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ERRATA

The words “Workers’ Club” to be replaced by “Workers’ Fund” in the following paragraphs: 92, subparagraph 3, page 17; 113, page 23; 137, page 26; 443, page 84.

The footnote to paragraph 255, page 45, should read as follows:

Report of the Fact-Finding and Conciliation Commission on Freedom of Association concerning the Trade Union Situation in Greece

PART I

CHAPTER 1

INTRODUCTION

1. The Fact-Finding and Conciliation Commission on Freedom of Association was established by the International Labour Organisation in agreement with the United Nations in 1950.

2. The procedure for the examination of allegations of infringements of trade union rights has already been described in the Report of the Fact-Finding and Conciliation Commission on Freedom of Association concerning Persons Employed in the Public Sector in Japan. It has also been set out in detail in a series of I.L.O. official documents, in particular in a number of reports of the Committee on Freedom of Association of the Governing Body. It does not, therefore, appear necessary to give an explanation of that procedure in this report.


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3. It is the function of the Commission to examine such cases of infringements or alleged infringements of trade union rights as may be referred to it, to ascertain the facts, and to discuss the situation with the government concerned with a view to securing the adjustment of difficulties by agreement.

4. In principle, no case may be referred to the Fact-Finding and Conciliation Commission without the consent of the government concerned.¹

5. The case dealt with in the present report is the second case in which a government concerned has given the required consent.² It should be pointed out that in this instance the government itself suggested that the question be referred to the Fact-Finding and Conciliation Commission.

6. Allegations of infringements of trade union rights are examined in the first instance by the Committee on Freedom of Association of the Governing Body of the International Labour Office, which has considered some 480 cases since 1951. The case concerning alleged infringement of freedom of association in Greece through the intermediary of certain legislative enactments and by means of the system of financing Greek workers’ organisations (Case No. 413) was submitted to the Governing Body Committee in September 1964, and was the subject of two reports submitted by that Committee to the Governing Body in November 1964 and February 1965 respectively.³


8. The Panel of three members of the Commission ⁴ designated by the Governing Body to examine the case consisted of Mr. Erik DREYER (Denmark), former Permanent Secretary, Danish Ministry of Social Affairs, former President of the State Mediation Board and former President of the International Labour Conference (Chairman); Mr. César CHARLONE (Uruguay), former Vice-President of the Republic, former Minister of Labour and Social Welfare, former Minister of Foreign Affairs, former Minister of Finance, Uruguayan Government delegate at a number of sessions of the International Labour Conference, former member of the I.L.O. Committee of Experts on the Application of Conventions and Recommendations, member of the Uruguayan delegation to the United Nations Conference on International Organisation (San Francisco, 1945), and member of the Uruguayan delegation to the Economic and Social Council of the United Nations (member); and Mr. Henri FRIOL (France), Counsellor to the Court of Appeal, former Chief of Cabinet to the President of the National Assembly, former Chief of Cabinet to Mr. René Coty,

¹ The only exception is in respect of any complaint relating to the application of a ratified Convention in the case of which the Governing Body may designate the Fact-Finding and Conciliation Commission as a commission of inquiry under article 26 of the Constitution of the International Labour Organisation.
⁴ The present members of the Commission are Mr. Rafael CALDERA (Venezuela), Mr. César CHARLONE (Uruguay), Mr. David COLE (United States), Mr. Erik DREYER (Denmark), Lord FORSTER OF HARRABY, K.B.E., Q.C. (United Kingdom), Mr. Jacques Ducoux (France), Mr. Zuheir GARANA (United Arab Republic), Mr. Lamine GUEYE (Senegal), Mr. P. V. RAJAMANNAR (India) and Sir Arthur TYNDALE, C.M.G. (New Zealand).
President of the Republic (1954-58) (member). Following the death of Mr. Friol in December 1965 he was replaced by Mr. Jacques Ducoux (France), Councillor of State. The Director-General designated Mr. C. Wilfred Jenks, Deputy Director-General, to act as his representative in the proceedings of the Commission.

9. The Commission met for the first time in Geneva from 22 to 26 July 1965 to determine its procedure. It was planned at that time that the Commission should meet for a second time to hear witnesses, visit Greece and then meet again to prepare its report. The date of the Second Session had been set for 6 January 1966, but for the reasons indicated below, at the request of the Government and with the assent of the complainant, it was postponed to July 1966. However, owing to the special circumstances created by the request made by the complainant on 6 June 1966 that the dispute that gave rise to the complaint be regarded as ended, the Commission met only once more, from 1 to 14 July 1966, to hear certain statements, formulate its conclusions and adopt its report.

10. The description of the procedure followed by the Commission, an analysis of the information available to it and evidence received, and an explanation of the special circumstances arising out of the withdrawal of the complaint are contained in Chapters 2 to 11 of this report. Chapter 12 consists of the findings of the Commission.

11. In response to a request from the Commission the Director-General has deposited in the library of the International Labour Office the documents constituting the evidence submitted to the Commission.\textsuperscript{2}

\textsuperscript{1} See paras. 138-140.

\textsuperscript{2} These documents comprise all of the communications from the complainants and the Government of Greece to the Governing Body Committee on Freedom of Association (Case No. 413); the further statements made by the complainants and the Government at the request of the Commission; the comments of the complainants on the further statements made by the opposing party; communications from non-complaining employers' and workers' organisations; six decisions of the President of the Athens Court of First Instance appointing provisional executives of the Greek General Confederation of Labour; and the Record of Hearings.
12. On 4 September, 15 September and 30 October 1964, in conformity with the procedure in force, the executive of the Greek General Confederation of Labour (G.G.C.L.) then in office formulated allegations claiming that there had been interference with the exercise of trade union rights in Greece. This complaint was submitted in the name of the executive of G.G.C.L. and was signed by the following persons: Mr. F. Makris, General Secretary of G.G.C.L.; Mr. J. Patsantzis, General Secretary of the Federation of Private Employees; Mr. M. Petroulis, General Secretary of the Federation of Seamen; Mr. M. Panigyrakis, Secretary-Treasurer of G.G.C.L.; Mr. P. Papadimitriou, General Secretary of the Federation of Chemical Industry Employees; Mr. G. Dimitrakopoulos, General Secretary of the Federation of Railwaymen; Mr. E. Sioutis, President, Federation of Bakers; Mr. D. Makris, President of the Volos Workers’ Centre; and Mr. J. Cassimatis, President of the Piraeus Workers’ Centre.

13. The case was referred to the Committee on Freedom of Association, set up by the Governing Body of the International Labour Office, for preliminary examination at its 38th Session, held in Geneva in November 1964. The Committee made certain observations, contained in paragraphs 331 to 333 of its 78th Report, which was approved by the Governing Body at its 160th Session (November 1964). These paragraphs read as follows:

331. The original complaint of the Greek General Confederation of Labour was contained in a telegram dated 4 September 1964 addressed directly to the I.L.O. This was supplemented by a communication dated 15 September 1964. The texts of these two communications were transmitted to the Government for its observations by two letters dated respectively 9 and 30 September 1964. By a communication dated 23 September 1964 the Government furnished certain preliminary observations on the complaint and stated that full observations would be forwarded subsequently. By a communication dated 30 October 1964 the complainants submitted additional information in support of their complaint, which was transmitted to the Government for its observations. By a communication dated 6 November 1964 the Government forwarded the observations referred to in its letter dated 23 September 1964.

332. This communication, which is the Government’s reply to the allegations made by the Greek General Confederation of Labour with reference to the new trade union legislation in Greece, was received by the Office on the same day as that on which the Committee met. The Committee, therefore, has not been able to examine it in detail. In view of the importance of the matter the Committee proposes to undertake at its next session an urgent examination of the legislative provisions and of the allegations relating to the financing of trade union organisations in the light of the principles embodied in the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), ratified by Greece, and, in particular, the principles enunciated in Article 3 of that Convention, which provides that workers’ and employers’ organisations shall have the right to draw up their constitutions and rules, to elect their repre-
sentatives in full freedom, to organise their administration and activities and to formulate their programmes, and that the public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof. In the meantime, the Committee trusts that, in putting the new system into effect, the Government will take care to ensure that the principles of the Convention referred to above are not infringed.

333. The Committee recommends the Governing Body to take note of the preliminary observations made in the preceding paragraph.

14. The case was again referred to the Committee at its 39th Session, held in February 1965, when it proceeded to analyse the allegations and the observations made on them by the Government.

15. The Committee also recalled the Government's statement contained in its communication of 28 January 1965 wherein it was stated that—

... the best procedure for permitting a more systematic examination of the complex matters raised by the complaint against the Greek Government would be to refer the case of the complaint of the Greek General Confederation of Labour to the Fact-Finding and Conciliation Commission on Freedom of Association set up in 1950 by the Governing Body of the I.L.O. for the purpose of investigating complaints addressed to the I.L.O. The Government, being very anxious that a complete and objective examination of the trade union situation should be made and desiring at the same time to establish the conditions necessary for the reorganisation of the trade union movement by the workers themselves, would consent with pleasure to the said Commission visiting Greece in order to examine the matter.

16. After making a study of the case and noting the importance of the questions raised, the Committee on Freedom of Association, having regard to the fact that the Greek Government had, on its own initiative, expressed its consent that the matter should be brought before the Fact-Finding and Conciliation Commission, recommended the Governing Body to decide to refer the case to the Commission. This recommendation was approved by the Governing Body when it adopted the 80th Report of the Committee on Freedom of Association at its 161st Session (March 1965).

17. In conformity with this decision taken by the Governing Body, the Director-General submitted certain proposals to it at its 162nd Session (May-June 1965).

18. The Director-General first drew attention to the fact that the Governing Body, in appointing the members of the Fact-Finding and Conciliation Commission at its 111th and 112th Sessions (March and June 1950), had provided for the possibility of arranging for its work to be done by panels of from three to five members.1

19. Pursuant to that principle, and having regard to the nature of the case, the Director-General suggested to the Governing Body that in the circumstances a panel comprising three members of the Commission would be most appropriate for accomplishing effectively and in a relatively short time the task which it was proposed to entrust to the Commission.

20. The Director-General therefore proposed to the Governing Body that the panel in question be composed as follows 2:

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2 This proposal was adopted by the Governing Body at its 162nd Session (May-June 1965).
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Chairman:

Mr. Erik Dreyer (Denmark), former Permanent Secretary, Danish Ministry of Social Affairs; former President, State Mediation Board; former President of the International Labour Conference.

Members:

Mr. César Charlone (Uruguay), former Vice-President of the Republic; former Minister of Labour and Social Welfare; former Minister of Foreign Affairs; former Minister of Finance; Government delegate of Uruguay at a number of sessions of the International Labour Conference; former member of the I.L.O. Committee of Experts on the Application of Conventions and Recommendations; member of the Uruguayan delegation to the United Nations Conference for International Organisation (San Francisco, 1945); member of the Uruguayan delegation to the Economic and Social Council of the United Nations.

Mr. Henri Friol (France), Counsellor to the Court of Appeal; former Chief of Cabinet to the President of the National Assembly; former Chief of Cabinet to Mr. René Coty, President of the Republic (1954-58).

21. Following the death of Mr. Friol in December 1965, the Director-General proposed to the Governing Body that Mr. Jacques Ducoux (France), Councillor of State, should be appointed a member of the Fact-Finding and Conciliation Commission and a member of the panel of that Commission charged with the examination of the case of Greece, as a replacement for Mr. Friol.¹

22. In view of the nature of the functions which they would be called upon to perform, it was suggested that it would be appropriate that the members of the panel should undertake by solemn declaration to perform their duties and exercise their powers “honourably, faithfully, impartially and conscientiously”. A solemn declaration in such terms would be in accordance with the undertaking which Judges of the International Court of Justice must give and with that given by members of commissions appointed pursuant to article 26 of the Constitution of the I.L.O.

23. It was pointed out in the proposals that the procedure in force provides that the Commission “is essentially a fact-finding body, but is authorised to discuss situations referred to it for investigation with the government concerned with a view to securing the adjustment of difficulties by agreement.”

24. It followed from these terms of reference, which were agreed between the Governing Body and the Economic and Social Council in 1949, that, while the Commission would be free to hear evidence from all concerned, any discussions which it might have “with a view to securing the adjustment of difficulties by agreement” would be discussions with the Government; it would not be authorised to undertake any discussions in the nature of negotiation with political parties or industrial organisations.

25. The above proposals were approved by the Governing Body at its 162nd Session (May-June 1965).

26. The decisions of the Governing Body, as described above, were brought to the notice of the Greek Government by a letter from the Director-General dated 7 June 1965.

¹ Proposals approved by the Governing Body at its 164th Session (February-March 1966).
² See First Report, para. 13.
CHAPTER 3

SUMMARY OF THE CASE BROUGHT BEFORE THE COMMISSION

27. Before describing the way in which the Commission set about its duties and determined the working methods which it would adopt, it appears desirable to show the position as it was at the time when the matter came before the Commission. The purpose of this chapter is to provide such an account.

28. In its various communications the complainant alleged that, by a series of measures, culminating in the entry into force on 2 September 1964 of Legislative Decree No. 4361, around which most of G.G.C.L.'s grievances are centred, the Greek Government elected on 16 February 1964 had sought to place the trade union movement under government control, and to this end had interfered in a high-handed manner in trade union affairs, in complete disregard of the obligations imposed on it by Greece's ratification of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

29. Various provisions of Legislative Decree No. 4361 were reviewed successively by the complainant and by the Government—the first to criticise them, the second to justify them. However, both parties made a certain number of preliminary observations, which will be analysed below before proceeding further.

30. According to the complainant, during the period when the Prime Minister in office at the time of the submission of the complaint was leader of the parliamentary opposition, he repeatedly urged the General Secretary of G.G.C.L. to join forces with the opposition in its struggle against the Government. His advances, declared the complainant, were rejected by G.G.C.L. on the ground that such action would have been "contrary to its policy of political impartiality". This refusal led the then leader of the opposition to set about forming the "Independent Trade Union Association of the Centre Union", with a view to splitting the Greek trade union movement. When the opposition party, the Centre Union Party, came to power after winning the general election of February 1964, the attacks on G.G.C.L. began to take a more direct form.

31. In the first place, stated the complainant, G.G.C.L., was deprived, by governmental order, of all the funds to which it had hitherto been entitled by law. Financial sanctions were then imposed on those trade union organisations which had remained faithful to G.G.C.L., while at the same time the Government increased its financial aid to those organisations which made common cause politically with the new régime.

32. Specific information concerning the amounts thus allocated was furnished by the complainant in support of this argument. According to the complainant, the monthly subsidy of 250,000 drachmas which had previously been allocated to G.G.C.L. had been completely abolished, those of the Workers' Centres of Athens, Piraeus, Chania, Iraklion, Egion and Salonica had been reduced respectively from 70,000 to 40,000 drachmas, 60,000 to 30,000 drachmas, 8,000 to 4,000 drachmas, 11,000 to 6,000 drachmas, 5,000 to 3,000 drachmas and 60,000 to 30,000 drachmas.
When the Salonica Centre went over to the government side, its subsidy was restored to 60,000 drachmas. The Workers' Centre of Mytilene which, according to the complainant, was "controlled by the Government", had its subsidy increased from 11,000 to 16,000 drachmas. As regards the federations, the following reductions were alleged to have been made: bakers: 7,000 instead of 11,000 drachmas; food suppliers: 5,000 instead of 8,000 drachmas; private salaried employees: 8,000 instead of 11,000 drachmas; fishermen: 4,000 instead of 5,000 drachmas; chemical industry: 5,000 instead of 8,000 drachmas; local government personnel: 3,000 instead of 4,000 drachmas; personnel of bus companies: 4,000 instead of 6,000 drachmas; fruit and vegetables: 3,000 instead of 5,000 drachmas. Moreover, the complainant stated that federations which it termed "under government control" had received increased subsidies: textiles: from 7,000 to 10,000 drachmas; brick industry: 6,000 to 10,000 drachmas; electro-technical workers: 7,000 to 9,000 drachmas; flour milling: 6,000 to 8,000 drachmas; cement industry: 5,000 to 8,000 drachmas; caretakers: 3,000 to 6,000 drachmas; cigarette industry: 7,000 to 8,000 drachmas; bank personnel: 7,000 to 10,000 drachmas.

33. Next, by Legislative Decree No. 4361, said the complainant, the Government had sought to ban the holding of the 15th National Congress of G.G.C.L. in order to prevent the submission to the Congress of a report on the activities of the outgoing executive and the free election of a new executive.

34. Finally, still making use of the provisions of Legislative Decree No. 4361, the complainant alleged, the Government had endeavoured to oust the G.G.C.L. executive from office and appoint a new executive composed of persons favourable to the party in power.

35. All these measures, concluded the complainant, were designed to bring about the "establishment of a régime of governmental trade unionism in order to subject the trade union organisations to the will of the Government and to oblige them to serve the interests of the government party".

36. In the preliminary remarks made by way of a preamble to its reply the Government first of all reviewed briefly the historical background to the Greek trade union movement. It attributed the unsatisfactory trade union situation to the vicissitudes of national political life during the past 30 years: dictatorship from 1936 to 1941, enemy occupation from 1941 to 1944, civil war from 1945 to 1950 and the abnormal situation resulting from the latter, the effects of which were still being felt.

37. The Government then went to great pains to demonstrate that the G.G.C.L. leaders at the time of the submission of the complaint and prior to it were neither authentic nor representative. According to the Government, the leaders of this organisation, in return for a pretence of fanatical anti-communism, had obtained the financial and political backing of previous governments, and were thus able to entrench themselves in their positions of power in the trade union movement.

38. The leaders of G.G.C.L., declared the Government, "had been installed and maintained in office not by democratic methods but through the use of psychological violence towards delegates, and they were aided and abetted by unlawful by-laws which discriminated against organisations with a large membership. These same provisions of the Confederation's by-laws swelled the Congress representation of the weaker organisations in a scandalous manner because these were the organisations
where it was easy for the G.G.C.L. leaders to gain command. This state of affairs made it possible for these leaders always to be re-elected with comfortable majorities despite the innumerable protests of the large unions which suffered thereby and of public opinion).

39. Contrary to the practice in democratic countries, G.G.C.L. had therefore been characterised, in the view of the Government, by the arbitrary manner in which it had been managed, the irregular procurement of privileges, the absence of any independent action truly in the interests of the trade union movement, and a marked indifference to the real problems confronting the working class. Such a situation, declared the Government, could hardly fail to engender keen conflict within G.G.C.L. itself, culminating in the founding of an opposition movement known as the "Movement for the Restoration of Democratic Functioning within G.G.C.L.", which in its turn had led to the forming of a number of splinter groups. This chaotic situation, continued the Government, had led to a loss of interest by the workers in trade unionism, as evidenced by a considerable falling off in membership and by the refusal of nearly all members to pay their union dues.

40. The Government declared that it had been elected to office by a large majority after two years of campaigning for the restoration of political and trade union freedom, and that it could not shirk what it considered to be its duty. The Government was fully aware of the role which could be played by an authentic trade union movement in the democratic, economic and social development of the country and of its responsibility to those who had placed in its hands the leadership of the nation; it had to do away with injustices which had lasted all too long, and was determined to help the workers to lay the foundations of a healthy trade union movement.

41. With this end in view—and this, it said, was what lay behind Legislative Decree No. 4361—the Government had introduced certain legal measures designed firstly to rid the country's legislation of all provisions which were in contradiction with the concept of free trade unionism, and secondly to create conditions in which the workers could elect their union executives without hindrance and in full freedom.

42. Such were the preliminary remarks made by the complainant and by the Government concerning the case. It is now proposed to pass on to the examination of the text of Legislative Decree No. 4361, in the light of the comments made thereon by both sides.

EXAMINATION OF THE PROVISIONS OF LEGISLATIVE DECREE NO. 4361
OF 2 SEPTEMBER 1964

43. Legislative Decree No. 4361 of 2 September 1964 amends and supplements certain provisions of the Greek legislation relating to occupational associations. It has 12 sections dealing with matters of substance. Of these 12 sections only five had been criticised by the complainant. However, in order to form a general picture of the criticised text, it will be examined in its entirety, beginning with those sections which are not called in question by the complainant, namely sections 1, 2, 3, 4, 7, 9 and 12.

44. Under section 1, prefects no longer have power, as before, to intervene in matters concerning the structure of trade unions; similarly, they are no longer competent to depose members of the executive of a trade union. This section also repeals the provisions of the previous legislation containing severe restrictions on the fees and allowances payable to trade union officers for the exercise of their duties.
45. Section 2 brings back into force section 21 of the Royal Decree of 15-20 May 1920, whereby the quorum at a general meeting of a union may be fixed by the by-laws of that union at a level higher than that previously prescribed by Act No. 281.

46. In order to shorten the time taken to settle trade union disputes, section 3 provides that the magistrate is now the only agency competent to decide on complaints against the validity of decisions of general meetings of trade unions.

47. Section 4 removes the previous ban on the acquisition of real estate by trade unions without the authorisation of the Minister of Labour.

48. Section 7 abolishes supervision of the financial administration of trade unions by the public authorities and ensures that unions are administered freely, decisions reached and resources employed in conformity with union by-laws and by bodies appointed by the unions themselves, without any intervention by the public authorities. Section 7 also authorises indemnification of militants or officers entrusted with union administration (see also under section 1 above).

49. Section 9 lists the information which a trade union is required to give to the public authorities. This information, which relates to the by-laws, the number of members, the names of the officers and the budget, is considerably reduced by comparison with the information which the unions were previously required to submit in writing to the prefects.

50. Finally, section 12 extends to the two vice-presidents and the treasurer the protection against dismissal afforded under Act No. 1803 of 1951 to presidents and general secretaries of trade unions only.

51. The sections of the legislative decree which have been specifically referred to by the complainant will now be examined. They are sections 5, 6, 8, 10 and 11. It will be indicated how the complainant considers them to affect freedom of association, and the arguments advanced by the Government in defence of them will be reproduced.

52. Section 5 lays down that all trade unions and associations of trade unions must, in conformity with their by-laws (which must be amended to that effect), be represented at the general assemblies of associations of all degrees (federations, confederations), and must have a number of votes proportional to the number of voters among their members who have fulfilled their obligations. This proportion of the number of votes, to be established by the by-laws of each association, must be the same for all the trade unions belonging to a particular association and applicable to the total number of voting members. The number of votes of a trade union or association of trade unions may in no case exceed one-tenth of the total number of votes.

53. In the complainant's view this provision, which uses legislative channels to oblige trade unions to amend their by-laws, violates the principles set forth in Article 3 of Convention No. 87 to the effect that workers' organisations shall have the right to draw up their constitutions and rules in full freedom.

54. The Government, for its part, declared that it was convinced that the provisions of this section, far from constituting an infringement of freedom of association, in fact paved the way for the development of a free and democratic trade union move-
Summary of the Case Brought before the Commission

ment. Hitherto, according to the Government, the executives of trade union organisations, in their anxiety to cling to power, had amended their by-laws to suit the circumstances and falsified the representation, increasing it in the case of small associations favourable to the executive in office and limiting it in the case of large associations considered hostile. According to the Government, the sole purpose of the provisions contained in section 5 of the legislative decree is to introduce fairer and more objective criteria for determining representativeness. "By the adoption of a measure allowing for representation on a numerical basis subject to a ceiling of one-tenth, the workers' demands are met in that, while the views of the majority are not misrepresented, those of the smaller unions are not disregarded." The Government further stated that the limit of one-tenth on the representation of associations as provided for in this section was nothing new. It had existed under the legislation previously in force, which had even fixed it at one-fifth, and yet never before had the unions considered it to be an infringement of freedom of association.

55. Section 6 of the legislative decree provides that trade union elections must be held under the supervision of scrutinising committees as prescribed by the by-laws. It also stipulates that a representative of the judiciary must be present at elections and ensure that the by-laws and the law are complied with. As regards the precise role of the representative of the judiciary, section 6 states that before the vote, in collaboration with the executive of the union, he must verify that all those intending to vote have paid their dues in full. After the vote it is his task to record the results in the union's register.

56. In the complainant's view this section grants powers to judicial representatives whose scope is so wide that they impede the work of the general meetings of trade unions and "deprive the workers' representatives of the sovereign rights which are theirs by virtue of the rules and of their status as delegates".

57. In its observations the Government declares that, by making it incumbent upon the representative of the judiciary to verify certain data clearly specified in the text of the decree, section 6 is designed to prevent the holding of elections based on falsified figures for the number of representatives legally allowed or the membership of organisations, as has happened in the past. The Government points out that long before the promulgation of the new decree a representative of the judiciary was present at union elections without G.G.C.L. ever raising a protest.

58. Section 8 of the legislative decree allows the length of the term of office of a union's executive to be determined by the union's by-laws; it stipulates, however, that once it has expired the term of office may not be extended by more than one month.

59. The complainant mentioned section 8 among those which it considered open to criticism but did not specify in what way the provisions of this section were regarded as incompatible with the free exercise of trade union rights.

