

EMPLOYMENT BRIEFING: Special Edition

Recent Developments in Employment Legislation

This Briefing provides an overview of Decision No. 113169/2023 of the Ministry of Labour & Social Security (the **Ministerial Decision**) regulating specific issues related to the digital work card and managerial employees and implementing specific provisions of the new Labour Law No. 5053/2023.

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A. Expanding the Scope of the Digital Work Card Across More Sectors

1. As of 1 January 2024, the activation of the digital work card is mandatory for companies whose main business activities are in the industrial and retail sectors with limited exceptions.
2. The table below outlines the companies subject to the obligation and the effective date of administrative sanctions for those not in compliance:

Activity Code No. (in Greek KAD)	Sector	Commencement Date of Fines Enforcement
10 – 33 except for 19 (companies active in the energy, oil and mining sectors)	Industrial sector	1 April 2024
47	Retail sector	2 May 2024

Note: The commencement date for enforcement of fines is 13 May 2024 for companies active in the industrial and retail sectors with up to 10 employees.

3. The implementation of the measures extends to all employees working on site including temporary agency employees.
4. Companies implementing the digital work card system are required to make specific declarations in the ERGANI IS:
 - a. the actual commencement and end of the employment;
 - b. the option for the pre or post registration of any changes to the work program and overtime; and
 - c. the post-registration of changes to the work program and overtime.

B. Amendments to the Criteria for Employee Classification as Executives

1. The Ministerial Decision amends the criteria that need to be fulfilled for the classification of employees as an Executive (diefthinon ipallilos) to employees who:
 - a. Category A
 - i. exercise managerial rights over other employees of the company or are persons authorised to take autonomous decisions;
 - ii. represent and bind the company towards third parties;
 - iii. are members of the board of directors or equivalent management body of the employer; or
 - iv. are shareholders or partners holding more than 0.5% of the voting rights of the employer;
- or

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- b. Category B
 - i. are heads of directorates, units or departments or other autonomous bodies of the company specified in its organizational chart;
 - ii. who the employer entrusts with the supervision of part of their continuous, intermittent, extraordinary and essential operation; and
 - iii. whose monthly remuneration is not less than 4 times the statutory salary (currently at least €3,120);or
 - c. Category C
 - i. receive agreed monthly remuneration of not less than 6 times the statutory salary (currently at least €4,680).
2. Executives must be notified as such on the Essential Employment Terms Ergani form.
- ### C. Clarification of the ERGANI Notification Obligations
1. Under the Ministerial Decision the following documents and information must be submitted to the ERGANI IS:
 - a. the **Essential Employment Terms Ergani form**, a template of which is provided by the Ministerial Decision, accompanied by a **Notification of Commencement of Work**; the previous E3 and E4 Ergani forms regarding the commencement of the employment are merged and replaced by the Essential Employment Terms form.
 - b. the **Employment Contract**, a template of which is provided by the Ministerial Decision; if a full-time employment contract is converted to part-time or shift-work, the Employment Contract must be re-submitted;
 - c. any **amendment of the Employment Contract**;
 - d. the **work time program and any overtime work provided**;
 - e. the **annual table of personnel**;
 - f. certain information in cases of unpredictable work patterns or work on the sixth day of the week;
 - g. **termination of the employment relationship**, covering all cases of termination, including agreed termination of a fixed-term contract prior its agreed duration, voluntary exit (resignation), retirement, automatic termination during or at the end of the probationary period, employer's undertaking transfer (under TUPE provisions), termination of employees' secondment and voluntary exit following employer's obligatory notice;
 - h. the company-level Collective Labour Agreement or arbitral award if any;
 - i. annual leave;
 - j. a solemn declaration confirming the employer's obligatory notice to employees in the event of an unjustified absence for more than 5 consecutive days and voluntary exit after lapse of 5 additional consecutive days.
 2. Specific declarations are provided for technical works, building constructions and products' delivery works.
 3. As of 1 March 2024, employers must be informed of any declared contractual weekly working hours from an employee's parallel employment.
 4. The Ministerial Decision provides specific deadlines for the submission of the above documents and information.

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