# LABOUR & EMPLOYMENT

Greece





Consulting editor

Morgan, Lewis & Bockius LLP

# **Labour & Employment**

Consulting editors

Matthew Howse, K Lesli Ligorner, Walter Ahrens, Michael D. Schlemmer, Sabine Smith-Vidal

Morgan, Lewis & Bockius LLP

Quick reference guide enabling side-by-side comparison of local insights, including legislation, protected employee categories and enforcement agencies; worker representation; checks on applicants; terms of employment; rules on foreign workers; post-employment restrictive covenants; liability for acts of employees; taxation of employees; employee-created IP; data protection; business transfers; termination of employment; dispute resolution; and recent trends.

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## **Contributors**

#### Greece



**Christos Theodorou** c.theodorou@rokas.com Rokas Law Firm





Viktoria Chatzara v.chatzara@rokas.com Rokas Law Firm



Niki Nisotaki n.nisotaki@rokas.com Rokas Law Firm

#### **LEGISLATION AND AGENCIES**

#### Primary and secondary legislation

What are the main statutes and regulations relating to employment?

There is no labour law code; however, there are numerous legal statutes and regulations (eg, the Constitution of Greece, laws, presidential decrees, ministerial decisions, etc). An important recent development regarding the legal framework governing labour law issues is the adoption of Law No. 4808/2021 on labour protection.

Law stated - 17 February 2022

#### Protected employee categories

Is there any law prohibiting discrimination or harassment in employment? If so, what categories are regulated under the law?

The Constitution of Greece (article 22, paragraph 1) on the application of the principle of equal remuneration for work of equal value, regardless of gender or other discrimination.

Law No. 3896/2010 concerning the application of the principle of equal opportunities and treatment of men and women in terms of employment (adapting national legislation to Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation), Law No. 4443/2016 on the transposition of Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, as well as the transposition of Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation and Directive 2014/54/EU on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers.

The categories regulated under the law are gender, racial or ethnic origin, religious or other beliefs, disability, age and sexual orientation, chronic illness, descent, family or social status, and gender identity or characteristics.

Law No. 4808/2021 ratifies contract No. 190/2019 'Violence and Harassment Convention' of the International Labor Organization and adopts measures against violence and harassment in the workplace by expanding the scope of prohibited behaviours and the circle of protected persons. By virtue of articles 1 to 23 of Law No. 4808/2021, the provisions of the above convention are incorporated in the Greek legal order. Article 4 of Law No.4808/2021 explicitly provided that all forms of violence and harassment, related to or arising from work are prohibited. Behaviors regulated under the law (related to violence and harassment in the workplace) refer to practices or threats resulting, even potentially, in physical, psychological, sexual or economic harm, and include gender-based violence and harassment.

Law stated - 17 February 2022

#### **Enforcement agencies**

What are the primary government agencies or other entities responsible for the enforcement of employment statutes and regulations?

These are the:

- Hellenic Labour Inspectorate (SEPE), which reports directly to the Minister of Labour and Social Affairs;
- · Social Security Organisation; and



• prefectures, in collaboration with the Ministry of Health and Welfare, in relation to compliance with the health and safety and sanitation legislation in certain sectors.

However, articles 102-125 of the new labour law (Law No. 4808/2021), establishes the Independent Administrative Authority (IAA) as the universal successor of the SEPE, with functional independence, administrative and financial autonomy. Upon the IAA assuming the role of the SEPE, both the SEPE and the position of Inspector General will be abolished. The IAA's substitution of SEPE will be automatic, and it will take on its predecessor's rights, claims, obligations and legal relations. Any pending proceedings involving SEPE shall continue without being discontinued. There is no official date as to the IAA's start of operations. The Management Board of the new Authority has been constituted, while the process for the election of Administrator is still in progress. We also note that the transition process is expected to be completed during early 2022.

Law stated - 17 February 2022

#### **WORKER REPRESENTATION**

#### Legal basis

Is there any legislation mandating or allowing the establishment of employees' representatives in the workplace?

#### These are:

- The Constitution of Greece (article 23, paragraph 1) on the adoption of due measures safeguarding the freedom to form unions and the unhindered exercise of related rights.
- Law No. 1264/1982 on the democratisation of the trade union movement and enshrinement of the trade union freedoms of workers.
- Law No. 1767/1988 on works councils and other provisions in the field of labour law, which also ratifies International Labour Organization Convention No. 135 (the Workers' Representatives Convention).
- Presidential Decree No. 240/2006, transposing into national law Directive 2002/14/EC on establishing a general framework for informing and consulting employees in the European Community.
- Presidential Decree No. 91/2006 on the participation of employees in European Companies, implementing Council Directive 2001/86/EC on supplementing the Statute for a European company with regard to the involvement of employees.
- Law No. 4052/2012 (article 49 et seq) on European Works Councils, transposing Directive 2009/38/EC on the
  establishment of a European Works Council or a procedure in community-scale undertakings and communityscale groups of undertakings for the purposes of informing and consulting employees.
- Law No. 4808/2021 (article 9, paragraph 1, element e), providing for the designation of a person as a reference person (liaison) at company level, responsible for guiding and informing workers about the prevention and treatment of violence and harassment at work.

Law stated - 17 February 2022

#### **Powers of representatives**

What are their powers?



The powers and rights of the trade unions are the right to:

- · negotiate a collective labour agreement;
- · declare a strike;
- consult with the employer on a regular basis (at least once per month) and when it is required by the applicable legislation (eg, for the implementation of collective dismissals);
- post notices on the notice boards in the workplace, etc;
- enter the workplace and distribute information notices or bulletins to the employees (for trade unions of all levels);
- be provided by the employer with an appropriate room or space to hold the general assemblies (for the most representative trade union in workplaces with more than 80 employees);
- be provided by the employer with an office in the workplace (for the most representative trade union in workplaces with more than 100 employees);
- be present during any inspections in the workplace by the labour authorities; and
- · collect the contributions from their members in the workplace.

Under the provisions of Law No. 4808/2021, the registration of trade unions in an electronic registry including information such as the articles of association, the registered office and the number of members of the trade union, is compulsory. Registration in the registry will be a prerequisite for collective bargaining, declaring a strike and signing a collective agreement. The powers of the works councils are limited to:

- co-deciding with the employer on certain matters (eg, the implementation of internal work or health and safety regulations, and the training and education of the employees);
- · submit suggestions to the employer for the improvement of the working conditions and performance, etc; and
- be informed in a timely manner by the employer about certain issues (eg, the change in the legal status of the company or the company premises, any changes affecting the workforce, such as dismissals, new hires, rotations and temporary lay-offs, the introduction of new technologies, and the annual budget for health and safety).

In the event of the absence of a trade union in the workplace, the works council has additional powers, including the right to consult with the employer when it is required by the applicable legislation (eg, collective dismissals) and to submit complaints to the Hellenic Labour Inspectorate (or the Independent Administrative Authority, when it is formed and takes over the Inspectorate's role).