60. The Government, in its observations, stated that the proviso contained in section 8 was felt to be necessary "since the by-laws provided for a different extension period—three months or less—or sometimes no extension at all. There was not even a definite provision as to who should run the union at the end of a term of office". In the past, the Government added, several trade union officers had extended their terms of office without justification and in their own interests. The provisions of section 8 were designed to prevent any repetition of such situations.
Section 10 provides that any trade union election taking place in accordance with statutory provisions conflicting with the provisions of the new legislation shall be null and void, and prescribes penalties to be imposed on any person organising such elections or standing as a candidate.

62. In its observations the Government asserted that the provisions of section 10 were necessary for the implementation of section 5 and of the guarantees afforded by section 6.

63. The complainant, for its part, declared that section 10, taken in conjunction with the ban imposed by section 8 on extending the term of office of trade union executives by more than one month, had had the effect of prohibiting the holding of the National Congress of G.G.C.L., planned for September 1964. In fact, the complainant continued, since it had been practically impossible for G.G.C.L. to amend its by-laws to bring them into line with the new legislation, any congress held by it would fail to conform with the provisions of section 5 of Legislative Decree No. 4361 and would, therefore, under the terms of section 10, be null and void.

64. Moreover, the complainant stated that the entry into force of Legislative Decree No. 4361 had had the following consequences for G.G.C.L. Unable to hold its Congress because of section 10, and prevented by section 8 from extending the term of office of its executive by more than one month, G.G.C.L. could not help but find itself, at the end of its executive’s term of office, in November 1964, in the position provided for by section 69 of the Civil Code, in virtue of which, on the expiry of the term of office of the executive of a trade union, it is open to any union to request the courts to take cognisance of the expiry of the said term of office and to appoint a new executive.

65. The Government did not refute this interpretation, acknowledging that under section 69 of the Civil Code, in the event that the members of the managing council of a body corporate are not appointed by a meeting, the chairman of the court of first instance may appoint an acting council.

66. The Government pointed out, however, that under the Constitution the chairman of the court of first instance, as a member of the judiciary, is not subject to influence by the executive power. “Consequently”, it went on, “the Government cannot bring any pressure to bear on the said chairman at the time of such an appointment”.

67. The last section of Legislative Decree No. 4361 to be called in question by the complainant is section 11, which provides in substance that to participate in the general assemblies of a trade union or an association of trade unions a member must have previously fulfilled all the financial obligations laid down in the by-laws.

68. The complainant did not say what it found wrong with this section. The Government, for its part, had the following observations to make.

69. During the 15 years or so in which the G.G.C.L. leaders had held office, they had not succeeded in doing away with the system of financing, despite the fact that it had long been the subject of complaint both by the national occupational organisations and by the international trade union movement and international bodies. The truth was, according to the Government, that these leaders made no attempt to clean up a situation which was substantially to G.G.C.L.’s advantage in view of the influence it had had with preceding governments.
70. The Government stated that it was aware of the defects in this system of financing inherited from its predecessors, and was planning to do away with it. Section 11 of Legislative Decree No. 4361 should be looked upon as the first step towards a system of free and independent financing of organisations by their own members in that it laid down the principle that no member might lawfully take part in the general meetings of a union unless he had discharged his financial responsibilities towards that union.

71. In its observations, however, the Government went on to say that it was not felt to be possible or opportune at the present time to do away completely with the system whereby workers' organisations are financed through the Workers' Club, the reason being that if the system were abolished before the workers' organisations had reached a point where they were able to meet all their financial needs out of the contributions of their members they would be deprived of their resources, and the effects of this would be felt the more heavily in that it would occur at a time when the unions were being called upon to convene general meetings in order to amend their by-laws or elect their executives in accordance with the law.

72. The Government concluded its remarks on this point by stating that it had not the slightest intention of maintaining the present system for the financing of workers' organisations, which it considered to be "destructive of freedom of association". It gave the assurance that "very shortly, along with other measures to be taken for the benefit of the workers, the question will come up of placing the financing of occupational organisations on a new and healthier footing".

73. By a communication addressed to the Director-General of the I.L.O. for the attention of the Committee on Freedom of Association and dated 28 January 1965, the Greek Government furnished certain information concerning developments since it forwarded its observations on 6 November 1964, which have been discussed above.

74. Firstly, the Government stated that, having regard to the wish expressed by the Committee on Freedom of Association in paragraph 332 of its 78th Report (see Chapter 2 above), and expressed by the Governing Body itself when adopting that report, it had not since that time permitted anything to be done which might be regarded as an infringement of freedom of association.

75. The Government went on to say that since its observations were forwarded on 6 November 1964 the executive of G.G.C.L. had been appointed. However, added the Government, as numerous appeals had been made to the courts by representatives of the different trade union trends with regard to the composition of the executive, its appointment was not yet definitive.
PART II

PROCEDURE ADOPTED BY THE FACT-FINDING
AND CONCILIATION COMMISSION

CHAPTER 4

FIRST SESSION OF THE COMMISSION

76. The Fact-Finding and Conciliation Commission held its First Session in Geneva from 22 to 26 July 1965; the purpose was to determine the working methods and procedure which it would adopt in examining the case before it. In the course of this session, the members made a solemn declaration in the presence of Mr. David A. Morse, Director-General of the International Labour Office. In calling upon the members of the Commission to make this declaration, the Director-General made the following statement:

Gentlemen, you have been appointed by the Governing Body of the International Labour Office as the Panel of the Fact-Finding and Conciliation Commission on Freedom of Association to which the Governing Body has referred for examination, with the spontaneous consent of the Government of Greece, the case of alleged infringements of trade union rights in Greece.

The task entrusted to you is that of ascertaining the facts without fear or favour. You are responsible to your own conscience alone.

The Governing Body has approved a form of solemn declaration whereby members of the Panel undertake to perform their duties and exercise their powers as members of the Panel honourably, faithfully, impartially and conscientiously. This solemn declaration corresponds in its terms to that made by the Judges of the International Court of Justice.

I shall therefore call upon you to make in turn this solemn declaration.

77. The members of the Commission thereupon made the following declaration:

I solemnly declare that I will honourably, faithfully, impartially and conscientiously perform my duties and exercise my powers as a member of the Panel of the Fact-Finding and Conciliation Commission on Freedom of Association appointed by the Governing Body of the International Labour Office, in accordance with the procedure in force for the examination of complaints of alleged infringements of freedom of association, to examine the trade union situation in Greece following the complaint presented by the Greek General Confederation of Labour against the Government of Greece on 4 September 1964.

78. The same declaration was made on 1 July 1966 by Mr. Ducoux on the occasion of the Second Session of the Commission.

79. In the course of its First Session, the Commission took cognisance of the case and determined the procedure which it would follow in the initial stages of its examination of the case.
80. The Commission decided to offer to the Government of Greece and to the complainant, that is the administration of the Greek General Confederation of Labour as it existed on the date on which the complaint was filed, the opportunity to submit any further written statement which they might wish the Commission to consider, not later than 10 September 1965.

81. The Commission further decided to admit as a participant at each successive stage of its proceedings, on an equal footing with the Government of Greece and the complainant, the current administration of G.G.C.L. As a consequence, the current administration of the G.G.C.L. was invited to submit to the Commission, not later than 10 September 1965, any written statement which it might wish the Commission to consider.

82. The Commission reserved the right to invite and accept statements from representatives of Greek trade union organisations in the event that such statements were necessary to its examination of the case. To this end the Commission requested that the Government, in particular, should take the necessary steps to see that the decision of the Commission in this regard was made known to any organisation which might wish to submit such statements, not later than 5 October 1965.

83. The Commission decided to give an opportunity to Mr. G. Dimitrakopoulos, General Secretary of the Federation of Railwaymen, who had previously sent to the International Labour Organisation a statement involving some of the questions raised in the case, to submit a further written statement, in his capacity as General Secretary of a former provisional administration of G.G.C.L., not later than 5 October 1965.

84. The Commission decided to give to the Federation of Greek Industrialists an opportunity to submit, not later than 5 October 1965, any written statement that it would wish to make relative to the issues of the case.

85. The Commission also decided to give an opportunity to the international organisations of workers and employers having consultative status with the International Labour Organisation, that is the International Confederation of Free Trade Unions, the International Federation of Christian Trade Unions, the International Organisation of Employers and the World Federation of Trade Unions, to submit, not later than 5 October 1965, any written statement which they might wish to make relative to the issues of the case.

86. The Commission informed the complainant, the current administration of G.G.C.L. and the other organisations which were afforded the opportunity to submit information to it that the function of the Commission was to ascertain facts which were relevant to its inquiry, that it followed from this that political matters were outside its scope and that the opportunity to furnish statements was given for the purpose of supplying factual information bearing on the matters referred to it. The Commission indicated that it would give those invited to present statements all reasonable latitude to furnish such information, but that it would not be prepared to receive written or oral statements relating to matters not relevant to the issues referred to it.

87. The Commission further decided that any additional information submitted in accordance with the above-mentioned decisions should be communicated to the
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Government of Greece, the complainant and the current administration of G.G.C.L. and that they should be afforded the opportunity to present their comments thereon not later than 25 October 1965.

88. The Commission decided to communicate to the Government of Greece the draft analysis of pertinent Greek legislation in force which had been prepared for the use of the Commission and requested the Government to communicate, not later than 5 October 1965, any comments it might wish to make concerning the accuracy or completeness of this analysis.

ARRANGEMENTS FOR THE HEARING OF WITNESSES

89. The Commission decided to hold its Second Session in Geneva in January 1966 and, beginning 10 January, to hear the testimony of a certain number of persons. In accordance with this decision the Commission requested the Government of Greece, the complainant and the current administration of G.G.C.L. to designate representatives to act on their behalf before the Commission at that session, to be responsible for the general presentation of the case and for their respective witnesses.

90. The Commission informed the Government of Greece, the complainant and the current administration of G.G.C.L. that it would be glad to consider applications from them to hear, in the course of the Second Session, any person who might have important evidence to furnish relevant to the matters at issue. The Commission indicated that the names and descriptions of such witnesses, together in each case with a brief indication as to the matters on which it was desired that they be heard, should be furnished to it not later than 5 October 1965.

91. The Commission informed the Government of Greece that it would appreciate being able to hear from the Minister of Labour an exposition of the general policy of the Government in trade union matters, particularly the legislation concerning trade union organisations and the practice and legislation concerning the financing of such organisations.

92. The Commission further expressed the wish that the Government would take measures to assure the presence of certain other persons whose evidence the Commission wished to hear. These witnesses were—

(1) one or more representatives of the Ministry of Labour having full knowledge of the development of the events which had occurred since the filing of the complaint in September 1964, or concerning the application of Legislative Decree No. 4361 of 1964 to the trade union organisations, and particularly to the executive leadership of G.G.C.L.; the amendment of the by-laws of G.G.C.L. and other trade union organisations, the meeting of the Congress of G.G.C.L., its composition, the way in which each organisation which belongs to it is represented in it and the election of its leaders; such representatives should also be fully acquainted with the trade union movement in Greece, its structure and the consequences on it of the introduction of Legislative Decree No. 4361 of 1964;

(2) a representative of the Ministry of Justice having full knowledge of the effect and application to workers' organisations of the general provisions of the Civil Code concerning associations and legislation on professional associations; as well as the role of the courts in designating the provisional administrations of workers' organisations, and the principles and procedure applicable in such cases;
First Session of the Commission

(3) an executive official of the "Workers' Club" (Ergatiki Estia) having full knowledge of the mechanics of the financing of organisations of workers through the Workers' Club, the rules and procedures followed therein and the role of the Government in the decisions taken, as well as the funds paid by the Workers' Club to some of the trade union organisations (G.G.C.L., workers' centres, federations, etc.) during the past three years.

93. In addition, the Commission decided that it would be useful to hear some other specific persons, who were notified directly and requested to testify before it at the Second Session: Mr. F. Makris, General Secretary of G.G.C.L. at the time of the filing of the complaint, as well as any other member of the administration of G.G.C.L. at that time; Mr. N. Papageorgiou, General Secretary of the provisional administration of G.G.C.L. at the time of the Commission's First Session, and, if necessary, the General Secretary of G.G.C.L. serving at the time of the Second Session; and Mr. G. Dimitrakopolous, General Secretary of the Federation of Railwaymen and former General Secretary of a provisional administration of G.G.C.L.

94. The Commission adopted rules of procedure for the hearing of witnesses at its Second Session and communicated them to the Government of Greece, to the complainant and to the current administration of G.G.C.L. The Commission also notified the Federation of Greek Industrialists that it would grant it appropriate facilities at the hearings should a request to this effect be made.

1 These rules are the following:

"1. The Commission will hear all witnesses in private sittings and the information and evidence presented to the Commission therein is to be treated as fully confidential by all persons whom the Commission permits to be present.

"2. The Government of Greece, the executive of the Greek General Confederation of Labour which submitted the original complaint in this case and the present executive of the Greek General Confederation of Labour will be requested to designate representatives to act on their behalf before the Commission. The representatives will be expected to be present throughout the hearing of witnesses and will be responsible for the general presentation of their witnesses and evidence.

"3. Witnesses may not be present except when giving evidence.

"4. The Commission reserves the right to consult the representatives in the course of or upon the completion of the hearings in respect of any matter on which it considers their special co-operation to be necessary.

"5. The function of the Commission is to ascertain facts which are relevant to its inquiry into the issues which have been referred to it by the Governing Body of the International Labour Office. Political matters are outside its scope, and the opportunity to furnish evidence is given for the purpose of supplying factual information bearing on the case before the Commission. The Commission will give witnesses all reasonable latitude to furnish such information, but it will not permit statements relating to matters not relevant to the issues referred to it.

"6. The Commission will require each witness to make a solemn declaration identical to that provided for in the Rules of Court of the International Court of Justice. This declaration reads: 'I solemnly declare upon my honour and conscience that I will speak the truth, the whole truth and nothing but the truth.'

"7. Each witness will be given an opportunity to make a statement before questions are put to him. If a witness reads a statement, the Commission would appreciate six copies being supplied in English or French.

"8. The Commission or any member of the Commission may put questions to witnesses at any stage.

"9. The representatives present in accordance with the rules laid down in paragraph 2 above will be permitted to put questions to the witness, in an order to be determined by the Commission.

"10. All questioning of witnesses will be subject to control by the Commission. The Chairman will not allow political questions outside the terms of reference of the Commission to be put or answered.

"11. Any failure on the part of a witness to reply satisfactorily to a question put will be noted by the Commission.

"12. The Commission reserves the right to recall witnesses, if necessary."
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95. The Commission requested the Government of Greece to make appropriate arrangements to ensure that no obstacles were placed in the way of the attendance before the Commission of the representative or witnesses of the complainant, the representative or witnesses of G.G.C.L., or any other person the Commission might wish to hear, and that all such persons would enjoy full protection against any kind of discrimination on account thereof, and also to satisfy itself that such attendance would not be prevented by financial difficulties and that leave of absence would be granted, where necessary, to enable witnesses to appear before the Commission. The Commission requested the Government to inform it of the arrangements made to these ends.

96. The Commission stressed that it was highly important for the further consideration of the case for it to be able to hear the evidence of the persons it had requested to attend. In this connection the Commission mentioned that in the preparation of its report it would take full account of the extent to which the persons concerned had co-operated in the elucidation of the facts by responding to its request for evidence.

97. The Commission, while noting that the Government of Greece had, on its own initiative, declared itself ready to receive a visit by the Commission in Greece, deferred until its Second Session any further decisions concerning the subsequent stages of its proceedings, including a decision concerning such a visit. It informed the Government of Greece, the complainant and G.G.C.L. accordingly.

98. The Commission authorised its Chairman between sessions to deal on its behalf with any procedural matters that might arise, consulting the other members whenever he might consider this necessary.

99. The Commission’s first report was signed on 26 July 1965 and presented to the Governing Body at its 163rd Session (November 1965). The report read as follows:

1. Following the complaint alleging infringements of trade union rights submitted by the Greek General Confederation of Labour against the Government of Greece on 4 September 1964 and the spontaneous acceptance by the Government that the case be referred to the Fact-Finding and Conciliation Commission on Freedom of Association, the Governing Body of the International Labour Office decided at its 162nd Session (May 1965) that the panel of the Commission should be composed as follows:

Chairman:
Mr. Erik Dreyer (Denmark), former Permanent Secretary, Danish Ministry of Social Affairs; former President, State Mediation Board; former President of the International Labour Conference.

Members:
Mr. César Charlone (Uruguay), former Vice-President of the Republic; former Minister of Labour and Social Welfare; former Minister of Foreign Affairs; former Minister of Finance; Government delegate of Uruguay at a number of sessions of the International Labour Conference; former member of the I.L.O. Committee of Experts on the Application of Conventions and Recommendations; member of the Uruguayan delegation to the United Nations Conference on International Organisation (San Francisco, 1945); member of the Uruguayan delegation to the Economic and Social Council of the United Nations.

Mr. Henri Friol (France), Counsellor to the Court of Appeal; former Chief of Cabinet to the President of the National Assembly; former Chief of Cabinet to Mr. René Coty, President of the Republic (1954-58).
2. The Commission held its First Session at the International Labour Office, Geneva, from 22 to 26 July 1965. During the course of this session the Commission made a solemn declaration before the Director-General of the International Labour Office.

3. At this session the Commission took cognisance of the case and determined the procedure which it will follow in the initial stages of its examination of the case. It has afforded to the Government of Greece and the organisations concerned the opportunity to submit further statements, and it has made arrangements for the hearing of evidence at its next session, which it has decided to hold in Geneva in January 1966.

4. The Commission will consider at its next session, in the light of the information and evidence then available to it, the further measures which appear to be called for to enable it to discharge the duties entrusted to it, and will report thereon to the Governing Body in due course.


César Charlone.
Henri Friol.
CHAPTER 5

IMPLEMENTATION OF THE PROCEDURE ADOPTED
BY THE COMMISSION AT ITS FIRST SESSION

SECTION 1

Further Information Submitted by the Complainant Organisation and
the Government of Greece

100. In its letters addressed to the parties and to the provisional administration of G.G.C.L. on 26 July 1965 the Commission gave them the opportunity of submitting before 10 September 1965 any additional information which they would wish the Commission to receive.

101. In response, the complainant sent the Commission a letter in which it presented various observations, some of which repeated allegations presented earlier. The complainant challenged the Government to mention in support of some of its allegations a single legal decision denying the validity of trade union elections carried out in the past. The letter added that the Government had admitted before the Committee on Freedom of Association that it had interfered in the drafting of the constitution of various trade unions and acted in such a way that the G.G.C.L. Congress could not be held at the date fixed, in September 1964, thus putting the elected administration of G.G.C.L. out of office. After recalling that in its opinion the Government had infringed the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), for political reasons, the complainant observed that, on three of the four occasions since the removal of the elected executive from G.G.C.L. when provisional administrations had been appointed, members favourable to the government in power had been in the majority, and that on two occasions Mr. N. Papageorgiou, leader of the pro-government trade union movement, had been appointed General Secretary of G.G.C.L. Going on next to the recommendations that the Governing Body of the I.L.O. had made to the Greek Government after receiving the 80th Report of the Committee on Freedom of Association, the complainant accused the Government of not having acted on them any more than on the measures that it had itself undertaken to implement, particularly those relating to the financing of trade union organisations. Lastly, the complainant expressed the belief that Legislative Decree No. 4361 had wiped out the Greek trade union movement, left G.G.C.L. for a whole year without an elected administration, created chaos through the appointment of four provisional administrations, turned the Greek trade union movement into an instrument of the political parties and left the claims of the workers unanswered.

102. The Government, after recalling the circumstances surrounding the departure of Mr. F. Makris from the post of General Secretary of G.G.C.L. in November 1964, set forth the reasons that had, in its view, prevented the provisional administration of G.G.C.L. appointed by the judge on 14 December 1964 from making the
necessary preparations for the 15th Congress of G.G.C.L. The Minister of Labour, though he regretted that the existence of several tendencies in Greek trade unionism and the legislation on court procedure had caused frequent changes in the composition of the executive bodies of G.G.C.L., terminated his communication by stressing that it had never been the intention of the Government to influence the course of events within the trade union movement.

103. The administration in office of G.G.C.L. informed the Commission, through its General Secretary, Mr. J. Galatis, that the decisions of the Athens Court of First Instance following the various appeals relating to the appointment of provisional administrations of G.G.C.L. seemed to it to be the most valid basis for forming an opinion on the case.

104. The Commission had given the parties and the provisional administration of G.G.C.L. the opportunity to submit before 25 October 1965 observations on the further information submitted by the other participants in the procedure.

105. The complainant submitted to the Commission various observations regarding the further information submitted to the Commission by the Greek Government. The complainant claimed that the elected administration of G.G.C.L. had been put out of office through a subterfuge whereby the Congress of G.G.C.L., planned to be held in September 1964, was unable to meet owing to the coming into effect three days earlier of Legislative Decree No. 4361. The complainant therefore considered that the Government was fully responsible for the fact that G.G.C.L. was unable to convene its 15th Congress. The complainant added that in its further information the Government had omitted to mention that the appointment of various provisional administrations for G.G.C.L. had been prepared behind the scenes by the machinery of the party in power and in each case in accordance with the tendencies prevailing within the Government. It was the view of the complainant that the Government had, moreover, tried to make the trade union leaders responsible for the confusion which prevailed within the trade union movement following the adoption of Legislative Decree No. 4361.

106. In March 1966, following the postponement at the request of the Greek Government of the Second Session of the Commission, which had been arranged for January 1966, the latter gave the parties and the administration in office of G.G.C.L. the opportunity of making further observations on events that had occurred since September 1965, when the parties and the administration of G.G.C.L. had submitted initial additional information to it.

107. In response, the complainant mentioned Act No. 4504 of 13 March 1966, under which occupational associations of industrialists, merchants and employers in general were exempted from the scope of Legislative Decree No. 4361 of 2 September 1964. The complainant regarded this as one more proof that the protest that it had made against the adoption of this legislative decree, which, it added, was directed only against workers' organisations, was well founded.

108. The Government recalled the enacting clauses of the decision of the Athens Court of First Instance replacing, in November 1965, 18 members of the provisional administration of G.G.C.L. It stated that the administration of G.G.C.L. had arranged for the Congress to open on 27 February 1966. The Congress had later

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1 See paras. 138-140.
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been postponed to 15 May of the same year. The reasons for the postponement, added the Government, were that the preparations were proceeding very slowly. The Government then mentioned various appeals to the Athens Court of First Instance against the composition of the provisional administration of G.G.C.L. in April 1966 and stated that at the time of writing the results were still unknown. "The Government", the communication continued, "faithful to its principle of non-interference, can do nothing. It has, however, continuously appealed to all trade unionists to put no difficulties in the way of the preparation of the Congress". Referring next to the application of Legislative Decree No. 4361, the Government stated that it was generally maintained in the trade union organisations that had already convened their general assemblies that this legislative decree had not created any difficulties; on the contrary, the trade unionists that had taken part in these general assemblies had all observed that section 6 of the legislative decree prevented all attempts at fraud in the elections and guaranteed the development of a truly representative trade union movement. The Government added that the application of the legislative decree did not appear to have prevented collective bargaining. The government communication accordingly ended with the observation that Legislative Decree No. 4361 had in no way been an impediment to the development of trade union activities.

SECTION 2

Communications from Non-Complaining Organisations

International Organisations.

109. At the end of its First Session the Commission sent the international organisations of workers and employers having consultative status with the I.L.O., i.e. the International Confederation of Free Trade Unions, the International Federation of Christian Trade Unions, the International Organisation of Employers and the World Federation of Trade Unions, communications in which it gave these organisations the opportunity of submitting, before 5 October 1965, observations on the case before it.

110. Some of these organisations responded by sending communications to the Commission.

111. I.C.F.T.U. recalled the most important points of the joint mission of I.C.F.T.U. and certain international trade secretariats, sent to Greece in July 1964 to collect information on the trade union situation, present G.G.C.L. with proposals relating to certain structural reforms, and obtain information from the Greek Government on its intentions regarding the organisation of the statutory Congress of G.G.C.L. and the new trade union legislation that it was considering.

112. During the time that the joint mission was in Athens Legislative Decree No. 4361 had been submitted to Parliament, and in view of the many unexpected and rapid developments the joint mission felt it necessary to draw certain conclusions while it was on the spot by making positive suggestions to both G.G.C.L. and the Government. These aimed at finding ways and means to make the trade union movement independent of any outside financing, reforming the structure of the trade union movement, and counteracting the charges of undemocratic procedures within G.G.C.L.
113. The joint mission, *inter alia*, asked the Government to see that the financial support given by the Workers’ Club to G.G.C.L., which had been cut off since 1 March 1964, was resumed, and it proposed the creation of a control commission under an independent chairman. The object of the control commission should be to see that the composition of the 15th Congress of G.G.C.L. was fair and equitable and its functioning normal, to submit to the Congress proposals for the structural reorganisation of the Greek labour movement, and to make proposals aimed at substituting for the financing of workers’ organisations through the Workers’ Club a system of workers’ contributions through the medium of collective agreements.

