



SURVEY REGARDING THE IMPLEMENTATION OF DIRECTIVE 2002/14 (P.D. 240/2006) FOR INFORMATION AND CONSULTATION IN GREECE

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Summary

OBES has undertaken the present survey in the first semester 2016 on the basis of interviews using a structured questionnaire as well as a meeting of trade unionists coming from all over Greece that took place in Athens on 27.2.2016. Its aim is to verify the situation regarding information and consultation, in other words the application in practice of Directive 2002/14 and of related Directives 98/50 and 2009/38.

Presidents of second level trade unions, Labour Centres and federations as well as trade unionists from several sectors contributed to this survey.

The general situation in Greece remains very critical. The unemployment rate in Greece remains close to its highest level since the onset of the economic crisis, while competitiveness of Greek economy is not sufficiently improved. At the industrial relations level, crisis had devastating impact as well. The troika has imposed a series of new laws (Laws 3899/2010, 4024/2011, 4046/2012, 4093/2012 and 4172/2013) that undermined collective bargaining and the institution of mediation and arbitration and have brought the labour movement on the defensive.

Information and consultation, it is based on article 27 (*Workers' right to information and consultation within the undertaking*) of the Charter of Fundamental Rights of the European Union.

1. Context of industrial relations

Companies face crisis, which is expressed:

- At the ownership level with closures, mergers and acquisitions
- At the operational level with closure of plants, unification of departments, transfer of operations to subcontractors etc.
- At the work organisation level through attempt to introduce or increase flexible forms of employment as well as reduction of staff through incentives for voluntary resignations, mass redundancies, lay-offs and job rotation.
- At the industrial relations level, collective bargaining, has been substantially reduced following the introduction of new Laws

2. Information and consultation in practice

There is no diffused information and consultation culture in Greece. To this contributes:

- Legislation, which is complex, fragmented and ever-changing (on the expense of the employee side).

- Transposition of EC Directives related to information and consultation. Presidential Decree 240 transposing the EC Directive 2002/14, does not determine the practical arrangements for exercising the right to information and consultation at the appropriate level, as explicitly requires the Directive Member States to do.
- The general negative attitude of the employer side regarding information and consultation that takes advantage of insufficient legislation and tries to avoid it or substitute consultation with a typical information.
- Consultation is a distinct stage and may not be packed or confused with information.

3. Worker representation

In Greece there are few only works councils. As a result, not only collective bargaining but also information and consultation are the duty of company-based trade unions.

Information and consultation does not take place in SMEs and in companies with no company-based trade union. In SMEs and companies with no company-based trade union information and consultation do not take place at all. Employees working in companies where there is a company-based trade union are in practice the only ones who can exercise their right in information and consultation.

4. Arrangements of information and consultation

In most cases they take place in the company offices and agenda is prepared by the employer side.

Information received is seldom analytical and documented and in most cases oral.

Consultation is generally more substantial and more time consuming but justified and documented responses to opinions the trade union expressed remain still not satisfactory.

Experts used are lawyers.

Information of the rest of employees of the companies takes place through a General Assembly.

Measures used to create pressure to the management involve establishing alliances, addressing society, or undertaking trade union actions, such as strikes, threat of strikes and stoppages).

Results of information and consultation procedures influence more management decisions, when information and consultation take place in the right way.

5. Multinational Companies

EWCs exist for a considerable number of years now.

However, coordination of action at the national and European level, even concerning cases like the closure of plants that have to be discussed in the EWC, does not seem to be an *acquis* up to now. To this may contribute the fact that there may be more than one sites, and the one using information representation to the EWC through a representative working in another site of the group in Greece.

6. Sanctions

Sanctions are not effective, dissuasive and proportionate as previewed. This is due to various reasons:

- Presidential Decree 240/2006 refers only to fines, instead, Law 4052/12 for EWCs refers to penal sanctions as well.
- The respective Ministerial Decision 2063/11 characterizes the seriousness of the employer offence regarding information and consultation is characterized as “low”.
- The juridical system takes too much time in order to judge a case and issue the respective judgment, which makes it ineffective.

7. Advice to other trade unionists

- To ensure unity and solidarity of employees, trade unions and social institutions
- To study the legislation, to know well their rights and the procedure of information and consultation
- To use economic experts additionally to lawyers
- To ask for written information and keep written minutes
- To develop a positive attitude towards information and consultation,
- To further develop their negotiation and consultation skills
- To use all legal means available, including interim measures.

Conclusions

Information and consultation are more than necessary in Greece. Yet, it is far from being mature.

