Law 1876, of 7 March 1990

Law 1876, of 7 March 1990, concerning free collective bargaining and other provisions.

CHAPTER 1 - Article 1 - Scope of the Law

1. This Law shall apply to all persons bound by a dependent employment relationship under private law to any employer, Greek or foreign, or to an undertaking, enterprise or service in the public or private sector of the national economy, including persons engaged in agriculture, livestock husbandry and related occupations, and homeworkers.
2. This Law shall also apply to persons who, while not bound by a dependent employment relationship, perform their work in a situation of dependence and require protection similar to that enjoyed by employed workers.

Article 2 - Content of a collective agreement

A collective agreement may cover:

1. matters concerning the establishment, terms of application and duration of such individual employment contracts as come within its field of application;
2. matters concerning the exercise of trade union rights in the undertaking, the provision of facilities to union officials, procedures for the deduction at source of trade union dues and the transfer of the latter to the appropriate organisations;
3. matters arising in respect of social security, excluding those relating to pensions, in so far as the provisions of the agreement on such matters do not contravene constitutional provisions or the policy laid down by the state social insurance institutions;
   The pension matters which cannot be the subject of collective labour agreements are meant to include the modification, either directly or indirectly, of the employer¢s/employee contribution ratio, the transfer of the burden, either in whole or in part of regular contributions or contributions for recognition of previous insurance periods, as well as the establishment of special funds or accounts, financed by the employer, granting periodic pensions benefits or lump-sum benefits.1
4. matters relating to the implementation of enterprise management policy, in so far as such policy directly affects industrial relations;
5. matters concerning the interpretation of the clauses contained in the collective agreement;
6. matters concerning the provisions of Article 12 of Law 1767/1988,2 without prejudice, however, to the powers vested in the workers' councils;
7. matters relating to the rights and obligations of the contracting parties;
8. matters relating to the procedure for, and terms of, collective bargaining, mediation and arbitration;
9. matters designed to promote social peace in the areas within its scope;
10. matters relating to the modification or supplementation of the provisions of Article 38(1)-(6) on part-time employment, as well as Article 40(1), (2), (3) and (7) on the additional shifts referred to on the law on «modernisation and development» which are governed by collective labour agreements at the enterprise level.

Article 3 - Categories of collective agreements and legal capacity to conclude them

1. Collective agreements shall be classified as follows:

   a. national general labour agreements applicable to all workers;
   b. sectoral agreements, applicable to workers of similar or related undertakings and businesses in a specific branch of economic activity in a given town or area, or throughout the country;
   c. enterprise agreements, applicable to the workers of a single undertaking or business;
   d. national occupational agreements, applicable to workers engaged in the same occupation or in related occupations or trades throughout the country;
   e. local occupational agreements, applicable to workers in the same occupation or related occupations or trades in a given town or area.

2. No sectoral or enterprise agreement, and no national or local occupational agreement shall contain provisions which are less favourable to workers than those set out in national general agreements.

3. National general agreements shall be concluded between the trade union organisations at the third level and the most representative or nation-wide employers' organisations.

"4. Sector collective agreements are concluded by sector trade unions of first level or federations representing employees, irrespective of their occupation or specialisation employed by similar or same kind enterprises of the same sector and by employer¢s organizations. Specifically for the employees of the banking sector, the sector collective agreements may be concluded by single employers represented by a common representative or representatives, provided the employers invited or inviting the collective bargaining employee at least the 70% of the employees in the banking sector, or they are at least five (5) employers of the biggest in the banking sector, on the criterion of the number of employees employed. Other employers can rightfully participate in the collective bargaining and sign the collective agreement. If no common representative or representatives of the employers are appointed or in case of refusal to participate or lack of success in the collective bargaining the provisions of article 14, 15 and 16 of Law 1876/1990 apply."
***Paragraph 4 is stated as amended by article 31 of Law 3846/2010.

5. Enterprise agreements shall be concluded by the enterprise unions representing all the workers concerned, irrespective of their occupational category, job or area of specialisation; where no such union exists, the said collective agreements shall be concluded by union organisations at the first level in the sector concerned and by the chief executive of the enterprise.