114. Finally, the joint mission favoured a revision of Legislative Decree No. 4361, particularly sections 5, 6 and 10.

115. In its letter, the European Organisation of I.F.C.T.U. made various allegations relating to repeated interference by the Greek Government in matters relating to the statutes of trade union organisations, to police supervision, which had, it stated, developed within G.G.C.L. and other trade union organisations and gone as far as levying a compulsory contribution on members, and to repeated external interference in the internal affairs of the trade union movement, adding that the management of trade union affairs was falling gradually into the hands of the Government. This letter ended with a statement that the lack of independence and freedom had made all genuinely occupational and social activity by the trade unions practically impossible and meaningless in Greece.

116. I.O.E. wrote that it had no information likely to interest the Commission and that it did not therefore feel called on to make any statement on the complaint before the Commission.

117. The Commission had also given Mr. G. Dimitrakopoulos, General Secretary of the second provisional administration of G.G.C.L., the opportunity of submitting before 5 October 1965 observations on the case. Mr. Dimitrakopoulos replied by mentioning the protest that he had addressed to the International Labour Conference at its 49th Session against the credentials of G.G.C.L. representatives. He then recalled the circumstances in which he had decided to appeal to the Athens Court of First Instance against the composition of the third provisional administration of G.G.C.L. Lastly, he recalled the circumstances of his attending the World Congress of I.C.F.T.U. in 1965 as observer.

Greek Organisations.

118. In the communication through which the Commission had informed the Greek Government at the end of its First Session of the procedure that it had adopted for the subsequent stages of the case, it asked the Government to be good enough to acquaint the Greek trade union organisations with the opportunity afforded them of submitting observations on the case to the Commission. In response to this request the Greek Government informed the trade union organisations, through means including the publication of notices in the press, that they were entitled to address communications on the case to the Commission before 5 October 1965.

119. In this connection it must be pointed out that in July 1965, at the close of the Commission’s First Session in Geneva, the Pan-Hellenic Federation of Workers in Electricity and Public Utility Undertakings addressed to the I.L.O. a request that its representative should be invited to give evidence before the Commission and that
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the Commission, if it visited Greece, should get in touch with this Federation. The Federation also maintained that the adoption of Legislative Decree No. 4361 had eliminated certain anti-democratic and anti-trade union legislative provisions relating to trade union elections, although some of its provisions conflicted with the international labour Conventions. The Pan-Hellenic Federation of Workers in Electricity and Public Utility Undertakings then sent the Commission a second communication, which arrived after the date of 5 October set by the latter, in which it repeated its request to be allowed to appear before the Commission at its Second Session. The Commission informed this Federation that it did not intend to hear at its Second Session evidence from representatives of Greek trade union organisations other than the representatives of the past and present administrations of G.G.C.L.

120. The Commission received three communications, one from the Federation of Greek Leather Workers, one from the Pan-Hellenic Federation of Operators, Engineers and Mechanics of Steam Rollers, Drills and Heavy Construction and Agricultural Machinery, and one from the Federation of Workers in Greek Mining Undertakings.

121. The Commission also received a communication from an organisation known as the “Greater Athens Christian Trade Union Federation”.

Transmission to the Parties and the Provisional Administration of the Greek General Confederation of Labour of Communications Received.

122. All communications received by the Commission from non-complaining organisations were transmitted to the parties and the provisional administration of G.G.C.L. for their observations.

123. With regard to the communication of I.F.C.T.U. the complainant informed the Commission that in its view only one Confederation exists in Greece and is recognised in that country, namely G.G.C.L., which is affiliated to I.C.F.T.U., and that, consequently, only the latter organisation has precise information and can express a valid opinion regarding the trade union situation in Greece.

124. The Government stated that generally the allegations contained in the communication of I.F.C.T.U. did not refer to concrete cases of infringement of trade union freedom or of government interference in trade union affairs. The information received by I.F.C.T.U. on which its allegations were based did not, therefore, in the view of the Government, appear to originate from impartial and objective sources, particularly with respect to the allegations against the Government concerning so-called government interference in the internal activities of trade unions. The Government then proceeded to refute various specific allegations submitted by I.F.C.T.U.

125. The current administration of G.G.C.L., like the complainant, stated that in its view only I.C.F.T.U. was qualified to express an opinion on the trade union situation in Greece.

126. With regard to the second communication of the Pan-Hellenic Federation of Workers in Electricity and Public Utility Undertakings the complainant informed the Commission that in its view this organisation, which is not affiliated to G.G.C.L., had no right to intervene in the proceedings relating to the complaint which it had

a See para. 119.
Implementation of Procedure Adopted at First Session

filed with the I.L.O. It added that this organisation was primarily a political organisation and secondarily a trade union. It lacked, therefore, in the complainant’s view, the necessary objectivity and had no moral right to be heard on an equal footing with the other Greek organisations of workers on a matter such as that which was dealt with in the complaint and which had been and continued to be used by the Pan-Hellenic Federation of Workers in Electricity and Public Utility Undertakings for political ends. The complainant stated in conclusion that this organisation could not be regarded as having any status since it was not a genuine trade union organisation, and expressed the view that it was not possible for the Commission to accede to the request of this organisation that it participate in the proceedings of the Commission.

127. The Greek Government expressed the view that the communication in question did not call for any observation on its part.

128. The provisional administration of G.G.C.L. felt for its part that the request of the Pan-Hellenic Federation of Workers in Electricity and Public Utility Undertakings was not acceptable by reason of the political character of the organisation, which had never been affiliated to G.G.C.L. and was not, as it wrongly stated, an important organisation.

SECTION 3

Communications regarding the Witnesses Whom the Commission Had Wished to Hear at Its Second Session

129. At its First Session the Commission had decided to hear the evidence of the parties and the administration in office of G.G.C.L. as well as that of Mr. Dimitrakopoulos, former General Secretary of G.G.C.L. When Mr. Papageorgiou was removed from the office of General Secretary of G.G.C.L. in August 1965 by a decision of the Athens Court of First Instance, the Commission decided to give him, as former General Secretary, the same opportunity as Mr. Dimitrakopoulos.

130. With regard to the evidence that it wished to receive from the Government, the Commission addressed to the latter a first request that the following persons should appear before it: one or more representatives of the Ministry of Labour, a representative of the Ministry of Justice, and an executive official of the Workers’ Club, and subsequently a second request that a representative of the Athens Court of First Instance, which had given a decision relating to the composition of the provisional administration of G.G.C.L., explain to it the procedure followed in the designation of provisional administrations of workers’ organisations.

131. In response to the request of the Commission the Greek Government submitted the following list of witnesses: Mr. S. Kladas, Special Adviser to the Ministry of Labour; Mr. E. Flokos, Director in the Ministry of Labour; Mr. J. Lekas, Director of the Workers’ Club; and Mr. P. Theodoropoulos, a President of the Athens Court of First Instance, who was also called on to give evidence as representative of the Ministry of Justice.

132. The Government also proposed that the Commission should hear the following witnesses on various aspects of the case: Mr. N. Kostis, former member of the G.G.C.L. administration and Director in G.G.C.L.; Mr. A. Kyriakopoulos,
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former member of the G.G.C.L. administration and Assistant Governor of the Central Organisation of Social Insurance (I.K.A.); Mr. S. Tatas, former member of the G.G.C.L. administration and President of the Mytilene Island Workers' Centre; and Mr. A. Voyiatzis, barrister-at-law, former Legal Adviser to G.G.C.L.

133. The complainant invited the Commission to hear the following witnesses: Mr. C. Fotiadis, former Legal Adviser to G.G.C.L.; Mr. C. Myrianthis, barrister-at-law, former General Secretary in the Ministry of Labour, and Mr. G. Trimis, former Director in the Ministry of Labour. The administration of G.G.C.L. submitted the names of Mr. A. Voyiatzis, Mr. A. Kyriakopoulos and Mr. M. Korakas, journalist.

134. The Commission observed that two witnesses had been proposed by both the Government and G.G.C.L., and since the list of witnesses proposed by the Government had reached it earlier than that of G.G.C.L. it decided that the persons in question should appear before it as witnesses of the Government alone. The Commission agreed to hear all the other witnesses who had been proposed and, following the postponement in November 1965 of its Second Session 1, to offer the parties and G.G.C.L. the opportunity of submitting to it before 1 May 1966 proposed amendments to the list of witnesses that it had approved, provided that such amendments were justified by events occurring after the approval by the Commission of the original list of witnesses in October 1965.

135. In January 1966 G.G.C.L. announced its wish to replace the witnesses that it had proposed by others, and by a letter of 20 April 1966 it submitted a new list of six persons for approval by the Commission. In view of the request of the complainant 2, arriving shortly after, that the Commission should consider the case closed, the latter has taken no decision concerning the new list of G.G.C.L.

136. In a cable dated 28 April 1966 the Greek Government requested the Commission to include in the list of witnesses at the Commission's Second Session Mr. G. Mantellos, General Secretary of the Federation of Bank Employees, Mr. D. Papadopoulos, General Secretary of the Federation of Industrial and Agricultural Mechanics, and Mr. G. Seretis, General Secretary of the Union of Railwaymen of Northern Greece, and to delete the name of Mr. A. Kyriakopoulos as the latter was prevented by his functions as Assistant Governor of the Central Organisation of Social Insurance from travelling to Geneva. The Commission acceded to the request of the Government.

SECTION 4

Information Requested by the Commission on Specific Matters

137. Following a request made by the Commission, the Greek Government sent it the full text of six sentences of the Athens Court of First Instance relating to the appointment of provisional administrations for G.G.C.L. 3 as well as the legislation relating to the Workers' Club, a list of grants made by the latter to various Greek trade union organisations during the period from 1962 to 1965 and other information on the Workers' Club.

1 See paras. 138-140.
2 See para. 354.
SECTION 5

Postponement of the Second Session of the Commission

138. At its First Session the Commission had decided to hold its Second Session in Geneva in January 1966.

139. In November 1965 the Greek Government requested the Commission to postpone its Second Session by a few months in view of the fact that the Greek Government had not been able to complete its preparation of the case and of the documentation relating to it. Following this request, the Chairman of the Commission sought the views of the complainant on the matter. The latter agreed to the postponement. Having regard to the importance of the Greek Government’s request, the Chairman of the Commission also felt it necessary to consult the other members of the Commission, in accordance with the procedure adopted at the First Session.¹ The Commission then decided to postpone its Second Session to a later date. The month of July 1966 was subsequently selected for this purpose.

140. The Commission informed the G.G.C.L. administration and Mr. Dimitrakopoulos and Mr. Papageorgiou, former General Secretaries of G.G.C.L., of the postponement of its session.

¹ See para. 98.
141. The evolution of trade unionism, industrial relations and labour legislation in Greece have been profoundly influenced by the history and economy of the country.

142. The most striking geographic characteristics of Greece are its many islands, its ragged coastline and the tortuous mountain ranges which cover a large part of its surface; its short valleys and narrow coastal plains (except in the north) provide the only good agricultural land; its stormy seas have bred a race of hardy sailors who have had to turn to the waters for much of the subsistence which the often ungenerous and uncultivable earth is reluctant to yield. This means that Greece, except for its ores, is not a country rich in natural resources. If we add to all this the political and social upheavals in Greece throughout the nineteenth century, we can very easily understand the extent of its problems.

143. Two factors have left their stamp on the Greek economy ever since early antiquity: a coastline approximately five times as long as that of France, and a relatively poorly developed agriculture owing to the fact that valleys and plains cover only one-fifth of the territory and most of the rivers are fast-flowing torrents. These natural conditions have led Greece to turn to the sea as a path of communication for an important merchant marine, and to countries overseas, both near and far, as an outlet for a constantly emigrating population.

144. A few figures will make it possible to situate the problems in their general context.

145. The population of Greece in 1962 amounted to 8,500,000 inhabitants—an increase of 0.58 per cent. in comparison with the 1961 census—the density being that of 64 inhabitants per square kilometre. In 1961 the urban population constituted 43.3 per cent. of the total population; the semi-urban population (centres comprising 2,000 to 10,000 inhabitants) 12.9 per cent., and the rural population 43.8 per cent. The above-indicated proportions have only slightly altered since the 1928 census, the urban population showing a 12 per cent. increase and the semi-urban population a 3 per cent. decrease.
146. The active population represented approximately 43 per cent. in 1961 and was distributed in the following manner: agriculture, forestry, hunting and fishing: 1,960,446; mining industries: 21,510; manufacturing industries: 488,577; construction: 167,364; electricity, gas, water and sanitary services: 19,804; commerce, banks, insurance, real estate: 266,070; transport, storage and communication: 153,867; services: 439,471; activities not adequately described: 27,266; persons seeking work for the first time: 94,226; total: 3,638,601.

147. When Greek independence was proclaimed in the nineteenth century, the economy of the country was still relatively undeveloped. Agriculture continued to be the essential basis of economic activity until the war (1939). Agricultural yield and productivity have been improved through the distribution of lands at different periods and through land reclamation schemes undertaken by the Government (for soil improvement, flood protection, irrigation, drainage and the construction and improvement of roads in the rural areas, etc.). Although agricultural production has made progress, it is, nevertheless, today still far from satisfying the needs of the country in food and basic products. Moreover, this production is closely dependent upon the disposal abroad of a large part of its production, such as wines, olives and their by-products, tobacco or raisins. Almost all these export products fall into the category of luxury or semi-luxury products, which are very closely affected by economic fluctuations in the importing countries.

148. The results obtained in agriculture, though often very favourable, should not mask the persistence of certain structural weaknesses; the over-all growth rate continues to depend closely on good or bad harvests. Furthermore, underemployment is still heavy in the countryside and agricultural incomes remain low. Nevertheless, the share of agriculture in the formation of the gross national product, which in 1963 amounted to approximately 29 per cent., was the factor which influenced to the greatest extent the growth of Greek economy.

149. Industrialisation began around the years 1880-90, the period which witnessed the launching of the first systematic programmes of public works, an influx of foreign capital and the establishment of a protective tariff (which then chiefly concerned the consumer goods industries such as textiles, for which a large part of the raw materials were imported). While remaining at the level of small productive units (approximately 90 per cent. of the establishments employed up to five persons and little power) industry developed at a faster rate between the two wars. The situation in the metal trades, however, constituted a major obstacle to expansion. After the cessation of hostilities industry surpassed its pre-war level around 1950, in spite of the fact that although it had suffered less than agriculture, its production had nevertheless decreased more than a half. During the last ten years, the index of industrial production evolved as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Index</th>
</tr>
</thead>
<tbody>
<tr>
<td>1956</td>
<td>83</td>
</tr>
<tr>
<td>1958</td>
<td>100</td>
</tr>
<tr>
<td>1963</td>
<td>139</td>
</tr>
</tbody>
</table>

(An increase of 7.4 per cent. compared to 1962).

150. Greece possesses deposits of iron and other ores but has no coal. This is undoubtedly one of the reasons why the country today has no heavy industry. Progress in industrial production was chiefly due to three industries: food, textiles and tobacco, which account for 47 per cent. of the index. The tobacco industry, which includes preparation of the raw material, is directly affected by the size of the crops. Advance has also been made in metalwork, and there has been fairly intense
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activity in the construction industry. Finally, the curve of the production of electricity has also climbed more rapidly. Industry is today still oriented principally towards immediate or local consumption.

151. In absolute figures the size of the industrial labour force is relatively small. In 1961 about 488,000 persons were working in the manufacturing industries; 132,000 of these persons were self-employed. Small undertakings thus continue to play a major role in the economy. In undertakings employing ten or more persons the number of workers amounted to some 188,800, of whom 108,400 were in Athens. The population of continental Greece is virtually unaffected by industrial activity. High employment rates in industry are generally noted on the east coast of the country.

152. Information on industrial wages is fragmentary. Average hourly earnings, which in November 1961 were 7.63 drachmas, increased to 9.45 drachmas in August 1964. The consumer price index (1959=100) was 103 in 1961, 107 in 1964 and 110 in April 1965.

153. Greece has always been a nation of seafarers engaged in particular in commerce. Its remarkable aptitude for entering the trade circuit seems to have resulted in neglect of the industrial production sector over a long period. From there stems the fact that today the country's commercial sector is comparatively more developed than the production sectors. The participation of Greece in world sea trade during the last century was considerable and rapidly increased after the Second World War. Although 15 years ago a considerable part of the Greek merchant marine sailed under foreign flags, mass repatriation has since taken place and Greece today occupies the sixth place in the world with over 7 million tons.

154. During the last few years the economic policy of Greece has rested mainly on the search for a rapid progression in incomes and employment. The latter remains the fundamental problem. According to the census returns of 1961 there were 230,000 unemployed persons in the towns and 600,000 underemployed in the countryside. The latter figure has since decreased considerably, falling to 473,000 in 1963. Between 1958 and the beginning of 1964 the number of emigrants was 339,000, i.e. more than the whole of the population growth for the period. In 1963 departures from the country exceeded this growth by some 18 per cent.

155. Without a serious speeding up of the growth of industrial production, however, the problem of employment shows danger of becoming more serious in the years to come. Agriculture can increase its volume of production but cannot offer additional employment possibilities. There remains the services sector, which, although still to a relatively small extent, has nevertheless contributed some 40 per cent. to the formation of the gross national product over the last few years and already employs almost one-quarter of the active population. As regards emigration, this has serious disadvantages; it draws away mainly the young and dynamic elements of the population and a considerable number of skilled workers who receive better wages abroad. The long-term disadvantages seem to exceed the short-term advantages (the reduction of unemployment and underemployment, and the bringing into the country of incomes obtained abroad).1

156. State revenue is largely insufficient, and Greece continues to borrow heavily from abroad to finance investments. This policy involves heavy obligations in the

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matter of interest and considerable dependence on other countries. In 1964 it was estimated that the State would need a loan of 4,700 million drachmas to cover its financial requirements; of this sum 1,700 million drachmas were to be provided by foreign sources.¹

157. In concluding its economic survey of August 1964 on Greece, the Organisation for Economic Co-operation and Development made the following remarks:

In an endeavour to solve the structural problems that remain—considerable underemployment, the low incomes of a large section of the population, the worsening of the trade balance and the slowness of industrialisation—the Greek Government has already taken a number of steps and is currently considering further measures in the economic and social fields. The main objects of its action are to speed up economic development and to distribute the national income more equitably, and the official policy in this respect has already taken concrete form in an increase of public investment in 1964 and in action to lighten the financial burden on farmers. The Government also intends to make a shift of emphasis in its planning of economic development, and to attach priority to infrastructure, education and research.... Great vigilance will be needed, however, to ensure that the problems—which are always difficult—of balancing objectives and reconciling means are satisfactorily solved. To redistribute, for example, national income more equitably, to the benefit of less favoured sections of the community, is socially and even economically desirable since it enlarges the domestic market for Greek industry. But, in the last analysis, only the growth of investment and production can bring about a substantial and steady improvement in the standard of living. Similarly, the way in which this redistribution is effected is by no means indifferent and raises delicate problems. To cite a particular example, it seems that the Government's action to help the farmers should mainly take the form of stepping up efforts to increase yields and productivity.

Fundamentally, however, the problems of the Greek economy can clearly only be solved by faster industrialisation, which would make it possible to absorb the surplus of unemployed or under-employed labour, raise average productivity and average incomes, and reduce the size of the trade deficit through the creation of new industries. There are already signs that this is happening, but the process is a slow one. The reasons are many and well known: the insufficiency of national saving, the movement of some of this saving into non-productive investment, a shortage of industrial entrepreneurs, and so on. Faced with these facts, the Government is by no means powerless, and the last O.E.C.D. survey of Greece (1963) described and analysed the steps which have been taken in recent years to encourage and speed up industrialisation. So far the effects of these measures, without being negligible, seem insufficient. In addition, the economic programming undertaken in recent years does not, so far, seem to have had a decisive influence on the course of the economy. It may be hoped that the current reorganisation of the planning services will be such as to make government action—especially with regard to investment—more consistent with the achievement of medium-term development objectives, and to associate the private sector closely with both the formulation and fulfilment of these objectives.

In any event, and despite the results which may be expected from better economic programming, it will be some years before industrial development will lead to an equilibrium of current transactions with foreign countries. Even if the inflow of private capital evolves favourably, a considerable amount of external aid—both technical and economic—will still be needed in view of Greece's requirements as a developing country. Close international co-operation should therefore be continued so that the Greek economy may pursue in the years ahead the progress that has already begun.²

CHAPTER 7

AN OUTLINE OF THE HISTORY OF THE TRADE UNION MOVEMENT IN GREECE

SECTION 1

Development of the Trade Unions up to 1914

158. The origins of trade unionism in Greece date from the period 1880-90. From 1880 to 1895 the policy of the two governments of Charilaos Trikoupis, together with the introduction of industrialisation, led to a profound change in the social structure.

159. Economic expansion had the natural result of increasing the migration of the inhabitants of rural areas towards the urban centres and, consequently, of leading to an increase in the number of employees. In 1907 there were 140,000 workers and employees in industry compared with a total figure of 735,000 workers employed in the various branches of agriculture.

160. Economic development gave rise to important social problems whose urgency became steadily greater; a political change was soon to be needed.

161. Although the trade unions were limited in size and badly organised, they considered themselves at that time sufficiently powerful to play a part in the political orientation of the country. They gave their support to the Liberal middle class in the hope that it would pursue the political and social reforms on which the future of the working class movement and the improvement of living conditions of the working masses as a whole depended.

162. For their part, the middle and lower middle classes welcomed the position adopted by the workers and the trade unions: in fact, apart from the reinforcement which this brought, it removed for the time being the danger of a class war from which the middle class stood to lose rather than to gain.

163. The new Liberal party, led by Eleftherios Venizelos, sought to change the course of modern Greek history by making material progress and social and cultural development advance side by side. This continued during a long period of democratic administration, which began on 18 October 1910, the date on which Venizelos was invited to form his first government.

164. Between 1910 and 1912 in particular, the Liberal majority in the Greek Parliament was responsible for the adoption of a series of important measures in the labour field, and laid the basis of a social policy comparable with that of the most

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1 The events and facts referred to in this chapter are drawn from various sources available to the Commission, in particular from the study made by the I.L.O. in 1949 following the mission to Greece organised by the Office, and entitled Labour Problems in Greece, Studies and Reports, New Series, No. 12 (Geneva, 1949).
advanced countries in western Europe. There was set up, under the Ministry of National Economy established in 1911, a Labour and Social Insurance Service to which numerous tasks aiming at accelerating the pace of social progress were entrusted.

165. The Government also made a point of supervising, to a certain extent, labour-management relations and the trade unions.

166. The Liberal party soon realised that this supervision was not sufficient to safeguard social and political peace, and sought to make the trade unions, if not an instrument in the hands of the Government, at least a docile spokesman. With this object, the desire of the workers to see more powerful and more efficient trade unions set up was directed towards the formation of a central organisation which would possibly serve as a negotiating agent at national level, but which could at the same time be the subject of indirect supervision by the Government. The person entrusted with running such an organisation would therefore have to enjoy both the respect of the workers and the confidence of the Liberal party.

167. Venizelos thought that he had found these conditions combined in the person of Spyros Theodoropoulos, a lawyer with progressive views, who was chairman of the Typesetters’ Trade Union of Athens and an active member of the Liberal party. He was entrusted with the task of setting up and running the first association of trade unions. As a result of his initiative the existing trade unions in Athens adopted basic principles contained in the constitution of his own trade union and formed a central organisation where each of them was represented. On 21 March 1910 the delegates of the trade unions which were grouped in this way officially inaugurated the trade union centre in Athens, which was to become the Workers’ Centre in that city.

168. The setting up of the Workers’ Centre in Athens marks an important date in the development of the Greek trade union movement, as it created a precedent which was soon followed by the trade unions in other towns in the country. It is noteworthy that the method followed in setting up such centres was copied from that used by French trade unions.

169. A series of local branches was thus formed, whose delegates represented all the workers in the area. In view of the political system in force, under which all solutions to labour problems depended, in the last resort, on the Government, it was essential—and it was to this that the trade unions attached importance—that the local centres should have as many members as possible so as to be in a position to put the necessary pressure on the local representative of the Government, who in his turn could influence the Government to act in the interests of the workers.

170. Nevertheless, the Greek trade union movement for many years lacked co-ordination at the national level and had only a limited number of members. The shortage of members prevented the trade unions from exerting sufficient pressure to ensure that the social legislation adopted in 1910-12—which was advanced for the times—was fully applied. However, with the establishment of the Venizelos régime, the workers’ sense of class consciousness emerged and their feeling of solidarity was strengthened. In 1911 an organisation entitled Defence circulated the text of its constitution, in the form of a political manifesto, among the trade unions in Athens. Defence appears to have been the first Greek organisation to proclaim the need for the class struggle and to set objectives for the working-class movement which went
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further than the immediate concerns of the workers. In this constitution there is to be found the first expression of solidarity with workers in other countries. Several trade unions soon adopted this ideology and a new ideological orientation for the Greek trade union movement started on this basis. A more militant spirit was developed amongst organised workers. From 1911 to 1916 numerous strikes, of revolutionary inspiration, took place and received the support and the effective help of trade unions other than those which were responsible for the strike.