Legislation has to be improved to be in line with the Spirit and the letter of Directive 2002/14.

Trade union Federations and Labour Centres have to coordinate their efforts to raise awareness, knowledge and skills of trade unionists concerning their right to information and consultation. To this may contribute the publication of a Guide, but also organization of meetings, workshops and training courses

The situation in Greece as far as information and consultation is concerned

Key characteristics of the labour market

The main feature of Greek economy today is the devastating impact of eight years of deep recession starting from 2008. This produced the loss of roughly one fourth of the Greek GDP.

In figures, the profile of Greece describing the key characteristics of working life in Greece, published by EUROFOUND in November 2015, gives the following table:

Table 1. Key figures of working life in Greece

		Year
Collective bargaining coverage in private sector establishments	89%	2013
Establishments having any kind of workplace representation in %	14%	2013
Number of any type of industrial dispute between 2008 and 2013, % of establishments	50%	2013
Number of total work accidents per 1000 workers	5.1%	2012
Percentage of establishments granting flexitime to their employees	48%	2013

Source EUROFOUND. Greece: working life country profile

Labour compensation defined as compensation of employees in Euro (including is the sum of gross wages and salaries and employers' social security contributions) divided by total hours worked by employees dropped by 2% in 2015 (OECD, Data on Greece, April 2016).

The unemployment rate in Greece remains close to its highest level since the onset of the economic crisis (27.2% in May 2014), more pronounced for women, while youth unemployment reached 58.3% in 2013, although a decrease to 52.4% became apparent in 2014. The worst is that more than one in three unemployed persons is long term unemployed (out of work for 12 months or more). Wages dropped down in Greece by more than 5% per year on average since the first quarter of 2009 (including wage cuts by -3.4% per year in the private sector and -1.9% per year in the public sector. The aim was to reverse the gap in unit

labour costs with Germany, and restore external competitiveness (OECD Employment Outlook Sept 2014).

Social partners

Social partners in Greece are:

For the employee side, GSEE (Greek General Confederation of Labour) is the sole body representing private sector worker and employees at the third level. The respective national-level trade union in the public sector is ADEDY (Confederation of Public Servants). INE-GSEE (Research Institute of GSEE) estimates trade union density to 28.1%. The respective second level trade unions are Federations and the Labour Centres, having a local character. Federations are sectoral Federations, signing sectoral collective agreements and OBES having as members company- based trade unions of different sectors.

Each worker/employee may be member in only one primary trade union. Primary trade unions are either company- based or sector-based. Each primary trade union may be a member of the local Labour Centre and of a Federation but has to choose through which of these second level organizations it will be represented to GSEE.

Concerning works councils, they may be established according L.1767/88. In practice, they exist in only a very small number of companies because trade unions exercise their role as well.

On the employers' side, there are four main employers' associations, the SEV (Hellenic Federation of Entreprises), the GSEVEE (Hellenic Confederation of Professionals, Craftsmen and Merchants), the ESEE (Hellenic Confederation of Commerce and entrepreneurship) and SETE (Association of Greek Tourism enterprises).

The Ministry of Labour, Social security and Social solidarity, along with its agency SEPE (Labour Inspectorate), is the public authority having the responsibility of supervising labour relations and working conditions.

Industrial relations

At the industrial relations level, crisis had devastating impact as well. The troika has imposed a series of new laws (Laws 3899/2010, 4024/2011, 4046/2012, 4093/2012 and 4172/2013) aiming at deregulating the labour market, making working relations more flexible and raising competitiveness. These had also as effect putting the labour movement on the defence. As a result, collective bargaining at national level is suspended, substituted by a decision by the government setting minimum wage and salary. At sectoral level it is abolished as now only members are covered by and have to apply the respective Collective Agreements and company-based collective agreements are declared as prevailing over sectoral ones. At the company level collective agreements are undermined as well, because unilateral recourse to the Arbitration and Mediation Organisation (OMED) is abolished by Law 3899/2010. Collective agreements have by law a maximum period of force 3 years and may be extended for 3 more months.

Under these circumstances, the importance of information and consultation at company level is getting more pronounced.

Legislation

As far as legislation is concerned, in Greece there is no single labour law or code. Instead there are many different laws and regulations and the landscape is unstable and ever-changing as new laws and regulations are introduced. This is particularly true in the last years with economic crisis and the interventions of the troika. The main law governing operation, recognition, representativeness, rights of trade unionist officials and right to strike is Law 1264/82, still a progressive Law.

