

Employment protection in Greece – 2008

Item 1 Notification procedures in the case of individual dismissal of a workers with a regular contract	Written notice to employee, plus additional notification to OAED local office (public employment service). Previous warning in case of dismissal for poor performance may be advisable.
Item 2 Delay involved before notice can start	Letter sent by mail or handed directly to employee.
Item 3 Length of notice period at different tenure durations	Blue collar: None. White collar: 0<2m, 30d<1y, 60d<4y, 3m<6y, 4m<8y, 5m<10y, plus one month per year of service, up to a maximum of 24 months. Notice can be waived if full severance pay is given.
Item 4 Severance pay at different tenure durations	Blue collar: 5d<1y, 7d<2y, 15d<5y, 30d<10y, 60d<15y, 100d<20y, 120d<25y, 145<30, 165>=30. White collar: Half the notice period if written notice is given; otherwise, severance pay according to the schedule for notice.
Item 5 Definition of unfair dismissal	The termination of an employment contracts according to Greek law is a unilateral, non-causative legal act, except for those cases stipulated otherwise by law (e.g. dismissal of employee representatives, recent mothers, or for reasons of pregnancy or discrimination). The definition of fair or unfair (abusive) dismissal is based on case law. Generally, dismissals for non-performance of business needs are considered fair. In larger companies, dismissals have to be a "last resort" possibly only after exhaustion of oral and written warnings, pay reductions and suspensions, and after consultation with employer representatives.
Item 6 Length of trial period	2 months.
Item 7 Compensation following unfair dismissal	Compensation through regular severance pay, plus a sum equal to earnings between the dismissal and the legal settlement of the case. According to case law, any dismissal not justified by the employer's legitimate business interests is deemed to constitute unfair dismissal and is rendered null and void. The consequence of nullity in cases of unfair dismissal is that the contract of employment is deemed to have continued to exist without interruption (hence, no legal imposition of reinstatement is necessary) and the employer is obliged to pay the employee the remuneration due for the whole of the intervening period since the date of the nullified termination. Typical compensation at 20 years tenure: 6 months (assuming case takes 6 months).
Item 8 Reinstatement option for the employee following unfair dismissal	Frequent reinstatement orders, accompanied by indemnity for the period of time between notice of termination and court ruling. No reinstatement if severance pay has been requested.
Item 9 Maximum time period after dismissal notification up to which an unfair dismissal claim can be made	Three months.
Item 10 Valid cases for use of fixed term contracts	Fixed-term contracts are allowed for objective reasons only.
Item 11 Maximum number of successive FTCs (initial contract plus renewals and/or prolongations)	If three renewals are made within a period of two years, then the contract is assumed to cover a constant need for the enterprise and consequently it is converted into an employment contract or working relationship of an indefinite term.
Item 12 Maximum cumulated duration of successive FTCs	If the duration of successive fixed-term contracts exceeds two years in total, then the contract is assumed to cover a constant need for the enterprise and consequently it is converted into an employment contract or working relationship of an indefinite term.
Item 13 Types of work for which temporary work agency (TWA) employment is legal	The employment of TWA workers is permitted in all forms of employment.
Item 14 Are there restrictions on the number of renewals and/or prolongations of TWA contracts?	The length of time the temporary worker is employed may not exceed eight months. A renewal with the same indirect employer is permitted, on the condition that the total length of the renewal does not exceed eight months, and thus the existing employment contract is not converted into an open-ended contract. In the event the employee continues in the employment of the indirect employer after the contract and any renewal thereof expires for a period of over two months, the employee's contract with the TWA shall be deemed to have been converted into an open-ended employment contract between the employee and the indirect employer.
Item 15 Maximum cumulated duration of TWA contracts	16 months.
Item 16 Does the set-up of a TWA require authorisation or reporting obligations?	Setting up a temporary work agency requires administrative authorisation from the Ministry of Employment and Social Protection. The TWA is obliged to submit a report of activity (including in general elements of the contracted TWA work contracts) to the Ministry of Employment and Social Protection every six months. A copy of the report should also be submitted to the national Employment Observatory Research - Informatics S.A.

Item 17 Do regulations ensure equal treatment of regular workers and agency workers at the user firm?	For the provision of labour in the form of temporary employment a prior written fixed-term or open-ended contract is required. This contract is concluded between the TWA and the employee and determines, among other things, the amount of the employee's pay, which cannot be lower than that set by the sectoral, occupation-based or enterprise-level collective agreements applicable to the indirect employer's staff. There is no requirement for working conditions other than health and safety to be the same for regular and TWA workers.
Item 18 Definition of collective dismissal	Within a month, >4 workers in firms 20-200 employees; >2% or >30 workers in firms ≥ 200 employees (at the beginning of the month).
Item 19 Additional notification requirements (compared to Item 1) in cases of collective dismissal	Notification of employee representatives: Notification of reasons to employee representatives. Notification of public authorities: Notification to Prefect and Labour Inspection, with request for approval.
Item 20 Additional delays involved (compared to Item 2)	If social partners agree and Ministry approves, notice can be given after 10 days. Ministry can extend time for negotiation by another 20 days.
Item 21 Other special costs to employers in case of collective dismissals	Type of negotiation required: Negotiation with employee representatives on dismissal procedures. If no agreement is reached, Labour Ministry can impose its own terms. Selection criteria: Law lays down union participation, but no specific selection criteria for dismissal. Severance pay: No special regulations for collective dismissal.

This summary was produced by the OECD based on responses to a questionnaire submitted by authorities in OECD member countries. It describes the situation current as at 1 January 2008 and is the basis for calculating the OECD employment protection indicators. To find out more about the methodology used to calculate the OECD employment protection indicators, see www.oecd.org/employment/protection.