"5A 1. a. Under an annual firm-level collective agreement, remuneration and working conditions may deviate from the relevant sector collective agreement up to the level of the general national collective agreement. Such firm-level collective agreement, which may be renewed, is called “special firm- level collective agreement”. Special firm-level collective agreements prevail over the relevant sectoral collective agreements, without limits. The provisions of article 10 and paragraphs 2, 3 and 4 of article 11 of Law 1876/1990 do not apply on the collective agreements of this paragraph. Special firm- level collective agreements take into account the necessity of improving firms¢ adaptability to market conditions, with a view to create or preserve jobs and improve the firm¢s competitiveness.
b. The special firm-level collective agreement may regulate the number of employment positions, the conditions of part-time work, shift part-time work, suspension of work, and any other terms of implementation including its duration term .

2.In exemption to the provisions of article 6, paragraph 1 subparagraph b of this law, the special firm-level collective agreement may be signed by an employer who employs less than fifty (50) employees and the relevant firm-level trade union and if there is no such union, by the relevant sectoral trade union or confederation.

3. For the implementation of the provisions stipulated under paragraph 1, the parties involved jointly submit a reasoned report to the Council of Social Oversight of the Labour Inspectorate (C.S.O.L.I.) stating the justification of their intention to sign the special firm-level collective agreement, which delivers its opinion on the reasoning of the intended collective agreement within a strict period of twenty (20) days, after the expire of which it is presumed that its opinion has been delivered. The

same procedure applies for the relevant collective agreement to be extended.

4. The collective agreement of this paragraph is in force at the date of being signed according to article 5 of the this law.

5. In case of violation of the terms of this article, the special firm-level collective agreement is void and in case of dismissals, the compensation is calculated on the basis of wages set by the respective sectoral agreement.

6. Any reduction of employee wages in deviation of what has been agreed in the context of the special firm-level collective agreement constitutes unlawful delay in payments of wages, for which Compulsory Law 690/1945, as amended by article 8, paragraph 1 of Law 2336/1995 is applied."
***Paragraph 5Á was added by article 13 of Law 3899/2010.

6. National occupational agreements shall be concluded, on behalf of the workers, by the trade union organisations at the second or first level, representing their trade nation-wide, and, on behalf of the employers, by the most representative employers' organisations or by nation-wide employers' organisations.

7. Local occupational agreements shall be concluded between the local first- or second-level trade unions, representing workers engaged in the same occupation, and the corresponding employers' organisations.

Article 4 - Collective bargaining procedures - bargaining rights and obligations

1. Workers' and employers' organisations and individual employers shall have the right and the obligation to bargain with a view to drawing up collective agreements.
2. The party intending to exercise its right to collective bargaining shall notify the other party in writing of the place where the negotiations are to be held and of the issues to be addressed. This notification shall be communicated to the competent department of the Labour Inspectorate and specify the persons empowered to conduct the negotiations in question.
   The other party shall be obliged to agree to the negotiations and appoint its representatives within ten (10) working days of the date on which it is notified of the issues to be addressed in the negotiations. The said time limit often (10) days may be reduced to 24 hours, where the matters at issue are of such a nature as to require immediate settlement.
   The representatives of the trade union organisation empowered to negotiate shall be appointed by the executive committee of the organisations concerned, unless otherwise stipulated by their rules or statutes.
3. Negotiations shall be conducted in good faith with the intention of settling a collective dispute, and the parties in question shall explain the grounds for each proposal or counter-proposal.
   The workers shall be entitled to comprehensive and precise information from the employers, as well as any other information likely to facilitate negotiations on the issues under consideration; this shall apply to information on the financial situation, economic policy and personnel policy of the enterprise.
   The provisions of Law 1767/1988, 4 Article 13, paragraphs (4), (5) and (6) shall apply, mutatis

mutandis, in the cases covered by this Article.

4. The state authorities, for their part, shall supply all necessary information on national economic developments, on the employment situation in the various sectors of the economy and on prices and wages.
5. The trade union organisations representing the workers of a given enterprise, sector or occupation shall be entitled to take part in negotiations that concern them. They shall be bound by any collective agreement drawn up at the outcome of such negotiations in so far as they are co-signatories to the agreement.
6. The trade union organisations shall continue to enjoy the right to strike during collective bargaining and during mediation and arbitration, unless this right has been waived under an earlier collective agreement.
7. An official record of the negotiations shall be drawn up and signed by the representatives of the parties concerned.

Article 5 - Signature and entry into force of a collective agreement

1. Once a settlement has been reached by collective bargaining, a written agreement shall be drawn up in triplicate and signed by the representatives of the contracting parties.