Works councils have the rights of information and consultation, but no right in collective bargaining and are clearly less powerful than trade unions. In practice, only a few companies have a works council. Company-based trade unions are entitled for the dual role of collective bargaining, where and when this is possible, and of information and consultation with the management of their company.

Concerning information and consultation, it is based on article 27 (*Workers' right to information and consultation within the undertaking*) of the Charter of Fundamental Rights of the European Union. In Greece there is the legislation transposing EC Directives related to information or consultation. In all cases after 2000, except in the case of Directive 2009/38, in which OBES has fought for a fair transposition, transposition has taken place through Presidential Decrees, this meaning that these texts have not been discussed in the Parliament.

Main legal text regarding information and consultation is P.D.240/2006 transposing EC Directive 2002/14. The Legal Council of the State has issued Opinion 390/12 according which professional or sectoral trade-unions are not entitled and do not have the right to engage in information and consultation. Only company-based trade unions have this right.

Table 2. Greek legislation transposing EC Directives concerning information and consultation

EC Directive	Greek legislation
Directive 75/129 on mass redundancies	L 1387/1983
Directive 92/56 on mass redundancies	L 2736/1996, L 2874/2000
Directive 98/50 on safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of businesses	Presidential Decree 178/2002
Directive 94/45/EC on the establishment of European Works Councils	Presidential Decree 40/1997
Recast Directive 2009/38 on European Works Councils	L 4052/12
Directive 2002/14 on information and consultation	Presidential Decree 240/2006

Methodology used

Employees' representatives in Greece, as far as information and consultation are concerned, are trade unionists from company-based unions.

OBES has implemented the survey previewed in the framework of the INVOLVE project using the following methodology:

- There were a few preparatory restricted trade union meeting in Athens to fix the template of the questionnaire to be used.
- Interviews were carried out by a member of the Board of OBES and an OBES expert.
- The expert visited the President of Food Federation and 5 local second degree Trade unions (Labour Centres-Ergatika Kentra) of Halkis, Thiva, Korinthos, Elefsis and Kiato, covering a perimeter of 85 km around Athens, where most of industries are. The Presidents of the Labour Centres described the situation of information and consultation in companies within their area of responsibility. They highlighted the fact that information and consultation does not take place in SMEs and in companies with no company-based trade union. Presidents of Local Labour Centres suggested additional companies to be interviewed.
- All interviews were face to face. In most cases participated more than one members of the Board of the trade union interviewed.
- The occasion of having the interview was used at the same time to diffuse information about the provisions of the legislation and for offering consultancy on specific problems they face.
- There are 15 interviews collected using the above methodology.
- There were additional cases participants described in the preparatory meeting of trade unionists, which took place in Athens on the 27 February 2016 with the participations of trade unionists coming from all over Greece.
- Lists of the persons interviewed and companies, in which information and consultation practices were examined, are available in Annex at the end of the report.

Although the number of interviews is 15, the general picture is reliable, because it covers a wide range of company sectors, sizes and ownership of the share capital. This picture has also been confirmed by trade-unionists coming throughout Greece in the Athens preparatory workshop on the 27th February 2016. It will also be refined with visits to other Greek Labour Centres and trade unionists, with the double aim to enrich conclusions and disseminate results.

In the following chapter we transfer the summary of the results per question.

Responses to questionnaires

- 1. Is there a written agreement between the employer and the trade union, establishing practical details of information and consultation (article 5)? If yes, what does it include?**

All trade unions asked, replied that there is no fix agreement between the management of the company and the trade union concerning information and consultation. In two cases, though, respondents said that there is a custom or an oral agreement and in one of these cases (in Vivechrom) the management informs employees about economic figures every 3 months.

Another factor a participant referred to (Galinos Super Market) is that there was not a company based trade union, only a sectoral one (clerks of the private sector), so an agreement was not feasible. As mentioned before, Opinion 390/12 of the Legal Council of the State forbids involvement of sectoral or profession trade unions.

The absence of a written agreement –framework governing information and consultation in Greek companies, which seems to be the general case is related to the absence of such a prerequisite in the Presidential Decree 240/2006. On the opposite, regarding the same right, the right of information and consultation at the European level, Directive 2009/30 and the respective Greek L.4052/2012preview concrete procedures for the effective application of information and consultation.

At the same time, in Greece there was no powerful legislative framework imposing the application of information and consultation procedures. As a conclusion, Directive 2002/14 is applied ineffectively.

