

EMPLOYMENT BRIEFING: Special Edition

Recent Developments in Employment Legislation: Mandatory Measures against COVID-19 (Coronavirus)

By virtue of the Greek Legislative Act published in the Government Gazette's Bulletin 55A/11.03.2020 and amended on 14.03.2020 (Government Gazette's Bulletin 64A), the Greek Government ordered urgent measures in order to limit the negative consequences of coronavirus COVID-19 and contain its outbreak.

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A. Mandatory Shutdown of Shops and Shopping Centres

The Greek Government has ordered the mandatory shutdown of shops and shopping centres. Given that the mandatory shutdown is considered a force majeure event, employers are not obliged to pay employees' salaries. It is expected that the Greek Government will shortly announce supporting measures for affected businesses and employees, possibly even a state allowance to employees, ranging from €300 to €400. So far no further details are known. The announcement for the supporting measures is expected after the Eurogroup's meeting by teleconference.

B. Employees in Quarantine

In case that an employee is quarantined at home they should inform the National Organization of Public Health of Greece (EODY) and request instructions. Employers are obliged to pay a salary of 15 days, where the employee has been employed with the employer for more than 10 days and less than one year. In cases where the employee has been employed for over

a year, a one monthly salary must be paid. Employers are entitled to deduct any amount paid to employees by the mandatory Social Security Organization (EFKA) from this salary.

C. Special Purpose Leave

1. All employees who have children:
 - a. up to 15 years of age;
 - b. attending nursery, kindergarten, primary school or middle school (Gymnasium);
 - c. attending a special education system regardless of their age; and
 - d. that are disabled and/or hospitalised in special care institutions,are entitled to request a 'Special Purpose Leave' (hereinafter Leave) for a minimum period of at least three days while the above institutions are shut down. For every three days of Leave, one day shall be deemed a regular paid annual leave.
2. The Leave may be granted to one parent from 10 March 2020 to 10 April 2020, in case that one parent is employed in the private sector and the other is an independent professional. Where both parents are employed with the same or different employer(s) under an agreement of dependent employment, they are obliged to submit their request for Leave to their employer accompanied with a solemn declaration specifying which of the two parents will make use of the Leave. If the parents wish to divide the Leave, they have to specify the time periods that each of them wishes to make use of the Leave.

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3. If one parent is employed in the private and the other in the public sector and the private sector employee wishes to make use of the Leave, then the parent working in the public sector has to sign a solemn declaration stating that they will not use the Leave. The parent employed in the private sector will submit this solemn declaration to their employer.
4. In case that only one parent is either an employee or an independent professional, the other parent is not entitled to make use of the Leave, except when the first parent is:
 - a. hospitalized or has been tested positive for COVID-19 (coronavirus); or
 - b. a disabled person entitled to a relevant allowance by the Organisation of Welfare Benefits and Social Solidarity (OPEKA).
5. In case that parents are divorced or separated, the Leave will be granted to the parent having the child's custody, unless parents have agreed otherwise, in which case they are obliged to declare their decision to the employer by way of a solemn declaration.
6. Employers are obliged to announce via Ergani, the electronic system of the Ministry of Labour and Social Affairs, the names of all employees who have used the Leave, as well as the duration of each Leave, between 10 and 15 April 2020.
7. The only requirement for the use of the Leave is that the employee has:
 - a. at least 6 remaining days of annual paid leave, in case the employee works a 6 day week; or
 - b. 5 remaining days of annual paid leave in case the employee works a 5 day week. Two thirds (2/3) of this annual leave will be paid by the employer and one third (1/3) by the State budget.
8. The above measures may be extended by a Joint Decision of the Ministers of Finance, Labour and Social Affairs, and Health, taking into consideration the course of the epidemic.

Contact



Katia Papantonopoulou
Counsel
E kpapantonopoulou@bernitsaslaw.com

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