

Statute of The Organisation for Mediation and Arbitration

Ministerial Decision 94227/1991 on the Statute of the Organisation for Mediation and Arbitration

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Article 1 - Subject Matter of the Statute

This Statute shall govern the Organisation, structure and the general operation of the Organisation for Mediation and Arbitration (hereinafter referred to as "OMED").

Article 2 - General Provisions

The registered office of OMED shall be in Athens.

OMED shall be managed by a Board of Directors (hereinafter referred to as the "BofD"), as specified by law, the relevant Presidential Decree and this Statute.

Article 3 - OMED's Objectives

1.1 The principal objects of OMED shall be to:

1. provide mediation services for the resolution of collective labour disputes, this being a primary object of OMED; and
2. provide arbitration services for the resolution of collective labour disputes.

1.2 In addition to its principal objects, OMED may, if possible, by a special decision passed by a qualified majority under Article 12(3) (a) of this Statute, also:

1. provide consultancy services on industrial relations;
2. provide assistance to improve collective bargaining;
3. conduct research on industrial relations at national, industry and firm levels;
4. prepare and publish "Codes of Practice" recommending to parties specific modes of conduct and practical solutions for industrial relations.

Article 4 - Composition of the BofD of OMED

1. The BofD of OMED shall consist of 11 members distributed as follows:

- a. one professor of economics or industrial relations of any rank who works at any university department;
- b. one professor of labour law of any rank who works at a university law department;
- c. one scientist designated by the BofD of the Labour and Social Security Law Society (EDEKA) specialising in industrial relations;
- d. one representative from the Federation of Greek Industries (SEV), one from the Greek General Confederation of Small and Medium-Sized Businesses, Craftsmen and Trades (GSEVEE) and one from the National Confederation of Hellenic Commerce;
- e. three representatives from the Greek General Confederation of Labour (GSEE);
- f. one representative from the Ministry of Labour;
- g. a renowned person experienced in industrial relations, who shall be appointed by a majority of the other members in their first meeting after their designation by the competent agencies and before their formation into a body.

The members referred to in paragraphs (a) and (b) shall be designated by the Senates of the Universities of Athens and Thessaloniki on a proposal by their rectors. In all cases, members shall be designated by the competent agencies within a time limit of 15 days from the relevant notice. If no such designation has been made within the above time limit, the members referred to in paragraphs (a) and (b) shall be designated by the Minister of National Education and Religious Affairs and the BofD shall consist of such members as have been finally designated.

The members referred to in paragraphs (d) and (e) may not be members of the governing bodies of employees' and employers' unions. One member referred to in paragraph (d) and one member referred to in paragraph (e) shall be e-conomists.

The BofD shall be formed into a body by a decision of the Minister of Labour published in the Government Gazette, which shall also appoint the Chairman of the BofD and his alternate. The

term of the members of the BofD shall be four years. All members shall be eligible for re-appointment.

2. The agencies referred to in para. 1 of this article shall designate one regular and one alternate member each, following an invitation in writing by the Minister of Labour, eventually applying the provision of Article 8(5) of Law 4346/64 "Organisation of Protection Services etc.".
3. An alternate shall also be appointed for the person referred to in Article 4(1)(g) of this Statute.

Article 5 - Special Appointment Procedure

1. The members referred to in Article 4(a)-(f) above, after being designated by the competent agencies and before being formed into a body by a decision of the Minister of Labour, shall be invited by the Minister of Labour to meet at a specified time and place to appoint the member referred to in Article 4(1)(g) of this Statute.
2. The members so designated shall meet and elect by secret ballot the Chairman of the special meeting.
3. The special meeting shall be in quorum when the majority of the members designated are present and shall decide by a show of hands and an absolute majority of those present. If two votes are fruitless, then decisions shall be passed by a relative majority.
4. An employee of the Ministry of Labour appointed by the Minister of Labour shall act as secretary of the special meeting.
5. Minutes of the proceedings of the special meeting shall be prepared and, after being signed by the Chairman and the secretary, shall be submitted to the Minister of Labour.

Article 6 - Formation of the BofD into a Body

1. The BofD shall be formed into a body by a decision of the Minister of Labour published in the Government Gazette, which shall also appoint the Chairman of the BofD and his alternate.
2. In the event that a member of the BofD deceases or withdraws for any reason whatsoever, the continuing members may act for up to three months; however, alternate members shall always be invited to attend their meetings. In any case, the continuing members of the BofD must always be sufficient in number to form a quorum in the meeting.
3. In the event that a member of the BofD deceases or resigns or withdraws, the competent agency shall be invited to replace the said member within three (3) months, otherwise the BofD shall have a lawful, albeit deficient, composition.

Article 7 - Appointment of the BofD Secretary

1. An employee of OMED, appointed together with his alternate by the Chairman, shall act as secretary of the BofD.
2. An employee of the Ministry of Labour appointed by the Minister of Labour's decision establishing the BofD may provisionally act as secretary.