2. Each copy of the collective agreement shall state the names of the trade union organisations which concluded it and those of their representatives, the date on which it was drawn up and its scope.

3. One of the three original copies shall be filed, by an authorised person, with the local branch of the Labour Inspectorate of the district in which the collective agreement was concluded. However, general national collective agreements, sectoral agreements and occupational agreements shall be filed with the General Labour Inspectorate of the Ministry of Labour.

4. The official in charge shall make out and sign a certificate of registration of the original copy of the agreement; this certificate shall also be signed by the person filing the agreement.
Both the local branch of the Labour Inspectorate and the General Labour Inspectorate of the Ministry of Labour shall keep a special register of collective agreements and arbitration awards, in which all essential elements of the agreements shall be entered, including new accessions to agreements, extentions of their scope, denunciations and settlements reached through mediation. Collective agreements shall be entered in this register on the date on which they are filed.

5. The competent departments shall issue copies of collective agreements to any interested person upon request.

"6. A general register is kept at the Ministry for Labour and Social Security which records all the collective labour agreements per type and these texts are posted separately on the webpage of the Ministry for Labour and Social Security"
***Paragraph 6 has been substituted as above by Law 3846/2010 Article 12

7. The employer has duty to communicate to the work council of the enterprise every enterprise agreement as well as every related amendment.
8. Every detail concerning paragraphs four (4) and six(6) of this article is regulated by related decisions of the Minister of Labour.

Article 6 - Parties entitled to conclude collective agreements -accreditation of representatives

1. The following shall be legally entitled to conclude collective agreements:
    a. workers' unions and employers' organisations at all levels within their field of activity. The collective agreements mentioned in Article 3, paragraph 3 of this Law shall be concluded on behalf of the workers by the most representative third-level workers' organisation. The other collective agreements mentioned under Article 3 shall be concluded on behalf of the workers by the most representative workers' organisation in the field of activity concerned;
    b. any employer employing 50 workers at least.
    c. In what concerns the personnel of law offices, notary public offices or other offices, the collective bargain shall be signed, or the arbitration proceedings shall be carried out, between the trade-union organisation and the Public Law Legal Entity to which the employers belong.
2. The representativeness of a workers' organisation shall be evaluated according to the number of union members who voted in the most recent elections to appoint its governing bodies.

   The representativeness of a workers' organisation may be challenged by a formal complaint made by another organisation having legal capacity to conclude collective agreements in the same category. The complaint shall be made within ten days of the date on which the written notification, provided for in Article 4, paragraph 2 of this Law, is communicated to the Labour Inspectorate; in such a case negotiations shall be deferred.

   The complaint shall be examined by the committee set up under Article 15 of Law 1264/1988,6 which shall reach a decision within ten days. Where the committee fails to reach a decision within the allotted time, the president of the committee shall settle the matter himself within the following 48 hours. The decision of the committee shall not be subject to appeal.

   The provisions of this Article shall also apply, mutatis mutandis, where the capacity of an employers' organisation to sign a collective agreement is challenged.
3. The conditions for the accreditation of representatives of workers' organisations shall be specified in the relevant provisions of the said organisations' rules or statutes.

Article 7 - Effects of a collective agreement

1. The clauses of a collective agreement shall have an immediate and binding effect.

2. Any terms of individual contracts of employment at variance with the clauses of a collective agreement shall prevail, provided that they give the workers greater protection.
3. Conditions of work specified in collective agreements shall take precedence over statutory provisions, provided that such conditions are more applicable to both parties concerned.

Article 8 - Binding force

1. General national collective agreements shall set minimum standards in respect of conditions of work and shall apply to all workers throughout the country, including state employees, workers employed by public law corporations and local government authorities, in so far as these workers are bound by an employment relationship under private law.
2. The other categories of collective agreements shall be binding upon the workers and employers belonging to the organisations which have concluded the said agreements, upon employers who have signed such agreements in a personal capacity and upon employers represented by one or more persons empowered to sign the said agreements, in conformity with the provisions of Article 3, paragraph 4 of this Law.
3. Where an employer is bound by an enterprise agreement, the terms of the a-greement shall be binding in respect of the employment relationships of all the workers in his employ.

