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Greece: Public authorities information and consultation on dismissals

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Greece

Phase:

Anticipation

Type:

Public authorities information and consultation on dismissals

Last modified: 07 November, 2019

Native name:

Νόμος 4472/2017 (ΦΕΚ Α' 74/19.05.2017) Συνταξιοδοτικές διατάξεις Δημοσίου και τροποποίηση διατάξεων του ν. 4387/2016, μέτρα εφαρμογής των δημοσιονομικών στόχων και μεταρρυθμίσεων, μέτρα κοινωνικής στήριξης και εργασιακές ρυθμίσεις, Μεσοπρόθεσμο Πλαίσιο Δημοσιονομικής Στρατηγικής 2018-2021 και λοιπές διατάξεις; Νόμος 1387/1983 Έλεγχος Ομαδικών Απολύσεων και άλλες διατάξεις; Ν. 4472/2017 Συνταξιοδοτικές διατάξεις Δημοσίου και τροποποίηση διατάξεων του Ν.4387/2016, μέτρα εφαρμογής των δημοσιονομικών στόχων και μεταρρυθμίσεων, μέτρα κοινωνικής στήριξης και εργασιακές ρυθμίσεις, Μεσοπρόθεσμο Πλαίσιο Δημοσιονομικής Στρατηγικής 2018-2021 και λοιπές διατάξεις

English name:

Law 4472/2017 (Act Α' 74/19.05.2017), Implementation measures for fiscal goals and reforms, medium-term financial strategy framework 2018-2021 and other provisions, 19 May 2017; Law 1387/1983 on collective dismissals

Article

Monitoring of collective redundancies of Law 4472/2017 Article 17, par. 3; Law 1387/1983; Article 3, 4 and 5

Description

Consultation takes place in order to reach an agreement between the employer and the employee representatives. When defining or implementing practical arrangements for information and consultation, the employer and the employee representatives have a legal obligation to act in a spirit of cooperation, with due regard to their reciprocal rights and obligations and taking into account both the interests of the undertaking or establishment and those of the employees. The period of consultation between the employees and the employer shall be 30 days, starting from the invitation of the employee representatives to consultations by the employer. Upon completion of the consultations, the employer must submit the consultation minutes to the Supreme Labour Council.

The result of the consultations is set out in minutes submitted by the employer to the SLC. The employee representatives may submit a statement on the consultations to the SLC. The SLC can invite and listen to the employee representatives and the employer, and to persons with expert knowledge of specific technical issues. If the SLC considers that the employer has complied with the above obligations, the redundancies take effect 20 days after the date of the decision. If not, the SLC extends the consultation period or sets a deadline within which the employer must take the necessary steps to meet the above obligations. If the SLC finds in a new decision that the employer has complied with the above obligations, the redundancies take effect 20 days after the date of the decision. In any case, the redundancies take effect 60 days after notification (publication of the minutes of the consultation).

If an agreement is reached during the consultations, the redundancies can proceed accordingly following a lapse of 10 days from the submission of the consultation minutes. If no agreement is reached, the council must issue a decision within 10 days from the submission of the consultation minutes regarding the employer's compliance with the information and consultation obligations. Prior to issuing its decision, the council can hear the parties involved as well as technical experts. If the decision of the council finds that the employer has complied with its information and consultation obligations, the redundancies can be implemented after a lapse of 20 days from the council's decision. If not, the council can either extend the consultations or set a deadline for compliance. If the council then finds that the employer has met its obligations, the redundancies can take effect after the lapse of 20 days from the council's (new) decision. In any case, the redundancies become effective 60 days after the submission of the consultation minutes to the council.

Under the law the employer may submit a social plan for the affected employees during the consultations. The social plan may include measures for mitigating the consequences of the redundancies for the employees, such as coverage of self-insurance costs, training and outplacement services, utilisation of state programmes against unemployment and possibilities for redeployment. Furthermore, the employer is obliged to submit all supporting documentation not only to the employee representatives (which applied also under the previous

legal regime), but also to the Supreme Labour Council - a special committee within the Ministry of Labour that consists of an equal number of representatives from the state, the employee associations and the employer association.

Comments

Law 4472/2017 abolished the administrative intervention which was until recently required (approval of collective redundancies by the Minister of Labour).

Cost covered by

Not applicable

Involved actors other than national government

Regional/local government
Trade union
Works council
Other

Involvement others

Labour inspectorate; Supreme Labour Council

Thresholds





Company size by number of employees:

20

Number of affected employees:

7

Sources

-  [Law 1387/1983](#)
-  [Eurofound \(2010\), New law facilitates dismissals and cuts labour costs, EIROnline Articles](#)
-  [Eurofound \(2018\), Greece: Developments in working life 2017](#)
-  [Law 4472/2017](#)

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Contact us

Eurofound, Wyattville Road, Loughlinstown, Co. Dublin, D18 KP65, Ireland

Phone: (00) 353 1 2043100

E-Mail: information@eurofound.europa.eu

Press: media@eurofound.europa.eu



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