Report of the Commission Appointed under Article 26 of the Constitution of the International Labour Organisation to Examine the Complaints concerning the Observance by Greece of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), Made by a Number of Delegates to the 52nd Session of the International Labour Conference

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Filing of Complaints and Establishment of the Commission

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FILING OF COMPLAINTS AND ESTABLISHMENT
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Filing of Complaints

1. On 25 June 1968, during the 52nd Session of the International Labour Conference, the Director-General of the International Labour Office received from Messrs. H. Beermann, J. Morris, S. B. Vognbjerg and O. Sunde, respectively Workers' delegates from the Federal Republic of Germany, Canada, Denmark and Norway to the 52nd Session of the International Labour Conference, a communication filing a complaint under article 26 of the Constitution of the ILO, indicating that they were not satisfied that the Government of Greece was securing the effective observance of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).1

2. On 25 June 1968, during the 52nd Session of the International Labour Conference, the Director-General of the International Labour Office also received a communication from Mr. Josef Hlavíčka, Workers' delegate from Czechoslovakia to the 52nd Session of the International Labour Conference, filing a complaint under article 26 of the Constitution of the ILO, indicating that he was not satisfied that the Government of Greece was securing the effective observance of 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). By a letter of 26 June 1968 Mr. Hlavíčka also addressed to the Director-General a note containing more detailed information supporting his complaint.2

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1 The text of this communication is reproduced in Appendix I of the present report.
2 The text of these communications is reproduced in Appendix II of the present report.
Trade Union Rights in Greece

Provisions of 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)

3. 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), were ratified by Greece on 30 March 1962 and came into force for Greece on 30 March 1963. The substantive provisions of these instruments are as follows.

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

Article 2
Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.

Article 3
1. Workers' and employers' organisations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes.

2. The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.

Article 4
Workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority.

Article 5
Workers' and employers' organisations shall have the right to establish and join federations and confederations and any such organisation, federation or confederation shall have the right to affiliate with international organisations of workers and employers.

Article 6
The provisions of Articles 2, 3 and 4 hereof apply to federations and confederations of workers' and employers' organisations.

Article 7
The acquisition of legal personality by workers' and employers' organisations, federations and confederations shall not be made subject to conditions of such a character as to restrict the application of the provisions of Articles 2, 3 and 4 hereof.

Article 8
1. In exercising the rights provided for in this Convention workers and employers and their respective organisations, like other persons or organised collectivities, shall respect the law of the land.
Filing of Complaints and Establishment of the Commission

2. The law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Convention.

Article 9

1. The extent to which the guarantees provided for in this Convention shall apply to the armed forces and the police shall be determined by national laws or regulations.

2. In accordance with the principle set forth in paragraph 8 of article 19 of the Constitution of the International Labour Organisation the ratification of this Convention by any Member shall not be deemed to affect any existing law, award, custom or agreement in virtue of which members of the armed forces or the police enjoy any right guaranteed by this Convention.

Article 10

In this Convention the term "organisation" means any organisation of workers or of employers for furthering and defending the interests of workers or of employers.

Article 11

Each Member of the International Labour Organisation for which this Convention is in force undertakes to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise.

RIGHT TO ORGANISE AND COLLECTIVE BARGAINING CONVENTION, 1949 (No. 98)

Article 1

1. Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.

2. Such protection shall apply more particularly in respect of acts calculated to—
   (a) make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership;
   (b) cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities outside working hours or, with the consent of the employer, within working hours.

Article 2

1. Workers' and employers' organisations shall enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

2. In particular, acts which are designed to promote the establishment of workers' organisations under the domination of employers or employers' organisations, or to support workers' organisations by financial or other means, with the object of placing such organisations under the control of employers or employers' organisations, shall be deemed to constitute acts of interference within the meaning of this Article.

Article 3

Machinery appropriate to national conditions shall be established, where necessary, for the purpose of ensuring respect for the right to organise as defined in the preceding Articles.
Trade Union Rights in Greece

Article 4

Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilisation of machinery for voluntary negotiation between employers or employers’ organisations and workers’ organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements.

Article 5

1. The extent to which the guarantees provided for in this Convention shall apply to the armed forces and the police shall be determined by national laws or regulations.

2. In accordance with the principle set forth in paragraph 8 of article 19 of the Constitution of the International Labour Organisation the ratification of this Convention by any Member shall not be deemed to affect any existing law, award, custom or agreement in virtue of which members of the armed forces or the police enjoy any right guaranteed by this Convention.

Article 6

This Convention does not deal with the position of public servants engaged in the administration of the State, nor shall it be construed as prejudicing their rights or status in any way.

Provisions of the Constitution of the International Labour Organisation concerning Complaints relating to Ratified Conventions

4. The following provisions of the Constitution of the International Labour Organisation regulate the procedure following complaints concerning the observance of ratified Conventions:

Article 26

1. Any of the Members shall have the right to file a complaint with the International Labour Office if it is not satisfied that any other Member is securing the effective observance of any Convention which both have ratified in accordance with the foregoing articles.

2. The Governing Body may, if it thinks fit, before referring such a complaint to a Commission of Inquiry, as hereinafter provided for, communicate with the government in question in the manner described in article 24.

3. If the Governing Body does not think it necessary to communicate the complaint to the government in question, or if, when it has made such communication, no statement in reply has been received within a reasonable time which the Governing Body considers to be satisfactory, the Governing Body may appoint a Commission of Inquiry to consider the complaint and to report thereon.

4. The Governing Body may adopt the same procedure either of its own motion or on receipt of a complaint from a delegate to the Conference.

5. When any matter arising out of article 25 or 26 is being considered by the Governing Body, the government in question shall, if not already represented thereon, be entitled to send a representative to take part in the proceedings of the Governing Body while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the government in question.
Filing of Complaints and Establishment of the Commission

Article 27

The Members agree that, in the event of the reference of a complaint to a Commission of Inquiry under article 26, they will each, whether directly concerned in the complaint or not, place at the disposal of the Commission all the information in their possession which bears upon the subject-matter of the complaint.

Article 28

When the Commission of Inquiry has fully considered the complaint, it shall prepare a report embodying its findings on all questions of fact relevant to determining the issue between the parties and containing such recommendations as it may think proper as to the steps which should be taken to meet the complaint and the time within which they should be taken.

Article 29

1. The Director-General of the International Labour Office shall communicate the report of the Commission of Inquiry to the Governing Body and to each of the governments concerned in the complaint, and shall cause it to be published.

2. Each of these governments shall within three months inform the Director-General of the International Labour Office whether or not it accepts the recommendations contained in the report of the Commission; and if not, whether it proposes to refer the complaint to the International Court of Justice.

Article 31

The decision of the International Court of Justice in regard to a complaint or matter which has been referred to it in pursuance of article 29 shall be final.

Article 32

The International Court of Justice may affirm, vary or reverse any of the findings or recommendations of the Commission of Inquiry, if any.

Article 33

In the event of any Member failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Inquiry, or in the decision of the International Court of Justice, as the case may be, the Governing Body may recommend to the Conference such action as it may deem wise and expedient to secure compliance therewith.

Article 34

The defaulting government may at any time inform the Governing Body that it has taken the steps necessary to comply with the recommendations of the Commission of Inquiry or with those in the decision of the International Court of Justice, as the case may be, and may request it to constitute a Commission of Inquiry to verify its contention. In this case the provisions of articles 27, 28, 29, 31 and 32 shall apply, and if the report of the Commission of Inquiry or the decision of the International Court of Justice is in favour of the defaulting government, the Governing Body shall forthwith recommend the discontinuance of any action taken in pursuance of article 33.
Trade Union Rights in Greece

Summary of Measures Taken by the Governing Body Following the Filing of the Complaints

5. At its 173rd Session on 13 November 1968, the Governing Body adopted a report of its Officers containing a recommendation to take the following decisions:

(a) The Government of Greece, as the Government against which the complaints have been filed, should be requested by the Director-General to communicate to him its observations by 15 January 1969 at the latest.

(b) In accordance with the provisions of paragraph 5 of article 26 of the Constitution, the Governing Body should invite the Government of Greece to send a representative to take part in the proceedings of the Governing Body at subsequent sessions at which the matter is under consideration; in conveying this invitation to the Government of Greece, the Director-General should inform it that the Governing Body proposes to consider the matter at its 174th Session, which will be held in Geneva in February-March 1969.

(c) The Governing Body should at its 174th Session consider, in the light of the complaints received and the information which may be furnished by the Government of Greece, whether the two complaints should be referred to a Commission of Inquiry.

6. The observations which were requested from the Government of Greece by letter of 14 November 1968 were received by the Director-General on 16 January 1969 in the form of a communication dated 14 January 1969, the entire text of which is contained in Appendix III of the present report.

7. At its 174th Session (March 1969) the Governing Body adopted a report of its Officers in which it was stated:

The Officers of the Governing Body ... recommend that the Governing Body deal with the matter at this stage in exactly the same way as it dealt with the two previous complaints, relating to Portugal and Liberia, by referring the whole question without further discussion to a Commission appointed in accordance with article 26 of the ILO Constitution.

Composition of the Commission

8. On 6 March 1969, at its 174th Session, the Governing Body adopted the following proposal of the Director-General concerning the composition of the Commission:

Chairman : The Right Hon. Lord Devlin (United Kingdom), Privy Councillor, High Court Judge in the Queen's Bench Division (1948-60), Lord Justice of Appeal (1960-61), Lord of Appeal in Ordinary (House of Lords and Judicial Committee of the Privy Council) (1961). Judge of the Administrative Tribunal of the ILO.

Members :
Mr. Jacques Ducoux (France), Councillor of State, member of the Fact-Finding and Conciliation Commission on Freedom of Association which examined the trade union situation in Greece in 1966.
Mr. M. K. Vellodi (India), former Prime Minister of the State of Hyderabad, former Secretary of State and Secretary of the Ministry of Defence of India, and former Ambassador of India to Switzerland.

1 A more detailed description of the measures taken by the Governing Body and of the discussions in the Governing Body are to be found in Appendix IV of the present report.
Filing of Complaints and Establishment of the Commission

The Director-General of the ILO (then Mr. David A. Morse) appointed Mr. Wilfred Jenks, at that time Principal Deputy Director-General of the ILO, to be his representative at the Commission. Mr. Wilfred Jenks, following his appointment as Director-General of the ILO, appointed Mr. Francis Wolf, Legal Adviser of the ILO, to be his representative at the Commission.
CHAPTER 2

COMPLAINTS AND REPLIES BY THE GOVERNMENT

9. The Commission made an examination of the allegations contained in the two complaints filed, and these together with the Government’s replies thereto may be summarised under the following headings:

**Dissolution of Trade Unions and Confiscation of Assets**

10. The complainants alleged that a large number of trade unions were dissolved by the military authorities immediately following 21 April 1967. The figures given in this connection ranged from 146 to over 280 trade union organisations. The assets of the organisations so dissolved, it was alleged, were confiscated by the authorities and in accordance with legislation promulgated at a later date these assets would be handed over to successor organisations which could in no way be considered to be independent of the military authorities.

11. In its reply the Government stated that the law concerning the state of siege was put into effect on 21 April 1967 and that it was found necessary to dissolve those trade unions which, for some time, had diverged from their true goal and had come under the control of Communists devoted to the political aim of overthrowing the Government. It added that no occupational organisation pursuing legitimate ends was affected. The assets of the dissolved trade unions would pass, by virtue of decisions of the ordinary courts, to successor organisations pursuing similar objectives.

**Deportation and Imprisonment of Trade Unionists**

12. It was alleged in the complaints that on the night of the coup d'état more than 1,500 trade union members were deported without any bill of indictment being drawn up against them.

13. It was also alleged that a great number of trade unionists had been arrested and continued to be kept in prison. In this connection a statement made by the representative of the Greek Government was quoted in which he said that 122 trade unionists were in detention for “alleged offences unrelated to their trade union activities, some for political offences”.

14. No one had been deported, stated the Government, on the grounds of his trade union activities or his position as a trade unionist. It pointed out that the number of persons deported for reasons of national security had already fallen and was continuing to do so. The number deported was much smaller than the number deported by previous parliamentary governments under the same procedure.

15. On the question of imprisonment the Government replied that anyone arrested and imprisoned had been carrying on Communist and not trade unionist activities or had committed offences against the state security laws. Imprisonments respected the provisions of the law concerning the state of siege and were subject to the safeguards afforded by the military tribunals operating under the chairmanship of ordinary judges and following the procedure of the Military Criminal Code.
Complaints and Replies by the Government

Arrest and Interrogation of Trade Unionists

16. It was alleged that the military Government could arrest any person without formality, prolong indefinitely the period during which these persons remained under arrest, prohibit bail, and withdraw arrested persons from the ordinary judges.

17. The Government contended that it was quite untrue that persons were being arrested without any formal protection and without the safeguards which governed the operation of military tribunals.

Dismissals of Trade Union Officers by the Authorities

18. The complainants alleged that many trade union leaders had been dismissed from trade union office by the authorities.

19. The Government stated in reply to this complaint that trade union leaders were appointed by the tribunals whenever necessary, with instructions to hold elections within a few months’ time.

Interference by the Authorities in the Functioning of Trade Unions

20. The complainants contended that there had been interference by the authorities in the functioning of trade unions. In particular, as regards organisations which were still functioning, it was alleged that the police and the leadership of the Greek General Confederation of Labour (GGCL) attempted to oblige the legally elected leadership to resign. Further, administrative councils of trade unions were obliged to inform the police in advance of meetings envisaged in order to obtain authorisation from the authorities before these meetings could be held. The names of the members of the council, as well as the items on the agenda had also to be communicated to the police in advance. The complaint also alleged that the police were present at trade union meetings and that documents adopted were censored. It was further alleged that the constitutions of new “nationalist” organisations had to be drawn up by the legal adviser of the GGCL.

21. With regard to the allegation that trade union leaders were forced to resign the Government referred to its statement that trade union leaders were appointed by the tribunals whenever necessary, with instructions to hold elections within a few months’ time. In connection with trade union meetings the Government stated that, since the reintroduction of articles 10 and 11 of the Constitution of 1952 on 30 May 1968, occupational organisations were no longer obliged to inform the police of any matters in connection with their meetings. Under article 18 of the Constitution of 1968 the police could attend only public meetings. The Government stated that the legal adviser to the GGCL did give assistance in the drawing up of the constitutions of some of the organisations affiliated to the GGCL.

Establishment of New Unions

22. It was alleged that the partial suspension of the Constitution of 1952 in April 1967 resulted in the prohibition of the establishment of any organisation having trade union aims.

23. In denying this allegation, the Government indicated that, since 21 April 1967, 161 occupational organisations had been established.
Trade Union Rights in Greece

The Right to Strike

24. The right to strike, the complainants alleged, was entirely abolished following the suspension in April 1967 of several articles of the Constitution of 1952.

25. The Government contended that the right to strike had never been abolished in practice and that it was formally restored by article 19 of the Constitution of 1968. Strikes were prohibited only in the case of employees of local administrative authorities or other public services.

Loyalty Declarations

26. It was further alleged by the complainants that, under Act No. 516/1948 concerning loyalty clearance, the Government dismissed employees of banks and public services as a result of their trade union activity as well as all those who were not considered to sympathise with the dictatorial regime.

27. In reply to this allegation the Government stated that these dismissals involved only bank and state employees who were Communists or of “extremely depraved character”. Such persons had the right of appeal to special committees which had been operating regularly and many employees had been reinstated.

28. The complaints were filed, as has been noted, on 25 June 1968. Nearly a year later in 1969, two Legislative Decrees, Nos. 185 and 186, were enacted which introduced into Greek trade union law a number of new provisions. In the course of the hearings the new legislation was criticised as being in various ways restrictive of freedom of association and so in breach of Conventions Nos. 87 and 98. One criticism related to the provision summarised in paragraph 30 below, the effect of which was to remove from trade union office all those who had not spent a proportion of the preceding six years in actual work in the trade. It was contended that the object of this retrospective enactment—it is appreciated that the word “retrospective” is not in this connection strictly accurate, but it is one which can be used as a matter of convenience—was to remove from office a large number of existing holders and to enable their places to be filled by candidates favourable to the Government.

29. Apart from this feature, the provisions of the two Decrees, viewed as part of the permanent structure of trade union law, were attacked during the hearings and defended by the Government as improvements in the law. Concluding, therefore, that it was the view of both parties that the Commission should express its opinion upon these Decrees, notwithstanding that they were enacted after the filing of the complaints, the Commission will, in the succeeding paragraphs, summarise the points of criticism and the replies of the Government thereto.

Legislative Decree No. 185/1969

(a) Requirements for the Holding of Trade Union Office.

30. Reference was made to section 9 of this Decree, which provides that in order to be elected to trade union office, the candidate must have worked 600 days over the six years preceding the election, with a minimum of 50 days’ work in each year. It

1 See texts in Appendix V.
Complaints and Replies by the Government

was alleged that this rule constituted an arbitrary interference in the right of workers to elect their trade union representatives freely. Further, as a result of the retrospective effect of this provision all elected representatives who did not fulfil its requirements were removed from trade union office.

31. The Government, in reply, stated that this provision would ensure that, in future, all trade unions should be administered by the workers themselves instead of by persons, who, by not meeting this requirement, were not sufficiently in touch with the workers they represented or with their problems.

(b) Remuneration of Trade Union Officers, Staff and Legal Advisers.

32. It was alleged in this connection that section 10 of this Decree, which limits the remuneration trade unions may pay to the members of their executive committees and to their staff and legal advisers, restricted trade unions in the recruitment of suitable staff. It was also alleged that the provision was not applicable in the case of employers' organisations.

