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Newsflash

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Remote work by means of telework on the basis of the employee's application

Joint Ministerial Decision 105583/8.11.2022 (Official Government Gazette Bulletin B 5747/9.11.2022) clarifies the provisions of Law 4808/2021 related to remote work by means of telework on the basis of the employee's application, which will apply as of 1 January 2023.

More precisely:

- Employees' diseases which can substantiate health risk which can be avoided if they telework are determined (including indicatively cancerous diseases at chemotherapy stage or following the end of the treatment until the employee's satisfactory rehabilitation, cystic fibrosis, serious myasthenia particularly during periods of infections high risk, semi-serious or serious Parkinson disease etc.).
- The procedure for the application of the employee suffering from the diseases in question is determined, involving the following stages:
 - Filing (by any appropriate means including e-mail) of the application addressed to the employer for the provision of telework together with the medical opinion of the competent Medical Committee. The medical opinion is issued within 10 days from the filing of the related application of the employee (to which all supporting documents required must be attached, for instance attending physician's opinion etc.) and must mention the employee's health problem qualifying as health risk which can be avoided if the employee teleworks, telework's recommended duration (which cannot exceed 3 months) as well as the potential need to have the employee re-examined to continue teleworking.
 - The employer's reply (by any appropriate means, including e-mail) on the above application of the employee as quickly as possible (and in any case within 10 days from the receipt of the employee's application). In case the employer fails to reply within the above timeframe, it is considered that the application has been accepted. Rejection by the employer of the application requires special justification (based either on the particular nature of the employee's duties or on the non-existence of a substantiated health risk which can be avoided in

case of telework).

- In case the employee's application is rejected, the latter can appeal before the employment authorities in accordance with the applicable legislation. In this regard, the setting up of one or more three member experts committees is provided which will examine the cases and will file with the employment authorities (before the issuance of their decision on the employee's appeal) a report on the validity or non validity of the grounds of the employer's rejection of the employee's application.

Finally, it is noted that the regulations of the decision in question do not affect the applicable provisions on sick leaves due to diseases or accidents resulting in temporary work incapacity, employees' health and safety and the employees' medical surveillance by the Work Doctor.

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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.