



## **PREPARATORY MEETING OF TRADE UNIONISTS**

Saturday 4 December 2021

Stanley Hotel [Odysseos 1, Karaiskaki square, Athens]

### **"NEW CHALLENGES THE PANDEMIC POSES TO WORK, EMPLOYMENT AND INFORMATION AND CONSULTATION"**

The President of OBES Mr Konstantinos Margaritis welcomed the 28 participants to the New Challenges+ Preparatory meeting present in Stanley Hotel plus Mrs Ioanna Anastasopoulou, Secretary of the Association of SA and Ltd companies present via teleconference connection.

Mrs Xenia Chronopoulou, OBES expert, made a ppt presentation of the project, its context, goals/specific objectives, partners and expected deliverables and results.

Mr Ninos presented the Erasmus+ project INSPIRER, which deals with intergenerational problems in companies deriving from the problem of the introduction of new programmes of robotics in industries, the difficulty older workers face to learn new knowledge and acquire new skills to adapt to them and the challenge trade unionists and workers'/employees' representatives have to deal with to help older workers to cope with this problem.

Mr Hristos Kioulos, lawyer, legal advisor of OBES, made a detailed introduction to the newest changes of the legal framework in Greece and the challenges emerging. More precisely he said:

The new changes of the Labour Law, the minister of Employment Mr Hatzidakis introduced through law 48028/21 have both positive and negative aspects, the last ones because the law introduces obstacles to the operation and action of trade unions. More concretely, in Chapter 1 of the law, it previews the ratification of the ILO Violence and Harassment convention (190/2019), which deals with the protection of employees from both physical and psychological violence and harassment in the workplace and/or wherever they are for work reasons. Trade unions should hereafter include measures for extinction of violence and harassment in the collective agreements they sign with employers. In Chapter 2, the law ratifies the ILO Workers' and Family Responsibilities convention (156/81) including paternity leave, rights concerning adopted children, needs because of health problems of family members etc. Chapter 3 previews changes in the individual labour Law, more specifically concerning the arrangement of working time, introduced for the first time in 2090 and then in 2000, in 2005 and in 2010, e.g. 6 months work for 10 hours per day and 6 months for 6 hours per day. In the past the consent and agreement of the trade union was required to adopt such an

arrangement. Only one such agreement was signed, the case of ground handling of airlines in the airport.

Now, due also to the circumstances of covid19, this can be performed also individually. The basic problem this provision of the law poses is that the labour law has been adopted to counterbalance the big difference in negotiation power between an employer and an employee. The law previews as well changes in the Law concerning the dismissal law. From 1.1.2022 on there will be no distinction between workers and employees concerning the severance pay. For this reason there is a wave of dismissals actually to obviate the law. There are also changes concerning abusive dismissals.

The Chapter 5 previews the transformation of the Labour Inspection Body under the ministry of Employment to an Independent Labour Inspection Authority. There are also changes in the procedure of tripartite meetings, presided by the ministry of Employment to resolve labour disputes, which will be substituted by procedures of the Arbitration and Reconciliation Organisation OMED.

Other changes previewed in the new law is that many procedures will be done electronically. From the 1.1.2022 on there will be an electronic register of trade unions, in which all trade unions should be registered. This register will be kept in the ministry of Employment (not in the Court of first instance as actually), which means that the establishment of a trade union will depend on the executive power, which could produce appeals to the ILO. In the case trade unions do not register to this register, they will not have the power to sign collective agreements, nor will their managing board enjoy any protection against dismissals. Also, if a trade union is not registered it will not get the levy of employees payed for this purpose, which is distributed to trade unions through OAED or be able to be included in projects or programmes. Digital will also be the accounting of trade unions but we are still expecting Ministerial decisions, detailing how this will take place.

Another change is that the protection of trade unionists is diminished as the number of trade unionists protected is decreased, a protected trade unionist may be fired for an important reason (without stating what this reason is) and the Committee deciding whether this reason is important or not is abolished. On the other hand, if a Court decides that the trade unionist is right, then the employer has to hire him/her again.

