

EMPLOYMENT BRIEFING: Special Edition – Vol. 8

Developments in Employment Legislation as Result of Covid-19

This Briefing provides an overview of Act of Legislative Content dated 1 May 2020 (the Act), Ministerial Decisions 17045/319/4.5.2020 and 17239/D1.5936 and the most important Circulars

In This Issue

- A. Extension of the Suspension of Employment Contracts**
- B. Permanent Revocation of the Suspension of Employment Contracts**
- C. Temporary Revocation of the Suspension of Employment Contracts for Urgent Needs**
- D. Working Time Organisation**
- E. Measures for the Protection of Health and Safety of Employees in the Workplace**
- F. Special Purpose Leave ERGANI Notification**

A. Extension of the Suspension of Employment Contracts

1. Article 10 of the Act stipulates that employers-businesses which are seriously affected by Covid-19 and have suspended the employment contracts of their employees, may extend the duration of the suspension for 60% of the suspended employees for a period not exceeding 30 days and, in any event, to no later than 31 May 2020. If the 60% threshold is exceeded, employers must pay salaries to the affected employees.
2. Employers-businesses which make use of the measure allowing extension of the suspension of employment contracts must not terminate any employment contracts for the time of the extension of the suspension and, in any case,

before 31 May 2020. If any dismissals are effected, they will be null and void.

3. The employers-businesses which make use of the measure allowing extension of the suspension of employment contracts are obliged to retain the same number of job positions and with the same employment terms and conditions for 45 days following the end of the extension of the suspension of the contracts.
4. For employers-businesses for whom the suspension of the operation continues for May 2020 by virtue of a public authority order, the suspension of the employment contracts of their employees is extended for as long as the suspension of operation remains effective. The duration of the extension of the suspension may be further extended until 30 June 2020 by virtue of Joint Ministerial Decisions.
5. The employees of the employers-businesses mentioned under 1 and 4 above are entitled to the special purpose compensation pro rata for the days for which the suspension is extended.
6. A Joint Ministerial Decision will clarify all required details for the implementation of the measure of the extension of the suspension, as well as for the special purpose compensation that employees on extended suspension should receive.

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7. The relevant notification to the ERGANI system will be made at the end of May 2020, as per the special announcement dated 3 May 2020 issued by the Minister of Employment.

B. Permanent Revocation of the Suspension of Employment Contracts

1. Article 11 of the Act stipulates that employers-businesses which are seriously affected by Covid-19 and have suspended the employment contracts of their employees may revoke the suspension of at least 40% of the employment contracts on suspension, on the condition that the suspension lasted at least 15 days.
2. The employment contracts of employees whose suspension is revoked cannot be put on suspension again.
3. The employment contracts of employees whose suspension is revoked are entitled to a special purpose compensation pro rata for the days their employment contracts were suspended.
4. A decision by the Minister of Employment which will be issued shortly will clarify all required details for the implementation of the permanent revocation of the suspension.
5. Businesses-employers for whom the suspension of operation continues for May 2020 by virtue of a public authority order are not permitted to revoke the suspension of employment contracts.
6. The relevant notification to the ERGANI system will be made at the end of May 2020, as per the special announcement dated 3 May 2020 issued by the Minister of Employment.

C. Temporary Revocation of the Suspension of Employment Contracts for Urgent Needs

1. Article 12 of the Act stipulates that the employers-businesses whose operation has been suspended by virtue of a public authority order or which are seriously affected, on the basis of the KAD lists issued by the Minister of Finance, may temporarily revoke the suspension of employment contracts for urgent and extraordinary needs that cannot be postponed.

2. Employers-businesses making use of this measure are obliged to submit the relevant ERGANI form/solemn declaration, prior to the start of the provision of work. The relevant template ERGANI form is appended to the Ministerial Decision 17239/D1.5936 (Government's Gazette B' 1695/4.5.2020), which is available for use on the ERGANI system from 6 May 2020.
3. After the end of the temporary revocation of the suspension of employment contracts, the suspension will continue until its duration is completed.
4. The employer is obliged to pay contractual salaries to employees pro rata for the days of their employment.
5. A decision to be issued by the Minister of Employment will clarify all the required details for the implementation of the temporary revocation of the suspension.

D. Working Time Organisation

1. Article 13 of the Act stipulates that employers-businesses whose operation has been suspended by virtue of a public authority order or are seriously affected, on the basis of the KAD lists, may adjust the working time of the employees to their business operation time, on condition that the type of employment contract is not amended.
2. The relevant notification to the ERGANI system will be made at the end of May 2020, as per the special announcement dated 3 May 2020 issued by the Minister of Employment.

E. Measures for the Protection of Health and Safety of Employees in the Workplace

1. Circular 17312/D9.506/4.5.2020 of the Ministry of Employment and Social Affairs provides for measures for the protection of the health and safety of employees in the workplace against the spread of Covid-19.
2. The measures that must be implemented in the workplace are divided into four categories:
 - a. organisational measures, including indicatively remote work and differentiated start and end working hours;

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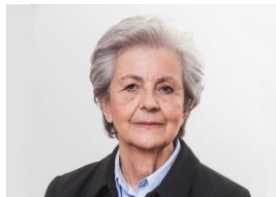
- b. measures of personal hygiene and personal protection, including related employer obligations, such as the obligation to inform employees on correct personal hygiene practices, to provide employees with all necessary equipment to ensure personal hygiene and employee obligations, such as hand washing;
 - c. environmental measures, such as the frequent airing, cleaning and disinfection of working spaces;
 - d. measures for monitoring employees' health.
3. A template Self-Assessment Form for the assessment by employers of the implementation of

the health and safety measures is appended to the relevant Circular.

F. Special Purpose Leave ERGANI Notification

1. Ministerial Decision 17239/D1.5936 (Government's Gazette B' 1695/4.5.2020) provides that the special purpose leave for March, April and May should be notified to the ERGANI electronic system within the first 15 days of June 2020, by submission of ERGANI 11.1 Form.

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