33. The Government stated that the purpose of this provision was to enable trade unions to meet their expenses from their own resources and it did not consider that the restriction implied by this section constituted an infringement of Convention No. 87.

(c) Dismissal of Trade Union Officers and Dissolution of Trade Unions.

34. A further criticism was made in connection with section 6 of this enactment, which lays down that trade union leaders and representatives shall be dismissed from office by court decision if they become involved in activities directed against the integrity of the State or its security, or its political or social regime; it also establishes that trade unions shall be dissolved by order of the court if their objects or activities are directed against the integrity of the State or its security, or its political or social order, or the civil liberties of the citizen. These provisions, it was alleged, enabled the authorities to regard any trade union activity as falling within their scope and to dissolve a trade union or remove its officers from office for any reason.

35. The Government considered that section 6 enabled an executive member of a trade union to be removed from office, or a trade union to be dissolved for any anti-constitutional activity. This was a rule favourable to the development of any trade union organisation.

(d) The Right to Strike.

36. Substantial limitations on the right to strike were, it was alleged, imposed by sections 3, 4 and 5 of Legislative Decree No. 185 and this right was in fact virtually suppressed. These provisions laid down, inter alia, that a strike for more than three days required the decision of the general assembly of a trade union and that even during a strike trade unions were obliged to ensure the functioning of the basic installations of the workplace.

37. In reply to this allegation the Government contended that the new provision prevented abuses in the exercise of the right to strike where the commencement of a strike was not decided by a competent body.
Trade Union Rights in Greece

Legislative Decree No. 186/1969

(a) Collective Bargaining.

38. The provisions of this Decree, it was alleged, *inter alia*, limited trade unions able to conclude collective agreements to those organisations which by fulfilling certain conditions, would be considered to be "representative". In addition, the right of the GGCL to conclude collective agreements fixing minimum wages was abolished and section 16 of this Decree laid down that, henceforth, minimum wages and salaries should be fixed by the joint decision of the Prime Minister, and the Ministers of Co-ordination, Industry and Labour.

39. The Government stated in this connection that in order to remedy the weaknesses in the representative capacity of trade unions, the legislation recognised, for collective bargaining purposes, only those of a certain size. As for minimum wages, the Government considered that it was responsible for the fixing of the minimum wage. Previously, the fixing of the minimum wage by collective bargaining between the GGCL and the most representative employers' organisations caused economic difficulties. The new legislation facilitated the negotiation of wages by occupational branch.

(b) Financing of Trade Unions.

40. It was alleged that, despite the new legislation, trade unions were financed through the Workers' Fund, a state-controlled body, and that this put them in the position of being under the financial supervision of the Government.

41. In reply to this allegation the Government stated that, under Legislative Decree No. 186, the members of those federations which concluded with the employers collective agreements concerning the retention of trade union dues would in future be excused from the payment of contributions to the Workers' Fund. Until the conclusion of such collective agreements the Workers' Fund was bound to accord financial aid proportionate to the number of members of each organisation who had voted, whereas previously it could grant such aid if it wished.
CHAPTER 3

PROCEDURE FOLLOWED BY THE COMMISSION

42. The Commission held four sessions: the object of the first, which took place in Geneva on 8 and 9 July 1969 was to enable the Commission to familiarise itself with the matter, to arrange its work and to formulate its procedure; the Second and Third Sessions of the Commission, held in Geneva from 1 to 13 October 1969 and from 6 to 16 April 1970 respectively, were essentially devoted to the hearing of witnesses; at its Fourth Session, held in Geneva from 5 to 14 October 1970 the Commission drew up its report.

43. During the First Session, the members of the Commission, in the presence of the Director-General of the International Labour Office, began with a solemn declaration in terms corresponding to that made by the judges of the International Court of Justice, whereby they undertook to carry out their duties and functions honourably, faithfully, with complete impartiality, and conscientiously.

44. Thereafter, the Commission set out the procedure which appeared most appropriate to follow for the examination of the complaints, and considered what arrangements would be necessary to enable it to obtain full and objective information on the questions before it.

45. The Commission therefore requested the complainants and the Government of Greece as well as—by reference to article 27 of the Constitution of the ILO—the governments of countries bordering upon Greece which were Members of the ILO, and of the twelve countries having the most important economic relations with Greece to supply information on the questions which had been submitted to it. The Commission also gave the opportunity of supplying information to it to the following non-governmental organisations: International Confederation of Free Trade Unions, World Confederation of Labour, World Federation of Trade Unions, International Organisation of Employers, Greek General Confederation of Labour and Federation of Greek Industrialists. The complainants, as well as those organisations invited by the Commission to send communications to the Commission, were informed that the competence of the Commission extended solely to the examination of the fulfilment by Greece of the obligations incumbent upon it as a result of ratifying the freedom of association Convention; that, consequently, political questions were outside its competence; that all documentation which might subsequently be submitted to it should relate to the matter with which the Commission was concerned; and that the Commission would not examine any matter falling outside its mandate.

46. The Commission moreover decided to hear witnesses and did so at its Second and Third Sessions. In this connection it stated that it would be prepared to consider requests from the complainants and from the Government regarding the hearing of any person who would be able to give important evidence relating to the matters in the case. It also expressed the wish that the Government should ensure the presence of a certain number of persons whom it wished to hear, namely the Minister of

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1 Namely, for the two categories, the Governments of the following countries: Belgium, Bulgaria, Cyprus, France, Federal Republic of Germany, Italy, Japan, Netherlands, Sweden, Switzerland, Turkey, USSR, United Kingdom, United States, Yugoslavia.
Trade Union Rights in Greece

Labour, the Minister of Justice or his representative and the Minister of the Interior or his representative. It also considered that it would be useful to hear Mr. Campanellis, acting Secretary-General of the GGCL at the time of the First Session, Mr. Makris, Secretary-General of the GGCL at the date the complaints were filed, Messrs. Papageorgiou, Dimitrakopoulos and Galatis, former provisional Secretaries-General of the GGCL, and Messrs. Bacatselos, Stambelos and Stamatis, Ministers of Labour who had held office within the two years preceding the month of April 1967. After its Second Session, the Commission invited to appear before it the Secretary-General of the GGCL who would be elected at the Congress of the GGCL to be held in the spring of 1970.

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47. Accordingly, the Commission had at its disposal evidence consisting mainly of two kinds: written information and oral testimony.

48. As for the former category, the Commission, on the one hand, had regard to the findings of the Fact-Finding and Conciliation Commission on Freedom of Association which had, in 1966, examined certain aspects of the trade union situation in Greece; and on the other hand, to the findings of the Committee on Freedom of Association, the Committee of Experts and the Conference Committee on the Application of Conventions and Recommendations on questions concerning the situation in Greece since that date. The basic information contained in the reports of those bodies was of considerable value to the Commission.

49. Of the governments to which the Commission referred by virtue of article 27 of the Constitution of the ILO, the Governments of the following countries replied: Belgium, Cyprus, Sweden, Switzerland, United Kingdom and United States. With the exception of the Government of Sweden, these Governments stated that they had no special information to supply to the Commission. The Government of Sweden submitted a memorandum containing information which it had at its disposal relative to the issues before the Commission and which dealt mainly with the effects of the state of emergency on the exercise of trade union rights.

50. Of the non-governmental international organisations to which the opportunity had been given to supply information, the following three organisations forwarded communications to the Commission: International Organisation of Employers, World Federation of Trade Unions and International Confederation of Free Trade Unions.

51. In the communication which it forwarded to the Commission, the International Organisation of Employers stated that it had no factual information to supply to the Commission; it indicated, however, that its relations with its affiliate in Greece, the Federation of Greek Industrialists, continued to be normal, and that it had not been informed by this organisation of any limitation on its freedom of action.

52. In the communications forwarded to the Commission by the World Federation of Trade Unions, an account was given of the effects on trade union activity of the abolition of constitutional guarantees, arrests, detention and deportation, without trial, of trade union leaders, the dissolution of trade unions and the confiscation of their assets, the dismissal of elected leaders and their replacement by persons nominated by those in power, the laying-off of leaders, the loyalty declara-
tion required by the authorities, the expulsion of trade unions from the GGCL, the restrictions on the right of meeting and on the freedom of the trade union press, and finally, the legislation introduced in 1969 on the subject (Legislative Decrees Nos. 185 and 186).

53. In the information which it supplied to the Commission, the International Confederation of Free Trade Unions gave an account of the effects of the state of emergency on the existence of trade union rights, the arrest of trade union leaders, the sentencing of some of them, the dissolution of occupational associations, the dismissal of leaders or pressures exercised on them to give up their offices, the imposition of new leaders, the control of meetings and the trade union press, and finally, the effects of Legislative Decrees Nos. 185 and 186 of 1969 on the exercise of freedom of association and collective bargaining.

54. As regards the Greek occupational organisations to which the opportunity had been given to supply information, the Federation of Greek Industrialists communicated a memorandum in the form of a legal opinion of the legal adviser to that organisation concerning the legislation in force on trade union matters and on the compatibility of this legislation with Conventions Nos. 87 and 98.

55. The GGCL, as such, sent no communication. Mr. Makris, however, its former Secretary-General, supplied information on the effects of the Legislative Decrees Nos. 185 and 186 of 1969 on the exercise of freedom of association.

56. The second source of information which the Commission had consisted in the hearings of the parties and of witnesses, who were heard at the Second and Third Sessions of the Commission.

57. The Commission established the following rules of procedure for these hearings:

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 and the complainants will each be requested to designate a representative 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. Political matters are outside its scope, and the opportunity to furnish evidence and to make statements is given only for the purpose of obtaining 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 entertain any information or statements of a political nature, or which relate 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.”
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.

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

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

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.

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

The Commission reserves the right to recall witnesses, if necessary.

At the Second Session of the Commission, the parties were represented as follows: for the Government of Greece, its agent, Mr. A. Tziras; counsellors, Messrs. A. Tomaras, Sp. Barras, Ef. Kyrakis, Pan. Panaretos and Pan. Paxinos. As for the complainants, Mr. Beermann, accompanied by Mr. H. Maier, took part in the sittings in his own name and also as the representative of Messrs. Morris and Sunde; Mr. Vognbjerg took part in the sittings in his own name and also as the representative of Mr. Sunde; Mr. Hlavička was represented by Mr. Boglietti. At the Third Session of the Commission, the parties were represented as follows: for the Government of Greece, its agent, Mr. A. Tziras; counsellors, Messrs. Tomaras and Paxinos. As for the complainants: Messrs. Morris, Sunde and Vognbjerg were represented by Mr. Beermann, who was himself represented by Mr. Maier as he was unable to be present in person at the sittings; Mr. Hlavička was represented by Mr. Boglietti.

At its Second Session, besides the representatives of the parties, the Commission heard Mr. Buiter, Secretary-General of the International Confederation of Free Trade Unions, who had been proposed by Messrs. Morris, Sunde and Vognbjerg; Mr. Mavridis, former legal adviser of various Greek trade unions, who had left Greece in October 1967, and Mr. Hadjiandreou, Liaison Officer for Greek Workers in Germany, a member of the executive committee of the Union of Metalworkers of the Confederation of Unions of the Federal Republic of Germany, who had left Greece for good in 1965, both of whom had been proposed by Mr. Beermann; Mr. Iannopoulos, who had been dismissed from office as Vice-President of the Union of Trolleybus Workers of Athens and Piraeus and as an executive member of the Federation of Public Service Workers after April 1967, and who had left Greece in July 1968, proposed by Mr. Hlavička. The representatives of the Government decided not to be present during the hearing of the Greek witnesses who were no longer resident in Greece (Mavridis, Hadjiandreou and Iannopoulos). However, in order to maintain equality between the parties the Commission communicated to the representatives of the Government the stenographic record relating to these hearings.

Of the Ministers of Labour who had held office in the course of the two years preceding the month of April 1967, and who had been invited by the Commission to give evidence, the Commission heard Mr. Bacatselos.

1 Chief of the Economic and Social Affairs Department of the International Confederation of Free Trade Unions.
2 Permanent Representative of the World Federation of Trade Unions to the ILO.
Procedure of the Commission

61. Of the persons who had held the office of Secretary-General of the GGCL and who had been invited by the Commission to give evidence, Mr. Campanellis, Secretary-General at the time of the session, and Messrs. Dimitrakopoulos and Galatis, former provisional Secretaries-General, gave evidence before the Commission at its Second Session.

62. At the Second Session of the Commission, the Government did not propose any witnesses, but reserved the right to do so during a possible visit by the Commission to Greece. Mr. Tomaras, however, in his capacity as representative of the Ministers of Labour and Justice, was heard by the Commission.

63. During the hearing of all these persons the following matters were raised: dissolution of trade unions, confiscation of their assets, dismissal of trade union leaders, loyalty declarations (Messrs. Bacatselos, Buiter, Campanellis, Dimitrakopoulos, Galatis, Hadjiandreou, Mavridis, Tomaras, Tziras, Iannopoulos); arrest, detention and deportation of trade union leaders (Messrs. Bacatselos, Beermann, Buiter, Campanellis, Galatis, Hadjiandreou, Mavridis, Tomaras, Tziras, Iannopoulos); judiciary, courts martial and procedure (Messrs. Buiter, Mavridis, Tomaras); right of association and functioning of trade unions (Messrs. Bacatselos, Buiter, Campanellis, Dimitrakopoulos, Galatis, Hadjiandreou, Mavridis, Tomaras, Iannopoulos); financing of trade unions (Messrs. Bacatselos, Buiter, Dimitrakopoulos, Galatis, Hadjiandreou, Tomaras); conditions required in the legislation of 1969 for the election of trade union leaders and provisions concerning their dismissal and the dissolution of trade unions (Messrs. Bacatselos, Buiter, Campanellis, Dimitrakopoulos, Hadjiandreou, Mavridis, Tomaras, Iannopoulos); collective bargaining (Messrs. Bacatselos, Buiter, Campanellis, Dimitrakopoulos, Hadjiandreou, Mavridis, Tomaras, Tziras); right to strike (Messrs. Bacatselos, Buiter, Campanellis, Dimitrakopoulos, Hadjiandreou, Mavridis, Tomaras).

64. In reply to a written request to them in anticipation of the Third Session of the Commission, the complainants at first indicated that they had no new witnesses to present before the Commission at its Third Session.

65. In reply to a similar written request, the Government, for its part, supplied the following list of its witnesses: Mr. Denis Barbatis, former Vice-President of the Legal Section of the Council of State and Chairman of the Workers' Fund, Mr. Constantine Ploumidakis, Secretary-General of the Workers' Centre of Canea, Secretary-General of the Federation of Metalworkers, and provisional deputy Secretary-General of the GGCL, and finally, Mr. Theodore Prigouris, Chairman of the Association of Telecommunications Employees.

66. At the opening of the first sitting of the Third Session of the Commission, held on 7 April 1970, the Chairman asked the parties if they had any other witnesses, besides those whose names had already been given, whom they might wish the Commission to hear.

67. The representative of the Greek Government pointed out that one of the witnesses proposed by the Government, Mr. Ploumidakis, was provisional deputy Secretary-General of the GGCL and that, in his capacity as such, he was obliged to participate in the work of the Congress of that organisation, which was due to take place on 8, 9 and 10 April 1970. The Government representative accordingly asked the Commission if it would not be possible to hear this witness at a date later than the dates which had been fixed (7-11 April 1970). The Government representative
stated that the same also applied as regards the Secretary-General who would be elected during the Congress and that the Commission had expressed its wish to hear him. The Commission agreed that the two witnesses just mentioned should be heard on Monday 13 April 1970.

68. Mr. Boglietti, representative of Mr. Hlavíčka, stated that he wished the Commission to hear Mrs. Maria Karra, executive member of the Federation of Accountants in Greece. Mr. Boglietti pointed out that Mrs. Karra had just left Greece, where she had been living clandestinely since April 1967. The Commission agreed to hear this witness.

69. The Commission thereafter proceeded to hear Mr. Makris. He confined himself to making a short statement on the effects of Legislative Decrees Nos. 185 and 186 of 1969 and to handing over to the Commission a file, at the same time adding that he would not reply to any questions. Following a request by the Chairman to indicate whether he was refusing to reply to the questions which the Commission considered relevant to the completion of its work, Mr. Makris merely referred to the file which he had handed in and confirmed that he would not reply to any question. In these circumstances, in view of the attitude of the witness, the Commission considered that no weight could be attached to such a statement.

70. At the morning sitting of the following day, 8 April 1970, the Greek Government representative, who had not previously raised any objections to the hearing of Mrs. Karra, requested the Commission to reconsider its position in the light of certain objections which he had been instructed by his Government to formulate; the Commission agreed to reconsider the matter. The Greek Government representative submitted that, in conformity with the procedure established by the Commission itself, no witnesses should be heard whose names and qualifications had not been notified to the Commission and to the parties before the commencement of the session. Having been asked by the Chairman if he had any particular reasons for opposing the hearing of the witness proposed, the Greek Government representative stated his objections were purely objections of principle and that neither the name nor the qualifications of the witness entered into the matter. The representative of Mr. Hlavíčka explained that he had not been in a position to present his witness any sooner, as he was unaware until very recently that she had been able to leave Greece; he added that the evidence of Mrs. Karra would be valuable since she had been in Greece recently, and that she would be in a position to supply the Commission with information on the actual situation regarding the trade union movement in the country. Mr. Maier, representative of Mr. Beermann, supported the submission that the Commission should hear Mrs. Karra.