Rounds of discussion were opened on these changes and the challenges produced by covid19. Mrs Anastasopoulou, representing also the employer side coordinated these discussions.

Subject. Elections in trade unions are now previewed to take place also digitally. From 1.1.2022 on there will also be the option of a digital ballot box and a link. There are still questions though about the procedure, the inviolable of the vote, secrecy and third persons that may which to influence of the vote.

Lafarge concrete: We have had our elections for the managing board of the trade union digitally. Our company has sites all through Greece and due to covid19 restrictions, employees could not travel to meet in one place. For the first time we succeeded in having 100% participation of trade union members.

Anastasopoulou: Many SA companies, including the Association of SA and Ltd companies, have their general meetings of shareholders through teleconference. Many big trade unions in France and in Germany as well as many companies in the USA have dealt with this same subject. Up to now there was only the right to vote in person either being present or through a letter.

- We have to change the statutes of trade unions, including clauses stating specifically the cases or the persons giving right to digital voting e.g. only for persons ill or in holidays or in

leave etc. In trade unions everybody has the right to speak for him/herself. General assemblies except elections have the functions of discussion, conflict and synthesis of ideas and opinions, which cannot be substituted by procedures that take place remotely.

- In the case of declaration of strike, changes in the Law preview the compulsory use of the possibility of digital voting of a quorum of at least 50% of trade union members and delivery to the employer of an extrajudicial document, stating the reasons of the strike. The law also previews that the board of the trade union holds objective responsibility regarding any damages occurred during the strike. The right to be a strikebreaker is also guaranteed.

Anastasopoulou: Is there any difference in the law provision regarding the important reason for dismissal of a trade union official?

- No, the provisions are the same as for the case of maternity.

Anastasopoulou: To establish a new trade union does it have to be register in the Court of first instance?

- Yes, but in order to sign a collective agreement it has first to be registered in the digital registry of the ministry of Employment. The names of persons elected have also to be deposited in the ministry of Employment. The President of the trade union has to enter the ERGANI programme of the ministry of Employment and insert the names of the managing board, the number of trade union members, the statute, etc. There is not, nevertheless guarantee that personal data about trade union participation and action will be protected.
- Anastasopoulou: Should trade unions change their statutes in view of the new law?
- There is no change in the statute required and no transition time mentioned for this reason either.

Anastasopoulou: Are any differences concerning information and consultation or collective bargaining procedures due to the new Labour Law?

- Information and consultation takes place following the presidential Decree 240/2006. It concerns any labour issue and information and consultation with the trade union has to precede any relative decision making. As far as collective bargaining is concerned it is related to signing of a collective agreement. The trade union has to submit its demands to the employer through a bailiff. If, after the bargaining, they do not conclude to a collective agreement they may ask for mediation or arbitration. To do this, mutual consent of both the employer and the trade union is mandatory. Only trade unions of public transport companies, water companies, energy and public telecommunication ones have the right to make appeal to arbitration by themselves, without the consent of the employer.

Anastasopoulou: What stands concerning the aftereffect of collective agreements?

- If the time of a collective agreement has lapsed then it ends if there is no new collective agreement or individual contract. Clauses that are retained are those concerning the basic salary, the child benefit, the time allowance, the risk allowance whilst it is not clear whether institutional request included in the collective agreement remain still in power.

Anastasopoulou: Concerning teleworking, KPMG undertook this year a big research. The conclusion of this research was that employees like teleworking and face difficulties in returning to normal work. In Greece, the ministry of Development has fixed the monthly expenses an employer has to pay to teleworkers (for the use of computer, equipment, telecommunications etc.).

