

LAW 2224/1994

LAW 2224/1994 Regulation of matters pertaining to employment, trade-union rights, health and safety at work; organisation of the Ministry of Labour and its supervised legal entities; and other provisions

Article 2 - Emergency Staff (during strikes)

1. Throughout the duration of a strike, the trade-union organisation proclaiming it shall have the obligation to provide the required staff to ensure safety of the premises and prevention of damages and accidents in the undertaking.
2. The agencies, organisations and undertakings referred to in Article 19 para. 2 of Law 1264/1982, as supplemented by Article 3 paragraphs 1 and 2 and Article 4 para. 1 of Law 1915/1990, the operation of which is of vital importance for the basic needs of the society, in addition to the emergency staff of the preceding paragraph they will also have additional emergency staff to deal with the fundamental needs of the society during the strike.
3. The personnel of paragraphs 1 and 2 of this article shall provide its services in their assigned tasks under the direction of the employer.
4. The personnel of paragraphs 1 and 2 of this article shall be agreed upon by a special agreement between the representative trade-union at undertaking level and the management of the undertaking. The most representative one is the trade-union organisation whose members come from all the branches of the undertaking.
If more than one trade-union organisations exist in an undertaking, the most representative among them is the one with the greater number of members who voted at the last elections, regardless of specialisation of its members. The other trade-union organisations may intervene at the negotiations and other proceedings.
5. For undertakings of public character or public utility, in addition to the personnel of paragraph 2, the same agreement may define the specific needs of the society, which must be taken care of by the undertaking in case of a strike, and the consequences in case of breach of the agreement. The criteria for these matters shall be the kind and social importance of the services and goods offered or produced by the undertaking, and the need to ensure the right to strike.
6. The agreement shall be directly negotiated between the parties. No later than 5 November of each calendar year, either party concerned shall invite the other party to negotiations by means of an extrajudicial summons, which shall include a proposal for an agreement on the personnel of paragraphs 1 and 2 of this article. The summons shall be served by a process server and a copy shall be sent to the Ministry of Labour in the same way.
7. The agreement shall be entered into no later than 25 November of each calendar year and filed with the appropriate service of the Ministry of Labour within five (5) days from the signing thereof. The agreement shall remain in effect throughout the calendar year to follow.
8. If the procedure described in paragraph 5 of this article is not observed or if the agreement is not reached at or filed with the Ministry of Labour within the time limit specified in paragraph 5 of

this article, the parties shall be obliged to apply the procedure of mediation in accordance with the provisions of Article 15 of Law 1876/1990 (Government Gazette 27, Bulletin A).

The mediation must be concluded within fifteen (15) days from the day the mediator has assumed its functions.

If the mediation does not lead to an agreement, either party concerned may refer the matter to the committee of Article 15 of Law 1264/1982, as replaced by Article 25 of Law 1545/1985.

9. All matters of paragraphs 1, 2, 3 and 4 of this article may also be regulated through collective bargaining for all undertakings, regardless of whether they are public or not or a public utility.
10. The application of the procedure provided for in paragraphs 5, 6 and 7 of this article, which provides for a special agreement for the personnel of paragraphs 1 and 2 of this article, shall commence on 1 October 1994.