171. These movements, intended in the first place to support claims against the employers, brought about a reaction by the authorities which often took very violent forms. However, far from breaking the trade union movement, this repressive action encouraged the workers to press their claims even more strongly, as a matter of principle based on the idea of freedom of association.

SECTION 2

Development of the Trade Union Movement from 1914 to 1936

172. The authorities realised that a paternalistic attitude by the Government would not be enough, as such, to turn the working class into an ally, and they decided to grant the trade unions, by legislative means, the rights which would be necessary for their democratic development. For this reason Act No. 281 of 21 June-4 July 1914, concerning associations, was promulgated; it recognised occupational organisations, granted them a formal legal status, and included a special chapter on them (Chapter III, sections 19 to 23).

173. Apart from the opportunity which it provided of consolidating the trade union movement, the Act of 1914 contributed greatly to raising the morale of the trade unionists, who from that date enlarged the field of their activities and developed a more comprehensive organisation. The existing trade unions grew larger and many new trade unions were formed.

174. In 1917 the Labour and Social Insurance Service of the Ministry of National Economy was raised to the status of a Department.

175. The policy of the Liberal régime, as expressed by these measures, was described as philerganiki (pro-workers), and to a certain extent retained the good will of the workers towards the Liberal party. On the other hand, it certainly delayed the establishment of an independent trade union movement.

176. The First World War did not slow down trade union expansion; in fact the rapid economic development of the country in the industrial, commercial and banking fields, and in that of the merchant navy, contributed towards its acceleration. In 1917 there were 206 trade unions with 44,200 members; in 1918 there were 319 unions with 70,570 members and in 1919 389 unions with 86,290 members.

177. The end of the First World War showed the need for the Greek trade union movement to set up a national centre to guide labour policy and to fix its objectives. This was not only a requirement dictated by the new economic and social situation; it also meant unification, which the workers themselves longed to achieve. Both
internal development and the Russian Revolution combined to bring about this state of affairs.

178. It was one of the workers' centres (employment exchanges), that of Salonica, supported by the trade union leaders in Athens and Piraeus, which took the initiative in convening a Pan-Hellenic trade union conference with a view to deciding upon the establishment of a national centre. At a congress held in October 1918 in Athens 165 delegates representing 60,000 out of a total of 75,000 organised workers founded the Greek General Confederation of Labour, made up of trade unions, workers' centres and federations.

179. The First Congress of G.G.C.L. had decided that, apart from the trade unions and the workers' centres, the workers should form occupational or industrial federations consisting of the trade unions of workers of the same trade or the same industry (until then, only tobacco workers had been federated). Ten federations were set up at once.

180. The constitution of such federations and their direct affiliation to G.G.C.L. might be said to have marked the beginning of the development of powerful industrial organisations. However, for reasons which at the time were geographical, historical, social, economic and political, the local outlook of Greek trade unionism remained one of its profound characteristics, the workers' centres being the link between this local spirit and the central organisation. Furthermore, the setting up of the federations on the initiative of G.G.C.L. gave a certain artificial character to these new organisations. They were not the result of a spontaneous movement by the workers deciding to form groups on an occupational basis at the national level (transport workers were the exception to the rule; the feeling of national solidarity appeared stronger in their case than in that of sedentary workers). Finally the lack of collective bargaining at the national level made the existence of federations rather pointless, and they were therefore not, in the following years, influential organisations.

181. From its foundation, G.G.C.L. became the scene of conflict between various factions reflecting existing political tendencies. A first split took place between the Socialists, who wanted G.G.C.L. to pursue political activities, and the Reformists (Yannis's group, associated with the Liberal party), who considered that activities in furtherance of economic objectives and those directed at political objectives should be separated. When the matter was voted, the Socialist group was in the majority, and the first constitution of G.G.C.L. gave a distinctive political role to the Confederation. Next, the left and the right wings of the Socialist group split. Despite this dissension, G.G.C.L.'s first administration contained representatives of all three elements. This precarious balance did not last, however. Fresh divisions arose and the Second Congress of G.G.C.L. was convened in September 1920 in two different places; in Athens for the Socialists and in Piraeus for the Liberals. One hundred and thirty-seven trade unions representing 32,000 workers took part in the Congress in Athens. Affiliation to the Third International was voted and the establishment of a policy of co-operation with the Socialist party. At the Congress in Piraeus the Liberal party attempted to rally the participants to its own policy. Its efforts appeared, nevertheless, to fail and the influence of the Liberal party on the working class declined rapidly.

182. In 1920 there were in Greece about 150,000 workers (with the exception of the agricultural sector); industrial workers numbered about 40,000, seafarers 12,000 and employees in large commercial and banking institutions and civil servants made
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up the remainder. Two hundred and eighty trade unions existed, of which 137 were affiliated to G.G.C.L.

183. In the legislative field the year 1920 was marked by an important event, namely the adoption of Act No. 2151 of 21 March-3 April concerning trade unions.

184. The period which had begun in 1920 with the Second Congress of G.G.C.L. and which finished with the general strike in August 1923, the bloody struggles in Piraeus and the dissolution of the trade unions by the military revolutionary movement of General Plastiras, was a period of social strife and agitation caused, in particular, by military mobilisation, the campaign in Asia Minor and the economic difficulties which were the consequence of this.

185. The defeat in Asia Minor, the signing of the Treaty of Lausanne of 1923 and the arrival in Greece of 1,200,000 Greek immigrants profoundly changed the composition of the population. These refugees constituted an enormous labour supply, the effect of which was to break up not only the Greek trade union movement but also the unity of the working class as a whole. Dissensions in the trade union movement became still more numerous from that time onwards, and the trade union movement made hardly any progress during the following 12 years.

186. The Third Congress of G.G.C.L. took place in 1926 and the Reformers were in the majority. It was decided at this Congress that G.G.C.L. should support the Amsterdam Trade Union International. The Fourth Congress was convened in 1928. That year the Communists set up a new trade union confederation and launched a programme based on political strikes and mass demonstrations. The Fifth Congress met in 1930. At that time one group withdrew from G.G.C.L. and declared itself in favour of independent trade unionism. In 1934 the Sixth Congress was held. That year, a third confederation consisting of trade unions declaring themselves independent was set up on the initiative of railway workers and workers' centres in Athens, Patras and Salonica. In 1934 three central bodies thus dominated the trade union movement, namely G.G.C.L., the Communist Trade Union Confederation and the Confederation of Independent Trade Unions. Only G.G.C.L. was recognised by the State.

187. In 1935 the Department of Labour was made a Ministry and in 1936 the three trade union confederations united to form a single organisation which took the name of the Greek General Confederation of Labour.

SECTION 3

The Position of the Trade Union Movement under the Dictatorship (1936-41)

188. From 4 August 1936, when General Metaxas seized power, freedom of association suffered an eclipse. Certain measures taken during that period were to leave their mark on the history of the trade union movement for a long time to come. Firstly, there was a strengthening of a concept of centralisation and control of the movement and secondly there was the introduction of compulsory contributions by all workers to G.G.C.L.—a logical consequence, in the financial field, of trade union centralisation. The Seventh Congress of G.G.C.L. was held during this period.
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SECTION 4

Foreign Occupation (1941-44)

189. The period of foreign occupation completed the process of paralysing all trade union activities. The existing structures served as a framework for a resistance movement against the occupying power. Economic disorganisation, inflation and poverty were responsible for extensive unemployment, while the apparatus of the State and certain commercial and banking establishments continued to operate on a limited scale. Many office employees held their jobs and kept up their connections with the trade union organisations. As a result, in the post-war period this group of organised workers played a dominant role in Greek trade union life.

190. From 1942 onwards the Government in exile took measures for the re-establishment of freedom of association. Section 1 of Act No. 3127, which it adopted in October 1942, repealed most of the provisions adopted under the dictatorship. By section 2 of the same Act, the Act of 1914 concerning associations and that of 1920 concerning trade unions were again brought into force. However, Act No. 3127 did not come into force until March 1945, when it was published in the Government Gazette.

SECTION 5

The Position at the Time of the Liberation

191. When the country was liberated in October 1944 the situation was not at all favourable to the reconstruction of the trade union movement. Politically the workers were profoundly divided among themselves. The problem of reconstituting the movement was thus not so much a legal problem—since the legislation enacted prior to the dictatorship period provided an appropriate foundation for this purpose—as a practical problem, which might be defined as the problem of restarting a free, unified trade union movement, truly representative of the working classes, competent to defend the occupational interests of its members and to play its part in the reconstruction of the war-devastated country.

192. The main obstacle to a rapid reconstruction of the trade union movement in Greece was the extreme division existing in the movement itself, as expressed in rival tendencies which had been exacerbated by the insurrection. At the time of the liberation there were a large number of trends, both right-wing and left-wing. The actual scale of these could not be determined in the absence of elections, but all had their origin as much in personal ambition as in ideological differences. A desperate struggle to control the trade union movement was the natural consequence. The result was that the mere question of appointing a provisional executive to undertake as soon as possible genuine elections among the organised workers, for the purpose of setting up the ordinary executive and administrative bodies, assumed a political importance of the first order. All the parties concerned were quite convinced that an executive, even a caretaker one for the purpose of holding elections, would always be able to influence those elections in such a way that its own group would inevitably come out victorious. The problem, therefore, was to find a place in the provisional executive committee for representatives of all tendencies, to induce them to co-operate honestly in organising elections, and finally to make them accept the results of such elections with a good grace.
193. An event which occurred immediately after the liberation complicated the situation still further. The representatives of the left wing of the trade union movement had obtained possession of the G.G.C.L. headquarters in Athens, and of the provincial headquarters of workers' centres of trade union federations and of local unions. This action led to protests from the remaining tendencies, which were thus expelled from the leadership of the trade union movement. The Minister of Labour then in office represented the extreme left, and appointed, by a decision of 28 November 1944, a provisional executive committee, of which all the members belonged to E.A.M.—the name of the left-wing resistance movement set up under the occupation—and instructed this committee to proceed at once to hold elections. The legality of this decision was contested on the grounds that the Act of 31 October 1942 passed by the Government in exile, on which the Minister of Labour had based his decision, had not yet been published in the Government Gazette and that such publication was considered indispensable for its validity.

194. However that may be, the date fixed for the elections (early December 1944) saw the outbreak of the insurrection. After the failure of this, the provisional executive of G.G.C.L., which was accused not only of being illegal but also of having taken part in the revolt, was divested of its functions by the Government and replaced, on 15 January 1945, by a new provisional executive composed exclusively of members of the Reformist trade union tendency. It was clear that, in the political atmosphere of the time, it would be impossible to reconstruct a united trade union movement without the intervention of some conciliatory body which was in a position to take a disinterested view of the conflict.

195. It was at this time that representatives of the United Kingdom Trades Union Congress (T.U.C.) and of the World Federation of Trade Unions (W.F.T.U.) and the labour attachés of Great Britain and of the United States gave assistance to successive Greek governments and to the judicial authorities in seeking to solve the problem.

SECTION 6

Intervention by the United Kingdom Trades Union Congress and the World Federation of Trade Unions

196. A delegation of T.U.C., and later of W.F.T.U., undertook this work of conciliation, and a whole series of agreements were in fact concluded under their auspices.

197. The first of these agreements—known as the Citrine Agreement—was concluded on 29 January 1945 between the provisional executive (Reformist) of G.G.C.L. and the representatives of the former executive.

198. A second agreement—known as the Tewson Agreement—concluded on 25 February 1945 between the same parties, while confirming the preceding agreement, supplemented it by several further clauses concerning elections and the reorganisation of the provisional executive.

199. Under the third agreement, dated 29 April 1945, and known as the Feather Agreement, the parties agreed to the composition of the new provisional executive of the Confederation, which had been established in the meantime, comprising
21 members, of whom 11 belonged to the Reformist group, four to the Socialist group, four to the Communist group and two to the Trade Union (Revolutionary) group.

200. The parties also agreed to ask the Minister of Labour to introduce by legislative means a system of proportional representation in the trade union organisations and to amend the rules of the trade unions to this effect.

201. The fourth agreement—also known as the Feather Agreement—concluded on 26 June 1945, provided that the provisional executive, as reconstructed, should take all necessary measures to enable the trade union congress to meet on 10 September 1945 at the latest. The Congress was not in fact held at this time.

202. On 2 December 1945 all the various tendencies in the Greek trade union movement met in conference under the chairmanship of Mr. Louis Saillant, General Secretary of the World Federation of Trade Unions, assisted by Mr. V. Feather, representing the British Trades Union Congress, and Mr. A. Verret, Head of the Office of the Secretary-General of W.F.T.U., and concluded an agreement by which they undertook, inter alia, to accept and respect the results of the elections undertaken in order to reconstruct the unity of G.G.C.L., and to enable each of the organisations constituting G.G.C.L. to exist on the basis of a democratic regime ensuring free representation, free discussion, freely agreed discipline, and the responsibility of the leaders of the trade union movement to their meetings and congresses.

203. As a result of this series of preliminary agreements, freely entered into between the various trade union tendencies, all possible guarantees seemed to exist for ensuring the reconstruction of the Greek trade union movement on a really democratic basis.

204. It then became necessary to ensure that these agreements would be implemented by legislation.

SECTION 7

Action by Public Authorities

205. Along with these attempts at reconciling the various parties through the intermediary of T.U.C. and W.F.T.U. there was an attempt to reconstruct the trade union movement by legislative means.

206. The first measure taken was the Varkiza Agreement (from the name of the place where it was signed), which was concluded between the Government and the leaders of the rebellion with a view to putting an end to the civil war in the country.

207. This Agreement was ratified by a Constitutional Act of 20 March 1945, section 5 of which deals with the question of freedom of association and of assembly. Thus the agreements concluded between the various trade union tendencies in Greece were reinforced by an agreement between the Government and the leaders of the rebellion.

208. The second legislative measure which had to be taken was the bringing into force, by publication in the Government Gazette, of Act No. 3127 of 31 October 1942 concerning the re-establishment of trade union freedoms.
209. By virtue of the entry into force of Act No. 3127 the Government acquired the necessary powers to settle all practical matters which might be raised as a result of the re-establishment of trade union freedoms. Under the extensive powers granted to it by section 4 of the Act the Government took a whole series of measures for the purpose of giving effect to the agreements concluded between the various trade union tendencies, and hence reconstituting a free trade union movement.

210. Legislative Decree No. 393 of 9 June 1945 issued in application of the Act concerning the re-establishment of trade union freedoms authorised the Ministry of Labour to reconstruct, by ministerial decision alone, the provisional executive of G.G.C.L. and to define its competence with a view to establishing orderly administration within the Confederation, the trade unions and the federations of trade unions. The same ministerial decision was to fix the time limit—six months at most—within which the provisional executive must complete its work or, if this proved impossible, was to consider what measures should be taken. Under the terms of the Act the Minister was not entitled to exercise this power more than once.

211. The ministerial decision issued in virtue of this legislative decree, dated 3 July 1945, re-established a provisional executive. If by 20 September 1945 it had been found impossible to elect a permanent executive of G.G.C.L., the provisional executive was to cease to exist from 21 September, unless, by decision taken by five-sevenths of the members and communicated to the Minister of Labour, it considered it imperative to prolong its existence with a view to finishing its work within a maximum time limit of 40 days.

212. Thus the law fully confirmed the agreements entered into between the parties directly concerned.

213. However, the time limit fixed by the ministerial decision (20 September 1945) expired before orderly administration had been re-established in the trade unions.

214. A further Ministerial Decision, dated 23 October 1945, set up a new provisional executive of G.G.C.L. to organise regular elections as soon as possible.

215. The Ministerial Decision of 23 October 1945 (which was to be the subject of an appeal to the Council of State) was followed by the Legislative Decree of 8 December 1945, containing an "authentic interpretation" of the Legislative Decree of 9 June 1945. This decree gave legal sanction to the method of appointing the members of the new provisional executive of G.G.C.L., again by means of elections.

216. Finally, a Legislative Decree of 16 January 1946 laid down that the ministerial decisions published after the expiry of the time limits fixed in the legislative decrees issued in 1945 were legally valid.

Section 8

Eighth Pan-Hellenic Trade Union Congress

217. New elections were to take place in all the workers' centres where the previous elections had been denounced as invalid or so found by the supervisory commission under the chairmanship of Mr. Feather.
218. The bona fides of these new elections was again challenged by a large section of the trade union movement, but apparently without the legislative provisions concerning the invalidity of elections being invoked, and without any appeal to the courts to pronounce on the validity of the elections.

219. The Eighth Pan-Hellenic Trade Union Congress met in Athens from 1 to 7 March 1946. According to the organisers of the Congress, the delegates taking part in it represented 258,000 trade union members.

220. A permanent executive committee of G.G.C.L. was elected on the system of proportional representation, and several seats were reserved for the Reformist tendency.

221. At the end of the Congress a declaration, signed by the Officers of the Congress and by the representatives of the French, United Kingdom and U.S.S.R. trade union movements who had attended, was adopted as follows:

The undersigned, being the officers of the Eighth Congress of the Greek General Confederation of Labour and the delegation of the W.F.T.U. which came to Greece with the special mission of considering the legality of the composition and conduct of the Congress, declare as follows:

The composition and conduct of the Eighth Congress of the Greek General Confederation of Labour, held at Athens from 1 to 7 March 1946, have been entirely in accordance with the laws in force and with the rules of the Greek General Confederation of Labour, and according to the directives given by the World Federation of Trade Unions. Consequently, the decisions of this Congress are such as to express the will of the working class in Greece, and the Executive of the Greek General Confederation of Labour elected by this Congress is considered to be the only legal Executive.

SECTION 9

Intervention by the Council of State

222. At that time section 101 of the Civil Code provided, inter alia, that any decision of a general meeting contrary to the law or to the rules of the association was null and void. Nevertheless, its annulment could be pronounced only by a court of law as a result of an action brought either by a dissenting member or by any other person legitimately concerned.

223. Section 101 of the Civil Code fixed a six months' time limit within which a decision taken by a general meeting could be contested. A verdict of invalidity was valid against all opposition.

224. The effect of these provisions was that only the regular courts, and not the executive power, could invalidate either elections or the decisions of a general meeting.

225. Various trade unionists considered that they had a legitimate interest in asking for the elections to the executive held at the time of the Eighth Congress to be declared invalid. However, they did not have recourse to normal judicial procedure but preferred to approach the Council of State in order to try and obtain annulment of the ministerial decisions in virtue of which the elections had been held. In their view, the invalidation of these decisions would automatically involve the nullity of all the elections and hence the removal of the executive recently elected by the Pan-Hellenic Trade Union Congress.
The Trade Union Situation in Greece

226. The decision of the Council of State was published on 29 May 1946 (No. 885/1946) and was arrived at as the result of long discussions, in the course of which the whole de facto and de jure situation of the trade union movement was examined in great detail. The decision is not only of great importance in itself, since it led to the dismissal of the executive elected by the Congress, but, as will be seen later, it also had a very considerable bearing on the future of the trade union movement in Greece.

227. The appeal against the decisions of the Minister of Labour dated 23 October and 8 December 1945, summarised above, was based mainly on the following grounds: (1) violation of article 11 of the Constitution; (2) exceeding of legislative authorisation; (3) improper use of such authorisation; and (4) abuse of authority.

228. After rejecting the incidental pleas raised by the defence, the Council of State gave judgment on the merits of the case. It first gave an authentic interpretation of article 11 of the Constitution.

229. According to the decision of the Council of State “this article gives complete freedom to the legislature to settle all problems concerning the organisation and activities of associations, on condition, however, that the provisions of the laws on this subject do not violate the two explicit guarantees contained in the Constitution, namely—(1) that the establishment and dissolution of associations shall never be made dependent on previous authorisation by the executive power; and (2) that the legislature is bound by the tacit but clearly implied restriction in article 11 of the Constitution not to limit freedom of association in such a way as to diminish or neutralise it”.

230. The Council of State conceded, however, that, in exceptional circumstances, the executive power might intervene to settle questions concerning the administration and activities of associations if their influence, and particularly that of trade union organisations, on the economic and social situation was such that the State could not remain indifferent to exceptional events likely substantially to prejudice the normal functioning of the organisations in question.

231. “Nevertheless”, continued the decision, “such intervention on the part of the State may not exceed the requirements of the state of emergency and may not exceed what is necessary to maintain the union in existence. In particular, government intervention may not go so far as to influence the appointment of executives of the unions since these must, in accordance with their rules, be the expression of the free will of their members.”

232. Particular interest attaches to the passage in the decision of the Council of State which defined the extreme limits of any government intervention:

The only intervention which might be considered as justified by exceptional circumstances would be the appointment of a provisional executive of the Greek General Confederation of Labour to deal with urgent financial and administrative questions, with a view to safeguarding trade union interests, until such time as a permanent executive could be elected in accordance with the relevant laws and rules.

233. The last part of the decision enumerated the arguments formulated by the Council of State against the ministerial decisions under dispute and concluded that these decisions were invalid.

1 See paras. 214-215.
Second Attempt to Reconstruct the Trade Union Movement

Removal of the Executive of the Greek General Confederation of Labour from Office

234. The decision of the Council of State confined itself to invalidating the ministerial decisions under which the elections had been organised, but abstained from pronouncing on the validity of these elections and, in addition, from pronouncing on the validity of decisions taken by the Pan-Hellenic Trade Union Congress.

235. In these circumstances, it is not surprising that diametrically opposed views were taken on the real meaning of the decision of the Council of State.

236. The executive of G.G.C.L. elected at the Congress of March 1946 maintained the view that, under the existing legislation on trade unions, only the regular judges had the power either to invalidate elections or to annul any decisions which might be deemed to be contrary to the laws and rules in force.

237. Now, no appeal for the invalidation of the elections or for the annulment of the decisions of the Congress had been brought before the ordinary courts within the prescribed time limits, and therefore the elected executive considered itself the sole legal representative of the Confederation.

238. The opposite view was taken by the Legal Council of the Government, which had been consulted by the then Minister of Labour.

239. As a result of this consultation the Minister of Labour took a series of decisions which, in their turn, were to form the subject of a further appeal to the Council of State.

240. By a decision of 25 July 1946 the Minister of Labour invited the General Secretary of G.G.C.L. and the other members of the executive elected by the Pan-Hellenic Trade Union Congress to resign, within 48 hours, in accordance with the decision of the Council of State. When the elected executive refused to resign within the time limit prescribed in the order, the Minister, by a decision of 29 July 1946, ordered various officials of the Ministry of Labour to take possession of the offices and files of G.G.C.L. By a decision of 30 July 1946 the Minister, acting under sections 32 and 33 of the 1914 Act concerning associations, under the decision of the Council of State and under section 50 of the 1928 Act concerning the Council of State, appointed a new provisional executive committee and entrusted this executive with the duty of proceeding as soon as possible to hold elections in accordance with the rules and laws in force.

241. At this juncture W.F.T.U. delegated its Vice-Chairman, Mr. Léon Jouhaux, to Athens on 26 July 1946, to investigate the trade union situation and, if possible, to bring the parties to an agreement. With this end in view, Mr. Jouhaux had a number of interviews with the President of the Council, who was also Minister of Foreign Affairs, and with the Ministers of Labour and Justice, the administrative and judicial authorities and the representatives of various trade union tendencies. However, this attempt to find a last-minute settlement was doomed to failure in the face of the accomplished facts.
The Trade Union Situation in Greece

SECTION 11

Second Intervention by the Council of State

242. The General Secretary of the elected executive of G.G.C.L. which had been divested of its functions by the decisions referred to above appealed to the Council of State against the three ministerial decisions both in his individual capacity and on behalf of G.G.C.L.

243. The Council of State refused to recognise the appeal lodged by the former General Secretary on behalf of G.G.C.L. on the ground that, since his expulsion on 25 July, he had lost the capacity legally to represent the Confederation; but it accepted the appeal lodged in his personal capacity.

244. The Council of State rejected the appeals against the Decisions of the Minister of Labour dated 25 and 29 July 1946 ordering the expulsion of the elected executive and the seizure of the premises and files of G.G.C.L., but admitted the appeal against the Ministerial Decision of 30 July setting up a new provisional executive.

245. The Council of State came to the conclusion that the Minister of Labour, in his capacity as the supreme supervisory authority of the trade unions, and in accordance with the decision of the Council of State, had, by his decisions of 25 and 29 July 1946, lawfully ordered the expulsion of the elected executive of G.G.C.L.

246. On the other hand, the Council of State held that the Minister of Labour had no power to appoint a new provisional executive to replace the committee which had been divested of its functions.

247. The Council also rejected the argument of the Ministry based upon section 33 of the Act concerning associations of 1914. Under this section the Minister of Labour is empowered to relieve an executive of an association of its functions and to appoint a provisional executive if it has been proved that an infringement has been committed involving sanctions under the Act in question, or if any serious administrative or financial irregularity has been proved, of such a nature as to involve sanctions under the Penal Code.

248. As the result of this second intervention by the Council of State, the Greek trade union movement was once more deprived of any kind of an executive, even of a provisional character. But the decisions of the Council of State had as a consequence the entrusting to the President of the Athens Court of First Instance, and no longer to the executive power, the delicate task of appointing a new provisional executive of G.G.C.L. in accordance with section 69 of the recently enacted Civil Code.