- 2. What kind of situation of changes in employment requiring information and consultation procedures did face your company or the company (ies) you refer to and when (article 4, clause 2, case c)?**

Trade unions made reference to a wide range of situations, such as:

- *Mass redundancies*
- *Closure of a department*
- *Voluntary resignations*
- *Not renewing fixed-term contracts*
- *Transfer of a part of the staff to another company*
- *Promotion of individual contracts*
- *Unification of departments*
- *Closure of a factory*

- *Substitution of indefinite contracts with fixed-term (6month) contracts*
- *Job rotation*
- *Closure of the company*

3. What were the main problems you had to face?

Answers to this question are divided. Some respondents referred to the problems they had as far their companies are concerned, others to the conditions of employment in them and a third category to the information and consultation procedure. These include:

Company-related problems

- *Closure of plants*
- *Financial problems of the company*
- *Reduction of production*
- *Subcontractors*
- *Acquisition of the company*

Work conditions

- *Voluntary resignations*
- *3 days' work per week without previous information and consultation*
- *Multiskilling*
- *Shift to individual work-contracts*
- *Mass redundancies*
- *Job rotation*
- *Delayed salaries/wages*

Procedure

- *Not clear answers to the questions employees' representatives put*
- *Sudden decisions, consultation without previous information and consent of employees*
- *Disputes between trade unions*

Three out of 15 answers reported that there was no problem.

4. Did information precede the decision making of the employer or the employer just announced an already made decision? Did he call you for information and consultation (article 4, clauses 3, 4)?

Answers to this question are divided. About 40% of respondents answered that information took place before the actual decision making, although information and consultation were not extensive and full. Sixty percent of the answers though record

no previous information and this stands even in the case of VIVECHROM, where decision was already made but there was a consultation, which lasted for 5 months.

Additional cases presented in the workshop in Athens show that as a rule in Greece decisions are made before information and consultation take place and the company management simply presents them to employees as fait accompli.

The general impression in any case is that in Greece there is no established culture of information and consultation and employers strive to skip it if they can. This is all the more so, when we are talking for SMEs, where it does not exist.

5. With whose initiative did information take place? Where did it take place? Who participated from each side (employee/employer? Was there an agenda and who prepared it (article 4, clause 4)?

In all cases where information took place the employee representation was through the company-based trade union. In companies with no company-based trade union, information did not occur at all, or took place as an individual process with each member of staff (or selected members of staff).

Concerning the management representation, general management was represented by the General Manager but in some cases by the Financial Manager or the Human Resources Manager, or a company lawyer. In a multinational of the cement/concrete sector belonging to the Italcementi group, information was done by the Italian General Manager.

Information took place in the company offices and agenda was prepared by the company management.

Three trade unions reported that no information at all took place.

6. Did your employer inform you in written using analytical and documented information about the above-referred changes in employment (article 4, clause 3)?

Only 3 out of 15 respondents have answered that they have received analytical and documented information. Even so, in one of the cases information, which is received in written, was not analytical and documented but rather vague.

The rest 12 respondents answered that they received no information or oral one. On the opposite, in one of these cases (Greek Steel) oral information was analytical and documented and another company (belonging to the cement sector) reported that information takes place regularly once a year.

In the Athens workshop of 27 February 2016 the reluctance of the management to provide written information were of the main grievances of participants.

- 7. Did you ask for analytical information taking the initiative yourself, when for example there were rumors that there would be restructuring or redundancies? On what issues did you ask for information (article 1)?**

Nearly 6 out of 10 trade unionists that replied to this question said either that they are aware they have this right, or in the majority of cases, that they were the ones who have taken the initiative to ask for information. Nearly the half out of those who replied positively, though, have said that it was in vain they asked for information, because they received nothing. The rest respondents (four out of ten) have replied negatively.

- 8. Did you ask for assistance of an expert or any third party (e.g. an economist, a lawyer or an engineer)? What kind of assistance did you get (article 6, clause 1)?**

One third of participants replied they have used no external help. It is interesting that 66.66% have used or made reference, or asked for the opinion of a lawyer.

- 9. Did you have any objection about the information procedure followed? What juridical process did you engage (Labour Inspectorate, Ministry of Labour, Court of justice etc.) and what were the results (article 8)?**

Many cases said they didn't use any juridical measure. Three trade unions reported they used the tripartite procedure with the Ministry of Labour (in the case of Chalyvourgia-Steel company it took 6-7 meetings), in one case it was said that the trade union went to the Ministry of Labour for the acquisition of the company by a new owner, two others went to the Labour Inspectorate. In the case of Tsimenta Halkidas (Lafarge group) the Labour Inspectorate has put a fine of 10,000 Euro. The trade union brought the case to Courts and redundancies were declared void because of absence of the proper information and consultation. Employees of the super market Galinos when dismissed went also to Courts and won the case.