Article 8 - Meeting Place of the BofD

1. The BofD shall meet in the registered office of OMED in Athens.
2. The BofD may temporarily meet in the premises of the Ministry of Labour or any public organisation designated by a decision of the Minister of Labour.

Article 9 - Time and Procedure of Convocation of BofD Meetings

1. The BofD of OMED shall meet once a month or more frequently if deemed necessary by its Chairman.
2. The BofD shall be convened by the Chairman or, when he is unavailable, by the Alternate Chairman, by a notice given in advance of the meeting to those entitled to attend, stating the time, place and the agenda of the meeting.
3. The notice shall be signed by the Chairman of the BofD.
4. Notice shall be given to both regular and alternate members of the BofD.
5. An unavailable member of the BofD that cannot attend a meeting shall inform in a timely manner the secretary of the BofD, who shall notify the appropriate alternate member to attend the meeting.
6. Notice may also be given by cable or telephone. In such case, an entry to this effect shall be made in a special book, stating the date and signed by the employee that gave the notice.
7. Notice of the meeting shall be waived when the date of a meeting has been scheduled well in advance and is known to the members; a member has already declared that he is unavailable; or it is practically impossible for a member to attend.
8. Notice of the meeting may be waived if all members are present and there is no objection by everyone, or it can be proved with documents that all the members of the BofD consented to the holding of the meeting.
9. Following an application in writing by at least four (4) members of the BofD, stating the proposed agenda, the Chairman or, if he is unavailable, the Alternate Chairman, shall convene an extraordinary meeting of the BofD within five (5) days from the submission of the application.

Article 10 - Agenda of the BofD Meetings

1. No business may be transacted unless recorded in the agenda, which shall be prepared by the Chairman and state the business to be transacted.
2. The Chairman shall include in the agenda any business that may be suggested by the members attending the meeting by an application filed before the finalisation of the agenda.
3. The agenda shall be distributed together with any written proposals thereon.
4. Off-agenda business may only be transacted in exceptional cases, provided that the business to be transacted is urgent and all eleven (11) members of the BofD are present and at least eight (8) consent to the transaction of such business.
5. The provision of para. 4 above shall not apply to decisions that require a qualified majority.

Article 11 - Presentations and Reports in the BofD Meetings

1. The Chairman or an authorised member of the BofD or an employee of OMED shall present to the BofD, on a regular basis during its meetings and before the transaction of any business, a regular report on the progress of OMED's activities, highlighting the most important matters.
2. If deemed necessary by the Chairman or the BofD, a presentation of major items on the agenda shall be prepared in writing and presented by the Chairman or an authorised member of the BofD.

Article 12 - Quorum and Votes in BofD Meetings

1. The BofD shall be in quorum when the members present make up the absolute majority of the legal total number of members.
2. The BofD shall decide by an absolute majority of the members present.
3. (a) A qualified majority of at least six (6) affirmative votes shall be required for the approval of expenditures; evaluation of the performance of mediators-arbitrators and the staff of OMED; approval of the annual budget and balance sheet; and delegation of powers of the Chairman of the BofD to a BofD member or an employee of OMED.
(b) Furthermore, other decisions may be subject to a qualified majority if prescribed by other Regulations of OMED or decided by the BofD by a qualified majority of six (6) affirmative votes.
4. A qualified majority of all the BofD members shall be required for the approval of, or amendment to, Regulations of OMED, as well as the hiring of mediators-arbitrators.
5. Matters referred to in paras. 3 and 4 of this article for which a qualified majority is required shall be excluded from the procedure of Article 18(1)(g) of this Statute.
6. When several opinions have been expressed and it is impossible to make a decision, the weaker factions shall come around to one of the prevailing ones.
7. In the event of a tie, the Chairman of the BofD shall have a second or casting vote.
8. Refusal to vote or abstention shall count as a negative vote.
9. Votes shall be conducted by a show of hands. Members may justify their vote.



Article 13 - Exclusion of a BofD Member from BofD Meetings

When a matter concerning personal interests of a BofD member or a relative of up to fourth degree is to be discussed, the said member may neither attend the meeting nor vote. The BofD shall decide on such exclusion upon a motion by the person concerned, who shall submit a declaration to this effect, or upon a motion by any other member of the BofD. This provision shall also apply to alternate members of the BofD respectively.



Article 14 - Attendance of Bof D Meetings by Third Parties

1. Meetings of the BofD may, following an invitation by the BofD or its Chairman, be attended by officers and employees of OMED, civil servants, representatives of the trades, employers' and employees' representatives, as well as other persons active in the areas of OMED's concern. Alternate members, unless they replace regular members, may only attend if deemed appropriate by the BofD.
2. The aforementioned persons shall inform the BofD on the matters with respect to which they have been invited and may express their opinions.