Law stated - 17 February 2022

#### **BACKGROUND INFORMATION ON APPLICANTS**

#### **Background checks**

Are there any restrictions or prohibitions against background checks on applicants? Does it make a difference if an employer conducts its own checks or hires a third party?

From a data protection law point of view, the personal data collected and processed for any background checks must only include the data necessary for the decision on whether to conclude an employment contract or not. Particular attention must be paid in relation to criminal records as, according to relevant guidance from the Hellenic Data Protection Authority (HDPA), these may be collected by potential employers only in relation to employment positions

for which a criminal background check is necessary, and not horizontally for all positions and roles. This position was reached under the previously applicable legal regime, while the currently applicable Law 4624/2019 does not provide a general legal basis for the processing of criminal data in such cases (as required under the EU General Data Protection Regulation (GDPR)). There are cases in sector-specific legislation (eg, distribution of insurance products), where the applicable provisions explicitly state that employers may collect and use such criminal records for specific employment positions. In any event, the HDPA position would still appear to be applicable, subject to any further regulatory developments. Furthermore, any personal data must be collected directly from the prospective employee and, only in exceptional cases and under certain conditions (eg, the candidate's consent), from third parties, such as previous employers.

If the employer opts to hire a third party to undertake any necessary background checks, the appropriate data processing and confidentiality agreements must be concluded and implemented, which depend on the recruitment procedure being followed, the relationship between the employer and such third party, their roles as data controllers or data processors, etc. Appropriate information must also be provided in the privacy notices to candidates and employees.

Law stated - 17 February 2022

#### Medical examinations

Are there any restrictions or prohibitions against requiring a medical examination as a condition of employment?

From a data protection law point of view, medical data is considered to constitute 'special categories of personal data' and are, thus, subject to a stricter protection framework. In this regard, the provisions of article 9 of the EU GDPR and article 27 of Law No. 4624/2019 are applicable. Under article 9, paragraph 2(h) of the GDPR, the processing of health data is permitted if it is necessary to evaluate the employee's ability to work. Greek law also acknowledges, as noted in the explanatory report of Law No. 4624/2019, that the processing of health data for employment purposes may also include the processing of the data to evaluate whether a candidate may be selected by the employer.

However, the data minimisation principle, as provided specifically for the processing of employee data in article 27, paragraph 1 of Law No. 4624/2019, shall also be taken into account. According to this principle, employers must process employees' (including candidates') personal data only to the extent that it is absolutely necessary for the recruitment procedure or (after a contract is concluded) for the execution of the employment relationship. In this regard, the employer is entitled to request and process the health data of candidates only if it is absolutely necessary to evaluate their eligibility for the position in question.

The data protection legislation does not provide for explicit arrangements in the case where an employee refuses to carry out medical examinations. However, there are cases where due to the nature of the work or the increased occupational risk, non-submission of medical examinations may not allow the issuance of a certificate of suitability, the latter being a legal prerequisite for undertaking specific jobs or tasks.

In general, in exceptional cases and in the era of a pandemic crisis, the submission to medical examinations could be deemed an ancillary obligation of an employee, as far as the protection of the employer's overriding interest, including its obligation to protect the health of other staff, justifies the need for medical examination even in the stage of staff hiring, always on the condition of protection of personal data.

Law stated - 17 February 2022

#### Drug and alcohol testing

Are there any restrictions or prohibitions against drug and alcohol testing of applicants?

Any drug and alcohol tests on candidate employees must take place while taking into account the principles concerning the processing of personal data by employers outlined in the GDPR and Law No. 4624/2019. In this regard, employers are entitled under the GDPR and Greek law to request these tests and process the relevant data, provided that the processing is absolutely necessary for the purposes of evaluating whether a candidate can be chosen for the position in question.

Law stated - 17 February 2022

#### HIRING OF EMPLOYEES

#### Preference and discrimination

Are there any legal requirements to give preference in hiring to, or not to discriminate against, particular people or groups of people?

The categories of characteristics (in terms of discrimination prohibition) regulated under the law are gender, racial or ethnic origin, religious or other beliefs, disability, age and sexual orientation, chronic illness, descent, family or social status, and gender identity or characteristics.

Law No. 2643/1998 on the care for the employment of specific categories of persons and other provisions provides for the compulsory hire of specific categories of employees (people with a disability, people with many children, war victims, etc) such that these hires amount to 8 per cent of the total workforce of employers in the public and private sectors that employ over 50 employees, in accordance with the prescribed procedure. An exception applies for employers with a negative budget the previous two years.

Law stated - 17 February 2022

Must there be a written employment contract? If yes, what essential terms are required to be evidenced in writing?

In accordance with Presidential Decree No. 156/1994, transposing Council Directive 91/533/EEC, employees must be informed in writing of the essential terms and conditions of employment, namely:

- · · the identification details of the employer and the employee;
- the place of work and the employer's registered seat address;
- · the job position, grade and work object;
- the start date and the duration of the employment contract, if it is agreed for a fixed term;
- the duration of the annual leave to which the employee is entitled, and the time and the manner the annual leave will be granted;
- the severance pay the employee would be entitled to and the notice period applicable for the employer and the employee in the event of termination;
- · the salary and the payment date;
- · the duration of the daily and weekly working time; and
- a reference to the applicable collective labour agreement that determines the statutory salary and employment terms of the employee.

Law stated - 17 February 2022

#### To what extent are fixed-term employment contracts permissible?

In accordance with Presidential Decree No. 81/2003, transposing Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work, the maximum:

- · total duration of successive fixed-term contracts is three years; and
- · number of permitted renewals within a three-year period is three successive contracts.

If the above-mentioned limits are exceeded, it is presumed that the fixed-term successive contracts are used as a means of meeting fixed and permanent business needs, resulting in their conversion into contracts for an indefinite duration (permanent contracts). The burden of proof lies with the employer.

Successive contracts are contracts between the same employer or the same group of companies and the same employee, with the same or similar employment terms and conditions, without a lapse of at least 45 days.

Unlimited renewal of fixed-term contracts is permitted if it is justified on objective grounds.

Law stated - 17 February 2022

#### **Probationary period**

What is the maximum probationary period permitted by law?

Under an employment contract for an indefinite term, the first 12 months of employment are considered to be the probationary period during which the employer may terminate the employment contract without notice and without severance pay.

Law stated - 17 February 2022

#### Classification as contractor or employee

What are the primary factors that distinguish an independent contractor from an employee?

There is no legislative framework to distinguish an independent contractor from an employee.

The real status of an individual as an independent contractor or an employee is determined by the courts on a case-bycase basis. Case law criteria that indicate an independent contractor status include the following:

- an independent contractor is not subject to the management and instructions of the employer with regard to the time, place and method of the provision of services;
- an independent contractor has his or her own professional registered seat and may carry out the services assigned either him or herself or through other individuals; and
- · an independent contractor provides services to other clients.

Law stated - 17 February 2022



#### **Temporary agency staffing**

Is there any legislation governing temporary staffing through recruitment agencies?

