LAW 1264/1982 on democratisation of the trade-union movement and enshrinement of the trade-union freedoms of workers, as codified and in force today (excerpts)

(...) 

Article 14
1. The officers and agencies of the State shall be obliged to implement the measures necessary to safeguard the unimpeded exercise of the right to establish and independently run trade unions.

2. Employers, persons acting on their behalf and any third parties are prohibited from engaging in any act or omission that would tend to prevent workers from exercising their trade-union rights and in particular are prohibited from:
   a) exerting influence over workers concerning the establishment or otherwise of a trade union;
   b) requiring workers to join a specific trade union or impeding them from doing so, in any manner or way;
   c) requiring workers to state that they will join, will not join or will leave a trade union;
   d) supporting a specific trade union by financial or other means;
   e) interfering in any way in the running, operation and activities of trade unions;
   f) discriminating in favour of or against workers depending on whether they are members of a specific trade union.

3. Employers shall not be permitted to join workers’ trade unions.

*** The former second subparagraph of paragraph 3 was repealed by Article 7 of Law 1446/1984.

4. The termination of an employment relationship on the grounds of legitimate trade-union activity is invalid.

5. The termination of an employment relationship shall be invalid where it relates to:
   a) members of the management team of a trade union in accordance with Article 92 of the Hellenic Civil Code;
   b) members of the provisional management team of a trade union, in accordance with Article 79 of the Hellenic Civil Code, appointed by a court in accordance with Article 69 of the Hellenic Civil Code, and
   c) members of the management team elected on an interim basis when a trade union is being set up. This ban will apply during their term in office and for one year thereafter, unless one of the grounds cited in paragraph 10 exists and this fact is ascertained using the procedure specified in Article 15.
6. The extent of this protection is as follows:

a) If the organisation has 200 members, 7 members of its management team will be protected;
b) If the organisation has up to 1000 members, 9 members will be protected, and
c) If the organisation has over 1000 members, 11 will be protected.

7. The Articles of Association will set out the order of protection for members. If the Articles of Association do not contain this information, the following members will be protected in the following order: the chair, the deputy chair or vice chair, the general secretary, the deputy general secretary, the treasurer and others in the order in which they were elected.

8. The following persons will also be protected:

the first 21 founding members of the first trade union being set up at a company or establishment or in a sector of employment, provided that the company for which they work employs between 80 and 150 workers, or 25 members if it employs over 150 workers, 30 members if it employs over 300 workers and 40 members if it employs over 500 workers. If there are between 40 and 80 workers, up to 7 founding members will be protected, in the order in which they signed the deed establishing the union. Such protection will apply to the end of the first year from the date on which the deed establishing the union is signed. If the trade union in the process of being established is not in fact established within six months from the date on which the deed of establishment is signed, the protection afforded to founding members will cease to apply and will apply to the members of the next trade union to be set up.

9. Subject to Article 11(3) of Law 1256/1982 “on the holding of multiple posts and multiple jobs and the setting of a maximum pay cap in the public sector, and on the Court of Audit, the State Legal Council and other provisions”, the workers referred to in paragraphs 5, 6, 7 and 8 hereof may not be moved without the consent of the relevant trade union. The employer will be entitled to seek recourse to the committee established pursuant to Article 15, which shall determine the necessity of the transfer.

10. Termination of the employment relationship of the persons afforded protection under the provisions of this Article will only be permitted:

a) When, at the time the employment contract was concluded with the employer, the worker defrauded the employer by providing false certificates or booklets in order to be recruited or receive higher pay.
b) Where the worker has disclosed industrial or commercial secrets or requested or received unlawful advantages, primarily in the form of commission from third parties.
c) When the worker has caused bodily harm to or seriously verbally attacked or threatened the employer or the employer’s representative.
d) When the worker has persistently and unjustifiably refused to do the job for which he was recruited.
“e) When the worker has not attended work, without justification, for a period of more than seven days.

The committee referred to in Article 15 of Law 1264/1982, as replaced by Article 25 of Law 1545/1985, shall decide whether grounds for terminating the employment relationship of salaried employees afforded protection under these provisions actually exist”.

