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Greece: Working time flexibility

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Greece

Phase:

Management

Type:

Working time flexibility

Last modified: 16 February, 2023

Native name:

Νόμος 4611/2019: Ρύθμιση οφειλών προς τους Φορείς Κοινωνικής Ασφάλισης, τη Φορολογική Διοίκηση και τους Ο.Τ.Α. αἰ βαθμού, Συνταξιοδοτικές Ρυθμίσεις Δημοσίου και λοιπές ασφαλιστικές και συνταξιοδοτικές διατάξεις, ενίσχυση της προστασίας των εργαζομένων και άλλες διατάξεις, (ΦΕΚ Α' 73/17.05.2019 και Α' 75/22-05-2019); Έγγραφο 34186/564/18-8-2015, Υπ. Εργασίας, Κοινωνικής Ασφάλισης και Κοινωνικής Αλληλεγγύης, Παροχή πληροφόρησης επί χρονικών ορίων εργασίας; Νόμος 3986/2011Επείγοντα Μέτρα Εφαρμογής Μεσοπρόθεσμου Πλαισίου Δημοσιονομικής Στρατηγικής 2012 - 2015; Ν. 3846/2010 Εγγυήσεις γαι την εργασιακή ασφάλεια και άλλες διατάξεις

English name:

Law 4611/2019: Settlement of debts to social security institutions, the tax administration, and first-level local authorities, pension regulations for civil servants, and other insurance and pension provisions, strengthening the employees' protection and other provisions' (OJHR A-73/17.05.2019 and A-75/22-05-2019); Circular 34186/564/18-8-2015, Ministry of Labour, Social Security and Social Solidarity, information on working times; Law 3986/2011: Urgent measures for the implementation of the medium-term financial strategy framework 2012 - 2015; Law 3846/2010 Guarantees for employment security and other provisions

Article

Article 50, Part-time employment and work rotation schemes, par. 1 and 2 of Law 4611/2019; Circular 34186/564/18-8-2015 whole circular; Law 3986/2011, Article paragraph 1 and Law 3846/2010, Article 7

Description

Organisation of working time was instituted and readjusted with the 'Memorandum' labour act (Act 3986/2011), which introduced a series of new regulations with collective bargaining at the core. In brief, the relevant provisions establish that in firms with conventional working hours of up to 40 hours a week it is permitted for a certain period of time (a period of high workload) for an employee to work two hours more than the eight-hour day, on the condition that the weekly working hours which are in addition to the 40 hours or the minimum hours stated in the contract are subtracted from the weekly hours of another period (period of low employment).

In firms with conventional working hours of up to 40 hours a week, it is permitted, instead of the arrangement in the previous paragraph, to agree that up to 256 working hours from the total annual hours of employment in one calendar year may be allocated so that there is an increased number of hours during certain periods, which may not exceed 32 weeks annually, with a correspondingly reduced number of hours for the remaining periods of the calendar year.

[Circular 34186/564/ 18 August 2015](#) set clarifications for non-compliance to Law 3863/10 according to which the unequal distribution of working hours across the days of the week is not prohibited, provided the total does not exceed 40 hours. Working fewer hours on one day and making up these hours on another day does not constitute part-time employment. It is therefore entirely lawful to distribute the 40 hours across the days of the week in such a way that on some days the working day is up to eight hours (for a six-day working week) or nine hours (for a five-day working week) and on the other days, less than 6.66 hours (for a six-day working week) and eight hours (for a five-day working week). If the total hours do not exceed 40 per week there is no additional work, and if the above daily limits are not met, there is no overtime either. In addition, [Law 4611/2019](#) explicitly stated that the full employment of the employee is presumed in the case of non-compliance with the written form or non-notification of the agreement for part-time employment or work rotation or the employer's decision to unilaterally enforce work rotation to the labour inspectorate.

Employees have the right to refuse the flexible working hours arrangement if they are not in a position to perform it and if their refusal is in

good faith. Salaries for the periods of deviating working hours shall be those of the usual working hours. The organisation of working time is determined by firm-level collective labour agreements or by agreement between the employer and the trade union representing the firm's members or by agreement between the employer and the works council or by agreement between the employer and an association of persons. The association of persons can be set up by at least 25% of the employees of a firm with more than 20 employees and 15% if the total number of employees is no more than 20. With firm-level and sectoral collective labour agreements, a different system for organising working time can be established, depending on the particularities of the sector of the firm.

