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Newsflash

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Ministerial Decision 80016/31.08.2022 (Official Government Gazette Bulletin 4629/B/1.9.2022) – Penalties for the infringement of employment legislation, provisions related to the Work Digital Card, violence and harassment at work and the new parental leaves

Decision no 80016/31.08.2022 of the Minister of Employment and Social Affairs (Official Government Gazette Bulletin 4629/B/1.9.2022) on the categorization of the violations of employment legislation and the determination of the amount of penalties imposed by the Employment Authorities, introduces, inter alia, penalties for the infringement of the employer's obligations introduced by Law 4808/2021 related to the Work Digital Card, the prevention and combat of violence and harassment at work and the granting of the new parental leaves. More precisely:

Work Digital Card

The Ministerial Decision sets again the penalty of Euro ten thousand five hundred (EUR 10 500) introduced by Law 4808/2021 in case of non activation of the work digital card. Further, the following penalties are provided:

- Penalty of Euro three thousand (EUR 3 000) in case of submission of work digital card's data deviating from the actual work time
- Penalty of Euro four thousand (EUR 4 000) in case of failure to maintain for at least ten (10) years the data of the work digital card system as long as this failure impedes the assessment and verification of financial claims of the employee.

It is clarified that the above penalties are imposed per affected person.

Combat of violence and harassment at work

The penalties are divided in two categories as follows:

- Penalties of a preventive nature, i.e. the ones that are imposed in case of failure of the employer to introduce or implement policies for the combat of violence and harassment at work or in case of infringement by the employer of the obligations for the combat of violence and harassment, ranging from Euro one thousand eight

hundred (EUR 1 800) to Euro eight thousand (EUR 8 000) depending on the criteria that are taken into account for the penalties' assessment (i.e. gravity of the infringement, number of employees, repetition, size of the employer etc.).

- Penalties of a suppressive nature, i.e. the ones that are imposed in case a violence or harassment event took place, where depending on the gravity of the infringement, a penalty from Euro two thousand (EUR 2 000) to Euro ten thousand five hundred (EUR 10 500) per affected person can be imposed on the employer. Further, non taking of measures against the accused employee or the adverse treatment (up to dismissal) of the employee that made the complaint because of the complaint itself, entails a penalty of Euro four thousand (EUR 4 000) per affected person.

New parental leaves

Penalties are imposed for the infringement by the employer of the provisions regulating the new parental leaves, out of which the most important are summarized as follows:

- Penalty of Euro three thousand (EUR 3 000) in case of failure to grant paternity leave
- Penalty of Euro three thousand (EUR 3 000) in case of failure to grant reduced working hours or care of child leave of equal time or failure to grant reduced working hours to working parents of children with special needs
- Penalty of Euro three thousand (EUR 3 000) in case of failure to grant leave for medically assisted reproduction
- Penalty of Euro four thousand (EUR 4 000) in case of failure to grant to deemed mother or to working mother adopting a child the balance of maternity leave corresponding to the period after the child's birth
- Penalty of Euro four thousand (EUR 4 000) in case of dismissal of an employee because of application or granting of a parental leave or flexible working arrangements
- Penalty of Euro four thousand (EUR 4 000) in case of infringement of the employee's right to return to the same or equal or similar position following the granting of maternity leave or the special leave for the protection of maternity or of any other leave related to the birth, upbringing or adoption of a child
- Penalties ranging from Euro five hundred (EUR 500) to Euro seven hundred fifty (EUR 750) in case of failure to

grant other parental leaves (for instance, leave due to illness or serious diseases of children etc.).

It is clarified that the above penalties are imposed per affected person.

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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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