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International Centre for Trade Union Rights

Centro Internacional para los Derechos Sindicales
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ICTUR was founded to
defend and extend trade union rights and
to raise awareness of these rights and their violations
around the world

By email:

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Attn:

Alexis Tsipras
Prime Minister of the Hellenic Republic,
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Mitropoleos 1, P.C. 105 57 Athens

CC:

General Confederation of Greek Workers (GSEE / Γ.Σ.Ε.Ε)
Supreme Administration of Greek Civil Servants Trade Unions (ADEDY /
ΑΔΕΔΥ)
All-Workers Militant Front (ΠΑΜΕ/PAME)
European Public Services Union (EPSU)
Public Services International (PSI)
International Trade Union Confederation (ITUC)
World Confederation of Trade Unions (WFTU)

January 2018

Dear Prime Minister Tsipras,

The International Centre for Trade Union Rights is writing to express serious concerns about freedom of association in Greece, in particular legislative amendments tabled last month, withdrawn, but re-introduced and passed in mid-January, which further weaken workers' right to strike.

ICTUR understands that on 4 December 2017, amendments were tabled in parliament – under a bill of the Ministry of Digital Policy – to raise the quorum for a valid strike ballot from 20% to 50%. It is further understood that due to the protests of trade unions the amendment was withdrawn, only to be re-scheduled - and passed – on 15 January.

This change to Greece's strike laws blatantly contradicts the recommendations of the Expert Group for the Review of Greek Labour Market Institutions. That Expert Group was established pursuant to the Memorandum of Understanding (dated 19 August 2015); its constitution was jointly agreed by the Greek government and the institutions (European Commission, European Central Bank, European Stability Mechanism, and International Monetary Fund). The Group's mandate was to examine Greece's labour law in light of European best practices.

In the Expert Group's Report published on 27 September 2016, any necessity to amend laws on the right to strike was unanimously rejected. The Experts noted that the right to strike was protected by the Constitution (Art. 23) and that Greece already had in place extensive regulations on the procedures for calling a strike (Law 1264/1982) and extensive case law on the proportionality of industrial action.

The Group also presented a unanimous proposal to restore the extension of collective agreements, as well as a majority proposal to reintroduce the favorability principle (to ensure that lower level collective agreements do not undercut sectoral agreements) – both of which have been suspended since 2011.

These recommendations have been totally ignored to date. In its Letter of Intent sent to the IMF in the context of a request for a Stand-By Arrangement (letter dated 7 July 2017, in Appendix 1, IMF Country Report No. 17/229), the Greek government expressly commits to “analyze the existing industrial action framework and adopt legislation to raise minimum quorum share for voting on a strike to 50 percent of union representatives.” In addition, the government committed to *maintaining* the suspension of both the extension of collective agreements and the favorability principle, and the elimination of ex ante administrative approval for collective dismissals.

The impacts of these previous reforms on the exercise of trade union rights, and on wages and conditions in Greece, have been widely criticised. The ILO's Committee of Freedom of Association has since 2012 condemned the extensive deficit of social dialogue in implementing measures which have significantly weakened collective bargaining in the country (See Case No 2820 (Greece), Report No 365, November 2012. paras. 994-1002).

Once again, the deficit of social dialogue is irrefutable: neither the unions nor the employers supported any reform to Greece's strike laws during extensive hearings with social partners as part of the Expert Group's Review of Greek Labour Market Institutions in 2016. These new restrictions are being imposed entirely at the behest of the institutions, under the express direction of the IMF.

ICTUR calls on the Greek government to implement the 2016 recommendations of the Expert Group. These recommendations were based on ILO Conventions which Greece has ratified and which are binding on Greece under international law, including:

- Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
- Labour Administration Convention, 1978 (No. 150)
- Labour Relations (Public Service) Convention, 1978 (No. 151)
- Collective Bargaining Convention, 1981 (No. 154)

The Group's recommendations were also based on the provisions of the Greek Constitution (Arts. 22 § 2, 23 § 1 and 23 § 2) and Article 28 of the EU Charter of Fundamental Rights (Art. 28), which provides:

Workers and employers, or their respective organisations, have, in accordance with Community law and national laws and practices, the right to negotiate and conclude collective agreements at the appropriate levels and, in cases of conflicts of interest, to take collective action to defend their interests, including strike action.

ICTUR calls on the government to comply with these obligations and to undertake all necessary measures to ensure the fundamental freedoms of workers to join and form unions and to take action in defence of their interests. ICTUR will report on this situation in the journal *International Union Rights*, which was established in 1993, and which enjoys a readership in more than 100 countries.

Yours Faithfully,

A handwritten signature in black ink, appearing to read 'D. Blackburn', followed by a long horizontal line extending to the right.

Daniel Blackburn, Director