*** Article 14(10)(e) was replaced in the form shown above by Article 1 of Law 1915/1990 (Government Gazette 112/A).

The fact that one of the serious grounds cited above exists will not release the employer from its obligations under the provisions of the Hellenic Civil Code and labour law concerning termination of the employment relationship.

Article 16

1. Work is a right and is protected by the State. Workers and their trade unions are protected when exercising all trade-union rights, even in the workplace.

2. Unions are entitled to have their own notice boards in the workplace in locations agreed with each employer and the union’s management team.

3. The ordinary and extraordinary meetings of the most representative trade union will convene outside of working hours, as stated in Article 6(1), at a suitable location at the workplace, which the employer is obliged to provide, and which will be somewhere other than the production facilities where possible, provided that the company employs at least 80 workers. Employers with such an obligation may alternatively grant use of or rent a suitable location within a radius of 1000 m from the place of work.

4. The employer or the employer’s authorised representative shall be obliged to meet with trade-union representatives, at the trade-union representatives’ request, at least once a month to ensure that issues concerning workers or their unions are resolved.

5. Employers whose companies employ more than 100 workers are obliged to have a suitable space at the workplace for the office of the company trade union with the most members, to allow it to achieve trade-union objectives, provided that the trade union requests such space, and that it is feasible to provide it.

6. Trade unions at all levels are entitled to post notices in the workplace outside working hours, as stated in Article 6(1).

7. Representatives of the Board of Directors of the company’s trade union, or of the local area’s Labour Centre if there is no trade union, will be entitled to attend inspections carried out by the competent officers of the Ministry of Labour and to submit comments.

8. If there is a dispute relating to paragraphs 2, 3, 5 and 7 of this Article, the competent labour inspector shall produce a reasoned decision ruling on the matter within ten days from the date on which the employer or the trade union contacts him. Where the employer does not comply with the inspector’s decision, a fine ranging from GRD 5000 to GRD 100,000 will be
imposed for each infringement of the provisions of this Article and for every refusal by the employer to comply, payable to the Workers’ Welfare Centre. These amounts will be collected in accordance with the provisions of the Hellenic Public Revenues Collection Code.

***COMMENT: Article 18(5) of Law 1545/1985 (Government Gazette 91/A) states that: “The administrative penalties specified in Article 16(8) of Law 1264/1982 will apply to employers that recruit or employ workers in violation of the provisions hereof or that refuse to grant or grant false or inaccurate past service certificates to workers.

The penalties referred to in the previous paragraph will also be imposed on employers that violate the provisions of Article 8 of Law 1346/1983, as amended and extended by this Law”.

9. The employer will be entitled to file a caveat before the court of the peace at the workplace against the labour inspector’s decision imposing a fine. The court of the peace shall try the matter under the procedure laid down in Article 663 et seq. of the Hellenic Code of Civil Procedure.

Article 30

1. This Law, as in force, will also apply, with the exception of the provisions of Articles 14(3) to (10), 16(7) to (9), 22(1) and (2), 24 and 27, mutatis mutandis, subject to the special arrangements specified below, to salaried civilian employees of the State and to employees of local government authorities, universities, ecclesiastical bodies governed by public law and other bodies governed by public law, working full time or serving a term in office, and will also apply to employees with private law contracts holding posts named in the organisation’s organisational chart, in accordance with Article 103(3) of the Greek Constitution.

2. For the purposes of extended application in accordance with the previous paragraph, “workers” will also mean civil servants, and where this Law uses the words “employer”, “company” or “establishment”, those words will also mean the State and the aforementioned legal entities and the departments that form them. Where reference is made to the Labour Centre, such mention will not relate to civil servants.