71. After considering this question in private, the Commission announced its decision in the following terms at its afternoon sitting on 8 April 1970:

As a matter of practice the Commission has asked that the names and capacities of witnesses be communicated to it before the session begins. Its rules of procedure do not, however, contain any requirement to this effect. The practice is one of convenience only and does not fetter in any way the right of the Commission as a semi-judicial body to decide at any stage of its proceedings what witnesses it shall hear. It is not suggested that the hearing of this particular witness places the Greek Government at any particular disadvantage in the presentation of its case. The objection has been put solely on the principle stated; and as a matter of principle it is rejected.
It remains for the Commission to consider whether in the exercise of its discretion it should hear this witness. The Commission's object throughout its proceedings has been to obtain all the information it can so that it can deal as fairly as possible with the matters on which it has been asked to report. With this object in view it has throughout endeavoured to make its procedure as flexible as possible. Notwithstanding the fact that it had previously declared that the session would be open for the hearing of witnesses from 7 April to 11 April, and notwithstanding the fact that none of the representatives of the complainants could be in Geneva after 11 April, the Commission yesterday acceded to the request of the Greek Government's representative that it should sit on 13 April to take the evidence of an important witness proposed by the Government who could not be in Geneva before then. The Commission was pleased to note that none of the representatives of the complainants offered any objection to this course although it necessarily meant that the witness would have to be heard in their absence.

In accordance therefore with its desire to receive all the evidence it can which may be helpful to its conclusions, the Commission will hear the evidence of the witness proposed by Mr. Boglietti.

72. Following the pronouncement of this decision, the Greek Government representative stated that his Government was withdrawing its presentation of its witnesses and that it was terminating its co-operation with the Commission.

73. On 9 April 1970, the Commission, in the absence of the Government representatives, proceeded to hear Mrs. Karra, the witness proposed by the representative of Mr. Hlavička, and in her statement she spoke of the arrests, detentions and deportations of trade unionists, the right to strike and her clandestine trade union activity since April 1967. The stenographic record of the hearing of this witness was communicated to the representatives of the Government.

74. On 13 April 1970 the Commission heard Mr. Kourmouzis, the newly elected Secretary-General of the GGCL, who, in his statement, spoke of the following matters: dissolution of trade unions and confiscation of their assets, arrest, detention and deportation of trade unionists, the functioning of trade unions and loyalty declarations, the financing of trade unions, and trade union elections (Congress of Delphi).

75. Being at all times desirous of obtaining all information which might be of assistance to it in its efforts to ascertain the truth, the Commission, having been informed that the witnesses originally proposed by the Government were in Geneva, stated that it would be prepared to hear these persons as witnesses invited by the Commission to give evidence.

76. This proposal was accepted by these persons and the Commission proceeded, on 13 April 1970, to hear Messrs. Barbatis, Ploumidakis and Prigouris.

77. The evidence of Mr. Barbatis dealt mainly with the role and functioning of the Workers' Fund and with the system of financing trade unions. Mr. Ploumidakis, in his statement, spoke of the arrest and deportation of trade unionists, the dissolution of trade unions and the confiscation of their assets, collective bargaining and the financing of trade unions; as for Mr. Prigouris, he spoke of the dissolution of trade unions and the confiscation of their assets, the arrest of trade unionists, the functioning of trade unions, the exercise of the right to strike and loyalty declarations.

78. With these persons, the Commission concluded its hearing of the witnesses. The stenographic record of the sittings has been transmitted to the Director-General of the International Labour Office, who has accepted the Commission's suggestion that copies thereof be placed in the library of the International Labour Office.
79. On 13 April 1970 the Commission took note of a letter dated 11 April 1970, addressed to its Chairman by the Minister of Labour in Greece. In this communication, the Minister of Labour reiterated and elaborated the objections raised orally at the sitting by the Greek Government representative concerning the hearing of Mrs. Karra.¹

80. The Commission considered that, as it had already given its ruling on the objections raised at the sitting by the Greek Government representative, the question could not be reopened.²

81. The Commission also took note of a letter dated 30 May 1970 addressed to its Chairman by the Minister of Labour in Greece in which the Minister explains the position of his Government as regards the procedure followed.

82. In view of the decision of the Government to withdraw its co-operation from the Commission, it was decided that the question of a possible visit to Greece, which had been originally contemplated, would not be pursued further.

83. The Commission devoted its Fourth Session, which was held in Geneva from 5 to 14 October 1970, to the preparation, approval and signature of its final report.

CHAPTER 4

OUTLINE OF THE LEGISLATION AND OF THE TRADE UNION SITUATION IN GREECE AT THE BEGINNING OF 1967

84. On the eve of the events of April 1967 the major part of the Greek trade union movement belonged to the Greek General Confederation of Labour, whose structure is described briefly below. Since then, this structure has remained practically unaltered.

85. Trade unions in Greece fell into two categories, first degree organisations and second degree organisations. In general, the trade unions of first degree were organised on both an occupational and a local basis, with the workers living in the same district and having the same occupation forming one single trade union. It was rarer to find trade unions of undertakings or unions consisting of workers of different occupations in any given place, although some did exist. At the national level, the trade unions of first degree formed federations made up of trade unions of the same occupational branch. Moreover, the trade unions of first degree of the same geographical region, independently of the occupation which they represented, formed workers’ centres. These federations and workers’ centres were organisations of second degree. Finally, occupational federations and workers’ centres were grouped together to form the Greek General Confederation of Labour.

86. According to the information received in the course of the proceedings, there existed in Greece, in June 1967, 510,000 workers who belonged to trade unions; at the same time, there existed 2,767 trade unions of which 2,637 were affiliated to the Greek General Confederation of Labour; these 2,637 trade unions represented 480,000 workers; there also existed 130 trade unions which were not affiliated to the GGCL and which were made up of 30,000 workers. The general census of the population taken in March 1961 indicates that there were, at that time, 1,200,000 salaried employees and wage earners in Greece, of whom 160,000 were agricultural workers.

87. At the beginning of 1967, the trade union situation in Greece was in a somewhat confused state, from both a legal and a factual point of view.

88. The principal basic internal laws regulating freedom of association were, at that time, the Constitution of 1952, Law No. 281 of 1914, on associations, Law No. 2151 of 1920, on occupational organisations, and the Civil Code. The co-ordination of these texts was all the more difficult since recent laws, in particular Legislative Decree No. 4361 of 1964 and Law No. 4504 of 1966, had amended the previous law in certain important respects. Despite the multiplicity of legal texts in the realm of positive law, one had still to look for ways which would permit of the normal functioning of trade unions in conformity with the requirements of the Freedom of Association and Protection of the Right to Organise Convention, No. 87, and the Right to Organise and Collective Bargaining Convention, No. 98, ratified by Greece.

1 There may also be cited, in a similar connection, Law No. 3239 of 1955 on collective bargaining and the settlement of disputes as modified by Legislative Decree No. 3755 of 1957.
89. Without going into the legislation in detail, however, it is useful to point out its essential features.

90. The right of assembly was guaranteed by article 11 of the National Constitution of 1952, which laid down the principle that "Greeks have the right of association, with due adherence to the laws of the State, which, however, shall under no circumstances render this right subject to previous permission of the Government".

91. Apart from this solemn proclamation, numerous laws have regulated, in a detailed manner, the right to form trade unions. Thus, the law laid down precise rules to which the by-laws of trade unions had to conform under pain of nullity. The same was the case for the election of trade union committees—the most remarkable provision laying down that, at any election a representative of the judiciary should be present to ensure the observance of the by-laws and the law.

92. Similarly, precise rules regulated the management and administration of trade unions. In this connection, it is convenient to note, in particular, that section 69 of the Civil Code gave the president of the civil court the right to appoint a provisional administration "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". This provision was applied on numerous occasions as regards trade union organisations.

93. As for the dissolution of trade unions, besides voluntary dissolution by the general assembly, it could be pronounced, in several instances, by decision of the civil court, in particular where the association was pursuing an objective different from that stated in its by-laws, or if the objective or method of operation had become illegal, immoral or contrary to the public interest.

94. One of the essential tasks of trade unions was the negotiation and conclusion of collective agreements. On this subject, the legislation was somewhat complicated. A distinction was made between general collective agreements, which were negotiated and signed by the most representative organisations of employers and the Greek General Confederation of Labour, which latter body had a monopoly, national single-trade agreements and local single-trade agreements, negotiated and signed by the most representative employers' and workers' organisations, and lastly, the special agreements negotiated and signed by occupational associations which were not necessarily the most representative. In case of difficulty, reference could be made to a mediator appointed by the Minister of Labour. Where a collective agreement (or an arbitration award) was deemed contrary to general government policy in the economic or social sphere, or in opposition to its policy on particular matters, the Ministers of Co-ordination and Labour could, after consultation with the National Advisory Board on Social Policy, alter the agreement (or award) in whole or in part, or refuse to recognise it.

95. In the event of collective labour disputes the law provided for compulsory arbitration in two successive stages. Once arbitration proceedings had commenced, any attempt by the parties to force a settlement of the dispute in their favour by a stoppage of work was prohibited for a period of 45 days, or 60 days where an appeal had been made.

96. In another connection, the law provided protection for trade union officers, the most important example of which was laid down by Law No. 1803 of 1951, as completed by Legislative Decree No. 4361 of 1964 and Law No. 4504 of 1966. By virtue of these provisions the discharge of certain categories of trade union officials
was permitted only after the procedure laid down in the law and for one of the specific reasons stated in the law.

97. One of the most difficult questions—a question moreover, which had not been satisfactorily resolved—was that of the financing of trade unions. Several texts and collective agreements followed one another, of which some were not applied and others were invalidated by the Council of State. Whatever the case, the system in operation in 1967 was that the worker paid compulsory dues which were collected by the employer. The employer, at the end of each year, made a deduction equal in amount to the minimum daily wage of an unskilled worker and paid the amounts collected in this way to a public body known as the Workers’ Fund. The trade union organisations received from this body monthly subsidies and other payments the amount of which was fixed by the administrative body of the Workers’ Fund after approval by the Minister of Labour. In its report signed on 14 July 1966, the Fact-Finding and Conciliation Commission on Freedom of Association, concerning the trade union situation in Greece, considered 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”.

98. In a more general manner, the same report stressed the “importance which should be laid, 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”.

99. This legal situation was aggravated by factual circumstances which prevented the Greek General Confederation of Labour from fulfilling its function.

100. The effect of Legislative Decree No. 4361 as explained more fully in the Report of the Fact-Finding and Conciliation Commission on Freedom of Association concerning the trade union situation in Greece, was to leave the GGCL without an administration from 23 November 1964. It was, therefore, necessary for the court to appoint an administrative body, the essential task of which was to convene a pan-Hellenic Congress which would be responsible for the election of a new administration. However, since several provisional administrative bodies had been appointed by the courts, resulting in changes of administrators and material difficulties, and also for other reasons, this situation, which should have been rapidly brought to an end, lasted until the summer of 1966. It was only on 24 July 1966 that the Congress of the GGCL finally elected its new executive. This Congress, moreover, did not take place without serious difficulties, as the Commission has gathered in the course of its hearing of certain witnesses. The difficulties continued after the Congress since the new administration proceeded to disaffiliate a considerable number of trade unions.

101. This troubled situation explains that, up to April 1967, it had not been possible, whatever may have been the desire of certain responsible people, to take account of the observations expressed by the Fact-Finding and Conciliation Commission and of the Committee of Experts on the Application of Conventions and Recommendations with a view to finding satisfactory solutions to the trade union problems in Greece, due regard being had to the standards contained in the international labour Conventions concerning freedom of association.

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2 Ibid., para. 442.
3 Ibid., para. 344.
CHAPTER 5

INTERNATIONAL OBLIGATIONS AND THE STATE OF EMERGENCY

102. The Commission now proposes to set out the material which it has received, and on the basis of which it will proceed to determine to what extent there had been, as alleged by the complainants, breaches of 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), ratified by Greece.

103. For this purpose it appeared to the Commission in the light of its work that the narrative of the events could conveniently be divided into three main periods: the period from 21 April 1967, the date of the Revolution, to May 1968, when articles 10 and 11 of the Constitution of 1952 concerning the right of assembly and association, which had been suspended the day after the new regime took over, were brought back into force; the period from May 1968 to the end of that year, when the new Constitution of 1968 was adopted and articles 18 and 19 thereof, also concerning the right of assembly and association, were put into force for members of recognised occupational organisations; and lastly, the current period which is marked by the existence of new legislation of a permanent character as regards trade union matters. The periods mentioned above can in no way be considered to be strictly separate; certain facts which characterised one given period sometimes reappear in the others, some measures taken in the first period continued to have effects which lasted throughout the other periods, and finally, certain common features are apparent in all three periods.

104. Before embarking on this narrative of events, the Commission considers that it would be convenient to examine the important question of international law implicit in the defences raised by the Government of Greece. It will be appreciated from the statement of these defences in Chapter 2 of this report that many of them are twofold in character. In the first place, there is a denial that the acts complained of were committed or that, if committed, they were in breach of the Conventions; this is best examined after the narrative of events has been set out. In the second place, the Government contends that it was relieved from the obligation of compliance with the Conventions by reason of the state of emergency which led to the proclamation of siege law in April 1967. This raises a question of international law which the Commission will consider forthwith.

105. The Government representative put the argument as follows: although it had ratified Convention No. 87 on 30 March 1962, and, "in particular, had assumed an obligation under Article 8 of Convention No. 87 to ensure that the law of the land did not impair the guarantees provided for in the Convention, Greece had not undertaken to repeal article 91 of the 1952 Constitution relating to the state of emergency."

1 By the expression "state of emergency" the Commission understood the Government to mean, a "manifest threat to public order and to the security of the country from internal dangers," the phraseology used in article 91 of the Constitution of 1952; the Commission uses the term in the same sense.

See statement of the Government representative to the Governing Body of the ILO, Appendix IV.

The full text of this article is as follows:

"The King may, on the recommendation of the Council of Ministers in case of a state of war or mobilisation due to external dangers or of a serious disturbance of or manifest threat to public order and
The Conventions did not, and could not, require the repeal of such provisions, which were common in national Constitutions. The state of emergency was as familiar a concept in public law as that of *force majeure* in private law. Granted that the law must conform with the Constitution, and that the Government was the sole judge of the need to proclaim a state of emergency, the safeguards required by the Conventions were clearly not inviolate, and their suspension, however regrettable, had been in no way arbitrary.

106. The contention set out in the preceding paragraph is based upon the two assumptions stated in it, the first being that "the law" (which the Commission understands to mean the proclamation of siege law) must conform with the Constitution; and the second being that, if there is such conformity, the Government becomes "the sole judge of the need to proclaim a state of emergency". These two assumptions are distinct.

107. As to the first, the Government did not contend that the proclamation of siege law was strictly in accordance with the text of the Constitution. It admitted that two constitutional steps, prerequisite to the validity of the declaration of the state of siege, were not taken. "These are two omissions", the representative of the Ministers of Labour and Justice told the Commission, "which, on the legal level, indicate the establishment of a new authority which set up a revolutionary regime and created a new legal situation going beyond the normal constitutional framework".

108. The Commission, however, finds it unnecessary to examine the constitutional validity of the Government's acts. The Commission understands perfectly the argument that conformity with the Constitution would make the Government in the eyes of the Greek law the sole judge of the need to proclaim a state of emergency. But it has not that effect in international law. The Commission takes the view that it is an accepted principle of international law that a State cannot rely on the terms of its national law, or otherwise invoke the concept of national sovereignty, to justify non-performance of an international obligation. Any doubt concerning the extent of such obligation must be determined by exclusive reference to the relevant principles of international law, whether made express by the parties to a treaty or derived from another source of international law, in particular, international custom and general principles of law.

109. The relevant provisions of international law applicable in the present case are contained in Conventions Nos. 87 and 98, both of which have been ratified by Greece. In neither of these Conventions is there any provision allowing the possibility of basing a plea of emergency, as an exception to the obligations arising under the Conventions, on the terms thereof.
110. The position of pleas of emergency or necessity in international custom may be said to correspond essentially, within the peculiar framework of the international community, to the place given to pleas of force majeure or legitimate self-defence in national systems of law. A plea of force majeure generally requires a showing of irresistible force of circumstances. A plea of legitimate self-defence requires a showing both of imminent danger and of a proportionate relationship between the danger and the measures adopted for defence. Both the general principle of law derived from national practice and international custom are based on the assumption that the non-performance of a legal duty can be justified only where there is impossibility of proceeding by any other method than the one contrary to law. It must also be shown that the action sought to be justified under the plea is limited, both in extent and in time, to what is immediately necessary.

111. There is a further consideration. All the main legal systems accept in some form the principle that pleas of justification on grounds such as self-defence are subject to legal review. If a plea of emergency is to be treated in international law as a legal concept there similarly has to be appraisal by an impartial authority at the international level. It is for this reason that international tribunals and supervisory organs, when seized of such a plea, have invariably made an independent determination of whether the circumstances justified the claim, and have not allowed the State concerned to be sole judge of the issue.

112. With regard to the whole question of the circumstances said to constitute a state of emergency the Commission received insufficient information from the Greek Government, which took the attitude that it was a matter to be decided solely by the Government and not by any tribunal. In the examination by the Commission of the evidence and information relating to the events of 1967, nothing emerged which would enable the Commission to conclude that there existed in Greece in April 1967 a state of emergency, or such exceptional conditions as would justify temporary non-compliance with the Conventions. Accordingly the Commission rejects the plea of the Government that it was entitled to derogate from the Conventions in the circumstances which prevailed in Greece in April 1967.