In accordance with Law No. 4052/2012 (articles 113–133), transposing into the national legislation Directive 2008/104/ EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work, the duration of the placement with the indirect employer and any renewals must not exceed 36 months. If the time limit is exceeded, the contract is converted into a contract for an indefinite duration (permanent) with the indirect employer (user undertaking). This also applies if the temporary placement continues after the end of the initial placement and to its legal renewals (if any) without a break of 23 calendar days.

Temporary agency work is not permitted under certain conditions prescribed in the legislation, such as when the employer has implemented collective dismissals within the previous six months or redundancies for the same job roles or positions within the previous three months.

Law stated - 17 February 2022

#### **FOREIGN WORKERS**

#### **Visas**

Are there any numerical limitations on short-term visas? Are visas available for employees transferring from one corporate entity in one jurisdiction to a related entity in another jurisdiction?

With regard to short-term visas, only certain categories of employee may enter to provide services, for a temporary period of up to six months or one year, with only a short-term visa and without a residence permit. Examples include:

- third-country nationals who are employees of a business in an EU or EEA country who are moving to Greece for
  the provision of specific services on the basis of a contract between their employer company and a company in
  Greece (the visa is granted for the time required for the undertaking of the contractual obligation up to one year in
  total);
- third-country nationals who are specialist employees of a business in a non-EU or non-EEA country for the
  provision of services on the basis of a supply contract between their employer company and a company in
  Greece (the visa is granted for the time required for the undertaking of the contractual obligation up to six
  months); and
- seasonal work.

For employment, a long-stay visa and residence permit are required. Numerical limitations apply on residence permits for dependent employment for each region and job specialisation, as specified by a ministerial decision.

The Immigration and Social Integration Code provides for different categories of residence permits for the employment of expatriates, including for special purpose employment, investment activity (a numerical limitation on permits per investment applies) and for highly qualified employment (the EU Blue card).

In addition, Directive 2014/66/EU of 15 May 2014 of the European Parliament and of the Council concerning conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer has been transposed into Greek law, and relevant articles have been incorporated in the Immigration and Social Integration Code.

There are no numerical limitations for the categories of special-purpose residence permits, including the residence permit issued to the members of the board of directors, legal representatives and high executives of Greek companies

and subsidiaries and branches of foreign companies in Greece, and employees of foreign businesses (industrial, maritime and commercial), among others. However, other limitations and requirements apply depending on the category of the special purpose residence permit (eg, a minimum number of employees of the employing company in Greece, a minimum amount of work experience, or a minimum employment contract duration with the employer in Greece and a decision issued by a competent ministry).

Law stated - 17 February 2022

#### **Spouses**

Are spouses of authorised workers entitled to work?

Under certain conditions, a residence permit allowing access to the labour market may be granted to the spouse of a third-country national who resides legally in Greece for two years.

Law stated - 17 February 2022

#### **General rules**

What are the rules for employing foreign workers and what are the sanctions for employing a foreign worker who does not have a right to work in the jurisdiction?

It is not permitted to hire or employ third-country nationals who hold a residence permit or visa that does not provide access to the labour market or a certificate for the submission of an application for the issue of a residence permit that does not provide access to the labour market. Employers are subject to a fine of €10,500 for each person who is a legal resident but is illegally employed. Other penalties may apply.

Law stated - 17 February 2022

#### Resident labour market test

Is a labour market test required as a precursor to a short or long-term visa?

Yes. Limitations and requirements apply depending on the category of the special purpose residence permit in question (eg, a minimum number of employees of the employing company in Greece, a minimum amount of work experience, a minimum employment contract duration with the employer in Greece, or a decision issued by a competent ministry).

Law stated - 17 February 2022

#### **TERMS OF EMPLOYMENT**

#### **Working hours**

Are there any restrictions or limitations on working hours and may an employee opt out of such restrictions or limitations?

There are limitations and restrictions on working hours, which specify the maximum permitted daily or weekly working time and the maximum permitted overtime hours per day and year.

Law No. 4808/2021, article 55, clearly regulates that the weekly working time is 40 hours, eight hours per day for a five-day working week, and six hours and 40 minutes per day for a six-day working week.



In the context of working time arrangements, full-time work includes also four-day working weeks, without reductions in remuneration.

Under the provisions of the new law, part-time employees shall provide additional work, by way of exception and on condition that they are able to do so. The additional hours of work shall be not continuous to the agreed work schedule of the same day and the conditions of daily rest should be also respected. Employee's refusal to provide additional work would be contrary to good faith as long as the above criteria are met. In any case, this additional work may be carried out up to a maximum of the full daily working time of a comparable employee and shall be compensated by the hourly rate of the part-time employment increased by 12 per cent.

Employers may, at their discretion, request work over the above-mentioned working times, and employees are obliged to provide such work as follows:

- in enterprises where contractual working hours of up to 40 hours per week are used for a five-day working week, the overwork amounts to five extra hours per week (ie, 41 to 45 hours weekly); and
- for a six-day working week, the overwork amounts to eight extra hours per week (ie, 41 to 48 hours weekly).

Such overwork is paid at the rate of an additional 20 per cent of the regular paid hourly rate.

Overtime is defined as working time that exceeds 45 hours per week in a five-day working week and 48 hours in a six-day working week.

Employees working overtime are entitled, for each hour of legal overtime, up to three hours per day and up to the completion of 150 hours per year, to remuneration equal to the regular paid hourly rate increased by 40 per cent.

Each hour of illegal overtime work is compensated, and the remuneration is the regular hourly rate increased by 120 per cent.

In addition, employees are entitled to payment for work at night, on Sundays, on public holidays, and on Saturdays (as the sixth day for businesses operating on the five-day working system).

Employees cannot opt out of these restrictions and limitations.

Employees are entitled to breaks from work and rest periods as provided by the legislation. Pursuant to article 56 of Law No. 4808/2021 a break from work is provided after four working hours of a duration of 15 to 30 minutes.

Exceptions and different treatments may apply to certain business sectors.

Law stated - 17 February 2022

#### Overtime pay

What categories of workers are entitled to overtime pay and how is it calculated?

All employees are entitled to pay for work exceeding regular working time, including overtime pay, with the exception of managerial employees (ie, high-level employees holding a position of supervision, management and trust, who are exempt from the legislation regarding the working time limits, in accordance with article 2(a) of the International Labour Convention on Hours of Work (1919, Washington), which was ratified by Law No. 2269/1920). The status of a managerial employee who may be exempt from the legislation for working time limits has been defined by case law on the basis of certain criteria. Under the new labour law (Law No. 4808/2021) part-time workers are also entitled to overtime compensation paid as a 12 per cent increase to the regular paid hourly rate.

Each hour of legal overtime and up to 150 hours per year and three hours per day, being paid as a 40 per cent increase to the regular paid hourly rate, whereas overtime exceeding the above limits (ie, 150 hours per year and three hours per

day) is considered illegal and being paid at the rate of an additional 120 per cent of the regular paid hourly rate. Note that the measure concerns salaried employees.

