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Newsflash

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Law 4722/2020 (Official Government Gazette A' 177/15.9.2020) Ratification of the Legislative Acts dated 10.8.2020 and 22.8.2020 (Official Government Gazette Bulletins A' 157/10.8.2020 and 161/22.8.2020) and other provisions for the combat of the COVID-19 pandemic consequences and other urgent issues/ Other employment and social security regulations

By virtue of the present we summarize the most important developments in the field of employment relations as well as other important social security regulations. Specifically:

Law 4722/2020

Ratification of the Legislative Act dated 10.8.2020

The Legislative Act dated 10.8.2020 provided:

- For the right of the Private sector businesses engaged in tourism, air and sea transportation, passenger land transportation, restaurants, culture and sports as well as in any other significantly affected business sector on the basis of their Activity Code Numbers, to suspend or extend the suspension of their employees (part or total number of employees) or suspend for the first time their personnel (partly or in its entirety) employed up to (and including) 10 August 2020 during August and September 2020 for a maximum period of 30 days per month and until 30 September 2020.
- That the mechanism SYN-ERGASIA can be applied to employees employed under full time employment agreements as of 10 August 2020.

Ratification of the Legislative Act dated 22.8.2020

The Legislative Act dated 22.8.2020 provided that the employer's right to unilaterally impose remote working will continue to apply, but also that at the same time vulnerable employees can work remotely following a request to do so to the employer.

In fact, the new rules provide for the employer's obligation to accept the employee's related request made by any means (for instance, telephone, e-mail etc.) provided that remote working is feasible and, if not, the employer's obligation to take the measures required to ensure that the employee will not be in contact with the public during the provision of their services. Finally, if this is not feasible either, the employer must suspend the employee's agreement until 30 September 2020. Infringement of the

employer's obligations as above, despite the employee's proven request, entails a penalty of EUR 5 000 per infringement.

Other provisions for the combat of the COVID-19 pandemic's consequences

- As of 1 September 2020, the employer of an employee who, within the context of the measures for the limitation of COVID-19 spread, is requested to stay at home (for a period of 7 or 14 days) can:
 - a) determine that the work of the employee in question will be provided remotely, or
 - b) in case remote working is not feasible, occupy the employee in question, based on the business needs, for 1 hour per day on top of his contractual working hours on other working days following the end of the restriction period and up to the completion of half of the hours corresponding to the working days the employee was requested to stay at home provided that, in both cases above, the working hours limits provisions are complied with.

The working time above under item (b) is not considered either as overwork or overtime (in case of a full time employee) or as additional work (in case of part time employee) and the employee is not entitled to any increase or fees for additional work. The remuneration and social security contributions corresponding to the time period the employee was requested to stay home are paid in their entirety by the employer as normally.

- Parent employees whose children (infants, children at early childhood, students of first and second degree educational institutions, children attending special

schools (irrespective of age) etc.) are sick from COVID-19 are entitled to a special leave in this regard for a period of 14 days or longer, if necessary, based on a medical examination or hospitalization of the child.

The leave in question is provided in addition to other leaves related to sickness or hospitalization of employees' children and is irrespective of the parents' prior term of service. The employer must declare with the ERGANI platform the employees making use of the above leave as well as its duration.

During the leave in question, parent employees are paid 2/3 of their salary by the employer with the balance being paid from the state budget (in case of employees of the wider public sector as well as of businesses of Chapter A' of Law 3429/2005, the leave in question is covered entirely by the employer).

Ministerial decisions providing details required for the granting of the above leave are anticipated.

- SYN-ERGASIA mechanism is extended up to (and including) 31 December 2020 under the applicable general conditions (that is, reduction by at least 20% of the VAT turnover in comparison to the reference turnover for businesses which are obliged to file periodic VAT returns and reduction by at least 20% of the gross revenues in comparison to the reference gross revenues for businesses which are not obliged to file VAT returns or are VAT exempted) and the financial criteria for the months October, November and December 2020 are determined.

- Private sector businesses engaged in tourism, air and sea transportation, passengers land transportation, restaurants, cultural and sports as well as in any other significantly affected business sector on the basis of their Activity Code Numbers, can suspend or extend the suspension of their employees (part or total number of employees) or suspend for the first time their personnel (partly or in its entirety) employed until (and including) 15 September 2020 during October 2020 for a maximum period of 30 days and until 31 October 2020.

The above employees are eligible to collect the special purpose indemnity of the total amount of EUR 534 corresponding to 30 days of suspension. The indemnity in question is tax free, unassignable, seizure exempted and is covered by the state budget together with the corresponding social security contributions.