- 10. Was the information you received satisfactory? Did it cover the economic situation of the company, evolutions of employment and changes in work contracts or redundancies (article 4, clause 2)?**

About half of respondents were not satisfied with the information they received. They characterized it as generic, not sufficient, fragmentary, and not satisfactory.

Some respondents said information they received was satisfactory and analytical.

A respondent said they received no information and another has put a question mark considering the quality of information.

11. Did you transfer information you got from the employer to employees and how did this take place (article 1)?

All trade unionists interviewed, except in two cases, where there is no information process in the company, said that they transferred information they received by the management to employees through a general Assembly of the trade union. In one case they also posted information as an announcement on the table of announcements.

12. Did your employer give you information he said was confidential? Did he explain to you the reasons of confidentiality and how long would it last? Did you have any problems (article 6)?

Answers to this question are equally divided. As a conclusion the issue of confidentiality is put in a number of cases on the table in the case of big companies. What is interesting though is that it occurs the management uses the pretext of confidentiality in order to deny providing information at all (in 2 cases out of 7, in which the management made reference to confidentiality).

13. In the case your employer provided you with information you asked, how much time did you have to examine data provided in order to form and express your views and opinions during consultation (article 4, clause 3)?

Three respondents answered that there was no time given and another one said 2 days. Three answered that time varies according to the case. Most answered that time they had to examine information and being prepared is about a week, but they judged this time as not enough.

14. Did you ask in written for clarifications on the information received? Did the employer answer to you in written, in order that you get prepared for consultation (article 4, clause 4)?

Six trade unions replied positively in this question. Two of them said that they did not get any clarifications. One (the trade union of the company part of the Italcementi group) replied that it intends to use the answer to the courts. Another, the one of the Praktiker, said they put the questions in written but the management replied to them

that they are not entitled to have consultation in the case of acquisition of the Greek part of the company by a private equity Fund, as employees did not change employer.

15. Where did consultation take place? Who participated from each side? Who wrote the agenda with issues to be discussed (article 4, clause 4, cases a, b and d)?

In all cases which reported that had consultation with the employer, consultation took place in the area of the company. Agenda, except of the case of Greek Steel where the General Secretary of the trade union prepared it, was defined by the management of the company. Again, as in the case of information, from the part of the trade union participated its managing Board and from the part of the management the General Manager or top managers.

16. How long did consultation last? Were there written minutes signed by the employer and the employees? Did you ask for assistance of an expert or any third part (article 4, clause 4, case a, article 6 clause 1)?

Answers vary a lot as far as the duration of consultation is concerned. They indicated 1 day, 3 times, 5 months and 6 months. Only a few said they kept written minutes of the proceedings of consultation. One trade union said it resorted to the services of a lawyer.

17. Did you ask the employer for justified responses to the opinions that you expressed during consultation? On which matters? Did you get them (article 4, clause 4, case d)?

In eight cases trade unionists asked for justified responses to the opinions they expressed during consultation. In three out of them they got no documented justification. On the other side, seven respondents said they did not ask the management of their company for any justified response.

18. Except of the consultation procedure, did you manage to create conditions pressing the employer towards your positions (trade-union pressure, allies in the community, political pressure, Ministry of Labour, Labour Inspectorate etc.)?

Trade unions have used various ways to create pressure to the management, namely:

- *Announcement in the press*
- *Publicity*
- *Stoppages*
- *Threat of strike*

- *Strike*
- *Alliances at the local level*
- *Social alliances*
- *Closure of highroad*
- *Occupation of the offices of the Region*

Others have resorted to the Labour Inspectorate, the Ministry of Labour, the Region, the courts of justice.

19. How do you assess the results of the information and consultation? Did the opinion you express during consultation achieve in influencing or changing decisions made by the employer for changes in work organization or work contracts?

In seven out of 15 answers it seems that information and consultation have influenced decisions about changes in work organization and work contracts. Even if these results were not entirely satisfactory for trade unionists, they still are a positive sign that information and consultation may be used and have tangible results.

The most interesting is that these positive cases have been the conclusion of information and consultation procedures with sufficient time for consultation, written minutes, in which the trade union had the assistance of a lawyer and created conditions of internal and external pressure and positive attitude towards their case.

20. Did you conclude to an agreement regarding the employer's decisions on the future (article 4, clause 4, case e)?

Only four respondents have answered positively and two more answered that they sometimes conclude to an agreement with the management. A remark by respondents is that the Greek legislative framework has to be improved as far information and consultation are concerned.