Article 9 - Term of validity of collective agreements

1. A collective agreement may be concluded for a fixed term or for an indefinite period. Collective agreements concluded for a period exceeding one year shall be deemed to have been concluded for an indefinite period. The term of validity specified for a collective agreement shall not be less than one year.
2. The term of validity of a collective agreement shall commence on the date on which it is filed with the competent Labour Inspectorate and end on the expiry of the fixed term, or when it is denounced, in conformity with the provisions of this Law.
3. The contracting parties may decide that a collective agreement shall have retroactive effect as from the date on which the previous collective agreement ceased to apply, either because it had expired or because it had been denounced; in this case, the term of the new agreement shall be calculated from that date. Where there was no previous collective agreement, the new agreement shall be retroactive as from the date on which negotiations began.
4. The terms of a collective agreement which has expired or been denounced shall remain in force for a period of six months and shall apply to workers engaged during this period, subject to the provisions of Article 8, paragraph 2.
5. On expiry of the period of six months, the conditions of work prescribed by the collective agreement shall continue to apply until the termination or amendment of individual employment contracts.

Article 10 - Plurality of collective agreements

1. Where an employment relationship is governed by more than one collective agreement in force, the agreement containing the terms most favourable to the workers shall prevail. In comparing and opting for the terms to be applied in this case, account shall be taken: (a) of uniformity of remuneration and (b) of uniformity of other conditions.
2. In the event of plurality, sectoral agreements and enterprise agreements shall prevail over occupational agreements.

Article 11 - Accession to a collective agreement and extension of its scope

1. Trade union organisations and individual employers not bound by a collective agreement may jointly accede to any collective agreement concerning them. Workers' trade union organisations may accede to any collective agreement already binding upon their employers.

   Accession to a collective agreement shall be effected by private contract; such contact shall be notified to the parties of the agreement and filed with the local branch of the Labour Inspectorate, which shall enter it in the special register of collective agreements. The provisions of Article 5, paragraphs (2), (3), (4), (5) and (6) of this Law shall also be applicable in respect of accession. An enterprise agreement shall not be open to accession by an employer or a trade union from another establishment.
2. The Minister of Labour may, in consultation with the High Council of Labour, decide to extend the scope of a collective agreement and make it binding upon all the workers of a given economic sector or occupation, provided that the agreement in question already binds employers employing 51 per cent of the workers in that sector or occupation.

   Subject to Article 10, paragraph 2, an occupational agreement which has been extended shall be binding upon all workers engaged in the occupation it covers, irrespective of the type of business or undertaking in which they are employed.
3. Alternatively, the extension of the scope of a collective agreement may be requested by a trade union or employers' organisation, in which case the latter shall submit an application to that effect to the Minister of Labour. An extension effected by decision of the Minister shall take effect on the date on which the decision is published, whereas an extension effected by request shall take effect on the date on which the request is filed.
4. The provisions of this Article concerning accession to a collective agreement and the extension of its scope shall apply also to workers engaged in agriculture, livestock husbandry and related occupations and to homeworkers, in so far as the collective agreements in question cover their respective branches of activity.

Article 12 - Denunciation of a collective agreement

1. A collective agreement concluded for an unspecified period may be denounced after one year as from the date on which it came into effect.
2. The collective agreement may be denounced before the year has elapsed, or before its date of expiry, if the conditions prevailing at the time of its conclusion have altered appreciably.
3. Notice of denunciation shall be given in writing by the party denouncing the collective agreement and served by a bailiff on the other contracting party and on the local branch of the Labour Inspectorate with which the agreement was filed.
4. Notice of denunciation shall be accompanied by a brief statement of the grounds for the denunciation and of any issues for discussion in subsequent negotiations, the provisions of Article 4 of this Law being also applicable in this case.
5. The official in charge of the branch of the Labour Inspectorate shall enter the denunciation in the margin of the special register in which the collective agreement was registered.

CHAPTER 2 - Article 13 - Conciliation

Where any matter concerning employment relationships, including matters not covered by a collective agreement, gives rise to a dispute, the trade unions concerned and individual employers may request the services of a conciliator to settle the dispute.
The conciliator shall endeavour to reconcile the views of the parties concerned in order to put an end to the dispute as soon as possible. An official record shall be drawn up on completion of the conciliation procedure; it shall be signed by the parties to the case and by the conciliator and shall state the points of agreement and disagreement between the parties. Where a dispute arises while negotiations are under way with a view to drawing up a collective agreement and where a settlement is reached through the conciliation procedure, the collective agreement in question shall be concluded on the basis of that settlement.
The Minister of Labour or a duly authorised official shall appoint as conciliator either an official from the General Labour Inspectorate of the Ministry of Labour or, as the case may be, an official from the local branch of the Labour Inspectorate for the area concerned.