In cases of work of urgent nature, the performance of which is deemed absolutely necessary and cannot be postponed, and by virtue of a decision by the Secretary General of Labour of the Ministry of Labour and Social Affairs, overtime work may be permitted, in addition to the maximum permissible annual overtime limits. In the above cases, employees are entitled to remuneration equal to the hourly rate of pay increased by 60 per cent.

The calculation of the overtime work is facilitated by the introduction of the digital working card and the operation of the IT system ERGANI II, which measures the working time of employees and is directly connected and interoperable in real-time with ERGANI II IT system. Any amendment or modification of working hours or the organisation of working time, as well as the lawful overtime work, at the latest by the day of the change or modification and in any case before the employees take up duty, shall be registered in the ERGANI II IT system. Any prior declaration of overtime is prohibited.

Law stated - 17 February 2022

Can employees contractually waive the right to overtime pay?

No, it is not permitted.

Law stated - 17 February 2022

#### Vacation and holidays

Is there any legislation establishing the right to annual vacation and holidays?

For each calendar year, employees on a five-day working week are entitled to 20 to 26 working days, whereas employees on a six-day working week are entitled to 24 to 31 working days, depending on the years of service and the year of employment with the employer:

- after the first year of employment, annual leave increases by one working day for each year of employment, up to 22 working days for a five-day working week and 26 working days for a six-day working week;
- employees who have completed 10 years of employment with the same employer or 12 years of employment with any employer under any dependent employment relationship are entitled to 25 working days if they work five days a week, and 30 working days if they work six days a week; and
- employees who have completed 25 years of employment at the same or any employer are entitled to 26 working days and 31 working days, for a five-day and a six-day week, respectively.

Increased annual leave may also be prescribed by specific legislation (eg, employees with a disability who are compulsorily hired) or collective labour agreements.

Annual vacation leave must be used up by the first quarter of the following calendar year and not by 31 December of each year, as was previously the case.

Law stated - 17 February 2022

#### Sick leave and sick pay



#### Is there any legislation establishing the right to sick leave or sick pay?

Sick leave for 'short-term sickness' may last up to six months, depending on the years of service with the employer.

Regarding sick pay, employees are entitled to up to one month's salary, depending on the years of service with their employer.

Under article 5, paragraph 3 of Law No. 2112/1920, short-term sickness is considered as an absence that lasts up to:

- · one month, for employees with up to four years of service with the employer;
- three months, for employees with four to 10 years of service with the employer;
- · four months, for employees with 10 to 15 years of service with the employer; and
- six months, for employees with more than 15 years of service.

Within the above-mentioned time limits, the absence is considered as justified (ie, impediment or inability without the employee's fault), and the employee is entitled to his or her salary as follows:

- up to 15 days' pay (half salary), if he or she has been employed with the (current) employer for between 10 days and one year; and
- · up to one month's salary, if he or she has completed one year of employment with the (current) employer.

Special legal regulations and treatment apply to the first three days of sickness.

Employees are entitled to sick leave allowance by the Social Security Organisation.

In the light of the pandemic crisis of covid-19, there is provision for special leave for employees infected by covid-19. The special sick leave is granted in addition to other leave relating to an employee's illness and may not be granted when, during the same period, any other leave has been also granted to the same employee. The days of special sick leave granted due to illness from covid-19, shall not be included in the annual maximum number of days of sick leave subsidised by the insurance institutions, nor in the maximum number of days of consultations with health institutions.

Law stated - 17 February 2022

#### Leave of absence

In what circumstances may an employee take a leave of absence? What is the maximum duration of such leave and does an employee receive pay during the leave?

Various types of leaves of absence, paid and unpaid, are prescribed by law, collective labour agreements and arbitration decisions, internal work regulations, etc.

Paid leaves of absence include annual (holiday) leave, maternity leave, parental leave, wedding leave, leave for the birth of a child, leave to visit the child's school, leave for single-member families, leave for death of a family member, etc.

In particular, by virtue of Law No. 4808/2022 which transfer in the national legal order the Directive EU 2019/1158 on work-life balance for parents and carers the following types of leave are legally introduced:

- 14 working days paid paternity leave (article 27);
- · parental leave of four months for each parent with a subsidy from the Employment Agency for the first two



months (article 28);

- two days paid absence per year for reasons of force majeure (article 30);
- extension of maternity leave to child adoption (article 34); and
- extension of special maternity protection leave for six months, with subsidies from the Manpower Employment Organization (OAED) to the presumed mother under article 1464 of the Civil Code who has a child through surrogacy and to employees who adopt children (article 36).

The maximum duration of such leave depends on its type.

The new Law No. 4808/2021 for the protection of employment covers the gap on the matter of unpaid leave and as a result, this type of absence is clearly regulated. Pursuant to article 62 of Law No. 4808/2021, by virtue of a written agreement between the employee and the employer, the first is able, for a period not exceeding one year, which may be extended by further agreement between the parties, to absent from work without being paid. During the period of leave, the employment contract shall be suspended, and no social security contributions shall be due by the employer.

Law stated - 17 February 2022

#### Mandatory employee benefits

What employee benefits are prescribed by law?

Employees in the private sector are entitled to 14 monthly salaries per annum, including Christmas bonus (one month's salary), Easter bonus (half of one month's salary) and annual (holiday) leave allowance (half of one month's salary), which are paid on specified dates by the legislation.

Compensation for work exceeding the regular working time, namely overwork and overtime, work on a Saturday (for a five-day week system) and work on a Sunday and public holidays is also prescribed.

Compensation for work away from the employee's normal place of work (overnight stay) is also prescribed.

Various benefits may apply if prescribed by applicable collective labour agreements or internal work regulations.

Law stated - 17 February 2022

#### Part-time and fixed-term employees

Are there any special rules relating to part-time or fixed-term employees?

The main rules for part-time employment contracts are as follows:

- A part-time employment contract must be concluded in writing, otherwise it is presumed to be a full-time employment contract.
- The contract must be submitted to the Labour Inspectorate (through an electronic system) within eight days, otherwise it is presumed to be a full-time employment contract.
- In cases of the need for provision of work exceeding the agreed working time, the part-time employee, as far as is able to do so, has the obligation to provide extra work and refusal would be contrary to good faith. The additional work may be provided, upon employee's agreement, at hours that are not continuous with the agreed working hours of the same day, subject to the provisions on daily rest (art. 57 of Law No. 4808/2021).
- Employees are entitled to a 12 per cent increase on the hourly rate for each extra hour exceeding the agreed working time.
- · Additional work may be carried out up to a maximum of the full daily working time of the comparable worker.



- The principle of equal treatment applies unless there are objective reasons justifying the different treatment.
- Part-time work should not be provided intermittently with the exception of certain employee categories, otherwise the part-time employee may refuse to provide additional work.

The main rules for fixed-term employment contracts are as follows:

- a fixed-term contract must be concluded in writing, and the specific objective reason justifying the renewal or extension of a fixed-term contract must be referred to in the contract;
- · the total duration of successive fixed-term contracts is three years;
- the number of permitted renewals within a three-year period is three successive contracts;
- · the contract is terminated on the agreed date, without notice or severance;
- · termination before the agreed date is permitted only if it is justified by a serious cause; and
- the principle of equal treatment applies unless there are objective reasons justifying the different treatment.