Temporary dismissal of salaried workers

The conditions and procedure for temporarily laying off salaried employees have been put on a new basis with the 2010 labour act (Act 3846/2010). The relevant provisions establish that firms and undertakings with restricted economic activity may, instead of terminating an employment agreement, serve written notice temporarily laying off salaried employees for no longer than three months annually, provided they have first consulted with the employees' legal representatives. Employee representatives are defined, in the following order of priority, as:

- representatives of the firm or most representative trade union of the undertaking covering, according to its statutes, employees irrespective of category, position or skill;
- representatives of the firm or existing trade unions of the undertaking;
- the works council;
- in the absence of trade unions or a works council, the entire workforce is notified and consulted with.

The notification may be via a single notice posted in a conspicuous and accessible place at the firm. Consultation occurs at a place and time set by the employer. At the end of the three-month period, the same employee cannot be temporarily laid off for at least another three months.

The relevant departments of the labour inspectorate ([SEPE](#)), the social insurance foundation ([IKA](#)) and the public employment service ([OAED](#)) must be notified by the employer in any manner of the declaration of temporary layoffs of all or part of the workforce.

For salaried employees in public utility firms or undertakings employing more than 5,000 salaried employees, approval is required from the [Ministry of Labour and Social Security](#), which is granted by application of the employer with the approval of the plenary supreme labour council.

During the period of temporary layoff, salaried employees receive half of the average of their full employment earnings for the previous two months. If the employer temporarily lays off salaried employees, the OAED pays those who remain unemployed while laid off 10% of the average of their regular full employment earnings for the previous two months. These allowances are paid for a maximum of three months every year.

Rotating employment

When drawing up a labour agreement or while it is in force, an employer and a salaried employee may, through an individual written contract, agree on any form of rotating employment. Rotating employment is considered to be employment for fewer days a week or fewer weeks a month or fewer months a year or a combination thereof compared to full-time work. The protection provided by this article also covers those employed on the basis of the agreements described in the previous section. Employers whose economic activity is limited may, instead of terminating the contract of employment, impose a system of rotating employment in their firms, the duration of which may not exceed nine months in the same calendar year, only providing they have previously informed and consulted the employees' lawful representatives. Employee representatives are defined as above.

Part time and rotating employment are paid by the employer.

Comments

From January to September 2019, there were 2,173,467 new contracts (increase by 5.6%) of which 1,010,706 are full-time contracts (46.50%), 901,908 part-time (41.50%) and 260,853 (12%) rotating employment contracts.

In 2016, there was a 20.5% increase of full-time contracts of employment compared with 2015, a 26.9% increase in part-time employment contracts and a 4.1% decrease in rotating employment contracts. New hires on part-time and rotating employment contracts represented 54.7% of all new contracts.

In 2015, there was a 3.8% increase of full-time contracts of employment compared with 2014, a 19.6% increase in part-time employment contracts and a 45.6% increase in rotating employment contracts. New hires on part-time and rotating employment contracts represented 55.6% of all new contracts.

In 2012, there was an 18.42% reduction in full-time contracts of employment compared with 2011, and a 3.61% increase in part-time employment contracts. New hires on part-time and rotating employment contracts represented 45% of all new contracts.

In 2010, at the beginning of the crisis in the labour market, 26,253 alterations to contracts were registered with SEPE (labour inspectorate), of which 18,713 were altered from full-time to part-time and 7,540 from full-time to rotating employment. These figures rose in 2011 to 58,962 alterations to contracts (an increase of 124.6% compared to 2010), of which 32,420 were altered from full-time to part-time and 26,542 from full-time to rotating employment. In 2012, alterations to contracts rose again to 84,490 (an increase of 43.3% over 2011), of which 49,640 were altered from full-time to part-time and 34,850 from full-time to rotating employment.

Cost covered by

Employee
Employer

Involved actors other than national government

Public employment service

Regional/local government
Trade union
Works council
Other








Involvement others

Labour inspectorate (SEPE), social insurance foundation (IKA), public employment service (OAED)

Thresholds

No, applicable in all circumstances

Sources

-  [Law 4611/2019](#)
-  [Circular 34186 / 2015](#)
-  [Law 3986/2011](#)
-  [Law 3846/2010](#)
-  [ERM database on restructuring support instruments: Organisation of working time](#)
-  [ERM database on restructuring support instruments: Temporary dismissal of salaried workers](#)
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