21. What practical advice would you give to trade unionists facing analogous situations?

Advice given refers to different facets concerning information and consultation, for example:

- *Unity*
- *Information of employees*
- *Use of experts, mainly accountants*
- *Not to step back*
- *Coordination with other trade unions*
- *Solidarity*

- *To ask in written for documentation and to receive written documentation*
- *Not to have consultation when there is acquisition of the company by a new shareholder, group. Best results in consultation may be achieved when the company gains profits.*
- *Claim of information through interim measures*
- *To know well the procedure of information and consultation*
- *To keep written minutes*
- *To use economic experts*
- *To study legislation*
- *To sit around a table and discuss*
- *To ask the support of social institutions*
- *To use all legal means available*
- *To ask the support of second –level trade unions (federations and local Labour Centres).*

22. Which processes and means did workers' representatives use to inform all employees on the results of information and consultation?

Again here, all respondents have identified the general assembly of the trade union as the most appropriate way for informing employees about the results of information and consultation. A few have added press release and posting an announcement as supplementary ways to achieve diffusion of information on results.

23. In case your employer did not give you information you required or refused information & consultation procedure did you proceed to juridical measures? If yes, which exactly and what was the result? Were there sanctions for the employer and if yes which?

The big majority of respondents (12 out of 15) answered this question in a negative way. In one case the trade unionist interviewed answered that there was a sanction of 10.000 Euro fine imposed by the Labour Inspectorate. In two cases the trade unions brought their case to Court and first instance judgment sustained their positions.

24. Do you consider that these sanctions were effective, dissuasive and proportionate to the seriousness of the offense to employment? Were there sanctions at all (Introductory note 28 of Directive 202/14, absent in Presidential Decree 240/2006)?

In general, respondents either do not know what sanctions are previewed by the Law in case their right to information and consultation is violated, or they judged provisions for sanctions as insufficient.

They by no means think sanctions are effective, dissuasive and proportionate to the seriousness of the offense to employment.

25. In case the company belongs to a multinational grouping of companies, in which there is a EWC have you informed the EWC? Has the subject been discussed in the EWC? Has the EWC restricted Committee discuss the subject with the central management of the grouping in a meeting of information and consultation based on a report of the central management? Have you been called to participate in this meeting? Have you informed employees about the results (article 60 of L 4052 on the EWCs)?

It is interesting that, although some of the respondents work in European-scale groups of companies, no one of them reported to present their case in the EWC.

Companies that presented their case in the Athens preparatory workshop, as Heineken (beer) and FAMAR (pharmaceuticals) have reported that they have risen the subject to the EWC as well.

26. What difficulties or obstacles have you encountered due to the Law, administrative system, juridical system or in general?

Trade unionists participating in the survey have complained for:

- *The Presidential Decree 240/2006, which is not clear and does not have any specific provisions for arrangements about information and consultation nor any for sanctions in case of offense or violation of the respective employees' right.*
- *The fact that the Labour Law is up to a point suspended due to the economic crisis and the troika (mainly as far as collective bargaining, mediation and arbitration is concerned).*
- *The juridical system that takes too much time in order to judge a case and issue the respective judgment, which makes it ineffective.*
- *The Ministry of Labour and the Labour Inspectorate, which in some cases prove to be inefficient in their role.*

27. Are you aware that according to the Ministerial Decision 2063/11 the seriousness of the employer offence regarding information and consultation is characterized as "low"?

Only in one case, the Lafarge "Tsimenta Chalkidas" the respondent replied that he is aware of this fact.

Conclusions of the Greek national report

The general picture concerning information and consultation in Greece, as recorded in the interviews is the following:

1. Context

The majority of Greek companies faces serious economic problems and reduction of production and turn over, due to the economic crisis. This is particularly true for companies related with construction (e.g. building materials, cement and concrete, steel, appliances), since construction volume has dropped by about 90% during the years of recession (2008-2016). In most cases Greek companies, even if owned by multinationals or European-scale groups, have not been able to counterbalance internal decrease of demand with exports. This situation is even more difficult following imposition of capital controls after June 2015. Economic strains have implied a series of measures:

- At the ownership level, closures, mergers and acquisitions
- At the operational level, closure of plants, unification of departments, transfer of operations to subcontractors etc.
- At the work organisation level, attempt to introduce or increase flexible forms of employment as well as reduction of staff through incentives for voluntary resignations, mass redundancies, lay-offs and job rotation.
- At the industrial relations level, collective bargaining, following the introduction of Laws 3899/2010, 4024/2011, 4046/2012, 4093/2012 and 4172/2013 has been substantially reduced.