249. In reality the political problem involved in the appointment of an executive for G.G.C.L. had not been solved. In point of fact the President of the Athens Court of First Instance shortly afterwards appointed a new provisional executive—the seventh since the liberation. However, “on the general unsuitability of the persons selected there was unanimous agreement on the part of the tendencies taking part in the negotiations. The balance between the tendencies was indefensible and many of the persons actually appointed were almost devoid of experience or representative character.”

250. An appeal was immediately lodged and within 24 hours a stay of execution was granted until the end of June 1947, clearly in the hope that the direct negotiations which had already been entered upon might result in an agreement that the judge would be able purely and simply to approve.

SECTION 12

Resumption of Negotiations

251. The second phase of the negotiations was to occupy the second half of 1946 and a great part of the year 1947. Although the labour attachés of the United Kingdom and the United States and the representatives of the United Kingdom Trades Union Congress, the World Federation of Trade Unions and the American Federation of Labor took an active part in these negotiations, their combined efforts did not succeed in bringing about the expected agreement.

252. After various vicissitudes, a list of 21 candidates for the provisional executive was submitted to the Court of First Instance, which ratified the list by a decision of 9 June 1947.

253. In October-November 1947 the International Labour Office sent a mission to Greece; the object was to make a thorough examination of all labour legislation with a view to its revision. The conclusions and recommendations of the mission were set out in an I.L.O. publication, *Labour Problems in Greece*, which appeared in 1949.

254. The Ninth Congress, at which many incidents occurred, was held in Piraeus from 28 March to 10 April 1948; it elected an executive, the head of which was Mr. Fotis Makris, who became Secretary-General of G.G.C.L. Mr. Makris, whose appointment was confirmed by five subsequent congresses, remained in office up to and including 22 November 1964.

255. Between the years 1948 and 1964 many difficulties of varying importance arose on a great variety of questions of which the majority were not concerned with the subject of the present complaint. Many of these difficulties were the subject of former complaints before the complaint organs of the International Labour Organisation.¹

CHAPTER 8

ANALYSIS OF THE LEGISLATION RESPECTING TRADE UNION MATTERS

256. Greece has ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). As stated in Chapter 4, a preliminary analysis of Greek legislation concerning trade union matters had been communicated to the Government for its observations following the First Session of the Commission. The analysis in this chapter takes into account the comments made by the Government.

SECTION 1

Freedom of Association

257. Apart from the National Constitution of 1952, the main Greek legislative enactments referring to freedom of association are Act No. 281 of 1914 concerning associations, Act No. 2151 of 1920 concerning trade unions, and the Civil Code, of which the provisions relating to associations in general are equally applicable to trade unions.

258. These three enactments form the basis of the Greek legislative framework in the area in question. It should be pointed out, firstly, that they supplement or amend one another's provisions and, secondly, that they have themselves been amended or added to by other subsequent enactments, in particular Legislative Decree No. 4361 of 1964, which gave rise to the complaint now before the Fact-Finding and Conciliation Commission.

The Right to Organise.

259. The right to organise is guaranteed by article 11 of the National Constitution of 1952, which lays down that "Greek citizens shall have the right to form associations, so long as they observe the laws of the State, which shall in no case make this right subject to prior authorisation".1

260. Section 19 of the 1914 Act concerning associations defines trade unions as follows: "Trade unions shall serve exclusively the purpose of studying, protecting and furthering the economic or occupational interests of their members, and shall be composed of persons of either sex who as a rule belong to the same industrial, commercial, agricultural or other occupation or who follow a kindred trade." The section goes on to stipulate that "a worker who is a member of a workers' trade union shall legally cease to be a member of the said trade union as soon as he ... enters upon a different occupation ".

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1 With respect to civil servants, article 11 of the Constitution states the following: "The right to organise of civil servants of the State, and employees of legal persons and public bodies, may be subjected by legislation to certain limitations."
261. Finally, section 78 of the Civil Code lays down that “not less than 20 persons shall be required for the formation of an association”.

**Union By-Laws.**

262. According to section 80 of the Civil Code, which replaces section 2 of Act No. 281 of 1914, and which applies to associations in general as well as to trade unions, “the by-laws shall not be valid unless they state—(1) the purpose, name and address of the association; (2) the conditions of admission, resignation and expulsion of members, as well as their rights and obligations; (3) the funds of the association; (4) the manner in which the association can be represented in courts of law and elsewhere; (5) the bodies responsible for the management of the association, as well as the conditions governing the setting up, functioning and removal from office of such bodies; (6) the conditions under which general meetings of members may be convened and may deliberate and take decisions; (7) the conditions governing the amendment of the by-laws; (8) the conditions under which the association may be wound up”.

**Management and Administration of Trade Unions.**

263. Section 7 of Legislative Decree No. 4361 of 1964 provides that—“(1) The administration of trade unions and associations of trade unions and the disposal and management of their funds shall be governed by their by-laws. (2) Decisions on expenditure shall be taken and payments shall be made in accordance with the by-laws and by the bodies appointed for the purpose. (3) Supervision of the financial administration of trade unions and associations of trade unions shall be carried out by the supervisory committees prescribed in their by-laws. (4) Details relating to the granting of fees and leave in connection with the affairs of the trade unions and associations of trade unions shall be established in their respective by-laws and the totals shall be fixed in the budget approved by the general assembly of the members.”

**Trade Union Elections.**

264. As regards the management of trade unions, section 92 of the Civil Code provides that the management should be composed of certain of its members, if the by-laws do not provide otherwise.

265. Under section 6 of Legislative Decree No. 4361 of 1964, elections to the executives of trade unions must be held under the supervision of the scrutinising committees prescribed by the respective by-laws. A legal representative must be present to ensure that the elections are held in conformity with the by-laws and with the legislation. “With regard to trade unions, before every vote for election to the executive, the legal representative, after assuring himself of the authenticity of the copy of the register certified by the officers of the trade union and by the scrutinising committee, shall confirm it by an attestation appearing at the end of the copy and of the register. The copy shall indicate the surname and given names, occupation, address and identity-card number of each member, the contributions that he has paid and, after the vote, the number of voters attested by the signature of the legal representative in the margin opposite the name of each person. After the vote, the legal representative present shall record the results of the vote in the register and on two copies, of which he shall hand one to the scrutinising committee and deposit the other with the competent court the day after the elections.”
266. Section 8 of the same legislative decree lays down that the term of office of an executive shall be established by the respective by-laws for a specific period, and that the extension of its term of office for more than one month following the expiry of the period laid down shall not be permitted, even though it may be provided for in the by-laws.

Dissolution.

267. Under article 11 of the National Constitution “an association may be dissolved for infringement of the law only by decision of a court of law”.

268. The Civil Code contains the following provisions on the subject: “Section 103. An association may be dissolved at any time by decision of a meeting of its members.” “Section 104. An association may be dissolved in the circumstances specified in its by-laws. An association shall be dissolved immediately if the number of its members falls below ten.” “Section 105. An association may be dissolved by decision of a civil court at the request of the governing body of the association, or of one-fifth of its members, or of the supervising authority—(1) if, by reason of a reduction in the number of its members, or for other reasons, it has become impossible to form a governing body, or if, in general terms, it has become impossible for the association to continue in accordance with its by-laws; (2) if the purpose for which the association was founded has been achieved, or has been abandoned as a result of a long period of inactivity; (3) if the association is pursuing an aim different from that stated in its by-laws, or if the aims or methods of operation of the association have become unlawful or immoral or contrary to the public interest. An appeal may lie against the decision of the civil court.”

269. In conjunction with these provisions mention should be made of section 69 of the Civil Code, which reads as follows: “If the persons needed to administer a body corporate cannot be found, or if their interests are in conflict with those of the body corporate, the president of the civil court may appoint a provisional administrative body at the request of any person who has a legitimate interest in the matter.”

Associations of Trade Unions.

270. As regards associations of trade unions, section 16 (1) of the Act concerning trade unions of 1920 lays down that the formation of a federation of trade unions under the provisions of section 43 of the Act concerning associations of 1914 shall be invalid unless it is resolved upon by the general meeting. Section 43 of the 1914 Act itself begins as follows: “Two or more trade unions or associations may combine or federate for the pursuit of their common interests, each, however, retaining entire economic and administrative independence. Such federations may be recognised in pursuance of the provisions of the present Act; they shall, however, be bound to make known to the competent authority, in a suitable manner, the names of the managing committee of each of the associations concerned.” Section 43 originally contained another provision couched in the following terms: “With respect to the elections and decisions of such federations, each association shall dispose of a number of votes proportionate to the number of members who have fulfilled their obligations.” This provision was repealed by section 5 of Legislative Decree No. 4361 of 1964 and replaced by the following text: “All trade unions and associations of trade unions shall be represented at the general assemblies (congresses, etc.) of associations of whatever degree (workers’ centres, federations, confederations) and shall have a
number of votes proportional to the number of voters among their members who have fulfilled their obligations. This proportion of the number of votes, to be established by the by-laws of each association, shall be the same for all the trade unions belonging to the association and applicable to the total number of voting members . . . . The number of votes of a trade union or association of trade unions shall in no case exceed one-tenth of the total number of votes.”

271. The rules governing elections in the case of associations of trade unions are laid down in section 6 of Legislative Decree No. 4361 of 1964, which states, *inter alia*: “In the case of the election of representatives of the trade union to an association, the legal representative who has been present at the election shall hand to the association an attestation indicating the number of members who have fulfilled their obligations, the number of voters among them and the number of representatives elected to the association. With regard to associations (workers’ centres or federations) the legal representative who has been present at the election shall verify the information prescribed in the previous paragraph ¹, and on the basis of this certify as true the copies of the register of unions that are members of the association, drawn up by its officers and confirmed by the scrutinising committee. These copies shall contain the names of the trade unions making up the association, the surnames and given names of the representatives of each, the number of members of each trade union who have fulfilled their obligations, the number of those among them who have voted, the contributions paid by each of these trade unions to the association and the number of representatives who have voted in the election of the association, indicated by the signature of the legal representative in the margin opposite the name of each person. After the votes have been counted, he shall record the results in the register and in two copies. In the case of the election of representatives of an association to an association of higher degree, the legal representative who has been present at the election or at the congress shall hand to the association of higher degree an attestation, based on the information referred to above, indicating the number of members who have fulfilled their obligations, the representatives who have taken part in the election, the organisations to which they belong, the date of the election, the number of unions that are members and have voted and the representatives elected to the association of higher degree.”

Registration and Acquisition of Legal Personality.

272. In regard to registration and the acquisition of legal personality the Civil Code, of which sections 63 to 106, promulgated in 1946, have replaced sections 1 to 11, 25 to 27, 35 and 36 to 38 of the Act concerning associations of 1914, contains the following provisions: “An association of persons for a purpose other than that of making a profit shall acquire legal personality on being entered in the public register (associations) kept for the purpose at the civil court for the area where the association has its headquarters ” (section 78). “An application for the entry of the association in the register must be submitted to the civil court by its founders or by its governing body. A copy of its constitution, a list of the members of its governing body and a copy of its by-laws, signed by the members and dated, must be appended to the application ” (section 79). “Provided that the requirements of the law have been complied with, the civil court shall accept the application and order—(1) publication in the press of a summary of the by-laws inclusive of the essential points;

¹ See above, under “Trade Union Elections”.
(2) the entry of the association in the register of associations. . . .” (section 81). “An
association shall acquire legal personality immediately upon registration” (sec-
tion 83).

273. Among the formalities which trade unions are required to observe, section 9
of Legislative Decree No. 4361 of 1964 lays down that the governing body of each
trade union must submit to the appropriate ministry and to the prefect of the district
in which its headquarters is situated—(a) a certified copy of the by-laws of the
union within one month of its registration, and of any amendments made to them,
within one month of the approval of these amendments; (b) a list of the members of
the governing body whenever it is appointed or a change occurs in its membership;
(c) at the beginning of each year, a statement of the number of members of the union;
(d) the balance sheet approved for each financial year. These rules apply equally to
associations of trade unions.

Protection against Anti-Union Discrimination in Employment.

274. Under section 23 of the Act concerning associations of 1914 “ employers,
directors, agents or other employees of any undertaking shall be prohibited—(a)
from preventing workers, employees, or other wage earners, by dismissal or the
threat of dismissal, or by other unlawful means, from founding trade unions, joining
such unions or from becoming members of political parties; (b) from compelling
the said persons by the same means to found trade unions or to become members of
any particular association; (c) from compelling workers by any means, as a condi-
tion for the conclusion of a labour contract or for the prolongation of an existing
contract, to give a written undertaking that they will not join, or that they will cease
to be members of, such associations ”.

Protection of Trade Union Leaders.

275. Trade union leaders are protected by Emergency Law No. 1803 of 1951,
amended by Act No. 4504 of 1966, against dismissal during their term of office and
for one year thereafter. Under these provisions dismissal may take place only in
accordance with the procedure laid down in the Act and for one of the reasons
specifically stated in the Act, which do not include trade union activities at the work-
place or elsewhere.

276. The provisions of this law have been supplemented by Legislative Decree
No. 4361 of 1964, section 12 of which has extended the protection afforded there-
under to further categories of trade union leaders (vice-presidents, treasurers).

Protection against Interference by Workers’ and Employers’ Organisations with One
Another.

277. Section 19 of the Act concerning associations of 1914 stipulates, firstly, that
“ the participation of employers and employees, or of owners and tenants, in one
and the same union shall be prohibited ”, and, secondly, that “ a worker who is a
member of a workers’ trade union shall legally cease to be a member of the said trade
union as soon as he becomes an employer ”.

* * *

278. With reference to all of the provisions previously mentioned, it should be
pointed out that by virtue of both Legislative Decree No. 4204 of 1961, concerning
the ratification of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and Legislative Decree No. 4205 of 1961, concerning the ratification of the Right to Organise and Collective Bargaining Convention, 1949 No. 98), the provisions of these Conventions are considered as internal law.

279. These two legislative decrees further provide that any provision of existing legislation which was more advantageous than those of the Conventions would remain in force (section 2).

280. Finally, it ought to be pointed out that section 3 of each of the legislative decrees mentioned above calls for the codification in a royal decree, in a single text, of the provisions of both the Conventions and all the trade union legislation in force; in addition section 13 of Legislative Decree No. 4361 of 1964 authorises the codification by decree of the trade union legislation in a single text.

SECTION 2

Financing of Trade Union Organisations

281. The financing of occupational organisations in Greece has over the last several decades been made up of certain characteristics which have apparently seriously influenced the development of the Greek trade union movement. Thus it would appear to be useful to devote a special section to retracing its history and the problems which it has raised.

The System in Force during the Period from 1920 to 1938.

282. With the coming into force of the Act concerning trade unions¹, trade union members were called upon to pay voluntary contributions. Only those persons could be eligible to the committee of a trade union who had regularly paid their voluntary contributions. It seems, however, that during this period only a small part of the members paid contributions to their occupational organisations in a regular manner.

Period from 1938 to 1945.

283. In 1938, during the régime of General Metaxas (1936-41), a legislative decree² was promulgated with a view to placing the occupational organisations on a new basis. Under section 6 of this decree a compulsory trade union contribution was imposed upon all employed persons, whether trade unionists or not. The system established in 1938 functioned in the following manner: the employer deducted the compulsory contribution monthly from the worker’s salary and later paid this sum to the Bank of Greece. The Bank credited this sum to the account of G.G.C.L., which retained a part of it for its own needs. G.G.C.L. then distributed the remainder of this sum to trade unions and workers’ centres, taking into consideration their importance and extent of membership.

Period from 1945 to 1954.

284. The Metaxas régime disappeared in 1941 but the system of compulsory contribution survived until 1945. As early as October 1942 the Greek Government

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¹ Act No. 2151 concerning trade unions, dated 21 March-3 April 1920.
² Legislative Decree No. 1435 concerning trade unions, dated 24 October 1938.
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in exile issued an Act (No. 3127) concerning the re-establishment of trade union freedoms, which did not come into operation, however, until March 1945, the date of its publication in the Government Gazette. This Act repealed all the provisions of the above-mentioned Act of 1938, including section 6 on compulsory contribution.

285. Nevertheless, in order to cope with the serious financial crisis with which the trade union movement was faced just after the liberation and during the insurrection, section 6 of the Act of 1938 was re-enacted almost immediately by means of a whole series of Acts promulgated in 1945 and in 1946 (Nos. 393, 581, 620 and 703).

286. By a joint decision of the Ministers of Finance and Labour (No. 29879 dated 18 September 1946), the amount of the new compulsory monthly trade union contribution was fixed, and was distributed as follows:

40 per cent. for the Greek General Confederation of Labour;
30 per cent. for the centre of the worker paying the contribution;
20 per cent. for the trade union catering for the worker's occupation;
10 per cent. for the Trade Union Provident Fund, of which 60 drachmas were allocated to pensions and 40 drachmas to welfare.

These contributions were to be paid in full by all persons who were permanently employed or who earned at least 16 days' pay per month.

287. Workers earning between six and 15 days' pay per month paid a reduced sum. Finally, those earning five days' pay or less were exempt from compulsory contribution.

288. The compulsory trade union contribution was to be deducted by the employers from the wages of their staff and credited to the National Bank of Greece, with the exception of the sums allocated to the workers' centres and trade unions of the workers concerned, which handled such sums directly on their own account.

289. The obligation thus created for all workers, whether members of a trade union or not, to pay a compulsory trade union contribution, was opposed by the workers, and an appeal for the abrogation of the ministerial decision was made to the Council of State.

290. The decision of the Council of State that followed (No. 1466/1947), while admitting that section 1 of the Act of October 1942 concerning the re-establishment of trade union freedoms had completely repealed the Legislative Decree concerning trade unions of 1938 promulgated during the dictatorship and also all other provisions of any Act or royal decree issued subsequently with respect to the composition, working and representation of G.G.C.L., or of occupational unions of wage earners of all kinds, or federations of such unions, nevertheless recognised the validity of the ministerial decision on compulsory contribution and laid down that "compulsory trade union contributions... cannot be considered as being bound up with the composition, operation or representation of the Greek General Confederation of Labour." This affirmed the legal character of the system of compulsory contribution.

291. It is worth recalling here that a system such as that of compulsory contribution reintroduced in Greece after the war to cope with a difficult financial situation had been used in the pre-war corporative systems which served as a model for Greek law in 1938 and was a logical corollary of the legal trade union monopoly which
the officially recognised trade unions enjoyed. On the other hand, the I.L.O. mission to Greece in 1947 pointed out that a contribution of that type assumes the nature of compulsory taxation if it has to be paid for the benefit of a given trade union group, which will always be tempted to utilise it for its own purposes.\(^1\)

\(292.\) In Greece compulsory contribution as a financial necessity in specific circumstances could hardly be justified, in principle, since its trade union movement was not unified. The I.L.O. mission to Greece in 1947 hesitated, however, to recommend outright suppression of this system because of the existing financial difficulties. In order to satisfy the recognised principles, the mission suggested that, since all workers were under the obligation to contribute to G.G.C.L., they should all benefit from the corresponding right to take part in trade union elections. Failing such a solution, the mission proposed that the compulsory trade union contribution should be suppressed.\(^2\)

\(293.\) This recommendation was not followed, and the situation in the field of trade union financing remained practically unchanged until 1954.

*Period from 1954 to 1964.*

\(294.\) The legal provisions relating to the collection of compulsory contributions inspired by section 6 of the Legislative Decree of 1938, re-enacted in 1945-46, were once again repealed in 1954.\(^3\) This step seems to have immediately placed the trade unions in a difficult financial situation. It was followed by two successive measures: (1) the Workers’ Fund was granted the authority to collect, in addition to other funds, a compulsory contribution from all workers; (2) shortly afterwards, as a result of the unions’ opposition to the above measure, a compulsory check-off on salaries was introduced for the benefit of G.G.C.L. on the basis of collective agreements.

\(295.\) In 1954 and 1955 the Workers’ Fund was authorised\(^4\) to increase its resources by a contribution, corresponding to the minimum daily wage of an unskilled worker, to be deducted by the employer from all wages at the end of each year. In return, all the trade unions would receive from the Workers’ Fund a monthly subsidy, to be fixed by the Workers’ Fund with the approval of the Minister of Labour. Certain workers’ organisation, which considered this to be a means of enabling the authorities to interfere in their affairs, asked for the abolition of the system.

\(296.\) It was then decided\(^5\) that national collective agreements of general application might provide that the employer can undertake to deduct from salaries specified membership contributions to employees’ organisations. A decision of the Arbitration Tribunal of Athens (Decision No. 11103, 1956) based on this new provision stipulated that the employers should deduct from the salary to be paid for the month of May a sum equal to the salary of an unskilled worker, whether the workers were members of G.G.C.L. or not. A part of the sum collected should be paid to G.G.C.L. and the rest to the other organisations of which individual workers might be members.

\(^1\) See *Labor Problems in Greece*, op. cit., pp. 257-258 and 266-267.

\(^2\) Ibid., p. 267.

\(^3\) Legislative Decree No. 2962, dated 20 August 1954.

\(^4\) Decree dated 4 February 1954 and Act No. 3467, dated 31 December 1955, modifying and completing the legislation concerning the Workers’ Fund.

\(^5\) Act No. 3239, dated 18 May 1955, concerning collective agreements.
Apart from G.G.C.L., the local workers' centres and the local federations and trade unions also benefited from these contributions. Individual members of workers' organisations could refuse to pay their contribution by means of a check-off from their salary by addressing to their union a declaration to this effect. This declaration was transmitted to the employer, together with a certificate stating that the claimant had already fulfilled all his duties as a trade union member. There apparently existed no provision allowing the worker who was not organised and who was covered by a collective agreement containing a check-off clause to refuse to pay this contribution.

297. In 1962 two national collective agreements, concluded in conformity with Act No. 3239 of 1955, provided for an annual deduction, as compulsory contribution, of a sum equal to one half-day's salary, whether the worker was a member of G.G.C.L. or not. An appeal was lodged for the cancellation of these provisions, and the Council of State issued a decision invalidating as unconstitutional any collective agreements imposing on all those employed, without distinction, the payment of a contribution for G.G.C.L. Following this decision, the previous system of a compulsory check-off for the Workers' Fund in accordance with Act No. 3467 of 1955 was readopted. From then on the Workers' Fund was to contribute, to a great extent, to the financing of occupational organisations whose members paid the Fund a regular contribution, which was automatically deducted from the worker's salary.

The Current Situation.

298. Legislative Decree No. 4361 of September 1964, which gave rise to the complaint before the Fact-Finding and Conciliation Commission, did not modify the system. Section 11 introduces a new element, stipulating that participation by trade unions, or trade union federations, in the general assemblies is conditioned by the previous fulfilment of all financial obligations which figure in the statutes. The legislative decree provides exceptionally that in order to participate in the first general assemblies following the coming into force of the decree previously enrolled members do not have to pay contributions for more than one year. It is worth noting that the object of this provision is to suppress the system of financial support of occupational organisations by the Workers' Fund, a system which is contrary to the intentions of the Government as well as to the principles of free democratic trade unionism.

The Financing of Trade Unions by Their Own Means.

299. Voluntary contributions have always been of secondary importance among the resources of the Greek trade unions. During the brief periods where no compulsory mode of financing existed, the trade unions immediately found themselves in a state of financial crisis. Neither did the system of compulsory contribution, however, meet with the approval of the trade union members. Since members did not pay voluntary contributions and the State could not provide sufficient financial support alone, it appeared that no other alternative to the compulsory contribution system existed. The system might have worked to the satisfaction of all if those organisations to which the workers concerned belonged had alone benefited from the contributions. The system of payment to a common state-controlled fund, the Workers' Fund, which in turn was responsible for the distribution of sums received, gave rise to most serious difficulties and complaints with which the Committee on Freedom of Associa-

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1 See Ch. 3 above.
Analysis of Trade Union Legislation

It has been faced since 1956. It is clear, from what has been said above, that for more than 25 years a system of obligatory dues has existed in Greece, in one form or another.

300. It might be useful to describe here in brief the Workers’ Fund.

Workers’ Fund.

301. The Workers’ Fund is a public institution; it was established in 1931 under the terms of Act No. 5204 with a view to assisting the development of the trade union movement. Several successive legislative measures have amended this text, attributing to the Fund functions directly connected with the financing of the trade unions and the activities of their leaders. The principal functions of this organisation were, from then on, to improve the conditions of workers and to develop trade unions according to different methods.

302. The Workers’ Fund is administered by an 11-man Board of Directors.

303. An official from the Ministry of Labour or the Workers’ Fund is appointed Secretary of the Board of Directors.

304. The Chairman, titular members and their substitutes, as well as the Secretary of the Board of Directors, are appointed by a decision of the Minister of Labour. The Director of the Workers’ Fund carries out the functions of Reporter of the Board.

305. Members of the Board are appointed for two years.

306. The Board of Directors of the Workers’ Fund is responsible for administration and management with a view to the achievement of the Club’s objectives.