CHAPTER 3 - Article 14 - Mediation and Arbitration

"1. If collective bargaining fails, the interested parties have the right to request mediation services or to apply for arbitration.

2. The terms of requesting mediation and arbitration and the entire procedure is stipulated by relevant clauses in collective agreements or in case such clauses have not been agreed, can be regulated by a unanimous agreement of the negotiating parties. In the case of absence of such agreements the provisions of this law apply.

3. Ôhe mediation and arbitration services in general as well as those provided by the mediators of the Organisation of Mediation and Arbitration (OMED) are based on the principles of right judgment, objectivity and impartiality."
***Article 14 of Law 1876/1990 is stated as amended by Article 14 of Law 3899/2010.

Article15 - Mediation

"1. The appointment of a mediator may be requested by any interested party.

2. The mediation procedure begins with the submission of a relevant application by the interested parties and is submitted either jointly or by each party separately. In the latter case, the application is announced to the other party. The application includes the invitation [to mediation] made by one party to the other, the identification of the parties involved and the authorized representative of the applying party, the proposals or the demands, the reasons which justify them, any alternative proposals and other data which facilitate the negotiations.

3. The mediator is selected by the parties from the special catalogue of mediators. In case of disagreement between the parties, the mediator is selected by a draw. For this purpose, forty-eight [48] hours after the submission of the mediation application, the authorized service of the Mediation and Arbitration Organisation (O.ME.D) calls upon the parties to be present at a designated place and time for the selection of the mediator, or in the case of disagreement, for the appointment of mediator by a draw.
The draw takes place in the presence of the President of O.ME.D or his/her representative and each party has the right to reject, on one occasion, the mediator selected by the draw. The same procedure is used to appoint the alternate mediator. After the appointment of the mediator, a written document is filed for the formal appointment of the mediator. The mediator must assume duties within five (5) working days from the day of the appointment.

4. The mediator invites the parties to discussions, conducts separate hearings with each party, examines the economic conditions and the overall competitiveness of the productive activity referred to in the collective dispute, conducts inquiries, fact finding examinations and any other research or inquiry on the labour conditions, assisted by one or more expert witnesses of his or her choice.

5. The employers¢ side and all relevant public authorities have the obligation to provide the mediator with all the information necessary to support his or her work. Particularly for the employers the provisions of paragraph 4 article 4 of Law 1876/1990 apply.

6. a) If the parties do not conclude an agreement within twenty (20) working days from the day after the mediator has assumed his duties, the mediator has the right to submit to them his own proposal.
b) If the parties do not announce in writing the acceptance of the mediator¢s proposal, within five (5) working days from its communication, the proposal is considered to be rejected. The acceptance or rejection of the proposal is announced to the other party as well. The proposal of the mediator can be made public by the mediator himself in the daily press or in periodicals.
c) If the proposal is accepted, the mediator invites interested parties to sign a collective agreement."
***Article 15 of Law 1876/1990 is stated as amended by Article 14 of Law 3899/2010.

Article 16 - Arbitration

"1. The appeal to arbitration can take place at any stage of collective bargaining by the common agreement of the parties.

2. The appeal to arbitration can take place unilaterally under the following conditions: a) by any party as long as the other party has refused the mediation
or b) by any party, after the submission of the mediation proposal, as long as both parties appeared at and participated in the mediation procedure.

3. The appeal to arbitration is limited to the determination of basic daily wages and/or basic wage payments.
For all other issues, collective bargaining may continue at any time for the conclusion of a collective agreement.

4. Arbitration is conducted by one arbitrator and in the case of unilateral appeal to arbitration, according to paragraph 2 of this article, any party may request the formation of a three-member Arbitration Committee. The arbitrator or arbitrators of the three-member Arbitration Committee, their 5alternates, as well as the appointment of one of the arbitrators as President of the three members Arbitration Committee, are selected by the common agreement of the parties from the special catalogue of arbitrators. In the case of disagreement, the arbitrator or arbitrators are selected by a draw. For this purpose, forty-eight (48) hours after the submission of the appeal to arbitration, the authorized service of O.ME.D calls upon the parties to be present at a designated place and time for the selection of the arbitrator or the Arbitration Committee and its President. The draw takes place in the presence of the President of O.ME.D or his /her representative and each party has the right to reject, on one occasion, the selected person by draw. The same procedure is used to appoint the alternate arbitrator or arbitrators of the Arbitration Committee. The arbitrator and the arbitrators of the three-member Arbitration Committee are obliged to assume their duties within five (5) working days from the day of their appointment. The decision of the Arbitration Committee is made unanimously or by majority.