2. Information and consultation in practice

There is no diffused information and consultation culture in Greece. As a result, there are no Agreements recorded in the survey between the company management and employees, settling the details of Information and Consultation. To this contributes:

- Legislation, which is complex, fragmented and ever-changing (on the expense of the employee side). This makes difficult for trade unionists to follow and know well their rights and how to exercise them.
- Transposition of EC Directives related to information and consultation. Presidential Decree 240 transposing the EC Directive 2002/14, does not “determine the practical arrangements for exercising the right to information and consultation at the appropriate level” as explicitly requires the Directive in Article 4 for Member States to do. In this way, legislation does not support in practice the application of the Directive.
- The general negative attitude of the employer side towards information and consultation under different pretexts and the insufficient legislation. It seems that

the will to decide without informing anybody prevails for them than building positive industrial relations in the workplace. Following the findings of the survey, in the majority of the cases decisions were made before information took place. Characteristic is also the fact that nearly the half of respondents, who have asked for information with their own initiative have said that it was in vain because they received nothing. In other cases, information was not substantial.

- Consultation is a distinct stage. In practice though, in many cases it is confused with information. The company management calls the trade union, provides it with generic information and sustains that it has covered its obligation for information and consultation.

3. Worker representation

In this case, employees working in companies where there is a company-based or even better a plant-based trade union are better placed to exercise their right in information and consultation. Where there is one or more sectoral or professional trade unions (e.g. secretaries, electricians) etc. the right to information and consultation remains inactive. Employees cannot exercise their right according to Opinion 390/2012 of the Legal Council of the State. Work councils are scarce in Greece and in practice not only negotiations but also information and consultation remains the work of company-based trade unions.

4. Arrangements of information and consultation

In most cases they take place in the company offices and agenda is prepared by the employer side.

Information received is seldom analytical and documented and in most cases oral. Only 2 out of five of respondents to the survey assessed information received as satisfactory. Time to examine data provided and prepare for consultation seems to be not enough. Clarifications on information received do not seem either to be the rule.

Recursion to the confidentiality clause does not seem to be an often case, as when needed the management often omits information, invoking that it retains this information because of confidentiality reasons. Trade unions do not use their right, according to Article 6 of the Directive 2001/14 to bring the case to Court.

Consultation either directly between the management representative(s) and the trade union or in the presence of a representative of the Ministry of Labour (Labour Inspectorate) is generally more substantial and more time consuming (reported up to 6 months).

Justified and documented responses to opinions the trade union expressed remain still a procedure, which is satisfactory in a small minority of cases.

Experts used are lawyers.

Information of the rest of employees of the companies seems to be a standard process through a General Assembly.

It is also common that the company-based trade union uses a wide range of measures (by establishing alliances, addressing society, or undertaking trade union actions, such as strikes, threat of strikes and stoppages) to create pressure to the management.

Analysis of the results of the individual cases reported in the survey shows that results of information and consultation procedures influence more management decisions, when there is sufficient time for consultation, written minutes, in which the trade union had the assistance of a lawyer and those in which it created conditions of internal and external pressure and positive attitude towards their case.

5. European scale company

Although EWCs exist for a considerable number of years now, coordination of action at the national and European level does not seem to be an *acquis* up to now. To this may contribute the fact that there may be more than one sites, and the one using information and consultation may not be directly represented in the EWC but indirectly, through a representative working in another site.

6. Sanctions

Sanctions in case of offense of the Directive 2002/14 (and Presidential Decree 240/2006) are not effective, dissuasive and proportionate as previewed. This is due to various reasons:

- Presidential Decree 240/2006 refers only to fines and to the general legislation about the Labour Inspectorate (Law 2639/98). Instead, Law 4052/12 for EWCs refers to penal sanctions as well.
- The respective Ministerial Decision 2063/11 characterizes the seriousness of the employer offence regarding information and consultation is characterized as “low”. This reduces the fines that may be charged.
 - a. The juridical system takes too much time in order to judge a case and issue the respective judgment, which makes it ineffective.

7. Advice to other trade unionists

Advice of participants to the survey to their colleagues concerning information and consultation is rich and includes:

- To ensure unity of employees, trade unions and social institutions as well as solidarity between them, keeping them informed all the way long.
- To study the legislation, to know well their rights and the procedure of information and consultation,
- To use economic experts additionally to lawyers, to ask in written for documentation and to keep written minutes.

