU Cases T-541/10 and T-215/11).²⁷

4. Labour law reforms from 2015 onwards

In line with the provisions of the new Memorandum of Understanding signed in August 2015:

²² Indicatively: Decisions 668/2012, Decision 2307/2014.

²³ Koukiadaki A. and Kokkinou C., *The Greek system*, op. cit., 147 p.

²⁴ Council of Europe, Directorate General of Human Rights and the Rule of Law, Department of the Social Charter, Factsheet-Greece, update 2017, retrieved from: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016805c318a>

²⁵ ECSR case law retrieved from: <http://hudoc.esc.coe.int/eng/>

²⁶ Ibid, 54 p.

²⁷ Benchmarking Working Europe 2015 ETUC and ETUI, Brussels, 2015, 53 p.

the Government commits to consult and agree with the European Commission, the European Central Bank and the International Monetary Fund on all actions relevant for the achievement of the objectives of the Memorandum of Understanding before these are finalized and legally adopted. [...] Greece will design and implement a wide range of reforms in labour markets and product markets.

The new Syriza government wished to restore wages to pre-austerity levels, as well as collective negotiations and unemployment benefits to support those working in precarious jobs. However, radical changes were introduced by virtue of Greece's third 'bailout' programme, signed by the Greek government and the new 'Quadriga' (IMF, EU, ECB, ESM). However, the ensuing reforms affected mainly the social security system rather than labour law.

The government fast-tracked a vote by parliament on pension system reform (reduction of pensions, gradual rise of retirement age), arguing that the latter should have been adopted a long time ago because it '*guarantees the viability of the social security system*' and underlining that the most vulnerable would be protected in the name of '*social justice*'. However, these arguments were not sufficient to appease the unions and since Syriza's re-election in September 2015, there has been another round of massive general strikes.

Aside from this measure, it was agreed that the Greek government shall introduce changes on the legal status of collective agreements, trade union law, the right to strike and collective redundancies. The above changes are directed towards the flexibility of labour law and the reduction of worker protection.

4.1 Collective bargaining

4.1.1 Fruitless attempts to re-establish collective bargaining

The letter of intention of the then Labour Minister, dated 7 April 2015, reflects the initiative for re-establishing collective bargaining. Social partners were invited to discuss the Minister's proposals:

- the reinstatement of a universal minimum wage set by the National General Collective Employment Agreement and the abolition of the mechanism whereby the government determines the minimum wage;
- the facilitation of negotiations at sectoral level where there is no sectoral employers' association;
- the reestablishment of the binding character of all collective agreements and of their continuing effect for six months after they expire;
- the strengthening of mediation as a key stage in resolving collective disputes and the reinstatement of unilateral recourse to arbitration when one party refuses mediation or rejects the mediation proposal.²⁸

After the tripartite social dialogue meeting attended by the representatives of the national social partners in April 2015, a draft law entitled '*Amendment of the provisions of Law 1876/1990 – Restoration and reform of the framework for collective bargaining, mediation and arbitration and other provisions*' was prepared. The proposal provided for a return to the previous situation, but with some additional features, such as the opportunity to conclude collective agreements in a group of companies; enhancing mediation and arbitration as a process to resolve collective disputes; and the creation of a body of experts to assist mediators and arbitrators.

During 2015, several amendments to the statutory legislation re-introduced the former system before the Council of Ministers Act 6/2012, in particular regarding the extension of validity and the continuation of benefits of collective agreements. Concretely, by virtue of Article 40 of Law 4320/2015, the normative terms of a National General Collective Employment Agreement which has expired or has been terminated remain in force for six months after expiry or termination and also apply to employees that are being hired during that time.

By the same token, Article 72 paragraph 1 of Law 4331/2015 (FEK A' 69/02.07.2015) specified that the normative terms of a collective agreement or an arbitration award that has expired or

²⁸ Ministry of Labour, press release retrieved from: <http://www.ypakp.gr/uploads/docs/7838.pdf> (in Greek).

has been terminated remain in force for six months and also apply to employees that are being hired during that time. Once the six-month period has elapsed, the current terms of employment remain in force until the individual employment relationship is terminated or amended.

Nevertheless, the interference of the new 'bailout' programme halted these initiatives. The new Law ratifying the Financial Assistance Facility Agreement between Greece and the European Stability Mechanism [Law 4336/2015(FEK A 94/14-8-2015)], officially published on 14 August 2015, abolished all these rules. As a result, the system of 2012 has de facto been reintroduced.