5. The arbitrator studies all the facts and reports which were compiled during the mediation proceedings, the economic conditions, the development of competitiveness of the productive activity referred to in the collective dispute and has the same rights as the mediator. The same holds true for the Arbitration Committee.

6. The arbitration award is equivalent to a collective agreement and is in force from the day following the submission of the mediation application.

7 The arbitration award is issued within ten (10) working days from the day the Arbitrator or the Arbitration Committee assumes duties, if mediation has taken place and if it did not within thirty (30) working days.

8. In the cases of appeal to arbitration the right to strike is suspended for ten (10) days from the day of

the submission of the arbitration appeal.

9. Disputes on the statutory validity of the arbitration award are under the exclusive jurisdiction of the First Instance Civil Court according to article 16 paragraph 5 of the Code of Civil Proceedings and are tried according to the procedure stipulated by articles 663 sec. of the same Code. The lawsuit can be filed by any party involved in the relevant collective dispute and the decision issued by the court is binding for all those who are bound by the arbitration award. The date of court hearing takes place within forty-five (45) working days from the day of submission of the suit irrespective of the number of cases scheduled for that day. The appeal is exercised within fifteen (15) working days from the issuance of the decision of the first instance court and the hearing of the appeal is scheduled within thirty (30) days of its submission, while the formal communication of the appeal to the parties evolved must take place fifteen (15) days before the scheduled hearing of the appeal."
***Article 16 of Law 1876/1990 is stated as amended by Article 14 of Law 3899/2010.

Article 17 - Organisation for Mediation and Arbitration

"1. The Organisation of Mediation and Arbitration (O.ME.D) is an independent legal entity operating according to the provisions of this document, the Presidential Decrees and regulatory acts, which are issued under authorization of article 18, paragraph 2 of Law 1876/1990, as well as by decisions of its Board of Directors in exemption to legal regulation applying to public sector legal entities.

2. The mission of O.ME.D is to support free collective bargaining by the provision of mediation and arbitration services to trade unions, employers¢ organizations and independent employers. In view of its mission, OMED may: a) organize administrative services to support mediation and arbitration proceedings b) undertake information and training programs on collective negotiations, labour relations and labour economics addressed mainly to the representatives of trade unions and employers ¢ organizations, c) undertake scientific/academic research and studies on issues related to its mission and d) issue annual report covering the activities of the year to be submitted to the Board of Directors of a) the General Confederation of Greek Workers (GSEE), b) the Hellenic Federation of Enterprises (SEV), ã) the Hellenic Confederation of Professionals, Craftsmen and Merchants (G.S.E.V.E.E.) d) the National Confederation of Greek Merchandise (ESEE), as well as to the Minister of Finance and the Minister of Labour and Social Security.

3. The Organization of Mediation and Arbitration Services is administered by a seven (7) member Board of Directors which is comprised of:
a). One representative of SEV, one of GSEBEE and one of ESEE with their alternates.
b). Three representatives of GSEE, with their alternates
c). The Persistent and his alternate selected by the unanimous decision of the members referred to in subparagraphs a and b, in a meeting called upon by the Minister of Labor and Social Security convened before the Board of Directors is formally constituted. The President and his alternate shall be persons of recognized status and experience on labor relations or labor economics or labor law.

4. One representative of the Minister of Labor and Social Security with his or her alternate, who holds a university degree and experience in labor relations , shall participate as observer, without right to vote, in the meetings of the Board of Directors .

5. The recommendation of representatives by the relevant bodies of subparagraphs a, b, takes place within 15 days from the invitation extended by the Minister of Labor and Social Security.

6 The Board of Directors is constituted as a body by a decision of the Minister of Labor and Social Security. By the same decision, the President and his alternate of the Board of Directors are appointed.

7. a) The tenure of the Board of Directors
is three years. The re-appointment of regular members can be extended for another three-year term.
b) In case of resignation or the death of a member of the Board of Directors, the Board remains in formal constitution with the possible participation of an alternate member as regular. If a regular member is unavailable due to resignation or death, the Minister of Labour and Social Security, according to paragraph 5 of this article, calls upon the legal entity to which the unavailable member is affiliated, to appoint another person for the remaining tenure of the unavailable member.