3. A civil servant level 2 trade union will mean: a) federations of unions for each sector or area of specialisation, whose members belong in organisational terms to one or more ministry or the bodies governed by public law referred to in paragraph 1 hereof, and b) federations of unions whose members belong in organisational terms to the same ministry or to a body governed by public law or group of bodies governed by public law referred to in paragraph 1 of this Article, which is/are supervised by the same ministry. Where the employees of one ministry also belong to a larger trade union for that ministry consisting of several sectors, their union will be deemed to be a level 2 trade union on that basis alone. All level 1 unions may become members of only one level 2 union, where there are no other unions. Where a level 1 trade union belongs to several level 2 unions, at the first General Meeting of members convened after this Law enters into force, it shall be obliged to decide which level 2 union (federation) it wishes to remain a member of.

4. Following his appointment, every employee may become a member of only one trade union that covers sectors or areas of specialisation, and one workplace union, provided that he
pays the registration fee specified in the Articles of Association. With the exception of cases specified by the Articles of Association of the union, and cases where the employee has taken part in the last two elections to join the [union’s] management team, the employee will be removed as a member at the time when his employment relationship is terminated.

5. Subject to Article 11 of Law 1256/1982 “on the holding of multiple posts and multiple jobs and the setting of a maximum pay cap in the public sector, and on the Court of Audit, the State Legal Council and other provisions”, the civil servants referred to in paragraph 1 of this Article who are members of the Board of Directors or provisional management teams of level 1 trade unions, provided that those unions are members of level 2 unions that are members of level 3 unions, may not be transferred without the written consent of the employees themselves and their trade union.

Members of the Board of Directors of level 2 and level 3 trade unions are also afforded the same protection.

6. The committee referred to in Article 15 of this Law will, when examining cases involving civil servants, consist of: a) the president of the Court of First Instance judges in the region where the employee provides services or the first instance judge or justice of the peace appointed by him for a one-year term in office, in the order specified in Article 11, b) an employee appointed by the Minister of the Presidency following discussions with the competent minister in each case and c) an employee representative nominated by the most representative level 3 trade-union organisation in the country.

7. The provisions of Article 19(2) of this Law will also apply to the right of civil servants to strike. The time for which civil servants are on strike will be deemed to be actual time in public service; however, pay will not be given for the time they are on strike.

***COMMENT: Article 37(2) of Law 1731/1987 (Government Gazette 161/A) states that, in order to reduce the pay of striking employees, after the five-day working week is introduced, 1/30 of employees’ net monthly pay will be taken into account for each working day (after withholdings, apart from taxes and loans, are deducted) and 1/5 of employees’ net monthly pay for Saturdays.

8. a) In the case of the civil servants referred to in paragraph 1 of this Article, a strike may not be declared before four full days have elapsed from the date on which their demands and the reasons for them have been sent in writing by court process server to the Ministry of the Presidency, the Ministry of Finance and the Ministry to which the employees belong, and to the management teams of the bodies supervised by that Ministry, in the case of a strike by the employees of such bodies.

b) The strike will be announced by the level 2 or level 3 unions after a decision is taken at the General Meeting.

9. While the civil servants referred to in paragraph 1 of this Article are on strike, no temporary employees may be recruited.

Pensioners and pensioner trade unions may not become members of level 1, 2 or 3 trade unions for the civil servants referred to in paragraph 1 of this Article.
***COMMENT: Article 22(5) of Law 1400/1983 (Government Gazette 156/A) states that, “In the case of employees covered by Article 30 of Law 1264/1982, the trade-union leave specified in Article 17 of that same Law will be paid leave”.

Article 30a

1. This Law, as in force today, with the exception of the provisions of Articles 1(3), 7(1) and (3), 11(1)(2), 12, 14(3) to (10), 15, 16(5) and (7) to (9), 17, 18(1), 19 to 22, 23(1) and (2), 24, 26, 27 and 30, will also apply mutatis mutandis, subject to the special arrangements specified in the paragraphs of this Article below, to active police officers at all ranks within the Hellenic Police.

2. For the purpose of giving effect to the provisions of this Article, where the terms “employer”, “company” and “establishment” are used in this Law, they will mean the State, and where the term “employees” is used it will mean the employees referred to in the previous paragraph. Likewise, where reference is made to the Labour Centre, that reference will not relate to the employees mentioned in the previous paragraph.