Law stated - 17 February 2022

#### **Public disclosures**

Must employers publish information on pay or other details about employees or the general workforce?

No, such information is provided if requested by a public authority.

Law stated - 17 February 2022

#### POST-EMPLOYMENT RESTRICTIVE COVENANTS

#### Validity and enforceability

To what extent are post-termination covenants not to compete, solicit or deal valid and enforceable?

A post-termination non-competition covenant must be agreed in writing.

According to case law, a post-termination non-competition clause is considered as lawful, when:

- · it is required for the protection of the employer's justified interests;
- · the restriction is limited in terms of time, geographical area, activity or business sector;
- it takes into consideration the specialisation of the employee and his or her circumstances; and
- reasonable compensation is agreed and paid to the employee to cover the financial damage for the restricted period.

Post-termination non-solicitation and non-dealing covenants must be agreed upon in writing. These covenants are treated as post-termination non-competition covenants and, on this basis, are examined and assessed in terms of their validity and enforceability by the courts.

There is no statutory maximum period for post-termination (eg, non-competition etc) covenants, but a court will assess the reasonableness of the period agreed. The validity and the enforceability of these clauses is assessed on the basis

of articles 178 (contractual term contrary to moral standards), 179 (contractual term limiting to a great extent the freedom of the weak contractual party) and 281 (general prohibition of the abuse of rights) of the Civil Code, following an evaluation of all the special conditions of each specific case.

Law stated - 17 February 2022

#### Post-employment payments

Must an employer continue to pay the former employee while they are subject to postemployment restrictive covenants?

Part of the legal theory includes, among the requirements for the legality of the post-termination non-competition clause, the need for reasonable compensation to be agreed and paid to the employee to cover the financial damage for the restricted period. That said, according to the case law, the provision of consideration does not constitute a necessary prerequisite for the validity of the relative clause, but, under certain conditions, the lack thereof can be taken into account in conjunction with the other terms of the agreement, namely, the duration, the spatial extent and the type of the restricted professional activity.

Law stated - 17 February 2022

#### **LIABILITY FOR ACTS OF EMPLOYEES**

#### **Extent of liability**

In which circumstances may an employer be held liable for the acts or conduct of its employees?

An employer is liable for any acts or omissions of its employees during the course of their employment that results in damage or harm to a third party (articles 914 and 922 of the Civil Code).

Law stated - 17 February 2022

#### **TAXATION OF EMPLOYEES**

#### **Applicable taxes**

What employment-related taxes are prescribed by law?

These are:

- · the salary tax;
- · the solidarity levy; and
- · the severance payment tax.

Employment income exemptions from the calculations of employment income apply.

An employer also withholds an employee's social security contributions from his or her gross monthly salary and pays them directly to the Social Security Organisation. Employer social security contributions are also paid.

The solidarity levy has been suspended for private-sector employees and is scheduled to be totally repealed on 1 January 2023.

Law stated - 17 February 2022



#### **EMPLOYEE-CREATED IP**

#### **Ownership rights**

Is there any legislation addressing the parties' rights with respect to employee inventions?

Yes. Article 6 regarding the right to a patent invention by an employee of Law No. 1733/1987 on technology transfer, inventions and technological innovation provides for different rights for each kind of employee invention (ie, free invention, dependent invention and service invention).

Law stated - 17 February 2022

#### Trade secrets and confidential information

Is there any legislation protecting trade secrets and other confidential business information?

Law No. 4605/2019 transposed into national law Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure.

The confidentiality obligation of an employee is part of the general employee obligation of loyalty to the employer, and the relevant articles of the Civil Code apply (article 652 on the employee obligation to not cause harm to the employer and articles 200 and 288 regarding the good faith principle).

In addition, references to the confidentiality obligation are included in the employment legislation, such as article 14, paragraph 10(b) of Law No. 1264/1982, which permits the dismissal of a trade union member in the event that he or she disclosed trade secrets, and article 13, paragraphs 4 and 5 of Law No. 1767/1988, which permits the employer not to disclose confidential information to the works council, etc.

Protection may apply under other legislation, such as articles 16 and 18 of Law No. 146/1914 for unfair competition.

Law stated - 17 February 2022

#### **DATA PROTECTION**

#### Rules and obligations

Is there any legislation protecting employee privacy or personnel data? If so, what are an employer's obligations under the legislation?

Employee personal data and the processing thereof are primarily subject to the provisions of the EU General Data Protection Regulation (Regulation (EU) 2016/679) (GDPR) and to the provisions of Law No. 4624/2019 implementing certain provisions of the GDPR, particularly article 27 regulating the processing of personal data in the context of employment relationships. Any regulatory guidance from the European Data Protection Board and the Hellenic Data Protection Authority (HDPA) must also be taken into account, as well as HDPA case law on issues relating to the processing of employee personal data.

Employers, in their capacity as data controllers when processing their personnel's personal data, are subject to the provisions of the GDPR (as some of them have been implemented by Law 4624/2019) and have all the obligations stemming therefrom, such as the obligation to:

• comply with the data processing principles under article 5 (ie, lawfulness, transparency and fairness, data minimisation, storage limitation, accuracy and accountability);



- apply the appropriate legal bases under articles 6 (for simple personal data) and 9 (for special categories of personal data);
- adopt and implement appropriate technical and organisational measures to ensure the safety of the personal data:
- proceed with data privacy impact assessments and with notifications concerning any personal data breach incidents where necessary; and
- · maintain data processing records.

Article 27 of Law No.4624/2019 provides for more specific obligations in relation to the processing of employee personal data, applicable also where employee personal data (including special categories of personal data) is being processed without being stored or intending to be stored in a filing system (paragraph 6). According to paragraph 1, employers may process the personal data of their employees (including current employees, candidates and former employees, regardless of the legal form of the cooperation or employment), provided and to the extent that is absolutely necessary for the decision to conclude an employment contract or, after its conclusion, for its execution. Paragraph 5 of the same article provides that employers must adopt all necessary measures to ensure that the data processing principles under article 5 of the GDPR are upheld.

With respect to the appropriate legal basis, article 27, paragraph 2 of Law No. 4624/2019 provides that the processing of employee personal data may take place on the basis of the employee's consent only in exceptional cases. To determine whether the consent was freely given, the employee's dependence under the employment contract, as well as the circumstances under which the consent was granted, are taken into account.

Article 27, paragraph 7 of Law No. 4624/2019 provides that the processing of personal data through a CCTV system in workspaces, regardless of whether it is publicly accessible, is permitted only if necessary for the protection of the people and goods, and the employer is obliged to notify the employees in writing (in paper or electronically) of the installation and operation of such system. In any case, the personal data being collected through the CCTV system is not permitted to be used as a criterion for the evaluation of the employees' performance. In the context of teleworking, pursuant to article 67, paragraph 5 of Law No. 4808/2021, the employer bears the obligation to protect the professional and personal data of the employee who works remotely, and the actions and procedures required to fulfil this obligation. Moreover, article 8 of the aforementioned law provides that the employer may monitor employees' performance in a manner that respects the employees' privacy and is in accordance with the protection of personal data, and prohibits the use of a webcam to monitor employees' performance.