8. a) The mediators and the arbitrators constitute two autonomous special bodies. The maximum number of positions for mediators and arbitrators for all the country is thirty-eight (38), twelve (12) of which must be arbitrators. By decision of the Board of Directors in response to any emerging needs, the number of mediators and arbitrators can be increased or reduced for each body, as long as the maximum number of thirty-eight (38) positions is not exceeded.
b) The mediators and arbitrators exercise a public mission, without holding the formal status of a civil servant and enjoy full independence during the exercise of their duties. These duties must be exercised with objectivity, upholding the Code of Ethics of the Body of Mediators - Arbitrators which is issued by unanimous decision of Board of Directors of its 7 members.

9. a. The mediator candidates must:
i. be at least 35 years of age
ii. hold a university degree in law or economic sciences or related studies.
iii. have 5 years of proven experience on issues of labour relations

b. the arbitrator candidates must:
i. be at least 45 years of age
ii. hold a university degree in law or economic sciences ïr related studies
iii. have 10 years of proven experience in labour relations issues

c. Additional qualifications are taken into consideration, such as post-graduate degrees, and relevant publications, especially on issues of labour relations. The Board of Directors can decide, by regulation, to request further qualifications than those referred to herein.

10. The mediators and arbitrators are hired for a three year tenure which is renewable with the possibility to convert the appointment of mediator to the appointment of arbitrator and vice versa. In

order to renew their tenure, they are re-assessed according to the terms provided by the special regulation, and by a justified decision of the Board of Directors issued by unanimous decision of Board of Directors of its 7 members.

11. a) The appointment takes place after a public call of interest for the availability of mediator and arbitrator positions. The candidates are requested to submit Curriculum Vitae, formal qualifications of studies completed, relevant publications, and a statement as to which of the two bodies they wish to serve and any other support document requested by the call of interest.
b) The Board of Directors after examining the candidate¢s files and possibly, after a face-to-face interview, selects the most capable candidate(s) issued by unanimous decision of Board of Directors of its 7 members.

12. Presidential Decrees issued after a proposal made by the Minister of Labor and Social Security, and after the opinion of the Board of Directors of the O.ME.D, issued by unanimous decision of Board of Directors of its 7 members may regulate detail pertaining to paragraphs 3 to 11 of this article, including the number of positions of mediators and arbitrators and the administrative personnel."
***Article 17 of Law 1876/1990 is stated as amended by Article 14 of Law 3899/2010.

Article 18 - Financial resources and rules of procedure of the Organisation for Media tion and Arbitration

1. The resources of the Organisation for Mediation and Arbitration shall be:
    a. Regular resources:11 2% of the annual revenue of the Workers' Social Benefits Organisation derived from the contributions of employers and employees, which can be increased by a national general collective labour agreement.
    This percentage may be increased by a decision of the Minister of Labour, with the consent of the Supreme Labour Council, but such increase may not exceed 200%.
    This percentage may be reduced by a decision of the Minister of Labour and Social Security, on an opinion from the Board of Directors of OMED.
    b. Regular grants from the budget of the Ministry of Labour.
    c. Amounts received from the parties concerned that appeal to OMED.
    d. Revenue from donations, publications, events etc.
2. The Board of Directors shall prepare the following regulations, which shall be published in the Government Gazette by decisions of the Minister of Labour and, specifically for case (c), of the Minister of Finance:
    a. Regulation on the organisation and operation of OMED.
    b. Regulation on the hiring evaluation, disciplinary penalties, rights and obligations of the personnel, Mediators and Arbitrators.
    c. Regulation on procurements, fees, other expenditures and resources management in general.
    d. Regulation on the training and further education of the personnel,

Mediators and Arbitrators.

CHAPTER 4 - Article 19 - Provisions concerning workers bound by an employment relationship under private law and employed by the state, public corporations and local government authorities

The provisions of this Law shall also apply to workers bound by an employment relationship under private law and employed by the State, public corporations and local government authorities, provided that the nature of the said provisions does not preclude their application, and subject to the following adjustments.

