

Legislative Act on Urgent Measures Aimed at Handling the Negative Consequences of the Coronavirus COVID-19 and the Need to Contain its Spread

In view of the coronavirus pandemic and the issues arising thereof, a Legislative Act was passed on 11.3.2020 to deal with various matters, including employment issues for employees of the private sector. In this respect, the following has been introduced for the period beginning upon the entry into force of the Legislative Act (i.e. 11.3) and ending on 10.4:

- The obligation of the employer to file with ERGANI any amendment of the hours of work, the organization of the working hours of the employees, the provision of overtime work or overwork is suspended. The employers shall be under an obligation to file the above data for each month during the 10 days of the following month.
- The employer may decide that the employees will provide their work from home (teleworking).
- Employees that have children ("Parents Employees") may make use of the "special purpose" leave, as defined below. For the purpose

of the application of the Act Parents Employees are defined as follows: (a) those who have children that are registered with daycare/nursery's and pre-schools, (b) those who have children that are registered with primary and secondary schools (the compulsory education grades), (c) those who have children that attend special education schools irrespective of the age of the children as well as those who have children with disabilities. The following are the particulars of the special purpose leave:

- For as long as the above schools/facilities remain closed, parents may take leave of at least 3 days (special purpose leave), under the condition that the employee makes use of 1 day of his/her annual leave for every 3 days of the special purpose leave.
- The special purpose leave may be taken if at least one parent is employed in the private sector, irrespective of whether

the other parent is a free-lancer. In case both parents are employed in the private sector (either with the same or with different employers) they will have to submit a solemn declaration to the employer(s) stating which of the two will make use of the special purpose leave or, in case they share it, the time-period that each of them will make use of the special purpose leave.

- In case one of the parents is employed in the private sector and the other in the public sector, a solemn declaration of the employee working in the public sector that he/she has not made use of the special purpose leave must be provided to the employer in order for the employee of the private sector to be able to make use of the special purpose leave.
- In case one of the two parents is employed, then he/she cannot make use of the special purpose leave, unless the parent who does not work is in the hospital for any reason or has been infected with the coronavirus or is a person with disabilities (ΑμεΑ) and receives an allowance from the Organization of Welfare Allowances and Social Solidarity.
- In the case of parents that are divorced or separated, the parent that has custody of the child/children is entitled to the special purpose leave, unless the parents agree otherwise and a common solemn declaration, according to what is envisaged above, is signed by them and provided to the employer.

- The employer is under an obligation to declare to ERGANI the employees that have made use of the special purpose leave as well as its duration after the 10th of April and, in any event, by the 15th of April.
- In any case, in order for an employee to have the right to make use of the special purpose leave, he/she must fulfill the legal requirements to obtain an annual leave of at least 6 days (if he/she is employed under a 6-days employment regime) or of at least 5 days (if he/she is employed under a 5-days employment regime). If the above condition is not met, the employee will be entitled to the special purpose leave proportionally to the days of annual leave to which he/she is entitled.
- With regard to the days of the special purpose leave, 2/3 are covered by the employer and 1/3 by the regular state budget.

The period during which all the above measures shall stay in force may be extended by a decision of the Ministers of Finance, Labor and Social Affairs, taking into consideration how the situation with the coronavirus will progress.

Ioanna Lazaridou
(Partner)