307. The resources of the Workers’ Fund are fixed by the relevant legislation.

308. The funds of the Workers’ Fund are at present divided according to the following proportions: 80 per cent. for recreational facilities, physical training and culture, and 20 per cent. to cover costs involved in the obtaining of the necessary premises for the unions. The Workers’ Fund keeps separate accountancy on these two budgetary items, any transfer or loan from one budgetary item to another being prohibited.

309. The distribution of the funds of the Workers’ Fund may be changed in virtue of a royal decree issued on the recommendation of the Board of Directors of the Fund and with the approval of the Minister of Labour.

310. The resources of the Workers’ Fund consist at present of statutory dues, state, communal and municipal subsidies, as well as subsidies from any other body or person, of revenue obtained through the management of the Fund’s property, of fines imposed in applying penal sanctions provided for in labour legislation, of funds withheld from salaries imposed by heads of undertakings as sanctions, of donations and legacies of any kind, of contributions from special funds or other insurance bodies, of fines imposed on the personnel of social policy institutions, of compul-

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1 Case No. 121 (17th, 19th and 24th Reports), Case No. 341 (75th and 85th Reports), and Case No. 382 (77th Report).
2 Decree respecting the organisation and functioning of the Workers’ Fund, dated 4 February 1954, and Act No. 3467, dated 31 December 1955, modifying and completing the legislation concerning the Workers’ Fund.
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sory contributions of employers equal to the sum of one half-day’s salary per year for every unskilled and skilled worker, and to one-fiftieth of the salary of every employee. The resources also consist of compulsory contributions from workers, the amount of which was, as of 1962, equal to one half-day’s salary of an unskilled worker, deducted from the end-of-year and Easter bonuses\(^1\), of fines imposed on employers (persons and bodies corporate), of fines imposed on the staff in urban transport and, finally, of workers’ dues equal to two days’ salary per year, which are imposed by decision of the Minister of Labour and intended for the construction of workers’ centres in the regions where the workers who pay the contributions live.

**SECTION 3**

*Collective Agreements and Arbitration of Labour Disputes*

311. Collective agreements, labour disputes and arbitration are governed by Act No. 3239 of 1955, as amended by Legislative Decree No. 3755 of 1957.

312. Section 1 of the Act of 1955 first states that “collective labour disputes shall be settled in accordance with the provisions of this Act by direct negotiations for a collective agreement between the occupational organisations concerned or, where agreement is not reached, by compulsory arbitration”. This section goes on to state that “the expression ‘collective labour dispute’ means any controversy between employers’ organisations and employees’ organisations respecting terms and conditions of employment or remuneration”.

313. After this statement, the Act is composed essentially of two parts devoted respectively to collective agreements and to compulsory arbitration. These are followed by a certain number of general administrative provisions relating to the creation of a National Advisory Board on Social Policy, its composition and its role.

*Collective Agreements.*

314. Section 2 first contains the following definition: “A collective agreement is an agreement between one or more employers’ organisations and one or more occupational organisations of employees, laying down the terms to be included in employment contracts made between persons covered by the agreement.” It then states that “collective agreements shall be made in writing and filed by the parties with the Labour Directorate of the Ministry of Labour, which shall issue a certificate of registration . . .”. Collective agreements are then to be published in the Government Gazette by the Ministry of Labour, and they come into force on the day of publication.

315. Section 2, paragraph (4), makes the following provisions: “Where it proves impossible to reach an understanding by direct negotiation, any organisation possessing collective bargaining powers under this Act may apply to the Ministry of Labour for its mediation in reaching a collective agreement. If so, the competent official shall order the bodies concerned to resume negotiations after ascertaining that the application is in order and that the representatives of the parties have been

\(^1\) As a rule, wage earners in Greece receive the equivalent of one month’s salary, divided into two payments, one for the New Year, the other for Easter. The above-mentioned contributions amounted from 1953 to 1957 to 4 drachmas per month, and from 1957 to 1962 to a sum equal to the minimum daily wage of an unskilled worker.
duly appointed. He shall thereafter proceed to examine the substance of the applica-
tion and any memoranda submitted, acting as a mediator for reaching a collective
agreement.”

316. Section 3 provides that no individual contract may be less favourable than
the terms of a collective agreement covering the worker concerned. It also states
that any terms of an individual contract which are more favourable to the employee
shall prevail. It further states the right of the parties or persons concerned to sue for
damages in respect of failure to observe the terms of a collective agreement.

317. Section 4, paragraph (1), reads as follows: “On the expiry of two years from
the date of signature by the original parties, any collective agreement for a longer
period shall be deemed to have been made for an indefinite period. The same rule
shall also apply to all other collective agreements of limited duration when the stated
term expires. Notice to terminate a collective agreement of indefinite duration shall
be given in writing by the parties concerned and shall be communicated by the court
registrar to all the other parties and to the Ministry of Labour.” Paragraph (2) con-
tinues: “The said notice shall release the organisation to which it is given from all
engagements for the future, and the legal effects thereof shall commence two months
from the date on which it was communicated; Provided that existing individual
employment contracts shall continue in force until lawfully dissolved.” Paragraph (3)
states that, on the advice of the National Advisory Board on Social Policy (men-
tioned in section 28 of the Act) 1, “the Minister of Labour may, by order published
in the Government Gazette, suspend the legal effects of notice to terminate a collective
agreement for a total of not more than 12 months from the date when it commenced
to operate”.

318. With regard to the scope of collective agreements and their coverage, sec-
tion 5 contains the following provisions: “(1) Where the territorial scope of a collec-
tive agreement is not explicitly stated in the document itself, the agreement shall be
deemed to be binding on the parties only within the area of the court of the justice of
the peace in which it was signed. (2) Where a collective agreement binds the employers
of three-fifths of all the employees in the occupation within the area in which the
agreement operates and the provisions of the following paragraph are not applicable,
the Minister of Labour may, after consulting the Board mentioned in section 28,
publish an order in the Government Gazette, declaring the agreement to be binding
on all employers and employees in the occupation or occupations to which it relates,
within the area for which it is operative. (3) Collective agreements made and signed
in the presence of the Minister of Labour or the agents specially authorised by him
for the purpose shall be binding on all employers and employees in the occupation or
occupations within the area to which the agreement extends.”

319. Under section 6 the obligations under a collective agreement are not affected
by the dissolution of the signatory organisation or by loss of membership. Similarly,
in the case of change of employer, the rights and obligations under a collective
agreement are transferred to the successor.

320. Section 7, paragraph (1), classifies collective agreements as follows: “(a)
national general agreements, relating to employees throughout the country or to more
than one category of employees throughout the country; (b) national single-trade
agreements, relating to employees in a given trade and/or branches related to that

1 See paras. 338 and 339.
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trade throughout the country; (c) local single-trade agreements, relating to employees in a given trade or its related branches in a specified town or area, in so far as they are not covered by a national single-trade agreement; (d) special agreements, relating to employees in one or more businesses or undertakings in a town or area or the whole country, in so far as they are not covered by a national single-trade agreement.”

321. Concerning the bodies empowered to negotiate and sign the various categories of agreements mentioned above, paragraphs (2) to (5) of section 7 contain the following stipulations: “(2) National general agreements are negotiated and signed, on behalf of the employers, by the most representative employers’ organisations, such as the Federation of Greek Industrialists, the Commerce Associations of Athens, Piraeus and Salonica (represented by a joint delegate) and the General Confederation of Tradesmen and Craftsmen; and, on behalf of the employees, by the Greek General Confederation of Labour. (3) National single-trade agreements are negotiated and signed by the most representative organisations of the employers and employees. (4) Local single-trade agreements are negotiated and signed by the most representative local organisations for the trade and/or related branches. (5) Special agreements are negotiated and signed by one or more employers’ occupational organisations and the occupational organisation of the employees in one or more undertakings.”

322. Section 7, paragraph (6), states that “for the drafting and signature of collective agreements under subparagraphs (a) and (b) of paragraph (1) a decision by the managing committee of each of the most representative employers’ and employees’ organisations concerned shall be required; for the drafting and signature of collective agreements under subparagraphs (c) and (d) of paragraph (1) a decision by the managing committee of each of the competent employers’ and employees’ organisations, duly authorised by the general meeting and adopted in accordance with the by-laws of the organisation, shall be required”.

323. Section 8 contains the following provisions: “In the case of a collective agreement mentioned in the preceding article which, by reason of its content, territorial scope, or the undertakings with which it deals, is considered to be of general significance, the most representative employers’ and employees’ organisations mentioned in paragraph (2) of section 7 may intervene or be called on to participate in the negotiations and shall also sign the agreement through their authorised representatives.”

Compulsory Arbitration.

324. Section 9 states that, on failure of the negotiations undertaken under section 2 of the Act for the settlement of a collective dispute by means of a collective agreement, the official of the Ministry of Labour acting as mediator in the negotiations shall prepare a report indicating the matters in dispute and his findings and opinions. This report must be submitted to the appropriate directorate of the Ministry of Labour, which must forward it to the competent arbitration agency under section 10 in any case where the controversy affects more than 20 employees.

325. Section 10, paragraph (1), reads as follows: “At the first-instance court of each town in which a labour inspection office has been established, a four-member arbitration tribunal shall be constituted under this Act by order of the Minister of Labour, with the following composition: (a) the president of the first-instance judges or another first-instance judge designated by him (as chairman); (b) one official of the Ministry of Labour designated by the Minister of Labour, or, in his
absence, another civil servant designated by the Minister concerned; (c) one repre-
sentative of the employees, designated by the Greek General Confederation of Labour
or by such occupational organisation as is designated by the said Confederation;
(d) one representative of the employers’ organisation concerned . . . ."

326. Section 11 lays down the following provisions: “The first-instance arbitra-
tion tribunal under section 10 shall meet . . . after being convened by its chairman,
and shall have a quorum whenever three members are present including the chair-
man. . . . The chairman’s decision shall be final and shall be entered in the proceed-
ings.” “The first-instance arbitration tribunal shall, in its examination of the issue,
consider all the relevant documents, summon the parties for questioning, hear
witnesses and any expert evidence which it deems useful, visit premises and obtain
such information as it may require from any central or local government authority
and from any institution, organisation or undertaking. . . .” “The first-instance
arbitration tribunal shall make its decision on the main issue without being bound by
any legal forms, with complete freedom in evaluating the evidence.” “The decision
shall be that receiving the majority of votes, the chairman having a casting vote. . . .”
“A first-instance arbitration tribunal may, by a vote of an absolute majority of its
members, decide that a dispute which is not a matter of general concern shall be
returned for settlement by direct negotiation between the parties . . . .”

327. Under section 12 “an appeal against the award of the first-instance arbitra-
tion tribunal may be made to the appropriate second-instance arbitration tribunal . . .”.

328. Section 13 provides, inter alia, that “the second-instance arbitration tribu-
nals shall consist of the following: (a) the president of the court of appeal in the town
where the tribunal is established or an appeals judge designated by him, as chair-
man . . . ; (b) one official of the Ministry of Labour designated by the Minister of
Labour; (c) one member designated by the Federation of Greek Industrialists in
Athens or by such employers’ organisation in the town where the tribunal is estab-
lished as may be designated by the said Federation; (d) one of the persons nominated
by the appropriate representative organisations of merchants, tradesmen, craftsmen
and joint stock companies, who shall sit according to the trade to which the partic-
cular dispute relates . . . ; (e) two members designated by the Greek General Con-
federation of Labour or by an occupational organisation of employees specified by
the said Confederation”.

329. Under section 14 “the decision adopted by the second-instance arbitration
tribunal, where there is a quorum of five members including the chairman, shall be
that which receives the majority of votes, the chairman having a casting vote . . . .”

330. Section 15 provides that “the first-instance or second-instance arbitration
tribunal dealing with any collective dispute referred to it under this Act and arising
out of a collective agreement after the expiry of the agreed period of validity or after
the agreement has been duly terminated by notice may vary or redraft existing col-
lective terms of employment, including the financial clauses thereof, and order
anything to be done which they consider suitable for reconciling the interests of
employers and employees”.

331. According to section 18, “upon the parties being notified in writing that the
competent official of the Ministry of Labour has found in his report that no agree-
ment can be reached, or upon service of a decision of the Minister of Labour referring
a dispute directly to the competent arbitration tribunal under this Act, any attempt
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by the parties to force a settlement of the dispute in their favour by a stoppage or evident slowdown of work, etc., is prohibited for a period of 45 days, or 60 days where an appeal has been made. Any stoppage of work during the prohibited period or any alteration of conditions of employment during the said period shall be regarded as wrongful termination of the employment contract”.

332. Section 19 provides that “compulsory arbitration proceedings shall cease if a collective agreement is reached in the course thereof”, and that “when an award has been declared by the Minister of Labour to be enforceable, it shall take the place of a collective agreement and shall be governed thenceforward by the relevant provisions of this Act”.

333. Under section 7 of Legislative Decree No. 3755 of 1957 the provisions of the Act, as analysed above, are amended with regard to the period for arbitration procedure, which is halved in order to provide for more expeditious action.

General Administrative Provisions.

334. The general provisions contained in this part of the Act contain some which call for particular attention.

335. The first of these is contained in section 20, paragraph (2) of which reads as follows: “In the event of any collective agreement or arbitration award being contrary to the general economic or social policy of the Government or to any such policy in particular matters, the Ministers of Co-ordination and of Labour may, after consulting the Board mentioned in section 28, amend or withhold approval of all or part of such agreement or award, by means of a joint order (with reasons) issued within 20 days of the end of the 15-day period specified in paragraph (1) of this section and published in the Government Gazette.”

336. With regard to trade union dues section 22 contains the following provisions: “(1) A national general agreement may provide that the employer shall undertake to deduct specified membership contributions to the employees’ organisations which are payable by employees covered by the agreement. (2) Such contributions shall be apportioned as follows: (a) the local labour centre shall receive seven-twentihths of the contributions levied in its area; (b) the federations shall receive four-twentihths of the contributions levied from employees in the particular trade; (c) the employees’ association shall receive four-twentihths of the contributions levied from employees of the category represented by it; (d) the Greek General Confederation of Labour shall receive the remainder. (3) Where a collective agreement provides for deduction of contributions by the employers, the assessment and levying of the contributions shall be carried out either through the social insurance carriers under special agreements made with the employees’ organisations or in some other manner prescribed by the collective agreement. (4) The yield from contributions under this Act shall be transferred directly to the receiving bodies by the social insurance carriers within two months of collection. (5) A member of an organisation may file a declaration with his organisation indicating his refusal to pay the contributions. The organisation shall endorse the application if the applicant has fulfilled his membership obligations and shall forward the declaration to the employer.”

337. Section 23 contains the following provisions: “(1) In any disagreement as to whether a particular organisation is competent to represent the occupational interests of certain occupational categories involved in a collective labour dispute,
the decision of the chairman of the first-instance or second-instance arbitration tribunal in whose area the collective dispute has arisen or is being examined shall be final and without appeal. (2) In the absence of any private organisation of employers in the trade, or if a particular employer is not eligible for membership under the constitution of the normally appropriate private organisation or chamber, then the local chamber of commerce and industry (or, in the case of a collective agreement for the whole country, the Athens Chamber of Commerce and Industry) shall be regarded as the representative organisation."

National Advisory Board on Social Policy.

338. Section 28, paragraph (1), states that “a National Advisory Board on Social Policy . . . shall be set up under the Ministry of Labour as a body for consultation on social policy and labour legislation”. Paragraph (2) provides that “the Board shall consist of the following members: (a) a member of the liberal professions, having special knowledge of social policy matters, as chairman. In the absence of the chairman, the civil service member with the highest rank (or longest service, in the case of equal rank) shall preside; (b) five senior civil servants, namely the Director-General of the Ministry of Labour, the Director of Employment of the said Ministry, one director from the Ministry of Co-ordination, one director from the Ministry of Trade, and one director from the Ministry within whose province the particular matter for discussion falls, as determined by the chairman of the Board. The latter member and his substitute shall be designated by the Minister concerned. The above civil service members and an equal number of substitutes of the same grade shall be designated by the competent Ministers; (c) five employers’ representatives and five substitutes designated as follows: two by the Federation of Greek Industrialists, one by the Athens Merchants’ Association, one by the most representative organisation of small tradesmen in Athens, and one by the most representative organisation of craftsmen in Athens; (d) five employees’ representatives and five substitutes designated by the Greek General Confederation of Labour.”

339. After indicating in general terms that the function of the Board will be to investigate, consider and advise on all matters relating to the formulation or implementation of social, insurance and labour policy, section 29 provides that “the Board shall consider questions submitted by the Minister of Labour, by other Ministers, or by any eight or more of its members, which relate to any measure (Bill, decree, regulations, etc.) dealing with (a) matters of social policy, terms and conditions of employment and employer-employee relationships; (b) employment, apprenticeship, unemployment insurance, social insurance and insurance carriers; and to any general or special measure”.
CHAPTER 9

THE MAIN EVENTS IN GREECE SINCE THE COMPLAINT WAS SUBMITTED

340. The principal events in Greece since the complaint was lodged and which are relevant to the matter before the Commission fall under four headings: changes of government, the termination of office of the G.G.C.L. executive, appointments of the provisional executives of G.G.C.L., and successive postponements of the Congress of G.G.C.L.

CHANGES OF GOVERNMENT

341. Mr. Papandreou's Government, which was in power at the time when the complaint was lodged, was replaced in July 1965. The Minister of Labour, Mr. Bacatselos, who had held office in that Government, retained his post in Mr. Novas's Government. Since the latter Government did not secure the confidence of Parliament and Mr. Tsirimokos was appointed Prime Minister, Mr. Bacatselos was replaced by Mr. Galinos as Minister of Labour on 20 August 1965. Mr. Tsirimokos's Government failed in its turn to secure the confidence of Parliament and Mr. Stephanopoulos was appointed Prime Minister. Mr. Stephanopoulos's Government was confirmed in office by Parliament in the second half of September and, apart from a few changes, has remained in power since that date. Mr. Bacatselos is again Minister of Labour in this Government.

TERMINATION OF THE TERM OF OFFICE OF THE EXECUTIVE OF THE GREEK GENERAL CONFEDERATION OF LABOUR

342. At the time when the complaint was lodged, Mr. F. Makris was General Secretary of G.G.C.L. and lodged the complaint in this capacity, together with eight other members of the Executive Committee.

343. The term of office of the executive of G.G.C.L. of which Mr. Makris was General Secretary was for a period of three years and expired on 22 October 1964. This term of office was extended to 22 November 1964 in virtue of the constitution of G.G.C.L. and in accordance with the provisions of section 8 of Legislative Decree No. 4361 of 1964.1

344. In virtue of section 8 of the legislative decree mentioned above, which limits the extension of the term of office of trade union administrations to one month, and since it was impossible for G.G.C.L. to hold its Congress in accordance with the conditions laid down by section 10 of the said legislative decree 2, the Confederation had no administration from 23 November 1964 until the appointment, on 14 December 1964, of the first provisional administration appointed in application of section 69 of the Civil Code.3

1 See paras. 58-60.
2 See paras. 61-66.
3 See para. 64 and Ch. 8 above.

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Main Events since the Complaint Was Submitted

APPOMENTS OF PROVISIONAL GOVERNING COUNCILS OF
THE GREEK GENERAL CONFEDERATION OF LABOUR

345. Under section 69 of the Civil Code, when persons required to administer a
legal entity (association) default or when their interests conflict with those of the legal
entity, the president of the court of first instance may appoint, at the request of any
interested party, a provisional governing council.¹

346. Certain second-degree organisations, federations and local workers’ centres,
recognising that G.G.C.L. would be without leaders as from 23 November 1964,
filed a request asking for the appointment of an executive for G.G.C.L. with the
Athens Court of First Instance shortly before the expiration of the term of office of
the executive of G.G.C.L. The President of the Court of First Instance, Mr. P. Petro-
keilos, by decision No. 22397 of 14 December 1964, appointed a provisional adminis-
tration of 31 persons whose mandate was to convene, as soon as possible, and in any
case within eight months of the date of the publication of the decision of the President
of the Court, the 15th Pan-Hellenic Congress of G.G.C.L. The judge had not thought
it necessary to appoint a General Secretary and Treasurer. Although the by-laws of
G.G.C.L. required these two to be elected by the Congress, he empowered the 31-man
provisional administration which he had appointed to choose a General Secretary
and Treasurer. He also laid down rules for this election and a deadline of one month
within which the new executive should meet. Having required that all 31 members
needed to be present at a meeting of the executive, the judge designated 12 alternates
to sit in the place of absent members. A meeting of the provisional administration
took place on 22 December, but certain differences of view appeared. After 12 mem-
bers had left the meeting room, Mr. N. Papageorgiou was elected General Secretary.

347. The first provisional executive did not have time to proceed with the pre-
paratory work for the 15th Congress because, shortly after its appointment, it was
held to be illegal. On the petition of a number of trade union organisations which
considered the election of Mr. Papageorgiou to be irregular, the President of the
Court, Mr. Petrokheilos, then made a new decision (Decision No. 2953 of 22 Feb-
uary 1965) under which a further provisional executive was appointed. In this new
decision, in order to avoid the difficulties raised in the previous instance, the judge
personally appointed Mr. Dimitrakopoulos as General Secretary.

348. Two months later, on 21 April 1965, on the petition of a number of the
interested parties, including Mr. Papageorgiou, the President of the Court of First
Instance, Mr. A. Liakatas, by Decision No. 7184, replaced Mr. Dimitrakopoulos’s
executive by a new one, the head of which was again Mr. Papageorgiou. The judge
gave as the reason for replacing Mr. Dimitrakopoulos the close connections which
had existed between him and those persons who were in the leadership of G.G.C.L.
at the time the complaint was filed.

349. Certain workers’ representatives appealed against this decision. Their
appeal was rejected by Decision No. 11169 of 17 June 1965, made by Judge I. Gournas.

350. Following a further appeal, the President of the Court, Mr. I. Gournas, held
that some leaders of the provisional executive of G.G.C.L. had gone beyond their
terms of reference by proclaiming a general strike when their task was to prepare for
the 15th Congress; by Decision No. 14822 of 19 August 1965 he removed from office

¹See Ch. 8 above.
nine members of the executive of G.G.C.L., of whom Mr. Papageorgiou, the General Secretary, was one, and replaced them by nine other members. He appointed one of them, Mr. Galatis, as General Secretary.

351. On 7 October 1965 Mr. Galatis appealed to the President of the Court of First Instance, Mr. C. Kalopaseas, for the purpose of replacing 18 members of the executive, with whom he stated that collaboration was impossible. His opponents appealed on 9 October 1965, requesting that Mr. Galatis, the Treasurer and 11 other members of the executive be replaced. By Decision No. 20108 of 9 November 1965 Mr. Galatis was confirmed in office but the composition of the executive was changed.

SUCCESSIVE POSTPONEMENTS OF THE 15TH PAN-HELLENIC CONGRESS OF THE GREEK GENERAL CONFEDERATION OF LABOUR

352. Owing to the frequent changes in the provisional executive of G.G.C.L., which were largely the reflection of the different tendencies in the trade union movement, to a number of material problems and to many other factors which are difficult to determine precisely, the G.G.C.L. Congress was postponed many times.

353. The Congress, originally scheduled to be held on 5 September, then on 12 September 1964, was, after the expiry of the term of office of the elected administration of G.G.C.L., successively scheduled for 1 December 1965, 27 February 1966, 15 May, 5 June, 26 June, and finally 24 July 1966.
354. On 8 June 1966 the Director-General of the International Labour Office received from Mr. Lascaris, Greek Workers' delegate at the 50th Session of the International Labour Conference, a communication, dated 6 June and signed by Mr. F. Makris, in the following terms:

In October 1964 the elected Executive Committee of G.G.C.L. submitted to the International Labour Office a complaint against the Greek Government of the time regarding the violation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). The objectives of the complaint were as follows:

Firstly: The abolition or amendment of sections 5, 6, 8, 10 and 11 of Legislative Decree No. 4361 of 1964, as being contrary to the provisions of the international Convention mentioned above. The Executive's principal objective in promulgating this legislative decree, at the insistent request of Mr. G. Papandreou, head of the Greek Government of the time, was—as was confirmed by the facts themselves—to render void the convocation of the 15th Congress of workers of G.G.C.L. and thus to remove indirectly the elected administration of this organisation, although the results of the ballot which took place to elect representatives to this Congress solemnly reaffirmed the confidence of the Congress in the administration in question; this objective no longer troubles us, since developments in the Greek trade union movement since that time have given us moral justification.

Secondly: The abolition of the system of financing trade union organisations through organs of the State, such as the Workers' Fund, a system which has been held to restrict the independence of the trade union movement and to lead to interference in its activities, with the well-known harmful consequences of the complete submission of the movement to a political party, as subsequent events have revealed.

The elected Executive Committee of G.G.C.L. reaffirms already in this communication the views which it has expressed on this subject, which have been completed by the inquiry subsequently undertaken by the two parties and by the deposit of various documents in the case.

As was said at the beginning, the objective of the elected Executive Committee of G.G.C.L. was, and remains, the restitution, within the framework of international Conventions and the National Constitution in force, of the principles of the autonomy of trade unions and of the freedom of association, which have been infringed.

