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European Monitoring Centre on Change

## Greece: Obligation to consider alternatives to collective dismissals

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Greece

Phase:

Management

Type: [Obligation to consider alternatives to collective dismissals](#)

Last modified: 21 March, 2023

Native name:

ΠΔ 178/2002: Μέτρα προστασίας των εργαζομένων σε περίπτωση μεταβίβασης επιχειρήσεων, εγκαταστάσεων ή τμημάτων εγκαταστάσεων ή επιχειρήσεων, σε συμμόρφωση προς την οδηγία 98/50/ΕΚ του Συμβουλίου; Ν. 3846/2010: Εγγυήσεις για την εργασιακή ασφάλεια και άλλες διατάξεις.

English name:

PD 178/2002: Measures for safeguarding employees' rights in the event of transfers of undertakings, businesses or parts of businesses, transposing Directive 98/50/EC; Law 3846/2010: Guarantees for job security and other provisions

### Article

PD 178/2002, Article 3, para. 1; Law 3846/2010, Article 4

### Description

A dismissal is defined as 'collective dismissal' when affecting:

- more than 6 employees in companies with 20 to 150 employees; or
- 5% of the workforce or 30 employees in companies with more than 150 employees.

Although there is no explicit legal obligation to consider alternatives to collective dismissals, the legislation discusses the possibility of alternatives, foreseeing that undertakings and undertakings with restricted economic activity may, instead of terminating an employment agreement, serve written notice temporarily laying-off salaried employees after they have first consulted with the employees' legal representatives. The notification may be via a single notice posted in a conspicuous and accessible place at the undertaking. Consultation occurs at a place and time set by the employer. The relevant departments of the labour inspectorate ([SEPE](#)), the social insurance foundation ([IKA](#)) and the labour force employment organisation ([OAED](#)) must be notified by the employer in any manner of the declaration of temporary layoffs of all or part of the workforce.

The employees' representatives are considered to be the legal representatives of the union that has at least 70% of the company's employees as members, and the majority of those being dismissed. If there is more than one union in an undertaking or establishment, without any union covering 70% of the employees and the majority of those being dismissed, the persons nominated by the boards of the unions in a joint statement to the employer shall be considered the employees' representatives. These representatives shall be designated in proportion to the strength of the unions, provided that they cover, overall, 70% of the employees and the majority of those being dismissed. If there is no union or unions meeting the conditions exposed in the preceding paragraphs, the employees shall be represented by a committee comprising of three members in the case of undertakings with between 20 and 50 employees, and five members for undertakings or establishments with more than 50 workers. If there are no employees' representatives in the undertaking, information and consultation take place with all the employees.

### Comments

Under law 3846/2010, in the case of the temporary layoff measure being implemented, 'notification may be via a single notice posted in a conspicuous and accessible place at the undertaking. Consultation takes place at a place and time set by the employer' in derogation from the general provisions on information and consultation, as laid down in Presidential Decree 240/2006, which transposes Council Directive 2002/14/EC into the Greek law and provides that information and consultation take place at the 'appropriate time and place and in the appropriate fashion.' This measure was on the one hand criticised by the unions as restricting the employee's right to information and consultation, but on the other hand it was considered by the government and employers' associations to be important in promoting alternative measures to avoid dismissals.

### Cost covered by

Employer

### Involved actors other than national government

Trade union

Works council

Other

### Involvement others

Labour inspectorate (SEPE), social insurance foundation (IKA), labour force employment organisation (OAED)

### Thresholds

Company size by number of employees:

20

Number of affected employees:

7

### Sources

 Eurofound, 2010, New law facilitates dismissals and cuts labour costs, EIROnline Articles

 PD 178/2002

 Law 3846/2010

 Law 3816/2010

 Law 2648/1998

 PD 240/2006

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