1. Any reference to employers' organisations or to individual employers shall be understood to mean the Minister of Finance or his authorised representative. In respect of workers employed by public corporations and by local government authorities, the said reference shall be understood to also include the Minister responsible for public corporations and local authorities. These two Ministers may decide to be represented by the same person. Collective agreements that apply to workers of the category referred to in this Article shall be signed, on behalf of the workers, by the corresponding trade union organisations.

2. Where, owing to the absence of such trade union organisations it is not possible to conclude a collective agreement for workers of the above categories, work terms shall be determined by decision of the Minister of Finance and the competent Minister, in the case of persons employed by the State, or by decision of the Minister of Finance and the Minister responsible for public corporations and local government authorities, in the case of workers employed by such bodies.12

Article 20 - Exceptional Cases

1. The renumeration of workers covered by this chapter may, in very exceptional cases and by decision of the competent Minister and the Minister of Finance, be fixed at a higher rate than that determined in accordance with the procedure provided for in this Law.
2. The renumeration of scientific personnel, bound by an employment relationship under private law and employed by research-oriented public corporations shall be determined by the board of directors, on the basis of the renumeration scale established for each area of specialisation by joint decision of the Minister of Finance and the Minister responsible for the corporations in question.

CHAPTER 5 - Article 21: Penalties

1. An employer or his representative who contravenes the provisions of a collective agreement in force, an arbitration award or a ministerial decision shall be liable to a fine of 200,000 drachmas at least. The competent labour inspector shall observe the violation and report to the public prosecutor for the purposes of criminal proceedings.

CHAPTER 6 - Article 22 - Transitional Provisions

Pending the establishment of a body of mediators and arbitrators and for a period not exceeding 12 months as from the entry into force of this Law, the officials of the Ministry of Labour hitherto responsible for mediation shall continue to serve as mediators. During the same 12-month period, the settlement of collective disputes through arbitration shall continue to be referred to the first-instance arbitration tribunals set up in accordance with Law 3239/1955,13 except in respect of outstanding disputes already referred to the second-instance arbitration tribunals by the date of entry into force of this Law. These shall be examined by the said tribunals in accordance with the procedure laid down in the earlier legislation. All other matters in this field shall be subject to the provisions of this Law.

Article 23 - Repeals

1. On the entry into force of this Law, the following shall be repealed:
    a. Law 3239/1955,13 Articles 1 to 27,40, and 42, paragraph (2), with the exception of subparagraph (b) of that paragraph;
    b. Law 3755/1957, Article 7, paragraphs (1) and (2); Article 8, and Article 10,paragraphs (1), (2), (4), (5), (6), (8), (9), (10), (11) and (12);
    c. Legislative Decree No. 186/1969,M Articles 1 to 9;
    d. Legislative Decree No. 1198/1972, Article 1, except paragraph 2, Articles 2 to 5, and Article 10, paragraphs (1) and (2);
    e. Law 949/1977,15 Article 9;
    f. Legislative Decree No. 73/1974;16
    g. Law 435/1976.
2. The provisions of Special Law 435/196817 shall remain in force.
3. Any general or specific provision contrary to the provisions of this Law shall be repealed.

Article 28

1. The provisions of this Law, those of Law 3239/1955 and those of Legislative Decree No. 1198/1972 concerning the procedure for determining the renumeration and conditions of work of public sector employees bound by an employment relationship under private law, etc., as well as the provisions of subsequent acts directly or indirectly amending or supplementing the foregoing legislation may be codified in a single statute under the terms of a presidential decree issued on the advice of the Minister of Labour.
   Such codification shall be effected by a commission of seven members, set up by decision of the Minister of Labour and composed of senior offisials of the Ministry of Labour. This commission shall hold its meetings outside normal civil service working hours. An official from the General Labour Directorate of the Ministry shall serve as the commission's rapporteur, but shall not be entitled to vote. Two academics, specialised in the field of social affairs and industrial relations, may also sit on the commission.
2. The Minister of Labour shall issue a decision specifying such details as may be required for the application of the provisions of this Law.

Article 35

This Law shall come into effect one month after it has been published in the Official Gazette. This interval may, however, be extended by one month by decision of the Minister of Labour, except in those cases where this Law determines otherwise; the provisions of Articles 17 and 18 shall take effect as from the date on which this Law is published in the Official Gazette.
This Law shall be published in the Official Gazette and enforced as an Law of the State.

Athens, 7 March 1990

THE PRESIDENT OF THE REPUBLIC

CHRISTOS ANT. SARTZETAKIS

THE MINISTERS