

MINISTERIAL DECISION 113169/2023 ON THE MANDATORY IMPLEMENTATION OF THE DIGITAL WORK CARD IN INDUSTRIES AND RETAIL and ERGANI II - Reporting of changes in working hours, the organization of working time and overtime – Managerial Employees - Standard Basic Terms of Employment and "Individual Employment Contract"

- A. Amendment to **Part A** "A. Implementation of the Digital Work Card System - Obligation to enter digital data related to working hours in the ERGANI II Information System" of Decision No. **49758/26.05.2022 (OJ B/2668)** of the Minister of Labour and Social Affairs.
- B. Amendment to **Part B** "B. Evidence which establishes whether the employee holds one of the capacities referred to in paragraph (a) of Article 2 of the International Convention of the International Conference of Washington, which has been ratified by Article 1 of Law 2269/1920 (OJ A/145)" of Decision No. **90972/15.11.2021 (OJ B/5393)** of the Minister of Labour and Social Affairs.
- C. Amendment of decision No. **40331/D1.13521/13.09.2019** of the Minister of Labour and Social Affairs on the "Redefinition of the conditions for the electronic submission of forms under the jurisdiction of the Labour Inspectorate (SEPE) and the Greek Manpower Employment Organization (OAED)" (**OJ B/3520**)

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By decision No. 113169/2023 of the Minister of Labour and Social Security [henceforth "**MD**"], which was published in the Official Journal (OJ A/7421/28.12.2023), the following regulations, among others, were introduced:

PART A

The sectors and activity code numbers (KADs) of the undertakings required to implement the digital work card system as of 01.01.2024 are determined.

[see information note [here](#) [Ministerial Decision on the mandatory implementation of the Digital Work Card in Industries and Retail as of 01.01.2024.]

PART B

Part B of Ministerial Decision No. 90972/15.11.2021 is amended, inter alia, as regards the **information on the basis of which it is established whether the employee falls into one of the categories of managerial employees:**

The information on the basis of which it can be established whether the employee holds one of the capacities referred to in paragraph (a) of Article 2 of the International Convention of the International Conference of Washington, which has been ratified by Article 1 of Law 2269/1920 (OJ A/145), is the following:

- A. a. **They exercise managerial authority** over other employees of the company **or are persons authorised** to make decisions autonomously; or
 - b. they represent and bind the undertaking vis-à-vis third parties; or
 - c. they are members of the board of directors or equivalent governing body of the employer; or
 - d. they are shareholders or partners holding more than 0.5% of the voting rights of the employer; or
- B. they **are in charge of** Directorates, Sectors or Departments or other autonomous organizational units of the employer undertaking specified in its organization chart, provided that the employer undertaking entrusts them with the supervision of part of its continuous, intermittent or exceptional, but in any case, essential, operations and that these employees **are paid agreed monthly salaries not less than four times** the minimum wage, or
- C. they **are paid an agreed monthly salary of not less than six times** the statutory minimum wage.

Notification to the EPGANI II information system of the acquisition of the status of managerial employee is given by submitting a Notice of Basic Terms of Employment.

PART C

Article one

Decision No. 40331/D1.13521/13.09.2019 of the Minister of Labour and Social Affairs under reference on the "Redefinition of the conditions for the electronic submission of forms under the jurisdiction of the Labour Inspectorate (SEPE) and the Greek Manpower Employment Organization (OAED)" (OJ B/3520) is amended.

Key changes:

1. Digitally submitted notices to the ERGANI II Information System

The notices that are digitally submitted to the EPGANI II Information System are determined.

In particular, important forms are added, amended or merged, such as those relating to the notification of the commencement and termination of employment, and the conditions for notifying voluntary resignations are also amended.

2. Digital Work Card details - Notice of the actual start and end of the employee(s)' employment

The data on the work time tracking system of each undertaking must be maintained for a period of **at least five (5) years** and each employee shall have access to the data concerning him/her that are kept in the system.

The corresponding data in the ERGANI II Information System shall be maintained compulsorily for a period of at least six (6) months and each employee shall have access to the data concerning him/her that are kept in the system.

3. Digital Notice of opting for a prior notification or an ex-post report for registering changes in working hours, the organization of working time and overtime

The option is provided for reporting changes already made to the working hours, the organization of working time and overtime for those employers who use the digital work card.

