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European Monitoring Centre on Change

Greece: Staff information and consultation on restructuring plans

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 Greece

Phase:

Anticipation

Type: Staff information and consultation on restructuring plans

 Last modified: 07 November, 2019

Native name:

Νόμος 4601/2019 (ΦΕΚ 44/Α/09-03-2019) Εταιρικοί μετασχηματισμοί και εναρμόνιση του νομοθετικού πλαισίου με τις διατάξεις της Οδηγίας 2014/55/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 16ης Απριλίου 2014 για την έκδοση ηλεκτρονικών τιμολογίων στο πλαίσιο δημόσιων συμβάσεων και λοιπές διατάξεις; Νόμος 4472/2017 (ΦΕΚ Α' 74/19-5-2017) 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; ΠΔ 178/2002: Μέτρα σχετικά με την προστασία των δικαιωμάτων των εργαζομένων σε περίπτωση μεταβίβασης επιχειρήσεων, εγκαταστάσεων ή τμημάτων εγκαταστάσεων ή επιχειρήσεων, σε συμμόρφωση προς την Οδηγία 98/50/ΕΚ του Συμβουλίου; ΠΔ 240/2006 περί θεσπίσεως γενικού πλαισίου ενημέρωσης και διαβούλευσης των εργαζομένων, σύμφωνα με την Οδηγία 2002/14/ΕΚ; Νόμος 1387/1983 για τις ομαδικές απολύσεις; Νόμος 3863/2010: Νέο σύστημα κοινωνικής ασφάλισης και άλλες διατάξεις. Ρυθμίσεις για τις εργασιακές σχέσεις

English name:

Law 4601/2019 (OJHR 44/A/09-03-2019) Corporate transformations and harmonisation of the legislative framework with the provisions of Directive 2014/55/EU of the European Parliament and of the Council of 16 April 2014 on electronic invoicing in public procurement and other provisions; Law 4472/2017 (Government Gazette A' 74/19.05.2017) on implementation measures for fiscal goals and reforms, medium-term financial strategy framework 2018-2021 and other provisions; PD 178/2002 on measures for safeguarding employees' rights in the event of transfers of undertakings, businesses or parts of businesses, transposing Directive 98/50/EC; PD 240/2006 on establishing a general framework for informing and consulting employees in the European Community, transposing Directive 2002/14/EC; Law 1387/1983 on collective dismissals; Law 3863/2010: New Social Security System and related provisions. Regulation of labour relations

Article

Law 4601/2019: Articles 1-5, 140-147; Law 4472 / 2017: Article 17; PD 178/2002 : Articles 2, 8 and 9 of PD 178/2002; 1 and 4 of PD 240/2006; 3 and 4 of Law 1387/1983; 74 of Law 3863/2010

Description

The general principles laid down in the existing legislative framework are entirely based on Directive 2002/14/EC which foresees that information and consultation shall cover the undertaking's or the establishment's activities and economic situation; data on employment within the undertaking or establishment and on any anticipatory measures envisaged, in particular where there is a threat to employment; and decisions likely to lead to substantial changes in work organisation or in contractual relations. Information shall be given at such time, in such fashion and with such content as are appropriate to enable employee representatives to conduct an adequate study and prepare for consultation.

Consultation shall take place while ensuring that the timing, method and content thereof are appropriate; at the relevant level of management and representation; on the basis of adequate information supplied by the employer and of the opinion which the employee

representatives are entitled to formulate; in such a way as to enable employee representatives to meet the employer and obtain a response, and the reasons for that response, to any opinion they might formulate; and with a view to reaching an agreement.

Specific provisions are made for an information and consultation process in the case of the transfer or merger of businesses (see [protection of employment in business transfers](#)), and in the case of collective dismissals. In the case of collective dismissals, the following is foreseen: before proceeding with collective dismissals, the employer must enter into consultations with the employee representatives in order to investigate the possibility of avoiding or reducing dismissals and their adverse effects. Collective dismissals are those affecting more than six employees in companies with 20 to 150 employees or those affecting 5% of the workforce (and up to a maximum of 30 redundancies) for companies with more than 150 employees.

[Prior to implementing the collective redundancies, the employer is obliged to follow special information and consultation procedure set out in the law:](#)

- the duration of the consultation is 30 days (20 days in previous law);
- during the consultations, the employer may submit a social plan for the affected employees. 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.

The employer is also obliged to submit all supporting documentation not only to the employee representatives but also to the Supreme Labour Council (SLC), 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 associations; upon completion of the consultations, the employer must submit the consultation minutes to the Supreme Labour Council; in the event of an agreement, collective redundancies shall be made within 10 days from the date consultation documents were submitted to the SCL; in the absence of an agreement, the SCL, within a 10-day period from the day on which the practices were presented, concludes with a reasoned decision 'whether the employer's obligations to inform and consult the employee representatives and the obligation to notify documents have been respected'. 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 SCL's decision; if not, the council can either extend consultations or set a deadline for compliance; if the council then finds that the employer has met its obligations, the redundancies can be effected after a lapse of 20 days from the council's new decision. In any case redundancies become effective 60 days after the submission of the consultation minutes to the council.

Comments

No information available.

Cost covered by

Not applicable

Involved actors other than national government

Regional/local government
Trade union
Works council
Other

Involvement others

Supreme Labour Council (committee of the Ministry of Labour)

Thresholds









Company size by number of employees:

20

Number of affected employees:

7

Sources

-  [PD 178/2002](#)
-  [PD 240/2006](#)
-  [PD 40/1997](#)
-  [Law 3863/2010](#)
-  [PRAXIS \(2013\), Assessment Survey of the level of awareness of trade unionists on legislation on the rights to information and consultation, 'From Law to Practice' project](#)
-  [Law 4472/2017](#)
-  [Law 4601/2019](#)
-  [Recent legislative developments in Greek employment law](#)

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