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CHAPTER 6

FIRST PERIOD

(21 April 1967 to May 1968)

113. With regard to the first period the Commission examined under the first five heads of complaint the bulk of the measures taken by the Revolutionary Government affecting trade unionism. It will be remembered that these heads of complaint are the following:

1. dissolution of trade unions and confiscation of assets;
2. deportation and imprisonment of trade unionists;
3. arrest and interrogation of trade unionists;
4. dismissals of trade union officers by the authorities;
5. interference by the authorities in the functioning of trade unions.

114. While the Commission is not concerned with the validity in Greek law of the measures taken, it is necessary in order to describe the nature of the measures, to make some reference to the law in question, both the ordinary law and the law on the state of siege. There is power under the ordinary law to deport by order of an administrative committee persons suspected of acts constituting a threat to public order and security. This power in its present form has existed continuously since 1931 and has frequently been used particularly against suspected Communists, the Communist Party as such having been outlawed in 1947. Moreover, by virtue of Emergency Law No. 509/1947, military courts were empowered to pronounce sentences of imprisonment or deportation for offences relating to the security of the State.

115. As for the first and third heads, the Law on the State of Siege of 1912, by article 9 thereof, provided, in particular, that the military command has power, *inter alia*, to prohibit or dissolve any meeting or association and to effect arrests without observing the formalities provided for by the Constitution. As for the fourth head, although there is no express power to dismiss or appoint officers of any associations, there was, under article 9 of the siege law—according to the Greek Government—no legal limit to what the military authority could do under a state of siege as this article was illustrative only of the powers conferred upon it. Presumably, therefore, this article could be used to justify the Government’s activities under the fifth head, namely the obtaining of resignations of trade union officers, the influencing of trade union elections and the general interference by the authorities in trade union matters.

116. In the period under consideration the Commission also examined evidence on two further heads of complaint, namely the establishment of new unions and the right to strike. These complaints are examined in this chapter following the examination of the five heads of complaint referred to above.

_Dissolution of Trade Unions and Confiscation of Assets_

117. The Greek Government delegate had informed the Credentials Committee of the 52nd International Labour Conference in 1968 that in June 1967, 280 organisa-
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sections of various kinds, of which some 146 were trade unions, were dissolved by administrative decree. Four main proclamations were issued in 1967 in which it was ordered that a list of trade unions named should be dissolved. These proclamations, signed by military commanders, were stated to be issued under the Law on the State of Siege of 1912 and ordered the dissolution of a listed number of organisations, some of which were trade unions, and the seizure of their assets and bank deposits. From the information and evidence submitted the Commission was satisfied that the total number of trade unions dissolved was in the region of 250. The precise figure is not of the first importance since whatever figure is taken has to be compared with the total, at that time, of over 2,500 trade unions in Greece.

118. It will be appreciated that many trade unions in Greece were extremely small and the Commission cannot say what was the average size of those dissolved. It can say only that they included at least three important organisations, namely the Federation of Accountants, the Athenian Commercial Employees' Association and the Union of the Electric Power Corporation of Athens and Piraeus.

119. The above-mentioned proclamations gave no information other than the names of the dissolved organisations and the terms of the order, as have been summarised above. The making of such an order did not require to be preceded by the holding of an inquiry or the hearing of any evidence. The decision was at the complete discretion of the military commanders. No record was available of the material upon which they acted or the reasons motivating the decisions. The representative of the Ministers of Labour and Justice surmised (although he did not profess to know anything more than anyone else) that those organisations which, in the opinion of the military, were operating entirely with a view to achieving non-trade-union objectives, would be dissolved; and that those in which a few or even all of the members of the executive were at fault the measures would be confined to removing such people from their executive offices.

120. On the evidence heard by the Commission it appeared probable that the leadership in most of the dissolved unions was politically active and was to some extent Communist in character. In the Federation of Accountants, for example, the President was a man who, according to the Government, had been deported as a Communist in 1947 and again in 1949; the Secretary, according to the Government, had been deported or imprisoned for Communist activities in 1948, 1953 and 1960 and was said to be holding office in the Communist Party of Greece (KKE); the witness, Mrs. Karra, was a member of the executive of this Federation and the Commission, having heard and considered her evidence, was satisfied that she had at least Communist sympathies; the former Minister of Labour, Mr. Bacatselos, gave this union as an example of what might be called a Communist union. But in the absence of detailed information from the Government the Commission was not prepared to infer that all the unions dissolved were as far to the left as this; the Commission considered it probable that the military did not always distinguish between shades of left wing opinion. A trade union witness who told the Commission that certain unions called meetings which were not for occupational purposes gave as an example of the topics discussed disapproval of the foreign policy of Greece and other nations and the use of industrial action to protest against it and likewise against changes in the Government.

121. At this stage the Commission wishes to make it clear that it is not implying any judgment on the propriety or impropriety of political activity in trade unions. It is simply recording the evidence necessary to evaluate the Government’s contention...
that it was dealing with Communist organisations. The Commission recalls that the Greek Communist Party was dissolved in 1947 and that the sympathisers of this Party appear to have joined various organisations of which the most notable was the EDA.

122. It has also been noted that before 1967 the GGCL and a number of workers’ centres affiliated to it had expelled a number of trade unions for extra-constitutional activities. The Commission thinks it probable that these were mainly political activities of the sort already discussed. Some of the expelled unions had formed themselves into other federations such as the Democratic Trade Union Movement, the headquarters of which in Piraeus were seized by the military in April 1967 and, it is said, destroyed. The GGCL, however, continued to represent the great bulk of Greek trade unions. It is to be noted that the executive committee of the GGCL had expressed its public support for the revolutionary Government.

123. It will have been observed that the proclamations referred to above provided for the seizure of the assets of dissolved organisations. There is no doubt that the capital assets of the dissolved trade unions were taken over by the Government and that in the case of certain unions these assets were of considerable value. There has, however, been a controversy as to the use to which these assets were put. The complainants alleged that they were impounded by the Government for its own purposes, while the Government stated that they would be handed over to new organisations which replaced the old, or at any rate used for trade union purposes generally. Under article 106 of the Civil Code of Greece (Law No. 2250/1940) the assets of a dissolved organisation cannot be distributed amongst the members of that organisation. In the event of the dissolution of an organisation, whether voluntary or compulsory, the successor to the assets of the dissolved organisation, whether another organisation or the State, would be under a legal obligation (article 77 of the Civil Code) to pursue the same objectives as those of the dissolved organisation. It was only in the event of the objectives of the dissolved organisation being political or Communist in character that the State was entitled to put these assets to another use. The Commission was informed by the representative of the Ministers of Labour and Justice that the Public Prosecutor of the Supreme Court had in 1968 indicated that there was no provision in the law concerning the disposal of the assets of those trade unions dissolved as a result of the emergency legislation.

124. In any event no evidence was submitted to the Commission that there had been any distribution of confiscated assets during the period under consideration. Legislation promulgated at a later date and further evidence concerning the distribution of confiscated assets of dissolved trade unions was examined by the Commission and this matter is dealt with under the second and third periods (Chapters 7 and 8 of the present report).

Deportation and Imprisonment of Trade Unionists

125. The complainants alleged that 1,500 trade unionists had been deported by the revolutionary Government and in the course of the hearings the Commission received information that 220 to 250 persons were still in exile, most of whom had been active trade unionists. The Government admitted that 122 trade unionists were in detention but said that no one had been deported or imprisoned because of his trade union activities.
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126. The Commission found it difficult to determine the exact number of trade unionists deported or imprisoned. It is certain that it represented only a small proportion of the trade union membership in the whole country. It was also difficult to ascertain to what extent the persons concerned occupied positions of influence in the trade union movement and to what extent they were at the same time involved in politics or in other activities which may have rendered them liable to prosecution under the ordinary law. Lack of information from the Government was matched by lack of any detailed information from the complainants. No details were given to the Commission of any trade unionist being singled out for deportation or imprisonment merely as a result of his trade union activities or in support of the allegation that it was the aim of the Revolutionary Government to suppress independent trade union activity as such. For example, there were a number of large strikes in Greece in the decade preceding 1967 but no evidence was produced to show that any strike leader was amongst those deported. In fact, the Commission heard some evidence which supported the contrary view. One witness, Mr. Dimitrakopoulos, a former Secretary-General of the Federation of Railway Workers, said in evidence that in the latter capacity he had called nation-wide strikes in September 1963, January 1965 and July 1966. In the last two cases the strikes had been of long duration and the railways were taken over by the military; he said that he was in no way molested for these activities following the revolution.

127. In response to the Commission’s invitation to the complainants to support their assertion that trade unionists were being detained purely for their trade union activities by providing any known details concerning the persons detained, the Commission was given a list of twenty-eight names with the trade union office held by each of the persons listed. The Greek Government was invited by the Commission to comment on this list and it immediately supplied extracts from the files of the Greek Security Service concerning thirteen of these persons: A. Arkas, S. Aronis, H. Galanopoulos, A. Dimakos, S. Diavolakis, A. Kalafatis, I. Kalomenidis, A. Karamberis, L. Maragoudakis, E. Bantourakis, S. Papaioannou, P. Tzametatos, and Th. Ypsilantis. All of these persons except Diavolakis had under previous regimes been either sentenced to imprisonment or deported, or both—some of them several times—for alleged Communist activities. As regards Diavolakis, he became, according to the police records, a Communist only in 1957 since which time he had carried on various Communist activities; and, using his trade union capacity as a front, he had incited the workers to engage in subversive activities. The Government subsequently forwarded to the Commission notes concerning another seven of these persons: P. Galatis, D. Kremmidas, D. Karmiris, I. Panagiotopoulos, D. Venetsanopoulos, S. Zamanos and E. Katsouridou. These seven were all stated to have used their trade union capacities to engage either in activities aimed at the violent overthrow of the regime, or in the dissemination of subversive or Communist propaganda. Mrs. Venetsanopoulos had also previously been sentenced to imprisonment having been convicted along with her husband of the assassination of a former Minister. As for the remaining eight trade unionists, the Government stated that one (Triantafilos Karageorgiou) has been arrested under Law No. 509/1947 for subversive activities and ordered to be remanded in custody; four others (M. Dimogerontakis, G. Alevizakis, A. Papayanakis and S. Kyriiotou) had been arrested for alleged subversive activities, examined by a magistrate of the military court and subsequently discharged; the remaining three persons (A. Mastoras, N. Panayiotopoulos and V. Zografou) had been "simply interrogated by the police authorities for taking part in anti-national activities and subsequently released ".
First Period (April 1967 - May 1968)

128. The Commission also heard a good deal of evidence about Mrs. Katsouridou, who was amongst those deported for alleged involvement in Communist activities. She was the President of the Union of Telephone Operators, which was one of the ten or more unions in the state telecommunications system. Mrs. Katsouridou’s union was not among those dissolved. The Commission considered that while she may have been left wing in her sympathies, the only evidence before the Commission of her activities was that she was in favour of calling strikes in order to put pressure on the Government, and that she had in fact brought her union out on strike as a demonstration against the fall of the Government of Mr. Papandreou.

129. Another special case on which the Commission heard evidence was that of Mr. Alevras, who had been deported. Mr. Alevras was not on the list mentioned above. He had been President of the Bank Employees’ Union and a member of the Centre Union Party. According to the former Minister of Labour, Mr. Bacatselos, and Mr. Mavridis, the political views of this person were in no way extreme. Unfortunately, owing to the Greek Government’s withdrawal of the co-operation it originally extended, the Commission was unable to invite its comments on this case.

Arrest and Interrogation of Trade Unionists

130. It is asserted and not seriously denied by the Greek Government that after the coup in April 1967 a large number of people were arrested and questioned by the police, some being detained for a period before being released. There were a number of trade unionists among them. Examples have already been given above of trade unionists who were simply interrogated and subsequently released. Another specific example is that of Mr. Iannopoulos, who stated in evidence that he had been taken to police headquarters in Athens and pressure was put upon him by security officers to sign a statement that he would take no further part in trade union activities.

131. It does not appear that in this case or in any others on which the Commission heard evidence the questioning of individuals was directed towards ascertaining the extent of their trade union activities; it was directed rather towards estimating the possibilities of effective political opposition if the person questioned remained at large.

Dismissal of Trade Union Officers by the Authorities

132. In the course of its proceedings the Commission heard evidence concerning the dismissal during the period under consideration of trade union leaders by the military authorities. In this connection Mr. Buiter, the Secretary-General of the ICFTU, Mr. Hadjiandreou, Mr. Iannopoulos and Mr. Mavridis gave a number of examples of specific cases to this effect. Mr. Mavridis also furnished the Commission with copies of some of the orders issued by the military authorities. Copies of similar orders were also given to the Commission by the former Minister of Labour, Mr. Bacatselos, as examples of the type of action taken by the authorities to expel trade union leaders from office as well as with regard to the appointment in certain cases of their successors. These may be summarised as follows:

(a) order dated 21 April 1967 issued by the Military Commander of Evros concerning the dismissal for serious reasons relative to the preservation of the public order and public interest of one member of the administration of the Workers’ Centre of Evros;
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(b) order dated 21 July 1967 issued by the Military Commander concerning the dissolution of the Committee of the Workers’ Centre of Imathias and nominating a temporary Executive Committee;

(c) order dated 27 July 1967 by the Military Command of Athens addressed to police headquarters at Piraeus dismissing members of the Executive Committee of the Pan-Hellenic Federation of Crews of Tugs and Salvage Vessels;

(d) order dated 27 October 1967 issued by the Military Command of Athens to the President of the Court of First Instance of Piraeus approving the appointment of specified persons to the Executive Committee of the Pan-Hellenic Federation of Personnel of Petroleum Companies and Refineries after dismissal of the former executive;

(e) order dated 2 November 1967 issued by the Military Command of Athens to the President of the Court of First Instance of Piraeus approving the appointment of specified persons to the Executive Committee of the Pan-Hellenic Federation of Railway Workers after dismissal of the former executive;

(f) order dated 23 January 1968 issued by the Military Command of Athens dismissing members of the Executive Committee of the Federation of Workers of the Press and Paper Industry.

It was usually indicated in these orders that the action to be taken was by virtue of the Law of 1912 concerning the state of siege. Mr. Bacatselos also informed the Commission that many of the persons who were dismissed had been known to him personally and that they were not in his opinion Communists.

Interference by the Authorities in the Functioning of Trade Unions

133. Acts of interference by the authorities in trade unions were referred to in the complaints and also in the evidence examined by the Commission. These acts consisted of pressure being brought to bear upon trade union officers to relinquish their posts, interference in the holding of trade union meetings and in the matters discussed at such meetings, in the drawing up of the constitutions of new trade unions and in the election of trade union officers.

134. Several witnesses gave specific examples of persons who had been forced under threats to resign from trade union office. These included such high-ranking trade union officials as the President of the Bakery Workers’ Federation, the President of the Milling and Noodle Workers’ Federation, the President of the Federation of Actors, the President of the Union of Gas Employees and the Secretary-General of the Ceramic Workers’ Federation who, it is stated, had also been a member of the Executive of the Greek General Confederation of Labour. This evidence was not refuted by the Greek Government.

135. With regard to interference in trade union meetings, some witnesses informed the Commission that the police had to be notified in advance of any trade union meeting in order to obtain authorisation therefor. In this connection the Commission also heard evidence that a department of the security police, headed by a commissioner named Angelopoulos, maintained close supervision over trade union activity and that Angelopoulos himself attended trade union meetings and influenced the decisions reached at these meetings. The same witness also stated in evidence that another police officer named Bougalis also attended meetings at trade union headquarters in Athens and no decisions could be taken by the members unhindered. On
the other hand, other witnesses informed the Commission that the purpose of noti-
ifying the police in advance of meetings—which was in fact a long-established practice
—was to ensure that any disturbances could be dealt with. These witnesses stated that
the police remained outside the building where the meeting was being held and in no
way interfered in the proceedings. No change, they said, had occurred in this practice
even after the revolution.

136. Another witness, Mr. Galatis, a former provisional Secretary-General of
the Greek General Confederation of Labour, described how in July 1967 he had
convened delegates from all parts of the country to a congress of the Pan-Hellenic
Federation of Metalworkers. The work of this congress, he said, proceeded without
any difficulty or interference. Prior to the congress he had given notification to the
police authorities and had been told that there was no objection to the congress being
held. On this question the representative of the Ministers of Labour and Justice
stated that the suspension of articles 10 and 11 of the Constitution of 1952 did not
mean that trade unions could not continue to hold their meetings; it only meant that
the military authorities had power to intervene in trade union matters at a given
moment if they considered it necessary.

137. The Commission noted that no evidence was given in support of the com-
plaint that the constitutions of new trade unions were required to be drawn up
by the legal adviser of the Greek General Confederation of Labour.

138. As for interference by the authorities in the election of trade union officers
—an allegation which arose in the course of the evidence—the Commission heard
evidence that no election could be held unless the authorities had first checked and
approved the names of the candidates. This allegation was corroborated by the former
Minister of Labour, Mr. Bacatselos, who stated that lists of candidates for office were
all examined to ensure that no one appeared on them who was not favourable to the
Government. The names of any persons who may not have been favourable to the
Government were struck off the list. In this connection one witness, Mr. Mavridis,
gave a list of trade unions of which representatives were summoned by the police and
invited to remove the names of certain candidates prior to the elections. Mr. Bacat-
selos also, in support of his statement, supplied the Commission with a copy of an
order dated 11 December 1967 issued by the police authorities of Magnesia to the
Workers’ Centre of Volos requesting the Centre to hold elections for the appointment
of the Executive Committee of the Workers’ Union of the Olympos Cement Factory.
This document also indicated the names of the persons to be elected to the various
offices and requested that after the elections the list of those persons elected to office
should be transmitted to the military authorities. On this matter the acting Secretary-
General of the GGCL, Mr. Campanellis, said that the Workers’ Centre of Volos had
asked his own organisation, the Electric Power Corporation Federation, for assistance
in putting a stop to such interference. The representative of the Ministers of Labour
and Justice contended that according to information he had received the members of
the union had not been in this case subservient to the authorities and had in fact
elected to office persons other than those appearing on the list sent to them by the
police.