In terms of special categories of personal data (eg, health data, religious beliefs, trade union activity), article 27, paragraph 3 of Law No. 4624/2019 provides that these may be processed for the purposes of the employment relationship, where such processing is necessary to exercise rights or comply with legal obligations under labour law, social security and social protection law, and provided there is no reason why the legal interests of the individual in relation to the processing may override these processing needs. According to an explanatory note to the law, it is permissible for special categories of personal data to be processed by prospective employees for the purpose of evaluating a candidate's eligibility. With respect to special categories of personal data, article 22, paragraph 3(b) of Law No. 4624/2019 is also applicable, according to which – taking into account the state of the art, the cost of implementation, the nature, extent, context and purposes of the processing, as well as the risks to the rights and freedoms of the individuals resulting from the relevant processing activity – the data controller must adopt and implement appropriate safety, technical and organisational measures, such as:

- ensuring that it is possible to verify and identify at a subsequent stage who has inserted, amended or deleted personal data;
- · measures to protect sensitive information of personnel in relation to personal data processing;
- · access restrictions;



- · pseudonymisation; and
- encryption.

Law stated - 17 February 2022

Do employers need to provide privacy notices or similar information notices to employees and candidates?

Yes. The provisions of the GDPR (articles 13 and 14), establishing the obligation of data controllers to provide adequate and appropriate information to the data subjects regarding the processing of their personal data, are applicable to employers and the processing of their personnel's personal data.

Law stated - 17 February 2022

What data privacy rights can employees exercise against employers?

The provisions of the GDPR granting rights to data subjects in relation to their personal data and the processing thereof are also applicable to employees (data subjects) in connection with the processing of their personal data by employers (data controllers). In this regard, employees are entitled to exercise their right of access, right of correction and completion, right to deletion (right to be forgotten), right to restriction of processing, right to portability, right of objection to the processing of their personal data, and rights in relation to any automated decision-making procedures, as detailed and under the conditions provided in articles 15 to 22 of the GDPR. Law No. 4624/2019 also provides for certain restrictions to the above-mentioned rights under the conditions detailed in its articles 31 to 35.

Law stated - 17 February 2022

#### **BUSINESS TRANSFERS**

#### **Employee protections**

Is there any legislation to protect employees in the event of a business transfer?

Presidential Decree No. 178/2002 on measures relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of businesses, in conformity with Council Directive 98/50/EC.

Law stated - 17 February 2022

#### **TERMINATION OF EMPLOYMENT**

#### **Grounds for termination**

May an employer dismiss an employee for any reason or must there be 'cause'? How is cause defined under the applicable statute or regulation?

Both parties have the right to terminate an indefinite-term employment contract (permanent contract). As a rule, the employer is not required to provide a reason or a cause for the dismissal, but exceptions apply. However, the employer's freedom to terminate an employment contract and the right to dismiss an employee is limited by the general prohibition of the abuse of rights (article 281 of the Civil Code).

In addition, the legislation provides for certain prohibited grounds for dismissal, and restrictions apply for certain categories of employees or under certain conditions.

Fixed-term employment contracts terminate ipso jure, without any legal formalities (compensation etc), when their fixed duration expires. Nevertheless, in the event of a serious reason that could justify the termination of the employment contract before its expiry date, the employer (and the employee) may terminate the employment contract before said date.

The law does not specify which reasons may be deemed as serious; as such, it is determined by the courts on a case-by-case basis. Any event that, according to good faith and moral conventions, constitutes a breach of the essential terms of the employment contract, and, as a consequence, the employment relationship may not reasonably continue up to its expiry date, may be considered as a serious reason.

The new labour law expands the grounds for invalid dismissal by incorporating case law of the Supreme Court regarding the improper exercising of employers' right to terminate employment contracts. As a result, the position of employees is strengthened.

Law stated - 17 February 2022

#### **Notice**

Must notice of termination be given prior to dismissal? May an employer provide pay in lieu of notice?

There are two types of termination for indefinite-term employment contracts (dismissal):

- with prior notice (regular termination), which applies only for white-collar employees; and
- without prior notice (irregular termination).

Under Law No. 3863/2010 (article 74, paragraph 2 B), when a dismissal with notice is implemented, the notice period depends on the employee's years of service with the (former or current) employer, as follows:

Length of employment	Notice period
Up to 12 months	None
1 to 2 years	1 month
2 to 5 years	2 months
5 to 10 years	3 months
More than 10 years	4 months

An employer who gives the employee the above-mentioned written notice shall pay the dismissed employee half of the severance pay paid in case of termination without notice.

Law stated - 17 February 2022

In which circumstances may an employer dismiss an employee without notice or payment in lieu of notice?



When the employer uses the option to terminate the employment contract without notice (dismissal without notice-irregular termination).

Law stated - 17 February 2022

#### Severance pay

Is there any legislation establishing the right to severance pay upon termination of employment? How is severance pay calculated?

Yes, Law No. 2112/1920 and Law No. 3198/1955. Severance payment is a requirement for the validity of dismissal, both for dismissal with notice and dismissal without notice.

In the event of dismissal with notice, the severance amount is reduced by 50 per cent. The formula for calculation is as follows: last month's regular salary (gross) for full-time employment multiplied by the years of service with the same employer. There is a reduced severance amount (40 per cent to 50 per cent) in the event of a termination for full retirement, and an upper threshold applies for high earners.

Different treatment applies for employees who completed 17 years of service on 12 November 2012, as follows.

#### Employees with less than 17 years of service on 12 November 2012

For employees who, on 12 November 2012, had completed less than 17 years of work experience with the same employer, the maximum length of service (with the same employer) that is taken into consideration for the purpose of severance pay calculation is 16 years of service, which corresponds to maximum severance pay of 12 months' regular salaries (gross), irrespective of the years of service the employee completed at the date of termination of his or her employment agreement by the employer.

Years of service with the same employer	Dismissal without notice
	S tatutory severance pay
Up to 12 months	-
1 to 2 years	2 months salary
2 to 4 years	2 months salary
4 to 6 years	3 months salary
6 to 8 years	4 months salary
8 to 10 years	5 months salary
10 years	6 months salary
11 years	7 months salary
12 years	8 months salary
13 years	9 months salary
14 years	10 months salary
15 years	11 months salary
16 years	12 months salary

Employees with more than 17 years of service on 12 November 2012

Employees who, on 12 November 2012, had more than 17 years of work experience with the same employer are entitled to an additional severance amount of one month's gross salary for every year of service from 17 years that they had been employed by as of 12 November 2012.

Their length of service freezes on 12 November 2012, and any work experience following that date, and until the actual termination dates, is not taken into consideration for the calculation of the severance.