During the suspension period, the employer cannot reduce the number of employees by termination of employment agreements. Further, for a period of 30 days following the suspension's expiry, the employer is obliged to maintain the same number of employment positions and the same type of employment agreements.

- Regarding the method of payment of Christmas 2020 allowance for businesses whose business activity has been suspended by virtue of a state order and businesses falling within the significantly affected business sectors on the basis of their Business Activity Code, the following are provided:

- a) The above businesses pay Christmas allowance

by the date provided by law,

- b) In case the employment agreement of employees of the above businesses does not cover the entire time period from 1 May 2020 to 31 December 2020, Christmas allowance is paid partly by the employer (on the basis of the employees' actual employment time), whereas the balance (corresponding to the period of suspension of the employment agreement) is paid from the state budget,
- c) 2020 Christmas allowance is calculated on the basis of the special purpose indemnity amount and
- d) A joint ministerial decision will determine the procedure and method of payment as well as any other details required for the payment of the allowance in question.

- The exceptional right of the employer who has exceeded overwork maximum limits to occupy personnel overwork without the approval of the Minister of Employment (introduced by the Legislative Act dated 14.3.2020) is extended until 31 December 2020, provided that overwork does not exceed the maximum daily and weekly working hours limits.

- The procedures for the determination of the minimum salary/wages introduced by the Legislative Act dated 1 May 2020 are postponed for two months. In fact, it is provided that the procedure will commence during the last ten days of November 2020 and will be completed during the last fifteen days of March 2021.

Other employment and social security regulations

Joint Ministerial Decision 22964/1285 (Official Government Gazette B' 3371/12.8.2020)

The above joint ministerial decision defines the procedure for the payment of social security contributions due in case of suspension of employment agreements.

Joint Ministerial Decision 320851771 (Official Government Gazette B' 3371/12.8.2020)

The above joint ministerial decision defines the procedure for the payment of social security contributions for employers engaged in the third degree sector and in the air transportation sectors on the basis of the Code Activity Numbers in accordance with the provisions of article 123 of Law 4714/2020.

Joint Ministerial Decision 34236/860/1.9.2020 (Official Government Gazette B' 3770/7.9.2020) and Joint Ministerial Decision 35955/923/10.9.2020 (Official Government Gazette B' 3873/11.9.2020)

The above joint ministerial decisions defined the conditions, procedure and consequences of the suspension of employment agreements during August and September 2020, and also indicated/specified the businesses having the right to use the measure in question on the basis of their Business Activities Codes.

Joint Ministerial Decision 36124/1194/11.9.2020 (Official Government Gazette B' 3945/15.9.2020)

The above joint ministerial decision extended the right of the employer to unilaterally impose remote working up to (and including) 31 December 2020.

***Joint Ministerial Decision 37095/1436/17.9.2020
(Official Government Gazette B' 4011/18.9.2020)***

The above joint ministerial decision defined private sector “vulnerable groups of employees” in relation to consequences of COVID-19 spread and the medical certificates required for article 8 of the Legislative Act dated 22.8.2020 to apply (right of vulnerable groups of employees to work remotely or be suspended following their request).

In fact, vulnerable groups are distinguished into:

- a) high risk persons (for instance, pregnant women, persons with serious heart diseases etc.) and
- b) medium risk persons (for instance, persons over the age of 65 etc.).

Further, it has been clarified that the medical certificate for the employees to fall within one of the above group can be issued by either the attending specialized physician or by a specialized physician of a Health Care Institution (state or private) in certain cases (for instance, chemotherapy etc.).

to the employees' working hours structuring is suspended, whereas their obligation to register with the ERGANI platform any overwork and overtime before commencement continues to apply.

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This Newsletter aims to provide the reader with general information on the above-mentioned matters. No action should be taken without first obtaining professional advice specifically relating to the factual circumstances of each case.

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Exceptional restrictive measures for the combat of COVID-19 spread in Attica

The new restrictive measures to combat COVID-19 in Attica, to be effective from 21 September until (and including) 4 October 2020 include, among others, obligatory remote working of 40% of private sector employees who carry out office work or who, based on the nature of their work, can work remotely, as well as flexibility during the employees' arrival and departure at/from the place of work.

The publication of the related ministerial decision in the Official Government is anticipated, as of which and within 24 hours the employers must declare remote working with the ERGANI platform by virtue of the form 4.1 (“Remote working declaration – special purpose form”).

During the period of application of the flexibility during employees' arrival/departure measure, the employers' obligation to register with the ERGANI platform any change or amendment to the employees' working hours or