Establishment of New Unions

139. The Commission did not receive any evidence in support of the complaint
that the establishment of new trade union organisations was prohibited after
21 April 1967.
140. The Government stated in a communication dated 14 January 1969 that five second degree and 156 first degree occupational organisations had been established. The witness Campanellis, acting Secretary-General of the GGCL, supplied the Commission with a list in which it was shown that ninety-one trade union organisations had been reconstituted or newly founded between 21 April 1967 and 23 September 1969. This list was compiled from trade unions affiliated to the GGCL. The Government gave information in a subsequent communication to the Commission dated 25 September 1969 that in the district of Athens nine federations, three workers’ centres and seventy first degree organisations had been constituted since 21 April 1967 and in the district of Piraeus fourteen first degree organisations. In another communication addressed by the Government to the Commission dated 18 February 1970, the Government stated that 2,966 trade union organisations were functioning freely in Greece. This number, stated the Greek Government representative, had to be compared with 2,767 trade union organisations which had been operating at 21 April 1967.

141. The Commission had to consider whether these new occupational organisations had been formed spontaneously and without the interference of the Government. The Government contended that there had been no intervention by the police with regard to the setting up of occupational organisations. However, the Commission had before it evidence in the form of a copy of an order by the Military Commander of Athens addressed to the President of the Athens Court of First Instance giving authorisation to the establishment of a trade union to be known as the Workers’ Centre of Eleusis and to the names of those persons who would form the provisional Executive Committee thereof.

The Right to Strike

142. The complainants had alleged that the right to strike was entirely abolished following the suspension of 21 April 1967 of several articles of the Constitution of 1952. The Government in reply stated that this right had never been abolished in practice although it was formally restored by the bringing into force of article 19 of the Constitution of 1968. The representative of the Ministers of Labour and Justice informed the Commission that while no constitutional provision expressly recognised the right to strike this right had always been indirectly recognised by the legislation and the courts had for many years upheld the existence of the right to strike. In evidence the acting Secretary-General of the GGCL explained that strikes were impossible while constitutional rights were suspended. The Commission noted that in fact no strikes took place during this period.
CHAPTER 7

SECOND PERIOD
(May 1968 to December 1968)

143. This period covers the events which occurred between the reintroduction of articles 10 and 11 of the Constitution of 1952\(^1\) relating to freedom of assembly and the right to organise and the putting into force at the end of 1968 of certain articles of the new Constitution, in particular, with regard to members of recognised trade union organisations, articles 18 and 19 which replaced articles 10 and 11 of the previous Constitution. The reintroduction of articles 10 and 11 was effected by virtue of Royal Decree No. 369, which was promulgated on 29 May 1968. Article 10 was reintroduced to the extent to which it related to the exercise of the right to assemble by the members of occupational organisations for the pursuit of their objectives; article 11 was similarly reintroduced to the extent to which it related to the fulfilment of occupational pursuits by the exercise of the right to associate. The Government contended that since the reintroduction of these constitutional guarantees, trade unions could again function in full freedom.

144. On 21 September 1968 the Government promulgated Royal Decree No. 667, which consolidated the law previously in force in respect of trade unions without introducing major changes in the legislation as it stood on 21 April 1967.

145. The new Constitution was approved by referendum on 29 September 1968 and articles 18 and 19 were brought into effect with regard to recognised trade unions on 16 November 1968. These articles are examined in more detail in the following chapter.

146. In dealing with this period, the Commission noted that the evidence or information available was generally less specific in character or related only to certain aspects of the complaints. However, evidence and information was received by the Commission showing that the trade union movement continued to be affected in certain respects by the intervention of the authorities.

147. The Commission first examined the information and evidence it received concerning the dissolution of trade unions and the confiscation of their assets. It thereafter proceeded to deal with the complaints regarding the arrest, imprisonment and deportation of trade unionists. Finally, the Commission considered to what extent there had been interference of a more general character by the authorities in trade union matters, especially those relating to the dismissal of trade union officers, the appointment of their successors and the functioning of trade unions.

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\(^1\) Article 10. Greeks have the right to assemble peaceably and without arms. The police may be present only at public gatherings. Open-air assemblies may be prohibited if danger to public security is imminent therefrom.

Article 11. Greeks have the right of association, with due adherence to the laws of the State, which, however, shall under no circumstances render this right subject to previous permission of the Government. An association shall not be dissolved for violation of the law except by judicial decision. The right of association in the case of civil servants and employees of semi-governmental agencies and organisations may by law be submitted to certain restrictions.

Strikes of civil servants and employees of semi-governmental agencies and organisations are prohibited.
148. The representative of the Ministers of Labour and Justice stated that, since May 1968, there had been no dissolution of trade unions, and no specific evidence of cases of trade unions being dissolved during this period was in fact received by the Commission.

149. With regard to the confiscation of assets of those trade unions which had previously been dissolved, the Commission had before it various legislative enactments adopted during the period under consideration. It will be recalled that the various proclamations dissolving trade unions after the revolution provided for the confiscation of their assets by the State. On 30 May 1968 the question of the distribution of these assets was dealt with in Law No. 434, which provided that such assets would devolve upon: (a) the trade union of the same district which pursued the same or similar objectives as the dissolved union; (b) should no such union exist, to the next highest-ranking organisation in the trade or locality (i.e. federation, workers' centre) to which the dissolved union belonged; or (c) if it belonged to no such organisation, to the Greek General Confederation of Labour. This Law further provided that the competent court of first instance would decide whether the successor organisation fulfilled the requirements provided by the Law before the transfer of the assets was made to it.

150. Several judicial decisions made under this Law were submitted to the Commission. One such decision, of the Volos Court of First Instance, dated 25 September 1968, laid down that the applicant union in that case fulfilled the qualifications required by the Law since it existed at the time the previous union was dissolved, it catered for the same occupational group and pursued the same objectives as the previous union, and it was, moreover, the only organisation of its kind in the district. In another case, the Piraeus Court of First Instance decided, on 24 June 1968, that the applicant organisation catered for the same workers and employees of a certain public corporation, the trade union of which had been dissolved, and that it was the only organisation to which the members of the dissolved organisation could adhere.

151. When Royal Decree No. 667 was promulgated on 21 September 1968, provisions were incorporated in the Law to the effect that the assets of a dissolved union would become the property of the State unless the rules of the union, and also the competent authority, provided otherwise. In the event, however, of the assets being turned over to the State, there would be an obligation upon the State to employ the assets in the fulfilment of the objects of the dissolved union. Subsequently, Constitutional Act No. 32 of 24 September 1968 was promulgated, ratifying all measures taken by the Revolutionary Government after 21 April 1967 concerning the dissolution of co-operatives, associations or political parties and enterprises in general, the property of which was deemed to have been confiscated in favour of the State.

152. On 27 September 1968 Emergency Law No. 575 was promulgated, amending the Law of 1912 on the state of siege by adding a provision to the effect that the assets of dissolved corporations, associations or political parties automatically devolved upon the State.

153. On the question of confiscated assets, while some witnesses stated that the assets of dissolved trade unions had been handed over to successor organisations,
Second Period (May-December 1968)

the Commission also heard evidence to the effect that this was not always the case and that the State was still in possession of the assets of some of the dissolved trade unions.

154. The Commission finds that neither the legal position nor the situation in fact is sufficiently clear to enable it to ascertain whether all the assets of those trade unions which were dissolved have been handed over to successor organisations pursuing similar objectives. It is clear that at the time of the promulgation of Law No. 434, the Government had decided that the assets of dissolved trade unions should devolve upon successor organisations. Shortly afterwards, however, the situation seems to have reverted largely to the same as that prevailing in the months immediately following the revolution. New legislation affecting this matter was adopted in 1969 and this will be examined under the third period (Chapter 8).

Arrest, Deportation and Imprisonment of Trade Unionists

155. No specific evidence was produced before the Commission concerning the deportation or sentencing to imprisonment of trade unionists during this period. On the other hand, the Commission heard no evidence that trade unionists deported during the first period had been released or brought to trial.

156. With regard to the arrest and questioning of trade unionists, the Commission takes the view, on the basis of information received, that although such activities by the military and police authorities were not as extensive during the period under consideration as they had been in the first, they were nevertheless pursued. In this connection, the Commission noted, in particular, the information it received from a former Secretary-General of the GGCL, Mr. Papageorgiou, who had been invited by the Commission to give evidence before it. In a letter to the Commission, Mr. Papageorgiou indicated that he was unable, for personal reasons, to appear before the Commission, but he informed it that, in July 1968, he was arrested by the security police, detained for four days, and questioned about his association with trade unionists and political persons.

General Interference by the Authorities in Trade Union Matters

157. The complainants alleged that, despite Royal Decree No. 369 of 29 May 1968, by virtue of which articles 10 and 11 of the Constitution of 1952 were brought back into force, none of the restrictive legislative and administrative measures in force were abrogated. The Government contended that since the promulgation of this Decree, occupational organisations could operate freely and that no authorisation was required for the holding of meetings. Further, since that time, there was no obligation to inform the police of meetings of the executive bodies of trade unions, or of the names of the members of executive bodies, or of any items on their agenda, or of the time and place of their meetings.

158. In support of the Government's contention, the representative of the Ministers of Labour and Justice stated that since May 1968 there had been no removal of trade unionists from office, collective agreements were being concluded, new organisations were being formed and the former trade union officials who had been removed by the military command during a brief period were being re-elected by regular elections to trade union executive bodies. The operation of existing trade unions and of newly constituted trade unions was entirely free and was governed by the ordinary law. The acting Secretary-General of the GGCL, Mr. Campanellis, stated in evidence that after May 1968, the appointment of temporary executives,
as in the past, was made by the courts in accordance with the procedure laid down in article 69 of the Civil Code.

159. Evidence to the contrary was heard by the Commission. For example, it heard that, in June 1968, application was made to the court under article 69 of the Civil Code for the appointment of a provisional executive of the Federation of Bank Employees. When the list of candidates was proposed, the judge refused to confirm the appointment of the persons on the list as they had not previously been checked and approved by the competent military authority.

160. Evidence was also heard that no trade union meetings could take place without prior notification thereof, and submission of the agenda, to the police. Further, no election of trade union officers could be held unless the authorities were first able to check the names of candidates and give approval thereto.

161. Evidence of trade union officers being forced to resign from office during this period was also submitted to the Commission. One example of this was the President of the Federation of Actors who, in the summer of 1968, had been forced to resign a few days after a trade dispute.

162. Particular note was taken by the Commission of the terms of the instructions, issued by the military general staff to the local military governors, contained in a circular dated 10 December 1968, and dealing with the activities of the military and police authorities in trade union matters in the light of the new constitutional provisions. This document specified that, in future, occupational organisations could be established under article 19 of the new Constitution, without approval or other intervention by the local military governors. Similarly, it was stated that the local military governors would have no authority to intervene in the further activities of trade unions established under article 19. Dissolution of trade unions, dismissal of trade union officers and restriction of their trade union activities were mentioned in particular as the type of intervention prohibited. It was further specified that meetings of such organisations would henceforth take place in accordance with article 18 of the Constitution. Public meetings required forty-eight hours' notification to the police and the police could be present at such meetings; any open-air meetings could be prohibited if they were liable to endanger public order and security; and any meetings held by trade unions in pursuit of objectives other than the occupational or economic interests of their members would be prohibited. A further clause in this circular laid down that, since article 18 of the new Constitution only regulated the right of assembly for recognised occupational organisations in the pursuit of their occupational objectives, the interpretation of this constitutional provision must necessarily be narrow.

163. The military governors were instructed to exercise vigilant and discreet surveillance of the activities of occupational organisations and to initiate proceedings for the dissolution or temporary suspension by the court of any such organisation which was engaging in anti-constitutional activity. Finally, the circular stated that any interference by the police or military authorities in legitimate strike action by trade unions was henceforth prohibited.

164. The authenticity of this document and the terms thereof were not challenged by the Government. The representative of the Ministers of Labour and Justice informed the Commission that this circular had been issued, not because of any particular interference, but because the local military governors were in doubt as to what action could be taken by them with regard to trade unions, following the coming into force of articles 18 and 19 of the Constitution.
CHAPTER 8

THIRD PERIOD

(Position since December 1968)

Part 1: The Constitutional Position and the State of Siege

165. In the examination of this period the Commission dealt with the situation in Greece following the introduction by Constitutional Act “A” of 16 November 1968, of articles 18 and 19 of the new Constitution, which deal with the right of assembly and association. It has already been pointed out that the effect of this Constitutional Act was to bring the aforementioned articles into effect only as regards recognised occupational associations; it was not until the enactment of Constitutional Act “B” on 9 April 1969 that these articles came into force for all other associations and organisations.

166. In comparing the provisions of articles 18 and 19 of the Constitution of 1968 with those of articles 10 and 11 of the Constitution of 1952 the Commission noted the following modifications in the law regarding freedom of assembly and association. Firstly article 18 of the new Constitution imposes a new obligation to notify public gatherings to the police forty-eight hours in advance. In article 19 a provision is added (paragraph 2) to the effect that every association of persons, “the purpose or activity of which is directed against the territorial integrity of the State or the regime or the social order or the security of the State or the political or civil liberties of the citizens shall be prohibited and shall be dissolved by court decree”. A further provision (paragraph 3) is added providing that where a procedure for the permanent dissolution of an association or union is initiated on the grounds that it has violated the law or its statutes, the chief judge of the district court may temporarily suspend the operation of the association or union. By paragraph 4 of the same article any restriction imposed by law on the right of association of civil servants is extended to local government employees or employees of other legal entities.

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1 Article 18. 1. Greeks have the right to assemble peacefully and unarmed as provided by law.
2. The police may be present only at public gatherings. Public gatherings must be duly notified to the police authorities forty-eight hours prior to their being held. Open-air gatherings may be prohibited if they endanger public order and security.

Article 19. 1. Greeks have the right to form associations with due adherence to the laws of the State, which, however, shall under no circumstances subject this right to prior permission by the Government.
2. Every union of persons, the purpose or the activity of which is directed against the territorial integrity of the State, or the regime or the social order or the security of the State, or the political or civil liberties of the citizens shall be prohibited and shall be dissolved by court decree.
3. Associations are dissolved, because of violation of law or their statutes, by court decree. By decree issued by the chief judge of the district court the operation of an association or union may be suspended temporarily, if at the same time proceedings for its permanent dissolution are initiated.
4. The right of association of civil servants may be subject to certain restrictions imposed by law. The same restrictions on the right of association may be imposed on employees of local government bodies, or other legal entities of public law, public enterprises and public utilities.
5. Resort to strike for the purpose of achieving political or other ends unrelated to material or moral interests of the workers shall be prohibited.
6. Strikes of any form by civil service personnel of any kind, personnel of local government bodies or of other legal entities of public law, shall be prohibited. The participation of such personnel in a strike is considered in itself as a submission of resignation.
entities of public law, public enterprises or public utilities. Paragraph 5 of article 19 is also an addition prohibiting any resort to strike action for the purpose of “achieving political or other ends unrelated to material or moral interests of the workers”. Finally paragraph 6 of the same article extends the prohibition against civil servants taking strike action to “civil service personnel of any kind, personnel of local government bodies or of other legal entities of public law”.

167. In connection with its examination of the new constitutional provisions the Commission also took note of article 136, paragraph 1 of which provides that “all laws and decrees in so far as they are in conflict with the Constitution are abolished”. Paragraph 2 of this article however provides that Constitutional Acts published after 21 April 1967 and which conflict with the Constitution shall remain in force until formally repealed, but in any event they shall not remain in force beyond the time when the Constitution comes into full effect. One of these Constitutional Acts 1, which confirmed Royal Decree No. 280/1967 which brought into force the law on the state of siege, should have ceased to be in force upon the publication of the new Constitution, However, this particular provision of the Act was later specifically repealed 2, leaving the law on the state of siege still effectively in force even after the new Constitution was published. It was also noted by the Commission that there had been no specific repeal of Royal Decree No. 280/1967. The representative of the Ministers of Labour and Justice referred to the period following the introduction of the new Constitution as a “restricted revolutionary period”. He further stated that the “last phase” would be that of full implementation of the Constitution when the country would be guided towards an entirely regular constitutional situation.

Part 2: The Trade Union Movement during the Period

Arrest, Deportation and Imprisonment of Trade Unionists.

168. No specific evidence was produced to indicate that any trade unionist had been deported during the period under consideration. According to the information supplied by the Government, A. Arkas, who had been deported after 21 April 1967, was sentenced on 6 November 1969 to twenty years’ imprisonment; T. Karageorgiou, who had been ordered to be remanded in custody, was sentenced on the same day to seventeen years’ imprisonment, and Alevizakis and Kypriotou, who had been arrested and subsequently discharged, were also sentenced on the same day to respectively three years and three months’ and five years’ imprisonment (with three and five years’ remission of sentence). 3

169. The Commission received the text of Legislative Decree No. 188 of 17 May 1969, which provided for the setting up of a committee consisting of three members of the judiciary to examine individual cases of deportation with a view to considering the total or partial lifting of the relevant deportation order. No information, however, was submitted to the Commission regarding the application of this enactment in practice. Neither did the Commission receive any evidence or information regarding the application in practice of Legislative Decree No. 183 of 10 May 1969 providing for the review of sentences imposed by the special military courts.