- To develop a positive attitude towards information and consultation, to sit around a table with the management and discuss, and not to step back.
- To further develop their negotiation and consultation skills
- To use all legal means available, including interim measures.

Conclusions

Summing up, information and consultation are more than necessary in Greece in this phase of crisis and nearly suspension of collective bargaining. Yet, it is far from being mature.

Legislation has to be improved to be in line with the Spirit and the letter of Directive 2002/14.

Trade union Federations and Labour Centres have to coordinate their efforts to raise awareness, knowledge and skills of trade unionists concerning their right to information and consultation. To this may contribute INVOLVE Guide, but also organization of meetings, workshops and training courses.

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ANNEX I

Profile of interviews

Interviewee	Trade union	Additional information
Maras	Labour Centre of Korinthos	Korinthos is at a distance of 80km from Athens. It has touristic resorts, high archeological interest, a basically agricultural area. It also has an industrial zone. In recent years several big companies have been closed, e.g.Solinourgia Korinthou (pipes) in 2004, KORFIL in 2002, BEKA in 2000, Kerafina in 2007, Adams in 2012. On the other hand, there are still companies such as Hellascan, Kartopack, Landis which have EWCs operating in the region.
Katemis	Landis & Gyr	The company operates for 42 years In the last 7 years it belongs to Toshiba group. It has 420 staff (250 indefinite work contracts, 150 contract base).
Bontzos	DS Smith Hellas AE (χαρτί)	A paper producing company. In 2015 it was bought by DS Smith, UK based company. It has 2 company-based trade unions one in Korinthos, the other in Thessalonik.i
Sevastos, Tsekoura, Kavouras	Vivechrom	Paint producing company. In 1995 Axon Nobel (Netherlands based) based. It has 220 employees, of which 180 are members of the company-based trade union
Bakopoulou	Wind	Telecommunications company. In 1993 it started as TELESTET. In 2009 it was renamed to Wind. In its share capital participate funds. It actually employs 970 persons. In March 2014, 140 staff from Wind και about as many from Vodafone were transferred to a new company TUS. There are more 4000 persons employed by sub-contractors and franchisees. The Collective Agreement expired in 30/11/14 and the company refuses to sign a new one. There are no redundancies, only stopping of a department. In 2015 they tried to establish work 4 days a week but this did not pass, through consultation.
Liggos	Titan	Cement factory
Liadakis, Giourgis	Elliniki Halvourgia/ Halvourgia Ellados	Steel producing company. Two plants one in Volos and one in Aspropyrgos. In October 2011 it employed 352 persons. Today 24 persons through mass redundancies (47 persons), redundancies and voluntary resignations.
Koukoulis, Petrakis	Cement “Halyps”	Cement producing. In 2000 group Italcementi (Italy based) bought it. In 2015 there was a merger with Heidelberg. It employs 145 persons.
Tsekouras	Praktiker	Technical super market. Multinational. Mother company bankrupt in 2013. In 2014 the Greek company was bought by the private equity fund Fairfax. The company Collective Agreement expired in 2010. Afterwards individual work contracts. The company requested salary reduction of 7% and afterwards took place the acquisition. 200-300 employees resigned voluntarily. 1000 persons accepted reduction and 100 are still in Courts.
Liggas	Labour Center of Elefsis	At a distance of 10 km from the centre of Athens, Elefsis is an industrial area with petrochemicals, steel industry, chemicals, cement, steel industries and shipyards.

Kollias	Labour Centre of Kiato	Kiato is a town near Korinthos, basically touristic.
Gakis, Grek, Tsekas	Halyvourgia	Steel producing company. In 2006 it employed 720 persons (200 contract-based). Reduction through retirement, voluntary resignations. In 2013 new incentives for voluntary resigning, new Collective Agreement with average salary reduction of 12.5% gradually. In February 2014 temporary lay-offs for 6 weeks every 6 weeks. In March 2016
Nikolaou	Labour Centre of Thiva	Thiva, also an ancient city, at a distance of 84 km from Athens has attracted many industries, as there were no incentives for industrial investments in Athens, yet there were for Thiva.
Smyrnaïou	super market Galinos	Chain of retail sail shops, now closed.
Basinas	Labour Centre of Halkis	Halkis is the capital city of the island of Evia, at a distance of 85 km from Athens. It has experienced the closure of many mines, metal producing factories, wood processing industries etc. in the last decades. Mr Basinas spoke mainly about a cement producing factory, member of Lafarge group, which is closed. The trade union has voluntarily undertaken to maintain the factory and its equipment.