Employers whose enterprises or undertakings have joined the electronic system for tracking working time by means of using the digital work card, **are required to declare by the last day of the current month** by means of the "Digital Notice of opting for a prior notification or a report for registering changes in working hours, the organization of working time and overtime" **whether for the next term, which cannot be less than one-month-long, they will register** changes in working hours or in the organization of working time

- a. in **advance** and in any case before their commencement, or
- b. or by **ex-post reporting**.

In particular, employers who have joined the use of the digital work card and have chosen to **report ex-post** changes in working hours, the organization of working time and overtime, are obliged to record the relevant changes **by the end of the calendar month following after the implementation of these changes.**

Furthermore, it is stipulated that the aforementioned ex-post data, which will be recorded in the ERGANI II Information System, **will be cross-checked with the corresponding entries on the digital work card** and will be subject to the audit of the Labour Inspectorate.

4. Submission of the Notice of Basic Terms of Employment

The **Digital Notice of commencement of employment**, which is accompanied by a Notice of Basic Terms of Employment (based on the form in the Annex), merges elements of the previous Standard Recruitment Announcement Form (E3 Recruitment Announcement and E4 Supplementary Table of New Hires).

The ways of submitting the Notice of Basic Terms of Employment, which must take place before the employee can start work, are **specified as follows**:

- i. by means of attaching a file signed in person by the employer and the employee; or
- ii. by means of attaching a file signed by the employer and the employee by way of an approved e-signature;
- iii. by means of attaching a file signed with a digital attestation via the "Single Digital Portal" (gov.gr-ΕΨΠ); or
- iv. by means of digitally accepting the terms via the "MyErgani" Information System. If the employee rejects the basic terms, the employer may, in order to complete the procedure, always submit a new notice of basic terms of employment before the start of work.

The employer is required to amend the data included in the Notice of Basic Terms of Employment in the event of any change, following the above procedure.

No acceptance is required for mandatory changes imposed by the legislative or regulatory framework.

Special terms are also stipulated and must now be included, in particular in the cases of "on-demand employment" and work abroad.

It is further stipulated that these basic terms may not differ from the "key terms" (Art. 70 of PD 80/2022).

5. Posting of a written Individual Employment Contract

Where the law provides for the posting of a written individual employment contract or where the parties draw up an individual contract, this shall be posted by the employer in the ERGANI II Information System within 7 days from the date of commencement of employment in accordance with par. 2 of Article 71 of P.D. 80/2022. The individual employment contract must be signed by both parties in any of the ways specified below:

- i. by hand

ii. by way of an approved electronic signature

iii. by way of a digital certificate via the Single Digital Portal (gov.gr-ΕΨΠ).

Any change in the basic terms must also be reflected in the individual contract without the individual contract having to be re-posted, except in the case of a change from full-time to part-time employment or job rotation.

In all cases, the original individual contract signed by the parties and validly in force must be available whenever an on-the-spot inspection takes place.

6. Informing employers about an employee's parallel employment

Employers shall be informed by the ERGANI II Information System of any declared contractual hours of weekly employment in force as a result of the parallel employment of the employee in question with another or other employers, who may employ him/her from 1 March 2024 onwards.

7. Minimum predictability of employment (on-demand employment)

Where there is a contract or dependent employment relationship between an employer and an employee, which is governed by an employee's working time organization plan that is completely or mostly unpredictable, the employer shall mark "on-demand employment" in the ERGANI II Information System as employment status and shall declare, in addition, the following:

- the total agreed monthly working hours,
- the reference days and hours within which the agreed work may be provided, in accordance with indent (b) of paragraph 6 of Article 69 of P.D. 80/2022,
- the number of guaranteed paid hours per month which may not be less than one quarter (%) of the agreed hours,
- the remuneration paid for the guaranteed paid hours and the remuneration paid for work carried out in addition to or in excess of those guaranteed hours, where a higher remuneration has been agreed,
- the minimum period within which the employer must give prior notice to the employee before assigning the work, which may not be less than 24 hours, except in cases that objectively justify a shorter notice period in accordance with indent (b) or paragraph 1 of Article 10 of Law 5053/2023 (Article 182A of P.D. 80/2022),

- and the time limit within which the employer may cancel the assignment, in accordance with the conditions set out in paragraph 3 of Article 10 of Law 5053/2023 (Article 182A of P.D. 80/2022).