2 Constitutional Act “Kappa Theta” of 10 September 1968.
3 In connection with these persons, see paragraph 127.
Third Period (since December 1968)

170. As regards the arrest and questioning of trade unionists the Commission received information of a general nature in which it was alleged that the practice of holding trade unionists by the police for questioning was continuing, and in one communication to the Commission it was stated that this type of activity had again been intensified. This allegation was however unsupported by any specific evidence. The Commission notes the Government's statement that on 10 April 1970, article 10 of the new Constitution was put into force; this article provides that no person may be arrested without a judicial warrant and lays down other guarantees for the protection of individuals against arbitrary arrest and detention.

General Interference by the Authorities in Trade Union Matters.

171. The Commission received no specific evidence of general interference by the authorities in such trade union matters as meetings and election of trade union officers. The Commission received evidence tending to show that trade union leaders enjoyed some degree of independence and freedom in the public expression of their criticism of the Government's social policy and the activities within the Greek Confederation of Labour. For example, there were furnished to the Commission copies of communications addressed by the Committee of the Union of Radio Technicians of the state telecommunications system (OTE) to its members criticising the new staff regulations and the proposals of the Government to amend the social insurance legislation. The Commission also received several communications signed by a number of trade unions and addressed to the Government again criticising the proposals of the Government regarding amendment of the social insurance legislation. The Commission took note of statements made by several trade union leaders and published in the Greek press (To Vima, 30 April 1970) criticising the proceedings and elections which took place during the 16th Pan-Hellenic Congress of the GGCL held in Delphi in April 1970.¹ According to these statements these elections had been falsified and the results did not reflect the true opinion of the working class in Greece. For this reason, the reports stated, several of the members of the new administration of the GGCL had resigned.

Confiscation of Assets of Dissolved Trade Unions.

172. The question of confiscated assets of dissolved trade unions was again examined by the Commission in the light of certain further evidence it received concerning the period under consideration. New provisions in connection with confiscated assets of dissolved organisations were introduced in the Legislative Decree No. 185/1969, article 6 of which provided that the court may order the transfer of the assets of dissolved trade unions to another trade union having the same or similar objectives, provided that the applicant union guarantees that these objectives will be fulfilled. It also provided that the court decisions taken by virtue of Law No. 434 of 1968 ² would remain valid. This provision was applied in one case which was brought to the attention of the Commission. This case concerned an application by the Greek State, as represented by the Ministry of Finance, to overrule a previous decision of the court awarding the assets of the dissolved Union of Personnel of the Electrical Transport Union (DEE) to the Staff Association of the DEE as the successor organisation fulfilling the requirements laid down by Law No. 434, and

¹ The 16th Pan-Hellenic Congress of the GGCL was the first congress to take place after the revolution.
² See paragraph 149 above.
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to decide that these assets should now devolve upon the State. The court in this case reviewed the various enactments relating to the confiscation of assets of dissolved trade unions, including Emergency Law No. 575 of 27 September 1968, and ruled, on 27 July 1969, that the previous decision of the court to transfer the assets to the successor organisation was lawfully made under Law No. 434 and that this decision remained valid in accordance with the new provisions contained in Legislative Decree No. 185/1969. The application of the State was accordingly rejected. On the other hand the Commission was informed that other successor organisations to which the court had awarded assets of dissolved trade unions had made application to the Ministry of Finance for their transfer but that the Ministry had not yet given its approval to such transfers being made.

173. The Commission notes that the Government, in promulgating Legislative Decree No. 185/1969, again appears to be in favour of the transfer of confiscated assets to the successor organisations of dissolved trade unions, as was the case under Law No. 434/1968. However, as regards the effective transfer of these assets to such successor organisations, the position is not clear, and the Commission, in view of the withdrawal of its co-operation by the Government, was unable to pursue its inquiry as to what extent these assets had actually been transferred.

Loyalty Declarations.

174. The allegation made by the complainants was that under Emergency Law No. 516/1948 concerning loyalty clearance the Government dismissed employees of banks and public services as a result of their trade union activity. The legislation in question requires that persons employed in those industries to which, at any given time, the legislation applies, are required to produce a loyalty certificate and in the event of their inability to do so they shall be refused employment in these industries or discharged if they are already in employment. On the evidence it appeared that in practice this certificate was issued by the police. In reply to the allegation concerning employees of banks and public services the Government had stated that the employees affected were either Communist or "of extremely depraved character". Such persons could appeal to special committees and many of them had done so and had been reinstated.

175. The Commission, in the course of its proceedings, heard evidence and received information to the effect that the provisions of this enactment had been extended following the revolution to cover a large sector of private industry and that they were used as a means of trade union discrimination. The Commission examined the provisions of Emergency Law No. 516/1948, which applied mainly to public servants, and which, as from 1952, had been extended by the legislation to apply to public utility undertakings of all kinds and to those engaged in the production of articles needed for national defence. Orders issued from time to time under the legislation regulated the number and type of industries to which the legislation applied. Information was received from the representative of the Ministers of Labour and Justice that, in November 1969, the number of undertakings to which the legislation applied was 69, including undertakings in the steel, rubber, chemicals, metal, oil, radio equipment, cement and air-transport industries. According to an amendment to the legislation in July 1967, a person is not considered to be loyal if he holds Communist or anti-national political opinions, or spreads propaganda in

1 See paragraph 152 above.
support of them, or contributes by other means to their diffusion, or declares himself against the existing political regime or its fundamental principles, or endorses orders of an anti-national or Communist character or participates in sedition or any unauthorised public meetings in which anti-national or Communist slogans are put forward or participates in public meetings aimed at disturbing the peace, etc.

176. In evidence the Commission heard general allegations that trade union activity was severely handicapped by the fact that important industries demanded loyalty certificates from their employees and dismissed them if they were unable to produce them. The Commission, however, did not receive any specific evidence to the effect that the procedure relative to the issuing of loyalty certificates is used by the authorities or employers as a means to discriminate against workers because of their trade union activities.

Part 3: Legislative Decrees Nos. 185 and 186 of 1969

Legislative Decree No. 185/1969.

177. On 10 May 1969, there were promulgated Legislative Decrees Nos. 185 and 186, both of which had a fundamental effect on trade unions and their activities. Legislative Decree No. 185 deals with the right to organise in general, the right to strike, the dissolution of trade unions and the dismissal of trade union officers, the requirements for the holding of trade union office, the remuneration of trade union officers and staff, the facilities for the carrying out of trade union office, registration of trade unions and the establishment of trade unions, federations, confederations and workers' centres. Legislative Decree No. 186 deals with collective bargaining and collective agreements, the settlement of disputes and the financing of trade unions. These two enactments gave rise to various complaints that they were not in conformity with the provisions of Conventions Nos. 87 and 98 and these complaints are analysed below under individual heads.

(a) Requirements for the Holding of Trade Union Office.

178. In terms of section 9 of Legislative Decree No. 185/1969 a person shall only be eligible to hold trade union office if he has worked during the last six years prior to the date of the election for at least 100 days a year, or a total of 600 days, of which at least 50 per annum can be proved from the records of the main insurance fund by which he is covered. The person must also have been a regular member of the union.

179. It was alleged that this provision constituted an arbitrary interference in the right of workers to freely elect their trade union representatives and a limitation on the exercise of trade union rights. Henceforth, trade union leaders would be under the discretionary control of employers who, by laying them off, could prevent their election. No longer could trade unions have recourse to the experience of retired workers as trade union officers; and full-time trade union officers could not be immediately re-elected to trade union office, since it would not be possible for them to have fulfilled the service requirements. The complaint was also made that this provision referred only to workers' organisations and that employers' organisations were in no way affected by it.

180. The Commission endeavoured to ascertain to what extent in practice section 9 was likely to prevent trade unionists from electing to office such persons as
they considered appropriate. However, the provisions of section 9 had not been in force sufficiently long to enable an assessment to be made.

181. Paragraph 4 of this section gives retrospective effect to the provision and lays it down that the terms of office of those members of executive bodies of trade unions who do not fulfil the above-mentioned qualifications shall come to an end, the executive bodies remaining legally constituted by the remaining members until the expiry of their term of office, provided that the total number of those holding office is not less than one-half of the complete composition of the executive body. Alternatively, a new executive body shall be appointed by the court under section 69 of the Civil Code.

182. The result of this provision was to remove from the Executive Council of the GGCL twenty-five out of its thirty-five members; and since this affected more than 50 per cent of the membership, the Council, under the terms of the law, ceased to exist until new appointments were made by the court. Among the members affected was the General Secretary, Mr. Makris, who made an attack on the legislation which was freely published. In this way the Government came into conflict with a much wider section of the trade union movement than hitherto. The total number of persons removed from trade union office under this provision has been variously estimated as between 150 and 600. The Government pointed out that this was a very small proportion of the total number of trade union officers, which they put at 37,500; and claimed that the provision was an attempt to remove corrupt practices in labour and the exploitation of trade union office, the current extent of which was distorting freedom of association.

(b) Remuneration of Trade Union Officers, Staff and Legal Advisers.

183. The allegation in this connection concerned section 10 of Legislative Decree No. 185/1969 which restricts the amounts which can be earned by trade union executive officials or anyone employed by workers’ organisations. In future, such persons shall not earn more than the monthly salary which can be earned by similar employees of joint-stock companies on the basis of a collective agreement or arbitration award. The remuneration of legal advisers of first degree trade unions is fixed on the same basis as those earned by lawyers practising in the Court of First Instance, and in the case of legal advisers of federations, on the same basis as those earned by lawyers practising in the Court of Appeal. This provision would, it was stated, restrict trade unions in the recruitment of suitable officers, staff and legal advisers and moreover, the restriction did not apply to employers’ organisations. Under section 11, any such persons must either accept the restricted amounts or resign, and in the event of resignation they shall be entitled to compensation from the Workers’ Fund. If such compensation is paid, the recipient shall be prohibited, for a period of five years, from accepting a salary or any other payment from a trade union.

184. The Government had stated that these provisions were introduced in order to enable trade unions to meet their expenses out of their own resources and that they in no way constituted an infringement of Convention No. 87.

185. The Commission heard evidence which supported the allegation that, because of this restriction, trade unions would not be able to elect or recruit, as representatives or staff, capable or highly paid staff who would be henceforth discouraged from undertaking representative or staff jobs in trade unions. It was stated in evidence that the minimum wage of employees of joint-stock companies
now became the maximum for trade union officials. The restriction would, in some cases mean a reduction of 50 per cent in the salaries of persons employed by trade union organisations, and even large trade unions would be affected in the same way by the restriction.

186. The Commission, by contrast, also heard arguments that, prior to the introduction of the new legislation, salaries considerably higher than average were paid to trade union officials since there were no rules to govern what these should be, and that this had, inevitably, led to cases of abuse. The executive committees or organisations or workers' centres fixed their own monthly remuneration and therefore the salaries varied according to the decisions they reached.

(c) **Dismissal of Trade Union Officers and Dissolution of Trade Unions.**

187. Section 6 of Legislative Decree No. 185/1969 was also the subject of complaints in so far as it laid down that trade unions, the objects or activities of which are aimed against the territorial integrity or security of the State, or against the political or social regime, or against civil and individual liberties, shall be dissolved by court decision upon application by one of their members or by the public prosecutor. The section further provides that members of an executive committee, or representatives of a trade union who engage individually in activities aimed against the territorial integrity of the State or its security, or its political or social regime shall be dismissed according to the same procedure.

188. It was alleged that these provisions enabled the authorities to consider any trade union activity as falling within their scope and to dissolve a trade union or depose its officers for any reason.

189. The Government had replied that section 6 was a rule favourable to the development of any trade union organisation. It did not mean that workers were in any way denied the rights provided for in Convention No. 87 or that the exercise of these rights was unreasonably impeded. The dissolution of trade unions or the dismissal of leaders who performed illegal acts, as decided by the competent authority, was perfectly in harmony with this Convention.

190. In evidence it was stated that this provision, based as it was on vague notions such as the established social and political regime, rendered meaningless the main provisions of Convention No. 87 and any trade union activity could be treated as illegal. During the brief period in which this provision has been in operation there had been no dissolutions or dismissals. In a note of information supplied by the representative of the Ministers of Justice and Labour to the Commission it was stated that the term “social regime” had never been specifically defined by the courts. However, it appears from the jurisprudence on cases brought under the State Security Law No. 4229/1929, in which the term “social regime” also appears, that the type of activity aimed at under section 6 of Legislative Decree No. 185 is any act or propaganda which is considered to have as its object the overthrow, by violent means, of the established social system.

(d) **The Right to Strike.**

191. As already observed in paragraph 142 the right to strike had been recognised in law prior to the promulgation of Legislative Decree No. 185/1969. A list of strike statistics which one witness alleged had been compiled by the authorities, was sub-
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mitted to the Commission, according to which, in the years 1963, 1964, 1965 and 1966, there had been 405, 310, 311 and 293 strikes respectively; in 1967 there had been 58 strikes, all of which had taken place in the months preceding the revolution. In connection with the position after the revolution the Commission heard evidence from the Acting Secretary-General of the GGCL and from a former provisional Secretary-General, Mr. Dimitrakopoulos. The former stated that trade unions now had the opportunity of showing that, with proper dialogue and response to workers' demands, there was no necessity to resort to strike action. The latter indicated that, so far as railway workers were concerned, no strikes had been necessary as all their claims had been satisfied.

192. It had been alleged that sections 3, 4 and 5 of Legislative Decree No. 185/1969 imposed substantial limitations on the right to strike. The Government on the other hand, had contended that these new provisions prevented abuses in the withdrawal of labour in cases where the commencement of a strike was not decided by a competent trade union body.

193. Section 3 of this Decree defines a strike as the continuous or periodic withdrawal of labour by more than five wage earners as a result of a dispute regarding the observance of the terms of employment, or for the purpose of improving or maintaining conditions of work. Paragraph 2 of this section provides that a strike shall only be permitted after the appropriate executive body of a union has decided, on a vote of a majority of those members entitled to vote, to take strike action. Such a strike shall last no longer than three days, and any strike for a longer period may only take place after a majority vote of the general assembly of its members. During any strike the executive body shall ensure that the necessary personnel is available for the supervision of the installations of the workplace, and also that the employers' association which is competent to negotiate a collective agreement, and the Ministry of Labour, are informed of the decision to strike 48 hours before the strike is due to commence. Section 4 prohibits strikes during mediation, and section 5 provides that anyone participating in a strike in breach of the Decree shall be regarded as having broken the terms of his contract of employment.

194. It is to be noted that the right to strike is, by virtue of article 19 of the Constitution of 1968, denied to civil servants, public and local government employees and personnel of legal entities of public law.

195. The Commission heard evidence that these new provisions rendered the calling of a strike, if not impossible, at least extremely difficult, and that they nullified the effectiveness of strike action. The right to strike was now completely forbidden in firms employing fewer than five persons, in the civil service, in local government services and in public law entities. In cases where the right existed, there were so many restrictions that it was virtually inoperative.

196. On the other hand it was argued that, in one respect at least, the new provisions recognising the right to strike made strike action easier. It had previously been decided by the courts that the decision of the general assembly was required in the case of any strike action, whereas now, this was only necessary in the case of a strike lasting for more than three days. This provision had been introduced as an improvement in spite of opposition thereto by employers. With regard to other criticisms, it was argued by the Government that the requirement to safeguard the basic installations of a workplace could not be regarded as being directed against the workers, and
it was natural that strikes should not take place during the negotiation period for the peaceful settlement of a dispute.

**Legislative Decree No. 186/1969.**

(a) *Collective Bargaining.*

197. Under this heading two points were raised, the first was that the legislation confined collective bargaining to only a few types of trade unions, the second was that the GGCL was no longer entitled to engage in collective bargaining for the fixing of a minimum wage. The Commission will consider these points in their order.

198. Legislative Decree No. 186/1969 lays down that, as from the date of its promulgation, only those unions which are "representative" shall be entitled to negotiate and conclude a collective agreement.

199. Section 1 of this Legislative Decree provides that, in the case of first degree unions, those shall be representative in which at least 100 members voted at the last elections of their executive bodies and, in the case of federations, those in which at least 5,000 members voted; federations, of which the total number of members insured with the respective social insurance fund does not exceed 10,000, shall only be recognised as representative provided at least two-fifths of their total membership voted at their most recent elections. The president of an arbitration court of first instance shall rule in the event of the representative status of a trade union being challenged. In making his decision, the president shall take into account the numerical strength of the organisation, the attitude of absolute independence taken by the trade union towards any influence unrelated to the trade union objectives pursued by it and the activities developed within the limits of such objectives, the acceptance by the union of collective bargaining procedure, and the existence of guarantees for the application of the laws, agreements and awards according to the genuine trade union activity of the organisation (section 2).

200. Section 3 provides that in the event of two trade unions being recognised as representative a decision taken on the basis of the criteria laid down in section 2 shall make it clear which of the two is most representative. Confederations and labour centres shall only be regarded as representative if they have a majority of the unions belonging to federations of the same or kindred trades affiliated to them. First-degree trade unions shall as well be regarded as representative, provided they are affiliated to a representative federation of unions of the same or kindred trades.

