

ARE EMPLOYEES ENTITLED TO PAID LEAVE DUE TO COVID-19?

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I. General Provisionsa. Annual Paid Leave

The Greek Labor Law provides, in general, that all employees are entitled to an annual paid leave from the beginning of their employment. This annual leave is granted by the employer in proportion to the duration of their employment based on the provisions of the Law. Normally, the exact period or periods of the year that the employee will take the annual paid leave is agreed mutually with the employer. During the leave, the employee is entitled to receive from the employer the "usual remuneration/ salary" and an additional leave allowance. In the present situation, there is not a special legislative restriction to the abovementioned right of the employees. Therefore, it is concluded that the employees may take all or part of their annual paid leave during the pandemic upon mutual agreement with their employer.

b. Paid Leave due to illness

Furthermore, employees are entitled to be absent from work due to illness without consequences. This medical leave is normally not deducted from the abovementioned annual paid leave. As about the payment during this period, in cases of absence from work due to illness for up to three (3) days, the employer is obliged to pay to the employee half of the daily wage unless otherwise agreed in favor of the employee. If the illness lasts for more than three (3) days, the employee is entitled to remuneration from the Social Security Institution (EFKA) for the days that exceed the time period of three (3) days, whereas the difference between the wage and the sickness benefit paid by the Social Security Institution is paid by the employer.

c. Paid Leave due to emergence of symptoms related to COVID-19

In case the employee - or a person living with him/her - presents suspicious symptoms and based on the instructions of National Organization of Public Health (EODY) it is necessary to stay at home, then the employer, whose business continues to operate, is obliged to temporarily remove him/her from his job, in order to protect the other employees. The reasonable time of removal of the employee should be the time of incubation of the virus, i.e. 14 days. In this case, the employee is normally entitled to his/her salary. It is undeniable that, if during this period the employee is working from home, he/she is entitled to his/her salary anyway.

d. Paid Leave due to the personal fear of the employee

In case the employee puts himself/herself in quarantine due to his/her fear related to the virus, he/she is not entitled to salary. Specifically, his/her absence can be considered unjustified and consequently as resignation. The situation may be different in cases of employees who suffer from other diseases ("groups of high risk").

II. Special Provisions Due to Coronavirus (COVID-19) Pandemic

a. Special Purpose Leave

According to the Legislative Act dated 11.03.2020 that has been ratified by Law, all employees who have children who attend nursery, kindergarten, or other institutions of compulsory education, or attend a special education system or are disabled and/or hospitalised in special care institutions, are entitled to ask for a Special Purpose Leave due to suspension of the operation of these institutions. This Special Purpose Leave should be of at least three (3) days, provided that every three days of such leave, the employee will take one more day of his/ her annual paid leave (please see above I.a.). In case both parents are employed, only one of them will benefit from this right. As about the payment during these days, two thirds (2/3) of the amount of salary is covered by the employer, and one third (1/3) by the State.

b. Special Purpose Compensation

The Greek Government has also legislated a financial assistance mechanism for affected employees. Specifically, a special purpose compensation of eight hundred euros (800 €) will be granted to employees whose employment contract has been suspended due to suspension of business operation by a public authority order, or due to suspension on the initiative of the employer if the business is affected by the pandemic situation. The employees that are on legal leave (annual, sick leave etc.) during this time are exempt from the abovementioned compensation and as a consequence the employer (or any other liable institution like the Social Security Institution) has to continue the payment of their legal salary and benefits during their leave. However, upon agreement of the employer and the employee, the annual paid leave or parents' special purpose leave may be earlier terminated in order the employment relationship to be suspended.

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