8. Sixth day of employment in enterprises or undertakings operating continuously and applying a five-day working week system for their employees

- a. Employers in continuously operating enterprises or undertakings with a system of alternating shifts, **who apply a five-day working week system for their employees, in order to make use of the sixth day of the week**, in accordance with the provisions of Article 25 of Law 5053/2023 (Article 182C of P.D. 80/2022), **must submit an initial solemn declaration to the ERGANI II Information System to the effect that they belong to this category of undertakings.**
- b. The employment of employees during the additional day may not exceed eight (8) hours. No overwork or overtime work may be performed by the employee on this day.
- c. The above employers are required to enter the details of the time limits of the working time of their employees who will work on the sixth day in the notice relating to the organization of their working time before these employees take up duty, subject to paragraph E of Article 2^A of the MD.

9. Work on the sixth day in enterprises or undertakings which are not by nature continuous in operation and which apply a five-day working week system for their employees

- a. Employers in enterprises or undertakings, which are not by nature continuous in operation, but may operate from Monday to Saturday on a twenty-four (24) hour basis, with a system of alternating shifts and in which employees are employed on a five-day work week, in order, **in exceptional cases, when the undertaking faces an unforeseeably heavy workload, to make use of the sixth day of the week**, in accordance with the provisions of Article 26 of Law 5053/2023 (Article 182B of P.D. 80/2022), are required to:
 - i) have **initially and solemnly** declared **via the ERGANI II Information System that they belong to this specific category of enterprises; and ii) declare, each time they wish to make use of the 6th day**, in advance and in any case before the employees take up duty, via the ERGANI II Information System that the enterprise or undertaking deals with a particularly heavy workload during a specific period. The specific condition of an unforeseeable particularly heavy workload is subject to audit by the competent department of the Labour Inspectorate.

- b. The employment of employees during the additional day may not exceed eight (8) hours. No overwork or overtime work may be performed by the employee on this day.
- c. The above employers are required to enter the details of the time limits of the working time of their employees who will work on the sixth day in the notice relating to the organization of their working time before these employees take up duty, subject to paragraph E of Article 2A of the MD.

10. Digital notice of voluntary resignation

The digital voluntary resignation notice is completed by posting an electronically scanned declaration signed in person by the employer and the employee or the relevant declaration bearing their electronic signature or a declaration digitally certified by both via the Single Digital Portal of Public Administration (gov.gr - ΕΨΠ).

In particular, in case of an employee's unjustified (arbitrary) absence from work **for a period of more than five (5) consecutive working days**,

- the employer shall submit electronically to the ERGANI II Information System a solemn declaration stating that a reminder has been sent to the employee in accordance with the first section of paragraph 3 of Article 320 of P.D. 80/2022,
- and upon the expiration of five (5) consecutive working days from the submission of this declaration, the employer shall be required, on the next working day, to submit a digital notice of voluntary resignation regarding the employee, without need for the employee's signature.

11. Notice of Digital Organization of Working Time and Overtime

The notice of Digital Organization of Working Time and Overtime may be **submitted by cell phone by means of sending a text message provided that** the employer has given a cell phone number by means of the form in the annex to the ERGANI II Information System. The employer or the persons authorised by the employer are solely responsible for giving the cell telephone number and for declaring any changes made to that number.

Upon completion of the submission of the notice of Digital Organization of Working Time and Overtime via cell phone by text message, a reference number and date of submission shall be assigned and recorded and shall constitute proof of submission for the employer. For each successful or unsuccessful submission, a message is sent to the user. If no reply message is received, the notice has not been successfully submitted.

12. Digital notice of automatic termination of a probationary contract

The notice of automatic termination of a probationary contract shall be submitted by the employer during or at the end of the agreed period only in cases where **the trial period has not been deemed successful by the employer or in cases where the employee wishes to terminate it.**

13. Amendment to a digitally filed notice/revocation of a digitally filed notice

An amendment with corrections or a revocation of notices submitted under Article 2 of the MD may be made, without penalty, by means of a new electronic submission, as a correct re-submission, within the time limit provided for the declaration of the relevant fact, which must be associated with the original submission.

For notices of changes, the above shall apply mutatis mutandis.