For clarification purposes, the system in force regarding the application and validity of collective agreements could be summarised as follows:

- Once a collective employment agreement expires or is terminated, a mandatory three-month extension applies to all collective employment agreements, except for the National General Collective Employment Agreement, to which a six-month validity extension applies. It is worth mentioning that in 2016 a new National General Collective Employment Agreement was concluded. It adopts the European framework agreement on inclusive labour markets, contains general statements of intent about actions to be taken regarding the refugee crisis and unemployment and does not refer to the minimum wage
- Once this time period has elapsed, the only terms that remain in force are the basic wage and the four sustained allowances. Few collective labour agreements were concluded in 2016, introducing terms of employment applied to the negotiating trade unions' members, as defined by the applicable provisions.²⁹

4.1.2 Experts' recommendations on the regulatory framework

The Greek government accepted the assistance of an international Committee of Experts, composed of international organisations, including the ILO, in order to review a number of existing labour market frameworks, including the abovementioned, and to define so-called international best practices. In the inaugural meeting in 2016, a series of 'revitalizing recommendations' regarding collective bargaining and wage setting were developed, based on European and international experience, including:³⁰

- the necessary involvement of the social partners in fixing the minimum wage;
- the replacement of the youth subminimum wage by a subminimum experience rate;
- the reaffirmation of the favourability principle and derogations in the case of urgent economic and/or financial need;
- the need to relieve the unnecessary pressure on the social partners to negotiate a new collective agreement created by the reduction of the time extension and the after-effect and duration of collective agreements;
- unilateral arbitration should be a last resort, as it is an indication of a lack of trust.

It is significant, however, that the government agreed with the European partners on refraining from amending the current collective bargaining framework before the completion of the review.

4.2 Sunday shop opening

In a ruling issued on 16 January 2017, the Council of State found that a Ministerial Decision allowing shops to open on Sunday in three specific regions in Greece was unconstitutional.³¹ The measure had been introduced as a pilot scheme on 7 July 2014 by the then Development Minister and then suspended pending the court's final ruling, after it was challenged as unconstitutional by trade associations and unions.

²⁹ Chairopoulos C. and Samara K., Employment and Labour law reforms in Greece, in: Wynn-Evans C. and McGrandle J. (eds), *Employment & Labour Law 2017*(5th ed.), Global Legal Group Ltd, London, 2016.

³⁰ Recommendations of Expert Group for the Review of Greek Labour Market Institutions, 2016, retrieved from: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806c5d7f>

³¹ Decision 100/2017.

In procedural terms, the Council ruled that the statutory authority of the Development Minister to issue a decision on the opening of shops on Sundays is contrary to Article 43 of the Constitution, which requires similar decisions to be issued via presidential decrees and not via ministerial decisions. In substantive terms, the Council refers to workers' and citizens' rights in connection with the holiday on Sunday (Articles 5 and 20 of the Constitution).³²

4.3 Job protection

4.3.1 Harmonisation in line with best international and EU practices

One of the main objectives set out in the 2015–2018 Memorandum of Understanding of the third 'bailout' programme was to harmonise Greek legislation on collective redundancies, collective bargaining and collective action with the best practices applied internationally and especially in the EU. It is laid down, in addition, that any changes to the labour law regime will not lead to the application of the former legal provisions, which are not compatible with the goals of promoting sustainable and inclusive growth. As a matter of fact, under Law 4336/2015, the labour market framework, including a collective dismissal system, is under consideration for amendment in line with best EU practices.

In light of the above, the international Committee of Experts (see Section 4.1.2) recommended the allowance by the state of scheduled reductions, as well as flexible contracts – so-called 'zero hour contracts' – as an alternative solution to collective redundancies (in case a business faces economic difficulties).³³

4.3.2 Incompatibility of Greek legislation on collective redundancies with EU legislation

In the *AGET Iraklis* case (Case C-201/15), it was disputed whether the prior authorisation of collective redundancies, as provided for by the Greek legislator, contravenes European legislation on the approximation of laws (Directive 98/59/EC) and the principles of freedom of establishment and free movement of capital (Article 49 and 63 respectively). The Grand Chamber of the CJEU ruled:

- As regards compatibility with Directive 98/59/EC, it is not established that the Greek legislation necessarily deprived the Directive of its practical effect (as far as the authorities did not systematically oppose collective redundancies. It is for the referring court (Greek Council of State) to decide on that matter.
- As regards compatibility with Articles 49 and 63, the Greek authorities were asked to redress the situation generated by 'the very general and imprecise terms' of the criteria they are applying. This could imply a new formulation of the criteria. In a declaration, former Minister of Labour Katrougalos revealed that the country will comply with the judgment of the CJEU in the *AGET* case.³⁴

4.4 Other measures

First, Presidential Decree No. 101, issued on 16 September 2016 (FEK A' 178/26.09.2016), brought Greek legislation on the posting of workers in line with Directive 2014/67/EU on the enforcement of Directive 96/71/EC. In light of Article 12 of the Directive, a special provision regarding subcontracting liability was introduced (Article 9 of the Decree). In accordance with this provision, posted workers can hold the contractor of which the employer is a direct subcontractor liable, in addition to or in place of the employer, with respect to any outstanding net remuneration corresponding to the minimum rates of pay and/or contributions. However, the Decree states (Article 9(2)) that this obligation is limited to workers' rights acquired under the contractual relationship between the contractor and their subcontractor.

³² *Kathimerini*, retrieved from: <http://www.kathimerini.gr/891974/article/oikonomia/ellhnikh-oikonomia/oxi-toy-ste-se-anoikta-katasthmata-oles-tis-kyriakes-toy-xronoy> (in Greek)

³³ Thema news online journal, '498 euro salaries are asked from Greece', 2016 retrieved from: <http://en.protothema.gr/498-euros-salaries-are-asked-from-greece/>

³⁴ *Ibid.*

Clauwaert S., Rasnača Z., Liakopoulou M-E.

The crisis and national labour law reforms: a mapping exercise. Country report: Greece

Last update: January 2017

Second, Labour Inspectorate procedures have been simplified. Ministerial Decree 34331/Δ9.8920/2016 established a Labour Inspectorate Platform (SEPE) in a bid to simplify administrative procedures and facilitate recourse to mediation for individual work-based disputes. Thus, if the parties agree within the mediation framework, then disputes can be settled in twenty days without any litigation costs. Should one of the parties request it, the Labour Inspectorate designates a mediator from the SEPE within three days. The request can be presented by a trade union, an employer's body or an individual employer. Employees can only access the system via a trade union. Following the simplified procedure before the mediator, and if the parties agree, a compromise agreement is possible, which will then be given the chosen judge's authority and can then be executed by the Labour Inspectorate. However, in the event of a refusal to sign the compromise agreement, legal action can be taken by the parties.

Third, a new Law 4430/2016 on the social and solidarity economy (FEK A' 205/31.10.2016) introduced a new legal entity, the workers' cooperative. Under this new structure at least three natural persons form a cooperative to make a living from their work. The law also set the rules for distributing the profits of social economy institutions, with 35 per cent being shared among employees unless two-thirds of an institution's general meeting decides to retain the sum to reinvest in the business or to create new jobs.

In addition, some employment relations features have been fleshed out. Under Law 4325/2015 (FEK A' 47/11.05.2015), the provisions of previous laws on the suspension of civil servants' employment were abolished. In particular, public sector employees cannot be laid off automatically if convicted by civil courts. As a result, suspended employees returned to their work (about 900 employees were facing disciplinary action or prosecuted by the criminal courts at that time).

Finally, a roadmap for combatting undeclared work, specifying details of the strategic plan of action was adopted on 6 July 2016. The roadmap is based on 25 recommendations and sets out a timetable for a sequence of procedures and decision-making. The plan runs from January 2017 to December 2019 and takes a holistic and integrated approach to tackling undeclared work, based on two fundamental requirements:

- (i) the establishment and permanent operation of a tripartite dialogue body to formulate legislative provisions, take responsibility and make decisions;
- (ii) the exchange of data and the interoperability of databases between the Ministry of Labour, the Manpower Employment Organization and the Ministry of Finance (General Secretariat of Public Works).

A new legal framework for the sanction system on undeclared work is expected to be adopted by the end of March 2017.³⁵

Overall, the wide ranging anti-crisis measures implemented in Greece reflect an uneven balance between economic adjustments and the social situation, an increasingly deregulated labour market. They have inevitably tested and keep on testing the limits of social cohesion.

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³⁵ ILO, Roadmap for fighting undeclared work, A three year plan for fighting undeclared work, Geneva, 2016, retrieved from: http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/genericdocument/wcms_533853.pdf

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Last update: January 2017

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