In accordance with the objective upon which we had determined and with a view to bringing about a happy solution to the problem, we submitted, in collaboration with other leaders of the most representative trade union organisations, to the President and Vice-President of the Council, to the President of the House, to the Minister of Labour, as well as to the leaders of the principal political parties of our country, Messrs. G. Papandreou, P. Canellopoulos and S. Markezinis, a memorandum dated 2 April last, whereof a copy is annexed to the present communication.
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In this memorandum we indicated, in all conscience, to the Government and to the leaders of the principal political parties of the country, the fundamental conditions necessary for the existence and functioning, in our country, of a free trade union movement, as well as the questions which should be regulated by legislative means. These conditions, when adopted and embodied in legislation, would permit a new G.G.C.L. administration issuing from the elections to lead the struggle for the reorganisation, within the framework of the principles and objectives of the International Confederation of Free Trade Unions, of the forces of the Greek trade union movement which have remained faithful to these principles.

The competent leaders of the trade union organisations who signed the memorandum subsequently undertook discussions on the basis of the memorandum, not only with the Government and, in particular, with the Minister of Labour, but also with the leaders of the principal political parties, with the exception of Mr. Papandreou who, despite an initial declaration of willingness to receive the trade union delegation in order to hear it explain its point of view orally and inform it of his own opinion on the questions of trade union organisation, finally avoided such an interview.

The interviews which took place and the extremely thorough and detailed discussions which occurred allowed us to acquire the conviction and the certainty that the present Government and the political leaders of the country had understood the importance of the questions and problems submitted to them and that they are in agreement as to the need to regulate these problems by legislative means.

However, the Government, while giving the assurances mentioned above, considered that the whole question should be settled after the convocation of the 15th Congress of G.G.C.L. by discussions and negotiations with the newly elected leaders of the trade union movement.

We have accepted the Government's point of view, because we consider it to be our duty, especially since the Minister of Labour, within the terms of the mandate given to him by the Government as currently constituted, has already shown by his actions not only that he understands the whole nature of the questions which preoccupy the trade union movement and the working class but also that he is imbued with truly friendly sentiments towards the workers, since it is in this spirit that he has provided solutions to the questions which were troubling them and which had been pending for a very long time. I.C.F.T.U. has obviously been kept abreast of these developments.

In these circumstances, the elected Executive Committee of G.G.C.L., faithful to the aims for which it fights and independently of its own observations or convictions, has, on the basis of the assurances given not only by the Government but also by the political parties which support it, decided to request you to consider the dispute which has arisen as coming to an end.

For the elected Executive Committee of G.G.C.L.:

(Signed) F. MAKRIS,
General Secretary.

355. After being informed of the contents of this communication, the Chairman of the Commission decided to send copies to the Greek Government and to the General Secretary of G.G.C.L. then in office and to inform Messrs. Papageorgiou and Dimitrakopoulos, former General Secretaries of G.G.C.L.

356. The Commission informed Mr. Makris that his request would constitute the first question to be examined at its Second Session and requested him to appear before it in person on that occasion.

357. The Commission also expressed the wish to the Greek Minister of Labour that he himself should find it possible to appear in person to state the Government's point of view regarding the complainant's request to the Commission.
358. The Commission informed the parties and the General Secretary of G.G.C.L. that it did not appear necessary at this stage of the proceedings to hear the witnesses as originally anticipated.

359. Finally, the Commission gave Messrs. Papageorgiou and Dimitrakopoulos the opportunity to come and state their points of view before it.
CHAPTER II

SECOND SESSION OF THE COMMISSION

A. Procedure Followed by the Commission

360. The Commission held its Second Session in Geneva from 1 to 14 July 1966. At the opening of the session, in the presence of the Director-General of the International Labour Office, Mr. Jacques Ducoux, who replaced Mr. Henri Friol as a member of the Commission, made a solemn declaration identical with that which had been made by the other members of the Commission at its First Session.²

361. The session included three sittings held in private which were attended by Mr. George Bacatselos, Minister of Labour of Greece, and representatives of the Government of Greece, the complainant and the present provisional administration of the Greek General Confederation of Labour, as follows: for the Government of Greece: Mr. J. Zarras, Secretary-General of the Ministry of Labour, and Mr. J. Deliyannis, Professor of Law and barrister; for the complainant: Mr. C. Fotiadis, former Legal Adviser to G.G.C.L., and Mr. J. Patsantzis, former Deputy General Secretary of G.G.C.L.; and for the present provisional administration of G.G.C.L.: Mr. J. Galatis, provisional General Secretary. All of these persons were present throughout the hearings.

362. In addition to these representatives, the Government of Greece had the following technical advisers: Mr. P. Theodoropoulos, President of the Athens Court of First Instance; Mr. S. Kladas, Special Adviser to the Ministry of Labour, and Mr. E. Flokos, Director, Ministry of Labour.

363. In addition to the hearings, the Commission also met a number of times in private. Apart from examining the statements made to it and the answers to questions which it had put, the Commission devoted most of its time at its Second Session to the preparation and adoption of its report.

1. Representatives and Other Persons Heard

364. The Commission called upon Mr. Makris, signatory of the complaint and of the communication withdrawing the complaint, to explain the request for withdrawal. The Commission took note of the absence of Mr. Makris, who did not present himself in person.

365. In explanation of the absence of Mr. Makris, his representative, Mr. Fotiadis, stated that it was due to the election of Mr. Makris, on 18 June 1966, as Chairman of the Workers' Centre of Athens and the constitutional obligation which devolved upon him in that capacity to convene a meeting of the other elected officers of the Centre for the purpose of electing, in turn, the Centre's other constitutional organs.

¹ See paras. 77-78.
² Record of Hearings, first sitting.
366. In the absence of Mr. Makris, the Commission heard statements from Mr. Fotiadis, his representative, who was appointed in that capacity by an authorisation, duly authenticated by a notary, from Mr. Galatis, representative of the provisional administration of the Greek General Confederation of Labour, and from Mr. Bacatselos, Minister of Labour, on behalf of the Government of Greece.

367. In addition, the Commission heard statements from Mr. N. Papageorgiou and Mr. G. Dimitrakopoulos, both former provisional General Secretaries of G.G.C.L.

2. Procedure Followed by the Commission in the Hearing of Representatives and Other Persons

368. In opening the hearings the Chairman of the Commission made a statement to the representatives of the parties, which he repeated to all other persons who subsequently participated in the hearings, referring to the private nature of the Commission's sittings and to the Commission's reliance on those who took part in the proceedings being good enough to refrain from divulging the tenor of any of the statements made, the questions put and the replies thereto.

369. In accordance with a decision of the Commission that it was its duty to inquire into the facts surrounding the request for the withdrawal of the complaint, the Chairman made the following statement:

On 8 June 1966, a letter dated 6 June 1966 was handed to the Director-General of the International Labour Office by Mr. Lascaris, who was at that time acting as the representative of the complainant in this case. In the letter, Mr. Makris, on behalf of the complainant, recounted certain events which had occurred since the complaint had been filed. In his concluding remarks he requested that the Commission should regard the conflict between the complainant and the Government of Greece as no longer existing. The Commission has understood this communication as requesting that it permit the withdrawal of the complaint. Therefore, the Commission proposes to examine this request as its first item of business.

370. At the conclusion of the five statements made before the Commission, the Commission put certain questions to the representative of the complainant, Mr. Fotiadis, the representative of the present provisional administration of G.G.C.L., Mr. Galatis, and the representative of the Government of Greece, Mr. Deliyannis. The Commission also put questions to Mr. Papageorgiou and Mr. Dimitrakopoulos, former provisional General Secretaries of G.G.C.L.

371. The Commission then offered each of the three representatives the opportunity to make a closing statement. None of the representatives wished to take advantage of this opportunity, but the Minister of Labour of Greece made a brief statement expressing, in particular, the appreciation of his Government for the way in which the hearings had been conducted. The Chairman then declared the hearings closed.

B. Statements Made to the Commission

372. The representative of the complainant, in his statement to the Commission, explained the reasons which supported the complainant's request for the withdrawal of the complaint. He stated that the complainant now had every reason to believe that the new administration of G.G.C.L. which was to be elected at the forthcoming

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1 See paras. 366-367.
2 Record of Hearings, first sitting.
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Congress would find itself in a favourable climate to undertake negotiations with the Government and carry out reforms which would protect freedom of association in Greece in accordance with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), as well as the freedom of trade unions to bargain collectively and enter into collective agreements. In addition, the complainant considered that the operation of Legislative Decree No. 4361 during the past two years had not prevented the second-degree organisations, including the workers' centres, from meeting to elect their representatives for the 15th Congress of G.G.C.L. In this connection he stated that the allegations which had been made prior to the promulgation of Legislative Decree No. 4361 with respect to the unrepresentative nature of the leadership of the trade unions had been proved false, for even after the application of the legislative decree leaders accused by certain trade unions of having been elected in the past as a result of infringements of the law and the rules were re-elected to the trade union executive bodies. Furthermore, the former executive of G.G.C.L., after reconsidering the question as a whole, had recognised that Legislative Decree No. 4361 had really done away with the former legal provisions which had for many years past enabled the public authorities to interfere in the domestic affairs of the trade unions, in particular by supervision of their finances and management. The representative of the complainant then mentioned that with regard to the basic question of the abolition of the system of financing trade unions through the Workers' Fund, the Minister of Labour had set up a committee of experts to study the entire question of the freedom and autonomy of workers' organisations. This committee would try to find a solution to enable the present system of financing trade union organisations to be transformed into a system guaranteeing the independence of the trade unions. He considered this one of the proofs that the present Government and the Minister of Labour had shown themselves in practice to have a profound understanding of the problems which were of concern to the trade union movement in Greece. The representative of the complainant concluded by saying that the adoption of measures satisfactory to the workers, on the one hand, and the adoption of 15 new laws beneficial to the workers, on the other hand, testified to the good intentions of the Government.

373. The Minister of Labour, in his statement\(^1\), assented to the withdrawal of the complaint and confirmed that the dispute which had originally been so serious appeared to be in the process of settlement, owing in large measure to the fact that its submission to the Fact-Finding and Conciliation Commission had helped to clarify the views of the parties concerned.

374. The statement of the Minister of Labour went on to explain that the purpose of Legislative Decree No. 4361 was to create the conditions essential for the development of a democratic trade union movement and for the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), ratified by Greece by means of Legislative Decree No. 4204 of 1961. Legislative Decree No. 4361 had both adapted Greek legislation to conform to the Convention and abrogated all provisions limiting the self-government of occupational organisations or permitting public authorities to interfere in their functioning. It had introduced more comprehensive protection for serving trade union officers, had ensured fair representation at the Congress of G.G.C.L., and had provided legal guarantees for the election of trade union executives. Inasmuch as there was a request for the

\(^1\) Record of Hearings, first sitting.
withdrawal of the complaint, it was not necessary to describe in detail the circumstances which had required the adoption of the legislative decree. This had been done fully in information which the Government had already sent to the Commission; many of the long-standing weaknesses of trade unionism in Greece had been pointed out in the report of the I.L.O. mission, *Labour Problems in Greece*, in 1949, and in several reports of the Governing Body Committee on Freedom of Association.

375. The Minister of Labour stated that in introducing Legislative Decree No. 4361 in Parliament he had in no way desired to interfere in the internal affairs of the trade unions; he had always condemned any interference of a political nature as harmful to the development of a strong and independent trade union movement. Similarly, he had not hesitated to ask for the case to be examined by the Commission as soon as the complaint had been submitted.

376. With respect to certain allegations concerning the extent to which some provisions of Legislative Decree No. 4361 were contrary to the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Minister pointed out that no trade union organisation had thought it necessary to take advantage of its right to challenge the decree as unconstitutional in the courts of Greece. Furthermore, the decree had been applied for two years without hindering the smooth functioning of trade union organisations, and elections had been held in a legal and unchallenged manner in 36 federations and 67 workers’ centres. Neither had the procedure for the conclusion of collective agreements or for compulsory arbitration been affected.

377. Referring to the provisions of section 69 of the Civil Code, which permits the appointment by the courts of provisional administrations for trade union organisations under certain stipulated conditions, the Minister recalled that the I.L.O. mission to Greece in 1947 had been aware of this fact. The frequent appointment of provisional administrations that had taken place in this way since Legislative Decree No. 4361 had come into force were due to certain serious conflicts which divided the different tendencies within the trade union movement in Greece. In any event, he stated, that situation was coming to an end because the Congress of G.G.C.L. would now definitely meet on 24 July 1966.

378. The Minister referred to the supervision system of the I.L.O.—namely the Committee of Experts on the Application of Conventions and Recommendations—which provided machinery whereby national legislation could be put into harmony with the provisions of ratified Conventions. He had always given special attention to the comments of this Committee. He was fully prepared to take into account and give serious attention to any remarks the Committee might make on the question whether and to what extent the provisions of Legislative Decree No. 4361, and the practical application thereof, were contrary to Convention No. 87.

379. In addition to difficulties of organisation within the Greek trade union movement, the Minister stated that a principal cause of the movement’s difficulties was the system of financing trade union organisations through the medium of the Workers’ Fund, which had been in force for more than 20 years. The Minister stated that if he succeeded in contributing to the abolition of this system he would consider it one of his greatest successes in office. Sections 6 and 11 of Legislative Decree No. 4361 had aimed at creating the necessary conditions for the operation of a system of voluntary trade union contributions. The final difficulty was to find a system which would be acceptable to all the tendencies in the trade union movement. In this con-
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In his concluding remarks the Minister expressed his concern at the present state of the settlement of collective disputes and collective bargaining in Greece. That was why the drafting committee which he had set up to prepare a labour code was studying the problem and had received comments from the I.L.O. in this connection which it was now examining. After the election of the new administration of G.G.C.L. one of the Minister's principal tasks would be to seek, together with that administration, a definitive solution to the problems to which he had referred. The Minister pointed out that he was in a position to appreciate the favourable effects of the active participation of a free and representative trade union movement in the framing and implementation of measures intended to stimulate the economic and social development of Greece.

In his statement to the Commission the representative of the present provisional administration of G.G.C.L., Mr. Galatis, reported that when he had assumed the office of General Secretary by appointment of the President of the Athens Court of First Instance in August 1965, only 12 of the 113 second-degree workers' organisations (workers' centres and federations) belonging to G.G.C.L. had held meetings to select their representatives to attend the 15th General Congress of the Confederation. Within a few months of his taking office, 67 workers' centres out of a total of 71 and 36 federations out of a total of 42, i.e. 91 per cent, of the total membership of the Confederation, had held such meetings and elected their representatives to the 15th Congress.

He added that in his position as provisional General Secretary he had had an excellent opportunity to observe closely the application in practice of Legislative Decree No. 4361. He had concluded that its application had in no way impeded the holding of elections at the local or occupational level. The trade union movement was now represented on the basis of the real number of members entitled to vote and no longer on the basis of fictitious figures. Thirdly, the coming Congress could now no longer be challenged as illegal or spurious. In general, he thought that the application of the legislative decree in the second-degree organisations, including the organisations of the signatories of the complaint, had not hindered their operation. The presence of a representative of the judiciary with extended powers had ensured that the elections should not be challengeable. The claims that the Government was empowered to interfere in the internal administration of trade union affairs through the legislative decree had, in his view, been proved entirely false. Some former governmental powers of supervision which had been contrary to standards of freedom of association had been abolished by the decree. It was clear to him that the far-reaching measures recently adopted in the fields of labour legislation, social insurance and general labour policy were due to the sincere efforts of the present Minister of Labour.

In his statement Mr. Papageorgiou, former provisional General Secretary of G.G.C.L., in supporting the adoption of Legislative Decree No. 4361, explained the factual circumstances that had existed prior to its promulgation. At that time, ten trade union organisations with a total membership of 500 workers could send ten

1 Record of Hearings, first sitting.
2 Ibid., second sitting.
representatives to the congresses held by the Athens Workers’ Centre, while organisations with 3,000 members could send only seven representatives. The result was that 10,000 workers spread over a multitude of small unions could impose their will on more than 100,000 workers in larger trade union organisations. As a reaction to this and other inequities the trade unions had struggled since 1956 to find a way to ensure the proper representation of the majority. This had been a major concern of the Government which had been elected in 1964 and had resulted in the promulgation of Legislative Decree No. 4361.

384. Mr. Papageorgiou reported that in the six months during which he had served as provisional General Secretary of G.G.C.L. he had noticed not a single irregularity in the application of the legislative decree. On the contrary, he stated, the decree merely impeded those who were attempting to get themselves elected against the will of the workers.

385. He alleged that the protests against the decree had been raised only after certain candidates for election to executive positions had realised that they faced defeat in the 15th Congress. Notwithstanding those protests, he repeated, no anomalies had arisen as a result of the application of the decree; its major purposes were to ensure that the real will of the workers prevailed and to harmonise Greek legislation with the standards of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

386. In his statement Mr. Dimitrakopoulos, former provisional General Secretary of G.G.C.L., stated that, when he had signed the complaint in this case, he had shared the opinion of the other trade union leaders who had signed it that the provisions of Legislative Decree No. 4361 would have an unfavourable influence on the smooth development of the Greek trade union movement. However, during the period of his service as provisional General Secretary of G.G.C.L. from February to April 1965, he had come to appreciate that the application of these provisions had proved to be a safeguard of the democratic expression of the will of the majority in the selection of its representatives.

387. With respect to the statement made by the representative of the complainant concerning the matters contained in the complaint, Mr. Dimitrakopoulos expressed his entire agreement and felt it to be his duty to emphasise that every effort was being made by the present Government and its Minister of Labour to ensure that the trade unions would be free from every possible government intervention.

C. REPLIES TO QUESTIONS PUT BY THE COMMISSION

388. In answer to a series of questions put by the Chairman the representative of the complainant confirmed that all of the persons who had been signatories of the complaint had agreed to the communication of 6 June 1966, which asked that the dispute be considered as terminated. All had given Mr. Makris the power to speak for them. The letter was the general will of all the signatories.

1. Legislative Decree No. 4361

389. In answer to a question put by the Commission the representative of the complainant stated that assurances had been received that the Government would

1 Record of Hearings, second sitting.
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do-operate with the executive which would be elected by the Congress of G.G.C.L. with a view to regulating outstanding problems by means of legislation. The representative of the complainant subsequently repeated that the apprehensions felt at the outset by the complainant had proved to be exaggerated after seeing how Legislative Decree No. 4361 was applied in practice. The complainant understood that section 6 of the decree, providing for the attendance at trade union elections of a representative of the judiciary, and the increased powers which were conferred on him with respect to the supervision of elections, were of a temporary nature and designed to deal with a specific situation, so as not to leave the impression that trade union officers were elected in an irregular manner; he wished, however, to emphasise that the complainant no longer considered the legislative decree to be an obstacle to elections.

390. In reply to a question concerning the nature of the assurances mentioned by the complainant the representative of the Government stated that he was authorised by the Minister of Labour to say that no assurances of any definite amendments, abrogations or changes had been given, but that the Minister was prepared to look into all outstanding questions and discuss them with the new executive officers of G.G.C.L. The Minister of Labour of Greece personally confirmed at the close of the hearings that he had undertaken no obligation to amend Legislative Decree No. 4361 and, in particular, he had entered into no commitment to abrogate the provision providing for the presence of a representative of the judiciary at elections. That provision had shown itself to be a safeguard of impartiality in the election of union officials in both first- and second-degree trade union organisations. The Minister stated that he was prepared to examine all the questions raised and discuss them with the executive to be elected at the 15th Congress.

391. Mr. Papageorgiou, in reply to a question based on the previous statement of the complainant, in its communication of 2 April 1966 and again in the oral statement of its representative, that assurances that there would be legislative changes had been received from the Government, stated that he was quite certain that none of the provisions of Legislative Decree No. 4361 should be either amended or abrogated. The decree facilitated the convening of trade union congresses in a democratic manner. If any amendments were to be made, they should be such as to provide still further safeguards for the workers.

2. The System of Financing Trade Union Organisations

392. The representative of the complainant, Mr. Fotiadis, the representative of the present provisional administration of G.G.C.L., Mr. Galatis, and the representative of the Government, Mr. Deliyannis, and also Mr. Papageorgiou and Mr. Dimitrakopoulos, all agreed that the present system of financing trade union organisations through the Workers' Fund needed to be replaced as quickly as possible by a system of financing which would render trade union organisations financially independent.

393. The representative of the complainant stated that in his view the new system of financing could be effected only by the adoption of regulations permitting collective agreements and arbitration awards to confer on the trade unions the right to receive, through the employer as intermediary, the contributions of their members

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1 Record of Hearings, second sitting.
2 Ibid., third sitting.
provided for in the by-laws. He saw no other possible solution, but would not oppose any better solution which might be suggested. The representative of the present provisional administration of G.G.C.L. agreed that voluntary contributions through the medium of collective agreements constituted the proper approach to ensure the financial independence of the trade unions. Mr. Papageorgiou expressed the opinion that the best way to change the system was by means of collective agreements under which employers would be required to collect the contributions of workers who wished to be members of trade unions and to hand them over to the organisation representing the workers in the undertaking concerned. Mr. Dimitrakopoulos, while favouring a system of financing similar to that currently in use in the railway workers' union, which was financially independent, recognised that this system could not be applied in the other organisations because of their different character, and expressed the view that the financing of the various trade union organisations and of G.G.C.L. might be provided for by general collective agreements.

394. The representative of the Government stated that the Minister of Labour was awaiting the recommendations of the committee of experts and the election of the new executive of G.G.C.L. to collaborate with them in changing the present system, which he agreed must be altered or even abolished. He explained that the committee of experts, whose sole function was to study the question of the financing of trade unions, had already collected the data necessary for its study. It had listened to representatives of all the important trade union organisations and was now awaiting the election of the new executive of the Confederation in order to hear its views. It would then submit its report to the Minister of Labour, who would examine the matter in collaboration with the newly elected executive. He explained that until the necessary changes were made the present system of regular monthly payments by the Workers' Fund to all unions, whether or not they were affiliated to G.G.C.L., would continue to operate. Some unions were financially independent and neither sought nor received assistance from the Workers' Fund. For the rest, the Workers' Fund which was an autonomous body, made its contributions on the basis of the numerical strength of the particular organisations.

3. Preparation for the 15th Congress of the Greek General Confederation of Labour

395. In reply to a question, the representative of the complainant stated that nearly all the elections of second-degree organisations had been held in preparation for the 15th Congress of G.G.C.L. He did not know of any objections raised to the manner in which the preparation had been carried out. Mr. Galatis, present provisional General Secretary of G.G.C.L., confirmed that during his term of office, 91 per cent. of organisations at the local or occupational level had met to elect their representatives to the Congress and that, while there had been a certain amount of competition between the various leaders, that could not be regarded as an impediment to the carrying out of the preparations. Some objections had been raised by a very small number of first-degree organisations; their object, he said, was to create disturbances serving the interests of the anti-trade union policy which those organisations were pursuing. He had had the opportunity to intervene personally to make an impartial examination of some of these objections and had concluded that they were not justified.

1 Record of Hearings, second sitting.
2 Ibid., third sitting.
396. The representative of the Government stated that the delay in holding the Congress was due to the frequent changes of provisional administrations following the decisions of the Court of First Instance. In addition, it had been necessary to wait for certain large second-degree trade union organisations to hold their congresses; some of them had been very late in doing so, for instance the Athens Workers' Centre, which had held its congress in June 1966. Since November 1965, however, there had been a stable executive of G.G.C.L. and it had taken all necessary steps during the past few months to prepare for the Congress, which should be able to meet on 24 July 1966. Some objections had been raised to the preparations for the Congress regarding the exclusion of some first-degree organisations from the second-degree organisations; however, the Government did not wish to make any comment on these objections inasmuch as they were addressed to the judicial authorities.

397. Mr. Papageorgiou, former provisional General Secretary of G.G.C.L., in reply to questions, stated that the most serious obstacle to the preparations for the Congress lay in the constant changes in the provisional executive of G.G.C.L. Also, some union leaders had tried to prevent certain workers' centres from holding their elections. While he thought that no objections had been raised by the workers to the manner in which the preparations had been made, there had been some fears that attempts might be made to falsify the results of the Congress. His personal opinion was that there had been some hidden attempts on the part of a small faction to prevent the Congress from being held in conformity with the rules of the International Confederation of Free Trade Unions, but that, with the help of the General Secretary of I.C.F.T.U. in upholding these standards, the attempts would fail. He added that if the present executive remained in office until the 15th Congress the Congress would take place in a regular way.

398. Mr. Dimitrakopoulos, also former provisional General Secretary of G.G.C.L., agreed with the statements concerning the preparations which had been made by the representative of the complainant. He thought that the work of the Congress would go smoothly.

399. With regard to the representative nature of the Congress, the representative of the complainant thought that the Congress would represent about 90 per cent. of the Greek trade union movement. It might have represented more than 95 per cent. if some of the organisations which had been excluded from participation in it had confined themselves to proper trade union activities.

400. Mr. Dimitrakopoulos also thought that the Congress would overwhelmingly represent the Greek trade union movement and that those organisations which had been excluded because of their activities did not amount to more than 5 to 8 per cent. of the total. Mr. Papageorgiou stated that the Congress, in the way in which it was being convened at present, would represent the large majority of workers in the country. There were some weaknesses of an administrative character, but it would be representative.