201. Under section 4 of Legislative Decree No. 186/1969 collective agreements shall apply only to the members of unions which have concluded them, with the exception that when a union, having been recognised as most representative, has actually negotiated the agreement, the union which is simply representative will also be covered by it unless having been invited by the most representative union to participate in the negotiation, it refrained from doing so, or having participated it disagreed with the conditions negotiated, and intimated its disagreement immediately to the contracting organisations and to the Ministry of Labour.

202. Sections 5 to 8 of this Legislative Decree lay down the procedure to be followed for mediation and arbitration and also for an appeal against an arbitration award to the Minister of Labour. Section 8 also provides that a collective agreement of indefinite duration may not be terminated unless at least 12 months have elapsed from the date of its coming into effect.
203. It was stated in evidence by a former Minister of Labour, Mr. Bacatselos, that the right of collective bargaining had been substantially abolished by the above provisions. Whereas in the past, hundreds of collective agreements were concluded every year, very few would be concluded in the future. Only a very small number of trade unions and federations would be able to fulfil the qualifying conditions, laid down in sections 1 and 3 of this Decree, which would enable them to be considered as representative. He did not, he said, know of more than three federations which fulfilled the condition of having 5,000 voting members. His view was that this law would lead to the abolition of the collective bargaining system for the following reasons: (a) only members of contracting organisations were bound by the agreement, and organisations which were not of a representative character were excluded from negotiating and concluding such agreements, and (b) for a first-degree trade union to be recognised as representative it was not enough that it should have 100 voting members; it had also to be affiliated to a federation which must also be representative in character. Even very large organisations, such as the Union of Greek Chemical Workers, although having thousands of members, would not be able to conclude agreements as they did not belong to a federation, and many smaller unions, such as unions of employees of municipalities and public bodies, etc., which had fewer than 100 members, would be excluded. The condition governing the representative character of federations of less than 10,000 members was unworkable in practice since the total number of insured workers in a particular branch could not be correctly estimated. Mr. Bacatselos supplied the Commission with a substantial list of categories of workers who, in spite of belonging to a federation, would not be able to conclude collective agreements in future. He added that the small employers would try to employ unorganised workers (who were not covered by collective agreements) so as to pay lower wages, and the big employers, seeing this, would withdraw from employers' organisations so as not to be bound by collective agreements.

204. These arguments were substantially supported by other evidence and information received by the Commission. Unorganised workers could no longer benefit from the terms of a collective agreement. Section 2 of the Decree, in laying down that, in order to be representative, a trade union must have an attitude of absolute independence towards any influence unrelated to the trade union objectives pursued by it and the activities developed within the limits of these objectives, would be interpreted so widely that any organisation which made demands for its workers would be considered to be exercising activities unrelated to the objects pursued by it and, independently of the number of its members, it would not be recognised as representative.

205. In one document communicated to the Commission it was stated that, of the 49 federations affiliated to the GGCL only 11 \(^1\) (having the largest number of affiliates) would fulfil the conditions specified in the Decree to be regarded as representative; of the 75 workers' centres affiliated to the GGCL only 12 \(^2\) would meet the requirements specified in the Decree. On the total number of organisations able to

\(^1\) Federation of Employees of the Private Sector; Pan-Hellenic Federation of Seamen; Pan-Hellenic Federation of Railway Personnel; Federation of Textile Workers of Greece; Pan-Hellenic Federation of Workers of Food Industries and of Employees of the Tourist Industry; Pan-Hellenic Federation of Tobacco Workers; Federation of Greek Dockers; Pan-Hellenic Federation of Building Employees and Workers; Federation of Organisations of Greek Bank Employees; Federation of Workers and Employees in Military Establishments; Pan-Hellenic Federation of Employees in the Motor Industry.

\(^2\) Workers' centres of Athens, Piraeus, Salonika, Volos, Verría, Chalkis, Kavala, Kalamata, Larissa, Mytilene, Patras and Canea.
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conclude collective agreements, the Commission heard other evidence to the effect that this was now reduced to half, and that all trade unions and one or two of the larger centres were excluded. The number in 1966 of collective agreements (105) and arbitration awards (114) was a good deal greater than in the following year.

206. On the legislation in general, the Commission also heard evidence that it stimulated trade unions and federations to increase their memberships or to amalgamate in order to achieve representative capacity for collective bargaining purposes. The non-application of collective agreements and arbitration awards to all workers in the occupational branch concerned would act as an incentive for more workers of the same occupational branch to adhere to the union of their choice and thereby benefit from the conditions obtained in collective agreements. The representative of the Ministers of Labour and Justice stated that the Council of State had, under the previous legislation, decided that when there were several organisations in the same occupational branch, only one could be recognised as representative and as having the right to negotiate and conclude collective agreements. This right, he said, has been extended by the new law to two organisations which could act in conjunction with one another. This was more in harmony with Convention No. 98 than the old system. The extension of the right to all organisations of the same trade to conclude collective agreements would not, he said, be favourable to the development of collective bargaining. As for the termination of collective agreements, he said that it should be noted that, although one year had to elapse before they could be terminated, collective bargaining and the conclusion of new collective agreements was not excluded during this period.

207. The acting Secretary-General of the GGCL informed the Commission that, since the revolution, 289 arbitration awards had been given and 127 collective agreements concluded.

208. With regard to the minimum wage, section 16 of Legislative Decree No. 186/1969 provides for the fixing of such a wage for unskilled workers, and apprentices by a decision of the Prime Minister and the Ministers of Co-ordination, Industry and Labour, after consultation with the most representative organisations of employers and workers. Account shall be taken of the national economic development, the national income, productivity and the cost of living. It was clear from the indications given by the Government that this provision had the effect of preventing the GGCL from establishing a minimum wage through collective bargaining at a national level.

209. It was alleged before the Commission that since under the new legislation only those who were members of a trade union could benefit from a collective agreement, the majority of workers were no longer covered. Previously, the general collective agreements concluded by the GGCL and the Confederation of Employers fixing a minimum wage, although not always satisfactory, provided guidelines and made it possible to formulate far-reaching social demands.

210. The acting Secretary-General of the GGCL stated that the workers had been assured by the Government that the minimum wage would be increased proportionately to the increase in the national income, and they had, since the revolution, secured substantial economic gains. In the past, said the representative of the Ministers of Labour and Justice, serious economic consequences had resulted from the fixing of the minimum wages by collective agreements, and the Government had
always to intervene. It also brought about a complete equalisation of wages in each professional branch. Under the new system collective bargaining by occupational branch would be promoted.

(b) Financing of Trade Unions.

211. The system of financing trade unions in operation in 1967 has already been described in paragraph 97, where it was noted that the Fact-Finding and Conciliation Commission that the system was liable to abuse. In some respects the system was altered by Legislative Decree No. 186/1969. The question which the Commission will now examine is whether, on balance, the amendments introduced by this Decree afforded any improvement on the previous method of financing.

212. Section 10, paragraph 1, of Legislative Decree No. 186/1969 provides that representative national federations of trade unions of the same or kindred trades shall be entitled to negotiate a clause in a collective agreement or to raise a collective dispute to the effect that the amount of a daily wage of an unskilled worker or apprentice shall be deducted by the employer from the Christmas bonus of a union member and remitted to the Workers’ Fund. Such moneys, when collected, shall be deposited in an account with the Bank of Greece in the name of the association which has obtained such a check-off clause. The distribution of these funds by the Workers’ Fund is made in the following proportions (section 10, paragraph 3):

(i) 10 per cent to the confederation of which the representative federation which obtained the check-off clause is an affiliate;

(ii) 25 per cent to the first instance trade unions affiliated to the most representative federation which obtained the above-mentioned check-off clause (the distribution amongst these to be made in accordance with the number of paid-up members of each one);

(iii) 10 per cent to the local associations of trade unions (labour centres), provided they have their headquarters in a community of more than 180,000 inhabitants (to be distributed in accordance with the number of paid-up members of the unions affiliated to the local association of the same or kindred trades which obtained the check-off clause);

(iv) 30 per cent to local associations of trade unions as described in the previous paragraph, having their headquarters in a community of less than 180,000 inhabitants, to be distributed in the same manner;

(v) 25 per cent to the national federations of unions of the same and kindred trades, each one of which shall operate its own account and make allocations in similar proportions.

213. A federation of unions that is simply representative and has participated in, and not disagreed with, the negotiations which took place shall be entitled to a separate amount proportional to the paid-up members of its affiliated trade unions, and the following shall be entitled to draw upon the amount by which it benefits, the amount being distributed on the ratio of paid-up membership, viz. (paragraph 4):

(i) the confederation of which the federation is an affiliate member;

(ii) the local associations of trade unions; and

(iii) the trade unions themselves.
214. Any dispute arising concerning the distribution of funds shall be decided upon by the court of first instance in the place where the unions which concluded the agreement have their headquarters.

215. Under the terms of section 11, members of trade unions who have fulfilled the obligations prescribed by section 10 are relieved of their obligation to pay, according to existing legislation, a daily wage to the Workers' Fund from their Christmas bonus.

216. Section 12 provides that, by virtue of the existing legislation, representative unions shall be entitled to monthly allocations until they negotiate the necessary collective agreements. These allocations will be based upon the number of members who voted at the last elections of their union executive. Under paragraph 2 of this section, unions which are not yet recognised as representative may also receive monthly allocations, on the same basis, in so far as they do not collect affiliation fees on the basis of a check-off system, for two years from the date of coming into force of the Decree (section 12, paragraph 2). The organisations referred to in this section shall be designated by the Workers' Fund and approved by the Minister of Labour.

217. By virtue of section 13, unions which are unable to obtain representative capacity because they cannot fulfil the membership requirements provided for in section 1, can also receive financial assistance, under the same conditions as those prevailing before this Decree was introduced, for a period of two years from the date of promulgation of this Decree.

218. Labour unions having at the time of promulgation of the Decree appointed executive councils according to section 69 of the Civil Code shall be entitled to assistance for six months from the date of promulgation, and those having executive councils appointed by judicial decision following promulgation shall be entitled to assistance for three months (section 14). In each case, the financial assistance shall be renewed upon the election of the executive council.

219. By section 15, special financial assistance can be given to assist unions to pay the rents for their premises and other expenses in connection with the holding of their congresses or establishing contacts with international trade union organisations.

220. Assistance can also be given to associations of pensioners for recreational schemes for their paid-up members (section 15, paragraph 2).

221. Trade unions receiving financial assistance shall settle their accounts with the Workers' Fund within the time limit to be set by its administrative council.

222. Evidence was received, in which it was stated that, while the new provisions were an attempt to improve the old system, any channelling of trade union dues through the Workers' Fund could lead to administrative delays in making payments to a trade union, thereby placing that union in a difficult financial position. This system also constituted a threat to the independence of trade unions. The former Minister of Labour, Mr. Bacatselos, stated that the system introduced by the new Decree was complicated, inapplicable and unenforceable and that, in practice, the system which existed prior to the introduction of the new legislation was being applied.
223. On the other hand, two former Secretaries-General of the GGCL told the Commission that the latest legislation provided an opportunity for all trade unions to collect dues from their members and enlarge their organisations. The new provisions meant that trade unions were no longer dependent upon the Government for their finances but on the number of members in their organisations. The system gave organisations the opportunity of developing and strengthening their membership. It was also stated that, from the introduction of this Decree, the Workers’ Fund would only retain the dues of those workers who did not belong to any trade union, whereas the dues of the union members would be distributed to their organisations. The funds collected from unorganised workers and retained by the Fund would be used for building, educational and recreational purposes. The representative of the Ministers of Labour and Justice informed the Commission that there was no financial supervision whatever over the use made by trade unions of dues received directly from their members, or through the Workers’ Fund.

224. The present Chairman of the Workers’ Fund, Mr. Barbatis, supplied the Commission with a detailed explanation regarding the functioning of the Fund and pointed out the differences between the new system under Legislative Decree No. 186/1969 and the system which prevailed before May 1969. The Commission took special note of his evidence concerning the method of collection and distribution of contributions by the Fund under the new legislation. He stated that, during the transitional period, i.e. until collective agreements had been concluded by those organisations which had representative capacity, allocations would be based on the number of members who voted at the last elections of executive councils of the organisations concerned. This was an automatic system which did not give rise to any discrimination between unions or to any pressure as to the use to which the allocations were put. Since the promulgation of the new law, subsidies were now given to fifty federations, eighty-two workers’ centres and 2,232 first-degree trade unions. He could give the Commission no information as to any collective agreements having been concluded by trade union organisations since the promulgation of Legislative Decree No. 186. Under the law, he said, special grants could be made, after approval by the Minister of Labour, for certain administrative purposes, and the sixteenth Pan-Hellenic Congress of the GGCL recently held in Delphi had been financed by such a grant in April 1970. The Governing Body of the Workers’ Fund was now smaller in size and it consisted of the chairman, one workers’ representative, one employers’ representative and five members having some financial or technical knowledge.

225. From the evidence and information it received, the Commission understands that under the system which existed prior to the introduction of the new legislation, all workers were required to pay contributions to the Workers’ Fund which, in turn, allocated the moneys collected amongst federations, workers’ centres and the confederation; it was only in exceptional cases that allocations were made by the Fund to first-degree trade unions which normally received their finances from secondary trade unions to which they were affiliated. These allocations were fixed by the Fund and approved by the Minister of Labour.

226. The new legislation introduces a system whereby representative federations may conclude collective agreements providing for members’ trade union dues to be deducted by employers (check-off system), leaving non-trade union members still bound to contribute to the Workers’ Fund in the same way as before. The dues of the trade union members are then channelled by the Fund to the organisations to which these workers belong; the dues of non-union members are used by the Fund
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mainly for welfare and educational purposes. If no collective agreement exists, both members and non-members of trade unions are required to contribute to the Workers' Fund as under the previous system. From the evidence heard by the Commission, it appears that no such agreements have yet been concluded. The Commission must, therefore, find that, so far as the system of collection of dues by the Workers' Fund is concerned, the system is the same as before. On the other hand, as regards the method of allocation of the funds, if there are any representative trade union organisations, they will be entitled to receive monthly allocations based upon the number of members who voted at the last election of their executive bodies. Trade union organisations which have not yet acquired representative capacity, or which are unable to do so, may receive monthly allocations or financial assistance during a period of two years from the date of promulgation of the Decree (10 May 1969). Further, the Commission notes that under the present system, by contrast with the previous system, not only second-degree trade unions, but also first-degree trade unions have actually received allocations from the Fund. In addition, the new legislation makes provision for the grant of special financial assistance to cover certain administrative expenses, and the Commission notes that such a grant was made in connection with the holding of the sixteenth Congress of the GGCL at Delphi in April 1970.
CHAPTER 9

FINDINGS

227. The Commission is now in a position to state its conclusions. The duty of the Commission was to determine to what extent there had been, as alleged by the complainants, breaches of 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), ratified by Greece. These alleged breaches by the Government of Greece fall into two main categories. The first concerns the measures taken by the Government consequentially upon the coup d'état which took place in Greece on 21 April 1967, and is composed in the main of emergency measures which the Government contends were justified by the existence of a state of emergency, and whose operation was therefore intended to be temporary. The second category concerns, in particular, Legislative Decrees Nos. 185 and 186, promulgated in May 1969, which were intended to form a permanent part of the law of Greece relating to trade union matters. The Commission deals separately with these two categories.

PART 1

228. The Commission is not concerned with the political objectives of the men who seized power on 21 April 1967. It is sufficient to say that they were not objectives which brought the new Government into immediate conflict with the bulk of trade unions—the GGCL as then constituted in fact publicly welcomed the change of regime—but that they were objectives to which the left wing was likely to offer resistance. Accordingly, in the first stages the measures taken by the new Government, in so far as they affected trade unionism, affected only a minority of trade unions, mainly, if not entirely, outside the GGCL, who were or were believed by the Government to be under Communist influence. It was not until later that the Government enlarged its objectives to include that of achieving a degree of control over the trade union movement as a whole.

229. In the opinion of the Commission, the Government sought to achieve its objectives in relation to trade unionism in three principal ways. First, it proceeded to dissolve those unions in which Communist or left wing influence was sufficiently strong to make it desirable in the view of the Government that the unions should be entirely reconstituted with a new leadership. Secondly, in those cases where the union as a whole was not, in the view of the Government, permeated by left wing influence, the Government took the course of removing from office those of its leaders whom it suspected of being opposed to the new regime. In cases of individuals whose opposition was likely to be active and perhaps dangerous, the removal was effected by deportation followed by imprisonment or detention. Where the officers concerned could safely be left at large, their removal from trade union activity was effected either by direct dismissals or forced resignations. The third step was to eliminate from trade union leadership those officers who, if not active in opposition to the new Government, would not be active in furthering its objectives. This was achieved by the method of dismissal or forced resignations coupled with dictated appointments which has been fully described and which continued at least until the
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end of 1968. The Commission is satisfied that one of the objects, possibly the main object, of attaching retrospective effect to section 9 of Decree No. 185 was to get rid of unsympathetic trade union officers and make room for new ones.

230. Thus it was never the object of the new Government entirely to destroy trade unionism. Its first object no doubt was simply to secure itself against its political opponents. The Commission is, however, satisfied that the ultimate objectives of the new Government included that of ensuring that the leadership of Greek trade unionism would be composed wholly or mainly of persons sympathetic towards the new regime, or who would not instigate any direct opposition against it. The Commission is satisfied that each of the measures mentioned in the preceding paragraph was a step towards that end. In its opinion these measures, taken as a whole, constitute a clear breach of Convention No. 87 in the spirit, as well as in the letter, in general because they are inconsistent with the principle of free association and, in particular, because they are a breach of Article 3 of the Convention which gives the workers' and employers' organisations " the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes "; and requires the public authorities to " refrain from any interference which would restrict this right or impede the lawful exercise thereof ". Furthermore it is the view of the Commission, as seen in Chapter 5, that such a breach could not be justified as an emergency measure.