Article 3 - Public Dialogue

1. (a) A trade-union organisation declaring a strike on an agency, organisation and undertaking referred to in Article 19 para. 2 of Law 1264/1982, as supplemented by paragraphs 1 and 2 of Article 3 of Law 1915/1990, and prior to exercising the right to strike, shall be obliged to have a process server serve a notice to the employer, calling him to a public dialogue concerning its demands.
(b) In all other undertakings, the trade-union organisation declaring a strike shall have the discretion to ask for a public dialogue to be held as per the provisions of this article, prior to or during the strike.
(c) A public dialogue may also be requested for by the employer, as soon as he becomes aware of the strike demands or the declaration of strike in any way whatsoever, or if he believes that the peaceful work environment of the undertaking may be disturbed.
2. The public dialogue shall take place within forty-eight (48) hours from the giving of a relevant notice specifying the place and date of the meeting.
The discussion shall be chaired by a mediator to be appointed by mutual agreement of the parties from the list of mediators and arbitrators of the Organisation for Mediation and Arbitration.
If the parties fail to agree on the mediator, the party which requested the public debate shall apply within forty-eight (48) hours to the Mediation and Arbitration Organisation for mediator to be chosen by lot. The other party shall be invited to attend the procedure.
In any case, the mediator shall assume his duties within twenty-four (24) hours from his appointment and the public dialogue shall commence on the day the mediator shall assume his duties.
3. The mediator shall endeavour to bring the views of the parties together the soonest possible and shall have all the rights and obligations provided for by the provisions of Article 15 paragraphs 4 and 5 of Law 1876/1990 (Government Gazette 274).
If, within forty-eight (48) hours, the views of the parties have not converged, the mediator may hand to the parties a report on the strike demands based on the views of the parties and the relevant documentation. The mediator's report shall be served upon the parties by means of a process server within twenty-four (24) hours from the end of the mediation. The report may be published in the daily press by the mediator, if all parties have agreed thereto during the public dialogue procedure, or by either party in which case no previous agreement shall be required.
4. During the public dialogue, in addition to joint and individual consultations that the mediator shall hold with the parties, other parties may also be invited to attend such as representatives of trade-union and employer organisations, as well as representatives of the appropriate public agencies, social bodies and mass media, upon agreement of the parties.
5. The holding of public dialogue shall not suspend the right to strike.

6. No appeal may be taken during the public dialogue to the competent courts for issues related to the application of Articles 19 to 22 of Law 1264/1982, as amended by the provisions of this Law, and to the application of Article 3 of this Law.
7. All procedural matters concerning the holding of the public dialogue, including the duration of the public dialogue, the free choice of a mediator and the suspension of the right to strike, may be agreed upon by the parties.

Article 7 - Administrative and Functional Independence of the Organisation for Mediation and Arbitration

1. The following text is inserted into the first paragraph of paragraph 1 of Article 17 of Law 1876/1990 (Government Gazette 27, Bulletin A):
The Organisation is an independent body operating under the provisions of this law and the regulatory acts issued in pursuance thereof in deviation of the provisions on the public sector.
2. The provision of paragraph 3 of Article 17 of Law 1876/1990 (Government Gazette 27, Bulletin A) is replaced by the following text:
Any other detail concerning paragraphs 1 and 2 of this article shall be regulated by Presidential Decrees to be issued at the proposal of the Minister of Labour with the concurrent opinion of the Organisation's board.
3. Among other things, the number of positions of mediators-arbitrators and administrative or other personnel is regulated as aforesaid.

Article 8 - Works Councils

1. The application of the provisions of Law 1767/1988 (Government Gazette 63, Bulletin A) is hereby extended to include the undertakings belonging to Law 1365/1983 (Government Gazette 80, Bulletin A) if the Works Councils provided for by said law have not been formed.
2. The time limits of Article 3 para. 5 of Law 1767/1988 for calling general meetings are tentative.
3. The provision of Article 12 para. 4 of Law 1767/1988 is replaced as follows:
4. They decide jointly with the employer on the following matters:
 - a. The undertaking's Works rules;
 - b. The undertaking's health and safety rules;
 - c. Information courses on the modern business organisation methods and the use of new technologies;
 - d. Planning the training, continuous and advanced education of the personnel, especially when technology changes;
 - e. Attendance and conduct control method as part of the protection of the employees'

- personality, mainly in connection with audiovisual means;
- f. Planning annual leaves;
 - g. Reintegration of people who became disabled as a result of an accident in the undertaking, in suitable job positions;
 - h. Planning and control of cultural, entertainment and social events.

An agreement in writing shall be made for all the above matters, which shall become effective as soon as it is filed with the competent agency of the Ministry of Labour and which shall have regulatory power. Such agreement shall also be posted in the notice board of the Works Council. In case of disagreement between the employer and the Works Council on the above matters, the dispute shall be dissolved through mediation and referral to arbitration in accordance with Articles 15 and 16 of Law 1876/1990 (Government Gazette 27, Bulletin A).

If no trade-union organisation exists in the undertaking and if such matters have not been regulated by Collective Agreement, the above functions shall be exercised by the Works Council.