Article 15 - Minutes of BofD Meetings

1. Minutes of proceedings in the BofD meetings shall be kept.
2. The majority and minority opinions shall be recorded in the minutes.
3. The minutes of a meeting shall be typed and shall be read out and certified in the next BofD meeting.
4. If the minutes cannot be certified in the next meeting, their certification shall be postponed until the meeting after the next one.
5. The minutes of meetings shall be signed by all the members that attended the meeting and by the secretary of the BofD.



Article 16 - Conditions of Publicisation of BofD

Proceedings

1. BofD meetings shall not be public. Following a decision by the BofD, a summary of the proceedings and the decisions made may be published.
2. The minutes of meetings may not be published or publicised without a specific decision of the BofD. Copies or abstracts of the minutes may be obtained by persons other than members of the BofD only by a decision of the BofD.
3. The BofD members shall keep the proceedings of BofD meetings confidential.

Article 17 - Powers of the BofD

1. The BofD shall:
 - a. direct OMED's activities to carry out its mandate;
 - b. supervise the lawful discharge of duties by the special body of mediators and arbitrators;
 - c. prepare the Regulations provided for by Articles 17 and 18 of Law 1876/1990;
 - d. manage OMED's property and resources;
 - e. approve the annual budget, activities report and balance sheet of OMED;
 - f. establish committees composed of its members and/or other persons from the public or private sector to study and prepare presentations of special matters;
 - g. hire and dismiss OMED's staff;
 - h. choose and appoint the mediators and arbitrators for a three-year term, review and renew their term and dismiss them according to the Regulations;
 - i. approve the necessary expenditures;
 - j. authorise the Chairman or another member of the Bof D to enforce its decisions; and
 - k. decide on issues that fall within its scope of authority under the law and the Regulations.
2. In the event of any doubt as to a specific authority between OMED's bodies, the BofD shall be deemed to have such authority.

Article 18 - Powers of the Chairman of the BofD

1. The Chairman of the BofD shall:
 - a. attend to the exercise of the powers of OMED's BofD;
 - b. convene meetings of the BofD and propose the agenda;
 - c. monitor and direct the operation of OMED, according to the decisions of the BofD;
 - d. head the Service of OMED and issue any acts on its staff, as specified in the Regulations;

- e. approve expenditures and issue money orders in accordance with the Regulations;
 - f. decide on extraordinary and urgent matters and submit the relevant decisions for approval to the BofD within one month;
 - g. represent OMED before courts, public authorities and private entities;
 - h. appoint attorneys at law;
 - i. sign OMED's documents; and
 - j. decide on issues that fall within his scope of authority under the law and the Regulations.
2. The BofD may approve the delegation of powers of the Chairman, following his proposal, to another member of the BofD or an employee that serves as principal in OMED.

Article 19 - Management of OMED

1. The BofD of OMED may appoint one of its members or hire an officer as Manager of OMED, assigning to him all the administrative and executive powers of OMED.
2. In addition or alternatively to the Manager, one or several members of the BofD or employees of OMED may be appointed Assistant Manager(s), who shall assist or replace the Manager.
3. The qualifications, industrial relation, remuneration and other matters concerning the posts of Manager and Assistant Managers shall be specified by a decision of the BofD of OMED.
4. The Manager and Assistant Managers shall head the services of OMED and have the powers delegated to them by the relevant decision of the BofD.
5. The Manager and Assistant Managers, even if they are not members of the BofD of OMED, may, by a decision of the BofD, attend its meetings without voting rights.

Article 20 - Organisational Structure of OMED

1. The organisational structure and the organogramme of OMED shall be laid down from time to time by a decision of the BofD.
2. The OMED departments, divisions and units shall perform the following functions:
 1. BofD secretarial support;
 2. OMED legal support;
 3. staff management;
 4. OMED secretarial support;
 5. support to mediators'-arbitrators' activities;
 6. information technology- archive;

7. training;
8. studies;
9. finance;
10. accounting;
11. financial audit;
12. procurements;
13. logistics;
14. mass media and public relations; and
15. international relations.

3. The BofD of OMED may, by its decision, establish regional offices, as well as a branch of OMED in Thessaloniki.
4. A single special body of mediators-arbitrators shall be established within OMED. The legal status of mediators-arbitrators and the other staff of OMED shall be laid down by a Regulation.

Article 21 - Final Provisions

1. This statute may be partly or wholly amended by a decision of the BofD. In the case of partial revision of, or amendment to, this Statute, a new Statute shall be published as a single instrument, including the revised or amended provisions.
2. This Statute may be enforced gradually, at the discretion of the BofD, over a period that may not exceed six (6) months.
3. This Statute shall take effect as from the promulgation of the relevant ministerial decision in the Government Gazette.

THE BOARD OF DIRECTORS

THE CHAIRMAN

THE MEMBERS