Dismissal without notice
Statutory severance pay (monthly salary capped at €2,000 (gross) except
for termination owing to retirement)
1 month salary
2 months salary
3 months salary
4 months salary
5 months salary
6 months salary
7 months salary
8 months salary
9 months salary
10 months salary
11 months salary
12 months salary

Pursuant to article 64 of Law No. 4808/2021 that the treatment of white-collar and blue-collar (manual) employees is not different. For blue-collar (manual) employees the monthly salary for the calculation of the compensation is considered to be 22 days' salary, unless they are already paid a monthly salary. In any case, however, a maximum salary ceiling (article 5 of Law No. 3198/1955) is provided for the calculation of the compensation, which is calculated at eight times the daily wage of an unskilled worker multiplied by the number 30.

Law stated - 17 February 2022

#### **Procedure**

Are there any procedural requirements for dismissing an employee?

Termination must always be in writing. The termination document must be handed over to the employee or delivered by a plaintiff in the event of non-acceptance. Under the provisions of the new labour law (article 66, paragraph 5 of Law No. 4808/2021), even if the written form of termination is not fulfilled, its validity is strengthened as long as the employer remedies the formal omission within a period of one month from the service of the relevant claim or from the submission of a request for the settlement of an employment dispute. Apart from the above, it is also provided that after notice of termination of the employment contract prior to dismissal the employer may release the employee from the obligation to perform his or her work while the employee's remuneration is paid in full until the expiry of the notice period.

Payment of the severance, via bank transfer, must be effected before the delivery of the termination document and evidence of the transfer must be provided to the employee, together with the termination document. Where the amount

of the compensation is less than the amount of the statutory compensation due to a manifest error or reasonable doubt as to the basis for its calculation, the invalidity of the termination shall not be recognised, but the supplementation of the termination compensation shall be ordered.

The termination document is created and submitted within the prescribed deadline to the ERGANI information system, through which the competent authorities are notified. Within the period specified by the legislation, the signed termination document by both parties must be submitted to the ERGANI electronic system. With regard to the employer's obligation to announce the termination of the employment contract within four days from the day of termination (article 38 of Law No. 4488/2017) by submission of relevant document to IT system ERGANI, failure to do so does not render the termination invalid but will lead to sanctions for the employer.

Special requirements apply for protected employees (pregnant women, etc).

In the case of a dismissal that is not contrary to a prohibitive provision of law, the court may, at the request of either the employee or the employer, award the employee an amount of additional compensation instead of annulling the dismissal and awarding default wages. The amount of the additional compensation must not be less than three months of regular wages or more than twice the statutory compensation.

Prior approval by any government agency is not required for dismissal.

Law stated - 17 February 2022

#### **Employee protections**

In what circumstances are employees protected from dismissal?

Dismissal is prohibited:

- · during annual (holiday) leave;
- · owing to the employee's legal trade union activity or membership;
- · owing to the employee exercising the right to parental leave or family obligations;
- · owing to the employee's refusal to change his or her employment contract from full-time to part-time work; and
- · owing to the employee's complaint about the application of the equal treatment principle.

Certain categories of employees can only be dismissed on serious grounds (serious cause) and under the procedure prescribed by the legislation:

- Pregnant employees and those under maternity protection.
- Board members of a trade union or works council (as such protected members are defined and specified in the legislation). Moreover, by virtue of Law No. 4808/2021, the Committee for the Protection of Trade Union Officers is abolished, and henceforth legally protected trade union officers may (during their period of protection) be dismissed for serious cause. And
- · Compulsorily hired employees pursuant to Law No. 2643/1998.

Restrictions on dismissal also apply for other employee categories, such as private school teachers and employees on military service.

Law No. 4808/2021 provides for extended protection of employee from dismissal rendering the termination by the employer invalid in the following cases of dismissal, and more precisely when the dismissal:

- · is due to discrimination against the employee on the grounds of sex, race, colour or beliefs;
- is a reaction to an employee exercising their lawful rights (under the previous legal framework, the obligation of an employer to re-hire the employee was at the discretion of the court);
- · is due to the exercise of rights in case of violence and harassment;
- is a reaction to request for any leave or flexible working time arrangements for childcare purposes, or to the use of the previous rights;
- is a reaction to the employees refusing terms collectively agreed upon, as long as the refusal is not in contrast with good faith;
- is a reaction to employees not proceeding with the submission of a request for working time settlement, despite a request from their employer;
- · is due to the exercising of the right to disconnect from work; or
- the dismissed employee is the father of a newborn child for up to six months from childbirth.

For the above cases of dismissal, the employee must provide the court with facts that support their belief their dismissal took place for a prohibited reason, while the employer bears the obligation to prove the contrary. Upon the request of either party, employer or employee, the court can award an additional amount of compensation to an employee dismissed for one of the above reasons. That compensation may not be less than three month's ordinary pay or more than twice the compensation specified by law due to termination at the time of dismissal.

Law stated - 17 February 2022

#### Mass terminations and collective dismissals

Are there special rules for mass terminations or collective dismissals?

Law No. 1387/1983 on the control of collective redundancies, incorporated into the Greek legal system (most of) the provisions of the Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies.

'Collective redundancies' means dismissals effected by an employer that employs more than 20 employees for one or more reasons not related to the individual employees concerned, where the number of redundancies per calendar month exceeds the following limits:

- for companies employing 20 to 150 employees: the redundancies per month exceed six; and
- for companies employing more than 150 employees: the redundancies per month are more than 5 per cent of the total number of workers employed by the company and, in any event, more than 30 employees per month.

The procedure is specified in the legislation.

The information and consultation procedure with the employees' representatives must be observed.

Law stated - 17 February 2022

#### Class and collective actions

Are class or collective actions allowed or may employees only assert labour and employment claims on an individual basis?

Collective claims and class actions are not provided for under Greek law.



A single lawsuit by several employees as plaintiffs, with the same claims arising from the same factual and legal basis, may be brought against their employer (in accordance with article 74 of the Code of Civil Procedure on the permissive joinder of claims).

Recognised trade unions and employer associations, their unions and professional chambers may exercise in favour of their members all rights that derive from a collective agreement or from other provisions that are assimilated to those of a collective agreement, unless their members have expressed their opposition. In any case, the above associations and unions, among others, can intervene in relevant employment trials (article 622 of the Code of Civil Procedure).

Law stated - 17 February 2022

#### Mandatory retirement age

Does the law in your jurisdiction allow employers to impose a mandatory retirement age? If so, at what age and under what limitations?

Employers have the right, but not an obligation, to terminate the employment contract of employees who have reached the retirement age for full pension. Employees who satisfy the conditions for full retirement are not obliged to stop working.

Law stated - 17 February 2022

#### **DISPUTE RESOLUTION**

#### **Arbitration**

May the parties agree to private arbitration of employment disputes?

No, the parties cannot agree to private arbitration of employment disputes.

However, alternative dispute resolution is available through the Organization of Mediation and Arbitration's conciliation process. The purpose of conciliation is to settle an individual or collective labour dispute, and coordinate consultation between the parties.

Law stated - 17 February 2022

#### **Employee waiver of rights**

May an employee agree to waive statutory and contractual rights to potential employment claims?

