

Greece introduces significant amendments to Greek employment law

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Greece's Law 4611/2019 (Government Gazette A' 73/17.05.2019) introduces significant amendments to Greek employment law. Specifically, the key changes are:

- ▶ Article 48 replaces article 5 par. 3 of the Law 3198/1955, requiring the establishment of a valid reason for termination as an additional prerequisite of termination of the indefinite term employment agreement. In accordance with article 24 of the Revised European Social Charter, a valid reason is considered any reason related to the employee's capacity or conduct or related to the operational requirements of the undertaking, establishment or service. If the employee challenges the validity of the termination and the existence of a valid reason before a court, the employer bears the burden of proof that all prerequisites of valid termination are met (reverse burden of proof). The article is of immediate effect as of the publication of the Law in the *Government Gazette*.
- ▶ Article 58 provides that the lapse period provided by article 6 par. 1 and 2 of Law 3198/1955 (namely the three-month lapse period for raising a lawsuit alleging null and void termination of employment and the six-month lapse period for claiming payment of termination indemnity) are suspended for the entire procedure of mediation before the Labor Office and until the Labor Inspector finalizes the respective minutes.

- ▶ Article 51 provides that as of 1 July 2019 any termination indemnity paid to employees of the private sector as well as the corresponding tax of article 15 par. 3 Law 4172/2013 (Government Gazette A'167) are provided through a payment account and transferred respectively and reimbursed by the payment service provider to the accounts of the beneficiaries.
- ▶ Article 52 paragraph 1 provides that as of 1 July 2019 any indemnities and social security contributions for interns and students engaging in an internship or apprenticeship by a private-sector entity, should be provided through a payment account and transferred respectively and reimbursed by the payment service provider to the accounts of the beneficiaries. Consequently, all affected employers should establish a respective contract with a payment service provider of their choice. Non-compliance with paragraph 1 of article 52 results in the termination of the internship or apprenticeship and non-compliant employers are excluded from participating in internship and apprenticeship programs for a period of two years.
- ▶ Article 50 replaces article 38 par. 1 of the Law 1892/1990 and as a result, if a part-time or rotation employment agreement is not executed in writing or is not submitted to the competent Labor Office within eight days, there is a legal presumption that the employee is employed full-time.
- ▶ Article 53 replaces article 4 par. 3 of the Law 539/1945 and introduces a new time frame for reporting an employee's annual leave. The employer is obliged to notify the ERGANI system within one hour (at the latest) following the provision of the annual leave. The article will come into force following the issuance of a Ministerial Decision that will state the details of the procedure of notification.
- ▶ Article 54 introduces the right of employees to have access to the ERGANI system, enabling them to retrieve data in relation to their employment. The article will come into force following the issuance of a Ministerial Decision that will state the details of the procedure.
- ▶ In relation to the employees that use motor bikes or motorcycles for employment purposes, article 55 states that the employer bears the obligation to notify the ERGANI system of the details of the vehicle's license plate. The article will come into force following the issuance of a corresponding Ministerial Decision.
- ▶ Furthermore, article 56 introduces new standards in relation to the health and safety of employees that utilize motor bikes or motorcycles for employment purposes. In addition, par. 7 of article 56, states that the employer is obliged to provide the employees with an additional monthly indemnity for the use and maintenance of the vehicle, equal at a minimum to 15% of the minimum national wage, or a respective proportion in cases of part-time employment. The aforementioned indemnity is not subject to social security contributions.
- ▶ Article 59 states that with respect to construction or technical works, the employer is obliged to report the data of all employees to ERGANI on a daily basis and before the initiation of the projects.
- ▶ Article 62 states that any employer, company manager, representative or any other third party that does not enable a Labor audit, or in any way hinders or interrupts the inspection, or refuses to provide information or data, or provides false information, faces imprisonment of a minimum of one year or a fine of a minimum of €900 or both.

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