

Recent legislative developments in Greek employment law

This newsletter sets forth the main employment law changes introduced by Law 4488/2017, published in the Government Gazette on 13 September 2017, including stricter notification deadlines and sanctions for employers who violate the labour law provisions, extension of parental rights, and changes in the procedure of labour disputes.

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Stricter deadlines for the notification of the labour authorities

Law 4488/2017 introduces stricter deadlines for the notification of overtime/overwork to the labour authorities through the electronic platform ERGANI. The employer is now obliged to notify the authorities about the conduct of overtime/overwork, or about changes in working hours, *at the latest on the effective date of such change* and in any case before the commencement of work.

It is noted that under the previous legal framework the conduct of overwork did not entail any notification obligations, while overtime was required to be notified within the first 15 days of the following month and registered in the Special Overtime Registry.

The above change will enter into force upon issuance of a Ministerial Decision that will provide clarifications on the process to be followed.

The new law further provides that in case of resignation, termination, or expiry (for fixed-term contracts) the employer must notify the labour authorities through ERGANI *within 4 working days* – instead of 8 calendar days under the previous legal framework. Such change will enter into force on 27 September 2017.

In case of resignation, the employer is obliged to upload to ERGANI a scanned copy of the notification form *bearing the signatures of both parties*. If that is not possible (e.g. because the employee refused to sign), the employer must serve an extrajudicial notice upon the employee *within 4 working days* from the resignation and notify the labour authorities on the next working day from the service. In case of non-compliance with the above process, the employment contract is considered as (invalidly) terminated by the employer.

Extension of parental rights

Law 4488/2017 extends the application of certain parental rights to mothers involved in surrogate motherhood and adoptive mothers. Under the new law, the intended mother is entitled to maternity leave and corresponding allowances for the post-birth period and to the special 6-month leave for the protection of maternity. In addition, mothers involved in surrogate motherhood and mothers who adopt children up to 2 years of age that are engaged under freelance contracts are entitled to the statutory maternity allowance.

Furthermore, the protection from dismissal, which under the law covers employees during pregnancy and for a period of 18 months from birth, is extended by Law 4488/2017 to surrogate mothers, intended mothers and mothers adopting children up to 6 years of age.

The new law provides, finally, that the natural, adoptive or foster parent of an underage child suffering from severe mental impairment, Down syndrome or autism is entitled to a special paid leave of 10 working days per year.

Changes in sanctions for violations of the labour law provisions

A. Inspection by the Labour Inspectorate

In case of inspection by the Labour Inspectorate all persons found at the premises are obliged, upon request of the Labour Inspectors, to present their ID card or other identification document.

The employer or any third party that obstructs the access of the Labour Inspectors to the working premises or refuses to provide/provides inaccurate information is subject to fines from Euro 300 to Euro 50,000.

The employer is obliged to provide its employees with a copy of the official personnel list in case of work outside the employer's premises.

In cases where, following an audit of the employer's premises by the Financial Police and Cyber Crime Agency, the inspection report indicates the presence of employees that are not included in the personnel list, the Labour Inspectorate will impose sanctions for undeclared work without the need for a (second) audit.

Law 4488/2017 redefines, finally, the prerequisites for the imposition of the temporary or permanent suspension of the employer's operation in case of infringement of the labour law provisions, especially as regards health and safety matters. Failure of the employer to comply with the imposed sanctions can lead to criminal liabilities for its lawful representative(s). Any period of suspension of the employer's operation as above is considered as regular working time for the employees.

B. Debarment from public contracts and public funding

Employers who commit serious violations of the labour law provisions can be debarred from public contracts, procurement contracts and funding programs based on EU and Greek funds. The imposition of this sanction depends on the gravity and number of the infringements.

Changes in the procedure of labour disputes

In an effort to expedite employment litigation proceedings, Law 4488/2017 provides that the hearing of cases relating to invalid dismissal and salary claims must be set within 60 days from their filing, while in case of postponement the new hearing must be set within 30 days. Finally, the court's decision must be issued within 30 days from the hearing.

The new law also introduces a special type of payment order for outstanding salaries and regulates the details and procedure for the request of such order by the employees.

Electronic databases for Safety Technicians and Work Doctors

Law 4488/2017 introduces the creation of special databases for the registration of qualified Safety Technicians and Work Doctors, as part of the electronic platform of the Labour Inspectorate. After the creation of the new databases, employers will be entitled to assign the duties of Safety Technicians and Work Doctors only to persons registered in the databases. The details for the operation of the above system will be determined by Ministerial Decision.

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