

## Platis - Anastasiadis & Associates

The associate law firm of EY Greece

### Work time schedule & digital work card



The Decision 49758/2022 of the Ministry of Labor and Social Affairs on the organization of working time and the digital work card following the provision of article 79 par. 5 para. b and c of Law 4808/2021 was published (Government Gazette 2668, issue B/31.05.2022) . The points of special interest as included in the specific legislative text that have so far been clarified by the Ministry of Labor and Social Affairs are as follows:

All companies are required to have and operate an electronic system for measuring the working time of their employees directly connected and interoperable, in real time, with the P.S. ERGANI II. The measurement of working time is carried out using a digital work card.

Initially, it was foreseen that the application of the

Digital Work Card will start from July 1, 2022 for all the country's Banks and Supermarket businesses with more than 250 employees, while in the period from June 1 to 30 these businesses are required to complete the census process of the Hours of Employment of all their employees including outsourced staff (First Phase of Implementation)

- The Ministry of Labor and Social Affairs has already announced that an extension is being granted for the First Phase of Implementation and therefore the application of the Digital Work Card will begin on September 1, 2022 for all the country's Banks and Supermarket businesses with more than 250 employees, while within the time period from June 1 to August 31, 2022, the said businesses are required to complete the census process of the Hours of Employment.
- All other businesses (i.e. except Banks and Supermarkets) have to carry out a census process of the Hours of Employment between October 1st and November 30th, without it being clearly specified so far whether immediately afterwards they will also be subject to the application regime of the Digital Work Card or possibly an extension will be granted. It is noted that in the relevant user manual - guide of the Ministry, the date of 01.12.2022 is mentioned without further analysis as regards the general date of introduction of the Digital Work Card.
- It is mentioned that the provision of article 74 par.4 of Law 4808/2021 provides that if, during the on-site inspection of the Labor Inspectorate in a company, it is found that the employee's digital card is not activated, a fine of 10,500 euros is imposed on the employer per employee who does not have a digital card activated. In the event that following three audits, within a period of 12 months, a violation of the present is found, the business will be temporarily shut down for a period of 15 days.
- For those employees who are subject to the Digital Organization of Working Time through the census process, the obligation to monitor the working hours will be performed with the new process of Digital Organization of Working Time, as well as with the existing ERGANI process for monitoring and submitting Overtime.
- Overall, after the transition to the new digital environment, employers will submit:

#### **a. Statement of Change of Employment**

**Relationship Details**, which includes the following details regarding the organization of working time: (a) Contractual full-time weekly hours, (b) Employment System (5-day/6-day work), (c) Break Details, as well as Possibility Flexible Attendance up to 120 minutes from the general start of work (only for those businesses that have joined the Digital Work Card and following an employer-employee agreement). In every new recruitment carried out from 1/6/2022 onwards, the information in question is filled in on the E3 form. In cases of changes to the details of the declaration, the details are submitted before the

implementation of the change and in any case before the employee takes up service concerning.

**b. Declaration of Organization of Working Time**, which includes (a) Details for employees with Fixed Weekly Hours of Employment that are submitted before the employees start work, and which also includes the declaration (for a specific day) of teleworking (b) Details for employees with Changed/ Amended per day Hours of Employment that are submitted before taking up service by the employees, (c) Details of Employee Leaves which are declared in the census within the first ten days of the month following the month of their grant. In cases of changes in the Organization of Working Time, the data shall be submitted before the change and in any case before the assumption of service by the employee concerned. In any case, the obligation to submit E8 for the announcement of Legal Overtime Employment is maintained, while the obligation to submit E4 Supplementary remains valid until the employee joins the "Digital Organization of Working Time" based on the date declared in the relevant field of time limits. application.

Managers with dependent work status will normally be recorded in the organization of working time, however no working hours will be declared by the employer, being excluded from working

At this stage, the submission will not concern the internship, the submission of which will continue in the existing ways.

#### **c. Declaration of actual start and end of employment of employees - Digital work card details**

Employers at the scheduled time (as determined by the Ministry of Labor) activate the Digital Work Card for all their employees, including temporary staff. The card is personalized and unique for each employment relationship between employee and employer.

From the date of mandatory activation of the Digital Work Card, employers are obliged to apply a system for measuring the working time of their employees, where the actual start and end of their employees' employment is immediately recorded.

In case of an event of force majeure or objective inability that is not due to the fault of the employer, which prevents the operation of the system for measuring the working time of the employees or the transmission of the data of this system to the P.S. ERGANI II, the employer is obliged to immediately notify, in any appropriate way, the relevant Labor Inspection. The employer has the same obligation as soon as the situation of force majeure or objective inability that is not due to the employer's fault ends.

The Declaration of start / end of Work Card (real time data) is supported by the following submission methods:

- ▶ Businesses that already use a timekeeping system have the possibility of direct connection with the new mechanism of the Work Card in the P.S. ERGANI II, through a programming interface - Web API for the employer.
- ▶ For businesses where direct connection is not possible, the Ministry recommends i) the application for mobile devices Ergani CardScanner, with which the Work Card of the employees (in QR Code format) will be read when arriving / leaving work and automatic submission of information to P.S. ERGANI II. The Work Card (QR Code) of each employee will be available through the corresponding application myErgani mobileapp or ii) through a form and through XML files in the P.S. ERGANI II. The declaration of the start/end event of the Work Card may be submitted with a maximum delay time (start/end event) of 15 minutes.

If more than one start or end event has been submitted for a specific Reference Date (day of employment), then when processing Work Card statements, the content of the most recent statement is considered valid, based on the Date and Time of Submission.

All the information of the Digital Work Card will be immediately available to employers in digital calendar format (Real Employment Calendar), while employees will also have direct access to the data of their individual Digital Work Card, through the myErgani web portal and myErgani app.

The data of the working time measurement system of each company must be kept for a period of at least ten (10) years and every employee has access to the data of the system that concerns him. The corresponding data in P.S. ERGANI II must be kept for a period of at least six (6) months and every employee has access to the kept data of the system concerning him.

Declaration of overtime employment. The declaration of overtime employment through the E8 form "Announcement of Legal Overtime Employment" remains valid.

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