14. Changes to Deadlines for submitting notices

- The notice of commencement of employment, the notice of basic terms of employment, the notice of digital organization of working time and overtime shall be submitted before the start of work.
- The digital notice of changes in the employment relationship shall be submitted before the change is made, with the exception of:
 - (i) the change in salary, which must be submitted within 15 days of the change in salary
 - (ii) the change in salary, which is provided for by law or regulatory act or by virtue of a collective labour agreement within 30 days of its occurrence.
- The Digital Notice of opting for a prior notification or an ex-post report for registering changes in working hours, the organization of working time and overtime by enterprises or undertakings that have joined the electronic system for tracking working time using the digital work card must be submitted by the end of the month preceding the reference month.
- The digital ex-post report of changes in working hours, the organization of working time and overtime by undertakings or enterprises that have joined the electronic system for tracking working time using the digital work card must be submitted by the end of the calendar month that follows after the date that these changes take place.
- The individual contract shall be posted within seven (7) days of the commencement of employment.

- Notices of termination of the employment relationship shall be submitted within four (4) days of the occurrence of the event, subject to paragraph 15 of Article 4 of the MD.
- The Digital Employer Data Notice of Article 25 of Law 5053/2023 (Article 182C of P.D. 80/2022) regarding the sixth day of employment in enterprises or undertakings operating continuously and applying a five-day working week system shall be submitted initially and in any case before the employees take up duty.
- The Digital Employer Data Notice of Article 26 of Law 5053/2023 (Article 182B of P.D. 80/2022) for employment, due to an unforeseeably particularly heavy workload, on the sixth day of the week in enterprises or undertakings which do not operate continuously by nature and which apply a five-day working week system, shall be submitted in advance for the reported period and in any case before the employees take up duty.
- The digital notice containing the annual list of staff shall be submitted once during the period from 1 October to 31 October each year.
- An employer who employs drivers of trucks and tourist buses which are constructed or configured in a permanent manner and suitable for the transport of more than nine persons, as well as Intercity and Urban Bus and Coach Operators who employ bus drivers and implement an Employment Regulation, governed by Regulations (EC) 561/2006 and (EC) 165/2014, shall submit by means of the digital organization and overtime notice any change or modification of the working hours or organization of working time and overtime of such employees within fifteen (15) days after the end of each weekly working period.
- The digital notice of annual leave data for the previous calendar year shall be submitted ex post within the first quarter of the following year.
- The Employed Personnel notice relating to employees employed on the execution of construction work or technical work shall be submitted by the persons listed in indent I of paragraph 24 of Article 4 of the MD before the start of the daily employment, while for scheduled construction or technical work, lasting more than one day, the submission is made either once for the entire period of employment of the staff on the project or for shorter periods of time, and in any case before the start of the daily employment.
- The Employed Personnel notice relating to employees employed on the execution of construction work or technical work in case of changes or modifications concerning the employed staff, shall be submitted with amendments to the relevant data no later than on the same day of the change or modification and in any case before the employed personnel takes up duty.

- The ex-post report regarding the personnel employed in the execution of construction work or technical work shall be submitted by the persons listed in indent II of paragraph 24 of Article 4 of the MD for employees employed on a monthly basis.

15. Late submission

If the deadline for the submission of notices and declarations under Article 5^A of the MD has expired, their late electronic submission is possible, with the sanctions provided for by the competent bodies applying mutatis mutandis.

Late submission is not allowed in the cases of: a) the correct re-submission of a notice of commencement of employment when the commencement of employment precedes the submission; b) a notice of digital organization of working time; and c) a notice of the personnel employed in the execution of construction work or technical work.

Article two

The templates of the Notice of Basic Terms of Employment, which accompanies the "Notice of Commencement of Work", and the Individual Employment Contract, effective as of 01.03.2024, are determined.

Download the Templates of the Basic Terms and the Employment Agreement [here](#).

Article three

As to all other aspects, decision Ref.No.40331/D1.13521/13.09.2019 of the Minister of Labour and Social Affairs on the "Redefinition of the conditions for the electronic submission of forms under the jurisdiction of the Labour Inspectorate (SEPE) and the Greek Manpower Employment Organization (OAED)" (OJ B/3520) is applicable.

PART D

The Ministerial Decision shall enter into force, as regards Part A, on 1 January 2024 and as regards Parts B and C, on 1 March 2024, unless otherwise specified in its individual provisions.

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