3. Subject to the provisions of Article 281 of the Hellenic Civil Code, exercise of the trade-union rights of police officers may not exceed the limits specified by the sui generis nature of their role, their mission and the special national, social and non-party-political character of the Hellenic Police.

4. Active police officers may set up: a) a police officers’ union in each prefecture for police officers up to the rank of police inspector and a high-ranking officers’ union in each administrative region, as level 1 trade unions. Only persons serving within the boundaries of each prefecture or administrative region may be members of these organisations. High-ranking officers may become members of the police officers’ union rather than members of the high-ranking officers’ union. Police inspectors may become members of the high-ranking officers’ union rather than members of the police officers’ union.

b) A federation of level 1 police officers’ trade unions and a federation of level 1 high-ranking officers’ trade unions, as level 2 trade unions.

c) A level 3 trade union (confederation) consisting of the two aforementioned federations, represented by the number of delegates specified in its Articles of Association. The provisions of Article 9(3) of this Law will not apply to representation of those federations in the level 3 union.

5. All police officers will be entitled to be members of one level 1 trade union only in the prefecture or administrative region in which they serve. Where they are transferred to another prefecture or region, they will necessarily be removed from the trade union of which they were a member and will be entitled to join the trade union of the prefecture or administrative region to which they have been transferred.

6. Members’ contributions will be withheld by the financial comptroller of the service that pays them and will be paid to the trade unions referred to in this Article in accordance with the member lists submitted by them.
7. No more than one third of high-ranking officers and one quarter of lower-ranking employees from the staff on duty at each unit may be absent from service in order to attend trade-union meetings, provided that the needs of the unit, in the reasonable view of the unit’s commander, permit this. If the number of members who wish to attend the meeting exceeds those proportions, names will be drawn by lots in the manner specified in the Articles of Association of the relevant trade union.

8. The chair and general secretary of each police officers’ trade union will be granted special leave of a maximum of four days per month to carry out trade-union duties. Representatives of the federation will be granted leave of absence during conferences that they are attending, but this may not exceed four days per year. Persons entitled to leave will be obliged to inform the commander of their unit at least two days in advance. Those persons may not be transferred outside the prefecture in which they serve while serving their term in office, unless they personally request it or it is considered necessary because of promotion, or for disciplinary reasons because of disciplinary offences, where the relevant provisions state that the highest disciplinary penalty is suspension from service for disciplinary reasons.

9. The officers and representatives of trade unions will be elected using uniform voting slips that will include the names of all candidates. Each elector may place a cross against one third of the seats on the Board of Directors or the audit committee or the number of representatives. Where a fraction arises, the permitted number of crosses will be rounded down to the previous integer. Candidates who accumulate the most preferences will be elected until all seats on the Board of Directors or audit committee are filled or all representatives are chosen.

10. Police officers’ trade unions and their members will not be permitted: a) to participate in strikes or in any form of demonstrations by political organisations or trade unions or politicians, or to produce propaganda for or against them. Conferences and cultural events organised by trade unions are excluded from this; b) to join or become members of other occupational trade-union organisations, apart from international police unions, or to represent other employees; c) to become involved in any manner in the management of police services.

11. Police officers’ unions consisting of employees of the Hellenic Police that have already been established will be obliged to adjust their Articles of Association in line with the arrangements in the aforementioned provisions and to request approval of them from the competent courts within two months from the entry into force of this Law. Those organisations, and all those established pursuant to this Law, are obliged to call elections to elect officers no earlier than four months and no later than six months from the date on which their Articles of Association are approved. Only police officers’ unions established and operating in accordance with the provisions of this Article may represent the interests of police officers.

12. Police officers who, as members of the Board of Directors of police unions, were subjected to disciplinary penalties for offences directly related to their trade-union activities will be entitled, if on active duty, to request that their disciplinary cases be re-examined by submitting an application to that effect to their unit within a fixed deadline of 30 days from the date on which this Law is published. Applications will be examined by the competent bodies that imposed the disciplinary penalties.

*** Article 30A was inserted by Article 1 of Law 2265/1994.