An employee is not permitted to waive any statutory employment rights prescribed by law, (eg, the right to salary, the right to annual leave and the right to severance pay). However, an employee may waive contractual rights that are more favourable than statutory employment rights.

Law stated - 17 February 2022

#### **Limitation period**

What are the limitation periods for bringing employment claims?

The limitation period differs depending on the employment claim. The limitation periods for employment claims are:

three months from the dismissal to challenge the validity of dismissal;



- · six months from the dismissal to challenge severance pay; and
- · five years from the dismissal for any pay-related claims.

Law stated - 17 February 2022

#### **UPDATE AND TRENDS**

#### Key developments of the past year

Are there any emerging trends or hot topics in labour and employment regulation in your jurisdiction? Are there current proposals to change the legislation?

Over the course of the past two years, as a response to the covid-19 pandemic, remote working (telework) has emerged as a new trend, necessitating the introduction of a new legal framework for its regulation. This was implemented by the new law on the labour protection (Law No.4808/2021, introduced in the Greek legal order in June 2021).

In view of the increase of remote working, the Hellenic Data Protection Authority has issued guidelines outlining the data protection issues arising from telework and advising on the measures employers need to take in connection with the means and methods used for teleworking purposes. In the light of the above developments, it is now clearly provided that the employer must check employees' performance in a manner that respects their privacy and is in accordance with personal data protection legislation (eg, it is not permitted to use webcams to check an employee's performance).

Law stated - 17 February 2022

# **Jurisdictions**

Angola	FTL Advogados
Australia	People + Culture Strategies
Austria	Schindler Attorneys
Belgium	Van Olmen & Wynant
Bermuda Bermuda	MJM Barristers & Attorneys
<b>♦</b> Brazil	Cescon, Barrieu, Flesch & Barreto Advogados
<b>→</b> Canada	KPMG Law
Chile	SCR Abogados
China	Morgan, Lewis & Bockius LLP
Colombia	Holland & Knight LLP
Denmark	Norrbom Vinding
Egypt	Eldib Advocates
Finland	Kalliolaw Asianajotoimisto Oy
France	Morgan, Lewis & Bockius LLP
Germany	Morgan, Lewis & Bockius LLP
★ Ghana	Globetrotters Legal Africa
Greece	Rokas Law Firm
Hong Kong	Morgan, Lewis & Bockius LLP
Hungary	VJT & Partners Law Firm
<b>●</b> India	AZB & Partners
Indonesia	SSEK Legal Consultants
Ireland	Arthur Cox LLP
	Barnea Jaffa Lande
Italy	Zambelli & Partners
Japan	TMI Associates

Luxembourg  SKRINE  Malta  GVZH Advocates  Mauritius  Orison Legal  Mexico  Morgan, Lewis & Bockius LLP  Monaco  CMS Pasquier Ciulla Marquet Pastor Svara & Gazo  Netherlands  CLINT   Littler  Nigeria  Bloomfield Law  Homble Olsby   Littler  Panama  lcaza González-Ruiz & Alemán  Philippines  SyCip Salazar Hernandez & Gatmaitan  Puerto Rico  Morgan, Lewis & Bockius LLP  Muşat & Asociaţii  Singapore  Morgan Lewis Stamford LLC  Law firm Šafar & Partners  Sweden  Advokatfirman Cederquist KB  Wenger Plattner
Mauritius Orison Legal Mexico Morgan, Lewis & Bockius LLP  Monaco CMS Pasquier Ciulla Marquet Pastor Svara & Gazo  Netherlands CLINT   Littler  Nigeria Bloomfield Law Homble Olsby   Littler  Panama Icaza González-Ruiz & Alemán  Philippines SyCip Salazar Hernandez & Gatmaitan  Puerto Rico Morgan, Lewis & Bockius LLP  Romania Muşat & Asociaţii  Singapore Morgan Lewis Stamford LLC  Law firm Šafar & Partners  Sweden Advokatfirman Cederquist KB
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Monaco  CMS Pasquier Ciulla Marquet Pastor Svara & Gazo  Netherlands  CLINT   Littler  Bloomfield Law  Homble Olsby   Littler  Panama  Icaza González-Ruiz & Alemán  Philippines  SyCip Salazar Hernandez & Gatmaitan  Puerto Rico  Morgan, Lewis & Bockius LLP  Romania  Muşat & Asociaţii  Singapore  Morgan Lewis Stamford LLC  Law firm Šafar & Partners  Sweden  Advokatfirman Cederquist KB
Netherlands  CLINT   Littler  Bloomfield Law  Homble Olsby   Littler  Laza González-Ruiz & Alemán  Philippines  SyCip Salazar Hernandez & Gatmaitan  Puerto Rico  Morgan, Lewis & Bockius LLP  Romania  Mușat & Asociații  Singapore  Morgan Lewis Stamford LLC  Law firm Šafar & Partners  Sweden  Advokatfirman Cederquist KB
Nigeria       Bloomfield Law         Homble Olsby   Littler         Panama       Icaza González-Ruiz & Alemán         Philippines       SyCip Salazar Hernandez & Gatmaitan         Puerto Rico       Morgan, Lewis & Bockius LLP         Romania       Muşat & Asociaţii         Singapore       Morgan Lewis Stamford LLC         Slovenia       Law firm Šafar & Partners         Sweden       Advokatfirman Cederquist KB
Norway  Homble Olsby   Littler    Laza González-Ruiz & Alemán   Philippines   SyCip Salazar Hernandez & Gatmaitan   Puerto Rico   Morgan, Lewis & Bockius LLP   Romania   Muşat & Asociaţii     Singapore   Morgan Lewis Stamford LLC   Slovenia   Law firm Šafar & Partners   Sweden   Advokatfirman Cederquist KB
Philippines SyCip Salazar Hernandez & Gatmaitan  Puerto Rico Morgan, Lewis & Bockius LLP  Romania Muşat & Asociaţii  Singapore Morgan Lewis Stamford LLC Law firm Šafar & Partners  Advokatfirman Cederquist KB
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Puerto Rico  Morgan, Lewis & Bockius LLP  Muşat & Asociaţii  Singapore  Morgan Lewis Stamford LLC  Law firm Šafar & Partners  Sweden  Advokatfirman Cederquist KB
Romania  Muşat & Asociaţii  Singapore  Morgan Lewis Stamford LLC  Law firm Šafar & Partners  Sweden  Advokatfirman Cederquist KB
Singapore Morgan Lewis Stamford LLC  Slovenia Law firm Šafar & Partners  Sweden Advokatfirman Cederquist KB
Slovenia  Law firm Šafar & Partners  Sweden  Advokatfirman Cederquist KB
Sweden Advokatfirman Cederquist KB
Switzerland Wenger Plattner
Taiwan Brain Trust International Law Firm
Thailand Pisut & Partners
C * Turkey Bozoğlu Izgi Attorney Partnership
United Arab Emirates Morgan, Lewis & Bockius LLP
United Kingdom Morgan, Lewis & Bockius LLP
USA Morgan, Lewis & Bockius LLP