- Teleworking as a phenomenon is intense after covid19 has entered our life. You may work from home and you may have breaks but still you work more. The same problem we have faced in the past with colleagues working in the sales department, where working hours are flexible and they keep working using their computer even in the hotel, which as well is a kind of teleworking.
- As a matter of fact, there may be fixed hours but teleworkers tend to work more hours than previewed.
- Expenses paid are underestimated.
- The Workers' Confederation, GSEE, suggests to us to sign a special collective agreement, although it does not give us any assistance in doing so.
- Teleworking has be legally defined.
- In Lafarge company we have undertaken a research. Colleagues think that teleworking is a necessary bad. They feel big pressure, as children expect from parents at home to care for them and employers have their expectations as well.
- We may not consider that teleworking is a temporary phenomenon. Speaking with a cousin in Canada, who works in a pharmaceutic company, she said that she works using teleworking for the last 4 years and will not stop now. Companies save a lot of money with teleworking.

Anastasopoulou: Trade unions may use collective bargaining to define things and gain positive measures. For many employees teleworking is very difficult, especially for those living in very small apartments. In France, many teleworkers have left their small apartments in big cities to live in the country, where homes are less expensive.

- Trade unionists do not have knowledge required to participate in collective bargaining on this subject.
- You may ask for the support of a consultant.

Ninos: In Bulgaria it has been proved that salespersons work additionally for 6 hours. To refer to consultants is not a simple thing as consultants have to be experts in every topic.

Anastasopoulou: Maybe you have to make a research in each department to detect the special conditions. The main thing is not the legal framework. Collective bargaining will have to fix the rules and set incentives.

Kioulos: A practical information. GSEE has incorporated in the Collective Agreement of 2007-2008 the European Agreement of 2002, which previewed the signing of special agreements. Emphasis should be given to the working hours.

Ninos: If I put on the negotiation table the subject of arranging my working time, the employer may put his own terms.

Kioulos: In the beginning every employee decided by him/herself his/her working hours at his/her convenience. Research has shown that this had as a result that after a while many teleworkers suffered from neurosis or depression. For this reason we suggest that working time should not be broken. We also suggest a mixed teleworking and work in the working place system, which will also permit employees to participate in their trade union. The special collective agreement should preview the access to specific wan that could meet the needs of the work and the employer should pay the cost of upgrading telecommunications.

Anastasopoulou: Next subject is vaccination, tests, refusers, impact on the work, on the relations etc. Persons that do not wear masks.

Panagakis: Everybody must wear mask and be vaccinated.

Ninos: They says that it their right not to wear the mask and to be vaccinated or not.

Anastasopoulou: An employee in a coffee shop refused to be vaccinated and he was fired. In my opinion trade unions should be involved and speak to refusers with respect and persuasion in order that they understand that health of others is affected by them.

We have also the phenomenon that there are some employees refusing the test in work and having it in order to be able to go out in the weekend.

Rousakis: In our company a colleague did not accept to have the test and he was fired. We should not be divided in pro and anti-vaccines. If somebody in the family is positive to the virus, the employee has to stay home and abstain from work, while the problem persists.

Anastasopoulou: What are your experiences regarding the digital card of employees?

Ninos: In Heineken Group we use digital cards. In the beginning there were objections but now it accepted as something set.

Anastasopoulou: What was the impact of the pandemic crisis on the work?

Panagakis: There was no negative impact on the sales of concrete.

Morfidou: In the fur producing sector employees' jobs were suspended. Even so, employers asked them to work for 4 hours a day without pay or to be paid the difference. In general we envisage many problems. Our work is considered as an unskilled one. Our sector is under pressure by saying that it is cruel to skin animals. The truth is that furs are natural products. Animals used for fur production are not caught in the wild but bred in farms. The World Fur Federation has invested in the good living of animals in wildlife farms. On the other hand synthetic furs are by-products of petroleum, not biodegradable.

Ninos: The sales of our company decreased a lot but our revenue was the same. In our company we had several cases of corona disease. The company paid for one week leave for employees that had a corona virus case in their family. Also, there employees had rapid tests in the factory yard and there were additional measures. In many instances our management assembled employees to explain the safety measures, which anyway were obligatory (by management prerogative).

Margaritis: We had many cases of covid19 and about 30% refusers. Our effort was to convince them to have tests. The Health Protection Organisation (EOPY) came to our workplace to test employees and in this way several asymptomatic patients were found.