401. The representative of the Government stated that the Ministry of Labour had no statistical data indicating whether the Congress would be representative of the whole Greek trade union movement. He confirmed that the organisers of the

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1 Record of Hearings, second sitting.
2 Ibid., third sitting.
Congress claimed that it would be representative of all organisations of workers which supported the principles of the International Confederation of Free Trade Unions, which the organisers said represented a majority of the organised workers of Greece.

4. General Comments on Over-All Developments in the Greek Trade Union Movement

402. In reply to a question concerning recent developments, the representative of the complainant listed a series of measures taken by the Government, since the filing of the complaint, which had generally improved the prevailing conditions regarding the protection of workers in Greece. Among these were the extension of the protection afforded to trade union officials in carrying on trade union activities, the extension of social insurance coverage, the reduction in the pensionable age of workers engaged in heavy or unhealthy work, the granting of a special vacation allowance, reduction of hours of work in certain occupations, and a building programme covering workers’ housing and recreational centres.

403. With regard to future developments, the representative of the complainant thought that after the election of a new executive of G.G.C.L. at the 15th Congress it would be clear that the doubts which had previously existed were no longer justified. All tendencies in the movement would be united and would accept the authority of the new administration.

404. The representative of the present provisional administration of G.G.C.L. was optimistic that, following the satisfactory preparations for the Congress, a good start had been made in the reconstruction of an independent and strong trade union movement, freed of the methods and faults which had characterised the movement in the past and had had such damaging results.

405. The representative of the Government did not wish to make any observations on the future evolution of the Greek trade union movement, but, with respect to the future role of the I.L.O., he said that he was authorised by the Minister of Labour to state that the technical assistance already received and presently in progress from the I.L.O. in various fields was greatly appreciated. He had no doubt at all that in the trade union field also the contribution of the I.L.O. would be most valuable. The Minister was prepared to consider what further contributions the I.L.O. could make to this question upon his return to Greece and after the election of the new executive of G.G.C.L.

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1 Record of Hearings, second sitting.
2 Ibid., third sitting.
CHAPTER 12

CONCLUSIONS

406. The Commission must now formulate its conclusions as regards the request to close the case which had been referred to it.

407. The complaint on the violation of freedom of association, which was at the origin of the case, was filed with the I.L.O. in September 1964 by the executive of G.G.C.L. which was at that time in office, against the Greek Government. In conformity with the existing procedure for the examination of such complaints, the allegations made by G.G.C.L. were brought before the competent body of the I.L.O., that is the Committee on Freedom of Association set up by the Governing Body of the International Labour Office. During the period when the case lay within its competence, the Committee on Freedom of Association submitted two reports thereon to the Governing Body. In the second of these reports, having regard both to the importance of the issues raised in the case and to the fact that the Greek Government had itself suggested that the matter be brought before the Fact-Finding and Conciliation Commission on Freedom of Association, the Committee on Freedom of Association recommended that the Governing Body decide to refer the case to the said Commission.

408. From then on, that is, since March 1965, the date on which the recommendations of the Committee on Freedom of Association in this regard were approved by the Governing Body, the case has been before the Fact-Finding and Conciliation Commission.

409. The Commission held a First Session in July 1965, on which occasion it examined the constituent elements of the case, determined the procedure which it intended to follow and established its programme of work; this programme was to include a Second Session at which the parties and their witnesses would be heard, a visit to Greece, and a final session at which the Commission would draw up a report which would include suggestions and recommendations on the substance of the case aiming at finding a solution to the problems raised in the complaint. The date for the Second Session was originally set for 6 January 1966 but, at the request of the Government and with the consent of the complainant, was postponed until July 1966.

Withdrawal of the Complaint

410. Shortly before the Second Session of the Commission, in June 1966, a new element appeared in the form of a request addressed to the Commission by the complainant asking it to consider the dispute which was at the origin of the complaint as coming to an end.

411. The Commission held its Second Session in July 1966. On this occasion it considered that the first task incumbent upon it was to define its position in the light

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1 See 78th Report, paras. 331-333, and 80th Report (see Ch. 2 above).
Conclusions

of the special circumstances created by the withdrawal of the complaint which had been referred to it.

412. The first question for the Commission to determine was whether the mere fact that the complainant had withdrawn his complaint was sufficient to terminate automatically its consideration of the case. If not, it would be for the Commission to decide whether the procedure which had been initiated should be continued or not.

413. In reaching a decision on this point the Commission has taken account of a number of considerations.

414. As a matter of principle and independently of the present case, the Commission considers that the first reason for not permitting the withdrawal of a complaint automatically to bring the procedure to an end is that situations could be envisaged in which the complainant might have been led to withdraw his complaint as a result of pressure brought to bear upon him; a case ought not to be closed, therefore, without the Commission first being assured that such a withdrawal fully represents the freely expressed will of the author.

415. Again as a matter of general principle and with a view to avoiding any unfortunate consequences which might arise in future cases submitted to the Commission, the Commission, considering that it is conceivable that a complainant might for personal reasons make use of its procedure as a means of pressure against the opposite party, believes that such a use of its procedure would be contrary both to the objectives for which the procedure was set up and to the dignity of the International Labour Organisation, and that to prevent such an occurrence it is important that in all circumstances the Commission itself should be responsible for taking the final decision as to whether the withdrawal of a complaint should or should not entail the interruption of the procedure.

416. Moreover, from the moment that a procedure is initiated in which several parties participate, a request for the interruption of that procedure—even if made by the complainant—is not sufficient to cause the body entrusted with the examination of the case automatically to cease to proceed further with the case. That body should be able, in the first place, to hear the opinion of all the parties to the case on the request for withdrawal. In this regard the Commission wishes to stress another important consideration which arises from the nature both of the Commission’s terms of reference and of its procedures. The Commission considers that as from the moment when a case is referred to it following the filing of a complaint, the consent of the Government that it should be referred to the Commission and the referral of the question to it by decision of the Governing Body of the I.L.O., the case in question is no longer a matter of a simple dispute between the parties involved; it acquires the character of a public inquiry, under public control and the results of which will be heard by a public much wider than just the parties themselves. Accordingly, such a case no longer belongs to the parties alone. It follows that even if they are all agreed that the procedure initiated should be terminated, this cannot be the only element to be taken into account in deciding whether or not the procedure is to be interrupted.

417. The Commission notes further that the withdrawal of the complaint by those who had filed it has resulted in a situation which has already arisen in the framework of other I.L.O. procedures, in regard both to freedom of association and to other international labour standards, and that the Governing Body, on the basis of conclusions drawn up by bodies which report to it, has followed principles analogous to
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those of which the Commission as an independent and impartial body has taken account in the present case.

418. Thus the Commission noted that, as early as 1937, in connection with two complaints submitted respectively by the Madras Labour Union of Textile Workers 1 and by the Société de Bienfaisance des Travailleurs de l’Ile Maurice 2, in conformity with article 23 of the Constitution of the I.L.O. (now article 24), the Governing Body had formulated the principle that, once a representation had been submitted to it, it alone was competent to decide what effect should be given to it and that “the withdrawal by the organisation making the representation is not always proof that the representation is not receivable or is not well founded”.

419. The Committee on Freedom of Association of the Governing Body, when confronted with a similar situation 3, considered that the desire expressed by an organisation which had submitted a complaint to withdraw this complaint constituted an element of which full account should be taken, but was not sufficient in itself for the Committee to automatically cease to proceed further with the case.

420. Acting on the basis of the principle formulated by the Governing Body, the Committee on Freedom of Association decided that it alone was competent to evaluate in full freedom the reasons put forward to explain the withdrawal of a complaint and to endeavour to establish whether these appeared to be sufficiently plausible so that it might be concluded that the withdrawal was made in full independence.

421. As the Committee had noted, there might be cases in which the withdrawal of a complaint by the organisation presenting it was the result not of the fact that the complaint had become without purpose but of pressure exercised by the Government against the complainants, the latter being threatened with an aggravation of the situation if they did not consent to this withdrawal. 4

1 In this case, relating to a representation submitted by the Madras Labour Union of Textile Workers and at the subsequent request of this organisation that the Governing Body should defer the action envisaged, the Governing Body approved a report of a committee set up by it, which contained the following passages:

3. . . . The Committee noted that in the case before it there is no question of the representation being withdrawn. In such a case it might be necessary for the Committee to inquire fully into all the circumstances in order to satisfy itself that no improper pressure had been applied in order to secure the withdrawal of the representation. No question of that kind arises in the present case in which the organisation responsible for the representation merely requests the suspension of the proceedings.

4. Since the proceedings upon a representation are at all times under the control of the Governing Body, it is for the Governing Body to decide whether they shall be suspended. That is indeed recognised in the communication from the Madras Labour Union of Textile Workers which confines itself to “suggesting” that further action in this matter be “deferred”. It will however be natural for the Governing Body, even though it must take its decision upon its own responsibility, to attach very great weight to the fact that the association which made the representation no longer wishes to press it. (Official Bulletin, Vol. XXII, No. 2, 15 July 1937, p. 65.)

2 In this case, relating to the representation submitted by the Société de Bienfaisance des Travailleurs de l’Ile Maurice and to the subsequent request by which this organisation had requested the Governing Body to “suspend the examination of the representation” in view of the fact that “the British Government has appointed a committee of inquiry in Mauritius in order to establish other conditions of work in this country”, the Governing Body approved a report by a committee set up by it, which contained the following passage:

3. Mr. Cure’s communication does not entail the automatic withdrawal of the representation from the agenda of the Governing Body. Indeed, when a representation is made to it, the Governing Body alone is competent to decide what effect shall be given to it. The withdrawal by the organisation making the representation is not always proof that the representation is not receivable or is not well founded. (Official Bulletin, Vol. XXIII, No. 2, 30 June 1938, pp. 60-61.)

3 See 12th Report, Case No. 66 (Greece), para. 157; 34th Report, Case No. 130 (Switzerland), para. 24.

4 See 12th Report, Case No. 66 (Greece), para. 158; 34th Report, Case No. 130 (Switzerland), para. 24.
Conclusions

422. In view of all the above considerations, the Fact-Finding and Conciliation Commission therefore considers that it is not precluded from further examination of the case by the mere fact of the withdrawal of the complaint.

423. The Commission was next faced with the question of determining whether Mr. Makris, who was the signatory of the request for the withdrawal of the complaint, was duly authorised to make such a request. The Commission notes that the executive of G.G.C.L. which had filed the complaint had since ceased to hold office and that Mr. Makris is no longer the General Secretary of that organisation. The Commission has therefore considered whether, in these circumstances, Mr. Makris should not be regarded as a private person, and, consequently, not entitled to withdraw a complaint which he had filed in the name of a legal entity.

424. Nevertheless, the Commission has not thought fit to adopt this viewpoint. Inasmuch as it was as a consequence of the entry into force of new legislative provisions, which had been the subject of the complaint, that the executive of G.G.C.L. and, with it, its General Secretary, had been removed, the Commission considers that it should treat as receivable the request for the withdrawal of the complaint which has been submitted by the General Secretary of the complainant originally in office acting in the name of the co-signatories of the said complaint.

425. In coming to this conclusion the Commission has been influenced by the analogy with certain principles contained in the First Report of the Committee on Freedom of Association which had indicated that it might be possible for it to be suggested that persons claiming to act in the name of a trade union organisation were not so authorised to act on the pretext that the organisation in question had been dissolved or that the complainants no longer resided in the country concerned; the Committee considered that it would not be in keeping with the goal for which the procedure for the examination of complaints of violations of freedom of association had been conceived to admit that the dissolution or pretended dissolution of an organisation by governmental action could terminate that organisation’s right to invoke the said procedure.

426. Problems might indeed have arisen if differences of view regarding the request for withdrawal of the complaint had emerged between the former and the present executive of G.G.C.L. or if the request for withdrawal had come from the present executive and not from the original complainant, but, in the event, the request for withdrawal did not give rise to any objections from any of the persons concerned.

427. Having decided that its consideration of the case was not automatically ended by the request for the withdrawal of the complaint, but that the request for withdrawal was technically receivable, the Commission considered that before coming to a decision on the request for the termination of the case, it must, as one element in that decision, hear the views of all the parties and ascertain the stage that the matter had reached.

428. Only after such an examination of the position would it be possible for the Commission to decide how it should exercise its discretion to close or continue the proceedings.

429. At this stage the Commission feels that it ought to point out that Mr. Makris, General Secretary of G.G.C.L. at the time of the filing of the complaint, has failed to
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appear in person before the Commission, having merely sent someone authorised to represent him.¹

430. It has noted the explanation given by Mr. Makris's representative for his absence, which was to the effect that it was only on 18 June 1966 that he had been elected President of the Athens Workers' Centre and it was his duty to convene a meeting of the elected members of the Board with a view to organising the election of the other constitutional organs of the Centre; this prevented him from travelling to Geneva to be heard by the Commission.¹

431. The Commission notes that the decision to hold the elections mentioned in the preceding paragraph could have been taken at any time during the past 18 months, and that Mr. Makris was personally informed more than three months ago of the date fixed for the Second Session of the Commission, which has indicated to him several times that it would like him to participate personally in this session.

432. Mr. Makris, as has been seen, was General Secretary of G.G.C.L. at the time of the filing of the complaint and co-signatory of the latter. He was the author and sole signatory of the letter withdrawing the complaint. In the view of the Commission, when a person files a complaint which he subsequently requests the Commission to consider as withdrawn, that person has an obligation to respond to a formal request from the Commission by appearing before it to justify such a request in person. In any event, it appears to the Commission that the absence of Mr. Makris was not due to any outside pressure.

433. With a view to arriving at conclusions concerning the effect to be given to the request for withdrawal of the complaint, the Commission considered that it should, on the one hand, ascertain the conditions in which the complainant had been led to withdraw his complaint and, on the other hand, determine the stage that the matter had reached, taking account of the facts of the case.

434. As regards the conditions in which the complainant has been led to withdraw his complaint, it appears from the statements of his representative that the withdrawal has been made freely by the complainant, as a result of various considerations relating to developments in the trade union situation, the marked lessening of the tension which had previously existed in this field and the prospects which he considered to exist for the settlement of certain outstanding questions by means of discussions with the Government.

435. As regards the stage that the matter has reached, this can briefly be summed up as follows, from the points of view of the three principal questions raised by the case, namely the legislative questions, the problem of the financing of trade union organisations, and the repeated postponement of the Congress of G.G.C.L., which was charged with making arrangements for the election of the executive of the Confederation.

LEGISLATIVE QUESTIONS

436. As regards the legislation and, in particular, Legislative Decree No. 4361 of 1964 which was the subject of the complaint, the Commission noted during the hearings held at its Second Session that the problems raised originally by the promulgation of the decree at issue appeared to have lost much of their acuteness.

¹ See Ch. 11.
437. The complainant, who at the time of filing the complaint alleged that several sections of the legislative decree conflicted with the principles of freedom of association and, particularly, with those laid down by the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), ratified by Greece, admits that the application of these sections has not been as prejudicial to the exercise of trade union rights as he had feared and, indeed, in certain respects has been beneficial.

438. Thus the Commission observes from the statements made by the representatives of the parties that the trade union elections carried out in accordance with the system established by Legislative Decree No. 4361 proceeded normally in approximately 90 per cent. of the first- and second-degree trade union organisations affiliated to G.G.C.L.

439. It appeared to the Commission during the hearings that the only provision of the legislative decree to which the complainant still had some objections was that reinforcing judicial supervision of trade union elections, which had already existed in the past to a certain extent and had not given rise to objections by the trade unions. However, the complainant admitted that this provision had not engendered any difficulties during the recent elections. Moreover, another union officer heard by the Commission stated that he was in favour of the maintenance of this provision, which in his view tended to ensure the authenticity of elections and to prevent the perpetration of frauds in this field.

440. Furthermore, in regard to this point, as on other aspects of Greek trade union legislation, the Commission notes that the Minister of Labour, without having hitherto given or wishing to give any assurance as to the specific measures which might be taken, has declared his willingness to undertake consultations with the workers of the country, as represented by the executive of G.G.C.L. to be elected by the 15th Congress of that Confederation, with a view to jointly examining possible solutions to problems of concern to the workers. The Commission also observes, from the statements of the parties, that various legislative measures taken in the interest of the workers after the filing of the complaint have been appreciated by the complainant and have given rise to a measure of confidence in the outcome of future discussions.

441. There is, without any doubt, cause to welcome the tendency which thus seems to be developing in Greece towards greater collaboration between workers’ organisations and the public authorities in the construction of a satisfactory system of trade union law.

442. In this context, stress should be laid on the importance, in any future legislative reform—which would also provide an opportunity for the highly desirable codification of the various texts dealing with trade union rights—of ensuring that the provisions of the new legislation are in full conformity with those of the relevant international labour Conventions ratified by Greece. The Government appears to be aware of this necessity, since the Minister of Labour himself, in the statements he made before the Commission, expressed his determination to follow and to take into account any observations concerning freedom of association which might be made in future by the I.L.O. Committee of Experts on the Application of Conventions and Recommendations.
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FINANCING OF TRADE UNION ORGANISATIONS

443. The question of the financing of trade union organisations arose, in the case before the Commission, in connection with allegations concerning the allocation of funds to the various trade union organisations through the Workers' Club.

444. There can be no doubt of the considerable importance, from the point of view of the free exercise of trade union rights, of the question of financing trade union organisations by means of compulsory contributions and, since 1954, through a public body, the Workers' Fund (which in 1965, for example, according to information supplied by the Government, distributed some 27 million drachmas, or roughly United States $900,000, among the various trade union organisations in the country). It becomes immediately apparent that such a system is liable to permit abuses by bestowing on the public authorities means of pressure which may affect the autonomy and independence of workers' organisations.

445. On more than one occasion during the past ten years the Committee on Freedom of Association, when considering various complaints submitted to it on this matter, has drawn the attention of the Government to the dangers inherent in a system of financing through the Workers' Fund.¹

446. At its Second Session the Commission noted that all the parties concerned and all the persons heard by it in the present case, without exception, agreed that it was essential to abolish the existing system of financing the trade union organisations. The Commission has noted, in particular, the firm intention expressed by the Minister of Labour to bring to an end the system now in force. It is true that all the parties did not express identical views as to the system which should replace the present one. The Minister of Labour contemplated in general terms a system of voluntary contributions, based on regular dues from members of workers' organisations, paid directly to these organisations. For his part, the representative of the complainant referred to provisions which would permit collective agreements and arbitration awards to grant to trade unions the right to collect through employers the contributions due from their members under their rules. Other persons heard by the Commission also mentioned agreements at the undertaking level and general collective agreements. Notwithstanding these differences of view as to the methods to be adopted, as already mentioned, there was unanimous and clear agreement on the need to abolish the existing system. The Commission feels bound to emphasise the importance and urgency of such a reform.

447. The Commission notes from the statements made before it by the Minister of Labour that a committee has been appointed to examine the means through which the existing system of financing the trade union organisations might be replaced, that this committee has already begun its work and that it has, in particular, sought the views of the most important trade union organisations in the country on the matter. The Commission has also noted that the Minister intends, on the basis of the conclusions reached by the committee, to enter into discussions with the future elected executive committee of G.G.C.L. with a view to finding a solution to this important question.

448. Whatever solution may be adopted, and even if it should be preceded by a transitional period, care should be taken in working out the new system to ensure that

¹ See Ch. 8 above.
it will not infringe, either directly or indirectly, the rights guaranteed by the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), which Greece has ratified. The enjoyment of these rights presupposes financial independence and requires that workers' organisations should not be financed in a manner which would make them dependent upon the discretionary decisions of the public authorities or would impair the right of workers to establish and join organisations of their own choosing.

POSTPONEMENT OF ELECTIONS OF A PERMANENT EXECUTIVE COMMITTEE OF THE GREEK GENERAL CONFEDERATION OF LABOUR

449. The Commission noted that by virtue of Legislative Decree No. 4361, read together with section 69 of the Civil Code, the executive committee of G.G.C.L. then in office was removed in November 1964 and replaced by a provisional executive appointed by the courts. This provisional executive committee was charged essentially with the preparation of the 15th Congress of G.G.C.L., which in turn was to be responsible for organising the election of a permanent executive committee. The Commission also noted that since the above-mentioned date, in further application of section 69 of the Civil Code, there had been a succession of several provisional executive committees of G.G.C.L. appointed by the courts, with the consequence that there were repeated postponements of the 15th Congress of the Confederation. Thus, between 23 November 1964 and 24 July 1966 (the date on which the Congress is to meet) there will have been no less than seven postponements.

450. The Commission is aware that the proceedings which have resulted in these successive postponements may reflect divergences within the Greek trade union movement. It is however the case that on the basis of section 69 of the Civil Code and as a result of numerous appeals to the courts, the functioning of the provisional executive committees of G.G.C.L. was impeded and the holding of the Congress delayed.

451. Quite apart from the instability which this situation produced, it may also be wondered whether the existing system may not place the courts in a difficult position by requiring them to settle complex issues of fact in regard to which they may not possess precise elements of appreciation or criteria.

452. In these circumstances the Commission considers that the appointment of a provisional trade union executive committee by the courts can be justified only as an exceptional and essentially provisional measure, providing transitional arrangements pending its replacement, in the shortest possible time, by an executive elected by the workers concerned.

453. It accordingly appears important to reconsider the present system, which involves serious disadvantages.

454. The Commission must now indicate its position concerning the case as a whole and the request made that since the dispute which had arisen was coming to an end the procedure should be terminated.

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2 Art. 2 of Convention No. 87.
3 See Ch. 3 above.
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455. In this regard the Commission must be guided by the twofold nature of its terms of reference; it is, on the one hand, an investigating body charged with ascertaining the facts concerning the allegations relating to infringements of trade union rights submitted to it, and, on the other hand, a conciliation body, authorised to examine, together with the government concerned, situations which have been submitted for its investigation, with a view to securing their adjustment by agreement between the parties concerned.\(^1\)

456. While in its capacity as an investigating body it is the duty of the Commission to point out in its report the facts which it has found, as an organ of conciliation it must pay special attention to any possibilities of agreement between the parties which may appear in the course of its examination of a situation referred to it.

457. In the case at issue, and without prejudging the future evolution of the situation, the Commission has taken note of the change of atmosphere as between the time when the dispute arose and the date on which the withdrawal of the complaint was requested, a change of which the request for withdrawal was one manifestation.

458. Positions which appeared irreconcilable when the case was referred to the Commission seem today to be less rigid. Some of the fears originally expressed by the complainant have, according to the complainant itself, been largely dissipated. There appear to have been signs of good will on both sides, and there appears to be a reasonable prospect of finding a basis for agreement in a field where only a few months ago this seemed to be impossible. Admittedly, the outlook is not yet entirely clear and will depend to a very large extent on the holding of the forthcoming Congress of G.G.C.L. and the subsequent developments.

459. In this connection, having noted that the Government had confined the undertakings given by it to the assurance that it would enter into negotiations on problems concerning the trade union movement with the representatives of the workers to be elected by the 15th Congress of G.G.C.L., the Commission has considered whether it should await the result of the Congress and the negotiations which will follow before formulating any conclusions on the case.

460. The Commission has thought it preferable to formulate conclusions at this time. Inasmuch as all the parties concerned have indicated their agreement to this course, it seems to the Commission that it is by accepting the request to put an end to the procedure on the international level that it can best facilitate the future negotiations which are foreseen on the national level.

461. Thus, it clearly appears from the statements made before the Commission at its Second Session that all the parties concerned are agreed in believing that there would be a better prospect of settling remaining points of disagreement if a solution were sought at the national level.

462. Moreover, as the Minister of Labour of Greece himself stated to the Commission during the same session, the question of the conformity of the legislation and practice in Greece, on the legal level, with the provisions of the freedom of association Conventions ratified by Greece will continue to be examined by the Committee of Experts on the Application of Conventions and Recommendations within the framework of the procedure established by the I.L.O. for the supervision of the application

\(^1\) See First Report of the Committee on Freedom of Association, para. 13.
of ratified Conventions. In this connection the Commission has taken note of the statement of the Minister of Labour that he is prepared to pay serious attention to any remarks that the Committee of Experts may formulate on the subject, in particular concerning Legislative Decree No. 4361 which was the subject of the complaint referred to the Commission. The Commission desires that the attention of the Committee of Experts should be drawn to this statement.

463. In these circumstances, taking account of the request made to it by the complainant and of the consensus of all the parties on this point, having regard to the existence of the regular procedures of the I.L.O. for the examination of the application of ratified Conventions, and bearing in mind that one of the objects set forth by its terms of reference is to promote conciliation of the parties in cases which are submitted to it, the Commission considers that the continuation of the case on the international level would not be appropriate and might prejudice the success of the efforts which seem about to be made on the national level to overcome the difficulties which have arisen and to find a solution, which the Commission hopes will be lasting, to the problems relating to the trade union situation in Greece.

464. The Commission has therefore decided to consider the procedure in the present case as terminated.


(Signed) Erik Dreyer,
Chairman.

César Charlone.

Jacques Ducoux.