231. Having reached this general conclusion, the Commission will now examine the measures individually so as to ascertain to what extent each measure, taken by itself, amounts to a breach of the Convention.

Dissolution of Trade Unions and Confiscation of Assets

232. The dissolution of trade union organisations by administrative authority is a prima facie breach of Article 4 of Convention No. 87, which provides that " workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority ". The confiscation of assets of dissolved trade unions is, in the opinion of the Commission, a matter subsidiary to the main question of administrative dissolution.

233. It was established in evidence that a number of workers' organisations, probably in the region of 250, were dissolved by the administrative authorities, most of them in the months following the coup d'état of April 1967. The Government contended that the organisations dissolved were Communist controlled and did not have as their objects trade union activities. If this were the case, such organisations would not be organisations of workers for furthering and defending the interests of workers as defined in Article 10 of Convention No. 87, and accordingly they would not be entitled to the protection afforded by Article 4 of the Convention.

234. The Government has not produced any evidence concerning the grounds upon which the administrative authorities acted in issuing proclamations dissolving the organisations. Nor do the proclamations themselves contain any statement of the reasons supporting the action taken. No evidence has been offered to the Commission of the extent of Communist or political activity in any one of the organisations which were dissolved. The Greek Government has rested its case, on this question, upon such evidence as there is that Communist influence in some unions was strong. The Commission is not, on this evidence, satisfied that any of the dissolved
organisations had allowed its proper objects to be perverted to such an extent that it could no longer be regarded as an organisation "for furthering and defending the interests of workers" within the meaning of Article 10 of Convention No. 87. The mere fact that an organisation had been disaffiliated from the GGCL does not of itself disentitle it to the protection of the Convention.

235. The Commission must therefore conclude that the Government acted in breach of Article 4 of Convention No. 87 in dissolving trade unions by administrative authority.

**Detention, Arrest, Interrogation and Dismissal of Trade Union Officers**

236. For a fuller appreciation of the facts concerning the detention, arrest or interrogation of trade union officers, it is appropriate to begin with the basic provisions contained in Article 3 of Convention No. 87. This Article, after stating that organisations of workers and employers shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes, provides that "the public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof".

237. This provision necessarily means that the public authorities cannot deprive trade union officers of their freedom in order to put an end to their trade union activity. Such action would constitute the most important violation of the above-mentioned Convention since it would result not only in depriving trade unions of their legitimate leaders, but it would also, because of the repercussions which would follow such coercive measures, prevent those leaders who had been impeded from effectively carrying out their functions from being replaced by other suitably qualified persons. The climate of fear thereby created would not enable a trade union to function normally.

238. Convention No. 87, however, has neither the object nor effect of prohibiting a government from using its legitimate powers as regards public order in cases where leaders of trade unions commit crimes or misdemeanours under the national law. The Convention provides no immunity in favour of this section of society and even provides that workers and their organisations, just like other persons, are obliged to respect the law, and the national law shall likewise not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in the Convention.

239. The arrest, therefore, of a trade union officer does not in itself constitute a violation of the Convention. It was the task of the Commission to investigate the intention which motivated such a decision. Such an investigation is, of necessity, a delicate matter and the investigation of matters of this nature, in the majority of cases, requires facilities which international organisations do not always have at their disposal.

240. The Commission is faced with these difficulties. It has before it proof that 122 trade union officers have been in detention for more than three years. This fact has been accepted by all parties and the Commission endeavoured to find the reasons behind these arrests.

241. The complainants did not furnish any proof in support of their allegations that these persons had been deported by reason of their trade union status or activity. At the request of the Commission, they merely handed in a list of twenty-eight names.
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242. For its part, the Government furnished the Commission, with regard to the twenty-eight names provided by the complainants, extracts from police records. These documents, from their very nature, did not necessarily provide any guarantees of being objective. It can, moreover, be seen that some are quite vague. Furthermore, although recognising the fact that 122 trade union officers had been deported, the Government had never supplied a list of these persons and, a fortiori, the precise reasons for these detentions with the exception of the twenty-eight names indicated by the complainants.

243. The Government also put forward some examples of sentences pronounced by the military tribunals for infractions of the State Security Laws.

244. The reasons for the detentions, therefore, are not clear from the documents or from the evidence heard by the Commission. The Commission, however, considered that it was justified, since it is called upon to appreciate the reasons for such action, in examining whether the facts following the decision to imprison could, in one sense or another, provide the proof which was lacking. It found that the imprisonment or deportation, in the majority of cases, lasted more than three years without the initiation of court proceedings. Such a fact could raise a presumption of innocence as regards the persons concerned who had no opportunity to put forward any defence they might have. On the information before it, the Commission was not of the opinion that it could go so far as to conclude that this presumption constituted a proof of the infringement of Article 3 of Convention No. 87 by the Government.

245. In any event, the proof of government interference in the functioning of trade unions is so conclusive in other respects that the Commission did not feel that it was worth while to consider further a doubtful point which, in any case, would not have any effect on the general conclusions of the present report. Conclusive evidence of the direct dismissal of trade union officers and their replacement by the authorities was presented to the Commission. It had before it copies of military orders to this effect. The Government did not deny the making of the orders. The Commission considered that the complainants could not be expected to do more than to produce, as they had done, a number of such orders as examples. This is enough to put the burden on the Government to explain the circumstances in which these orders were made and to show, if it be the case, that they were exceptional. In the absence of any such explanatory evidence the Commission felt justified in inferring that dismissal of trade union leaders by the authorities and the appointment of their successors was widespread; likewise, in the absence of any explanatory evidence the Commission found it difficult to believe that the dismissals were confined to Communists or to politically active trade unionists.

246. In all these respects, the Commission concludes that the removal of trade union officers from office by such action on the part of the authorities constitutes a breach of Article 3 of Convention No. 87.

General Interference by the Authorities in Trade Union Matters

247. The Commission considers that adequate evidence was produced to establish that, between April 1967 and the end of 1968, interference by the police in some trade union meetings by their presence at such meetings was sufficient to restrict or impede those trade unions in the free discussion of legitimate trade union matters. The Commission is also satisfied that there was interference by the forcing of the
resignation of trade union officers whom the authorities no longer wished to remain in office and by the checking of lists of candidates for office in order to approve or remove the names of persons thereon. The Commission concludes that such interference constitutes an infringement of Article 3 of the Convention.

Establishment of New Unions

248. The Commission has seen that, while the establishment of new trade unions does not appear to have at any time been prohibited, nevertheless a new union, especially one established to replace a dissolved union, could not be set up at least in the months following the revolution, without previous authorisation and control by the military authorities. Such control in connection with the establishment of a new trade union organisation is an interference which is contrary to the guarantee provided in Article 3 of the Convention. Moreover, this kind of interference also infringes Article 2 of the Convention, which provides that “workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation”.

PART 2

Legislative Decrees Nos. 185 and 186 of 1969

249. It is normal to find in legislation on trade union matters provisions designed to protect the public interest and also the interests of trade union members against indiscriminate or wrongful use of authority by trade union leaders. In its examination of Legislative Decrees Nos. 185 and 186 the Commission considered to what extent the provisions of this legislation were designed to achieve these objects or whether they went further than what is legitimate.

250. In general, the legislation on trade union matters in force prior to the revolution did not fully satisfy the requirements of the freedom of association Conventions ratified by Greece and a reform of this legislation was to be particularly welcomed if it resulted in new provisions being enacted to ensure full conformity with those of the Conventions. The Commission considers, however, that several of the provisions contained in the new legislation are not in harmony with the relevant international standards.

251. The conclusions of the Commission on the legislative provisions which gave rise to allegations are given below.

Legislative Decree No. 185/1969.

Requirements for the Holding of Trade Union Office.

252. Section 9 of this Legislative Decree provides that, in order to be elected to trade union office, the candidate must have worked during the last six years prior to the date of elections, for at least 100 days a year, or a total of 600 days with a minimum of 50 days in each year.

253. This provision, the immediate effect of which was the dismissal of the executive officers of the GGCL who were in office at the time of promulgation of the Decree, has also important, permanent effects. It prohibits retired workers and young
persons who have not worked during the previous six years from being elected to a post at any level of a trade union organisation. It hinders the effective functioning of trade unions since the activities and responsibilities of officers, at least from a certain level, are such at present that these persons can no longer in practice carry out a job in an enterprise. Finally, there is a risk that an employer by dismissing an employee might thereby disqualify him from holding trade union office.

254. For all these reasons, the Commission considers that this provision imposes requirements which run counter to Article 3 of Convention No. 87, which establishes that workers' organisations shall have the right to elect their representatives in full freedom.

Remuneration of Trade Union Officers, Staff and Legal Advisers.

255. Section 10 of this decree limits the remuneration which trade unions may pay to the members of their executive committees, and to their staff and legal advisers.

256. No evidence was produced before the Commission to indicate that there had been a general abuse in the payment of salaries to such persons in the Greek trade union movement which might have justified the introduction of a provision in these terms. The Commission also accepted the argument put forward that section 10 would have the effect of preventing trade union organisations from freely engaging staff and legal advisers, or from maintaining the services of executive officers, who might command higher remuneration than that permitted by the legislation. This would again be detrimental to the efficient running of the trade union organisations concerned.

257. The Commission considers that a provision of this nature constitutes an infringement of Article 3 of Convention No. 87, which guarantees to workers' and employers' organisations the right to organise their activities and provides that "the public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof".

Dismissal of Trade Union Officers and Dissolution of Trade Unions.

258. Section 6 of the same Legislative Decree provides that trade union leaders and representatives shall be dismissed from office by court decision if they become involved in activities aimed against the integrity of the State, or its security or its political or social regime. It also lays down that trade a union shall be dissolved by order of the court if its purpose or activity is directed against the integrity of the State or its security, or its political or social order, or the civil liberties of the citizen.

259. The language of this provision is very wide and much would depend on the way in which it is interpreted and applied. So far no action has been taken under it and the Commission considers that it would be premature to declare that any breach of Convention No. 87 has been committed.

The Right to Strike.

260. The provisions laid down in section 3 of Legislative Decree No. 185 limit the duration of a strike to three days unless a majority vote of a general assembly of the union has been obtained, authorising strike action for a longer period. Any decision to strike must be notified to the employers' association which is competent to negotiate a collective agreement and also to the Ministry of Labour. Further,
Trade Union Rights in Greece

during any strike the trade union executive body shall ensure that the necessary personnel is available for the supervision of the installations of the workplace. Strikes are temporarily prohibited during mediation, according to section 4 of Legislative Decree No. 185.

261. The Commission observes that Convention No. 87 contains no specific guarantee of the right to strike. On the other hand, the Commission accepts that an absolute prohibition of strikes would constitute a serious limitation of the right of organisations to further and defend the interest of their members (Article 10 of the Convention) and could be contrary to Article 8, paragraph 2, of the Convention, under which "the law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Convention ", including the right of unions to organise their activities in full freedom (Article 3). The Commission did not receive any evidence that the provisions of Legislative Decree No. 185 were such as to make strikes impossible in practice or limit them to the extent of seriously restricting the rights guaranteed by the Convention. Moreover the Decree in question has not been in force sufficiently long to enable the practical effects thereof to be fully determined. The Commission believes that the absence of strikes is attributable to the political climate which prevails in Greece rather than to the legislation. In these circumstances, therefore, the Commission is not prepared to conclude that the legislation amounts to a violation of the Convention.

Legislative Decree No. 186/1969.

Collective Bargaining.

262. Legislative Decree No. 186/1969 lays down precise qualifications which must be fulfilled before any trade union organisation can be recognised as representative and therefore capable in law of entering into negotiations for the conclusion of a collective agreement. The fulfilment of these qualifications depends mainly upon a specified number of members having voted at the most recent elections of the organisation concerned. In addition, the legislation removes the right of the Greek General Confederation of Labour to conclude collective agreements fixing the national minimum wage and empowers the Government to fix the minimum wage in the future.

263. The Commission notes that Article 4 of Convention No. 89 provides that "measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilisation of machinery for voluntary negotiation between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements ".

264. As regards the requirements for the acquisition of representative capacity, however, the Commission recalls that the Committee on Freedom of Association and the Committee of Experts on the Application of Conventions and Recommendations have considered that, if more than one trade union organisation exists within a particular category of workers it would not be incompatible with the freedom of association Conventions to grant to the most representative union, determined according to objective criteria, preferential or exclusive rights to conclude collective agreements. The granting of such rights of representation for collective bargaining cannot be considered in any way to constitute a discriminatory practice. The Commission accepts this view.
Findings

265. In the present case, Legislative Decree No. 186 contains certain provisions to this effect. However, in determining the most representative union account must also be taken of other criteria, such as the attitude of absolute independence towards any influence unrelated to the trade union objectives pursued by it, and the activities developed within the limits of such objectives. In addition, any organisation—indeed of the existence of other organisations for the same category of workers—must, in order to be recognised as representative for collective bargaining purposes, meet basic membership and the other criteria laid down in the Decree. The Commission has seen that the practical effect of the membership requirement has been to reduce substantially the number of organisations capable of concluding collective agreements. Further, it is the opinion of the Commission that the additional requirement relating to absolute independence and the activities developed by the union is vague and affords no precise criteria for its objective implementation.

266. The Commission considers that on the basis of the provisions contained in Article 3 of Convention No. 87 read in conjunction with those of Article 4 of Convention No. 98, trade unions should in general have the right to engage in collective bargaining. It concludes that the provisions of Legislative Decree No. 186 are not in harmony with Article 3 of Convention No. 87 and Article 4 of Convention No. 98, as they not only restrict the right of trade unions to organise their activities but also have an effect contrary to promoting voluntary collective bargaining.

267. With regard to the question of national minimum wages, the Commission is of the opinion that the decision of the Government to replace the collective bargaining machinery for the establishment of the national minimum wage with a new system in which the Government itself plays the decisive role cannot be considered an infringement of the standards on freedom of association and collective bargaining as set by Conventions Nos. 87 and 98.

Financing of Trade Unions.

268. The provisions of Legislative Decree No. 186/1969 concerning the system of financing trade unions has been examined in Chapter 8 of this report. In view of these provisions, the Commission reaches the conclusion that the new system introduced by this legislation continues to be restrictive in the light of the standards set by the freedom of association Conventions, both as regards the capacity of organisations to conclude collective agreements and as regards the degree of dependency of trade unions on the Workers’ Fund. It considers that any form of state control, either through the Workers’ Fund, or by other forms of direct or indirect intervention, must be abolished in order that the trade union movement may achieve the financial independence which is a prerequisite for the enjoyment of the guarantees laid down in Convention No. 87.

Loyalty Certificates

269. It is not the duty of the Commission to pronounce on the merits or demerits of a system which requires the production of loyalty certificates by applicants for work in certain categories of employment. The system would become the concern of the Commission only if it could be shown that it was being used to hamper or penalise trade union activities. Since the Commission has found no evidence of this, it follows that it has found no breach of the Convention in this respect.
CHAPTER 10

RECOMMENDATIONS

270. The Commission, having set out its findings on all questions of fact relevant to determining the issue between the parties, is now required under article 28 of the Constitution of the ILO to make such recommendations as it may think proper as to the steps which should be taken to meet the complaint and the time within which they should be taken.

271. The Commission has concluded that a number of the measures taken by the Government on and after 21 April 1967 to secure and consolidate its position had the effect of infringing upon freedom of association and amounted to breaches of Convention No. 87. It would be idle to recommend simply that all these measures should be reversed and the situation restored to what it was before 21 April 1967; nor, if such restoration were made, would it mean that Greek trade unionism would be in a satisfactory state. While, therefore, the Commission will not end this report without making some observations of general character, on freedom of association in Greece, as it now is and as it may be hoped that it will develop in the future, it considers that its detailed recommendations must, to be useful, put forward proposals for improvements in those provisions, contained in Legislative Decrees Nos. 185 and 186, which now form part of the permanent structure of Greek trade union law. In its conclusions the Commission has found that a number of the provisions of these Decrees are contrary both to the spirit and to the letter of Conventions Nos. 87 and 98.

272. Putting on one side the provisions of section 6 of Legislative Decree No. 185 concerning the dismissal of trade union leaders and the dissolution of trade unions, which constitute a special problem, a distinction may be drawn between those provisions which should simply be repealed and those which can be retained subject to amendments.

273. The first group includes the provisions laying down the requirements for the holding of trade union office contained in section 9 of Legislative Decree No. 185 and those for the remuneration of trade union officers, staff and legal advisers contained in section 10 of the same Legislative Decree. The Commission recommends that these provisions should be repealed with the exception of paragraph 8 of section 9. This paragraph provides that trade union leaders may be allowed a certain amount of time off each month during working hours for the performance of their trade union duties. The Commission considers that this provision may have, in principle, a beneficial effect in so far as the obligation to perform wage-paid work is removed.

274. The second group includes the provisions concerning the right to strike, the conditions governing collective bargaining and the financing of trade unions.

275. As already stated, the Commission does not consider that the legislation at present in force concerning the right to strike constitutes a violation of the Convention. It does consider, however, that these provisions, which it does not condemn, lay
Recommendations
down too rigid a framework and that it would be desirable for the Greek Government,
with the assistance of ILO experts if it so desires, to review that legislation so as to
make it more flexible.

276. The provisions concerning collective bargaining would need extensive
recasting. In accordance with Article 4 of Convention No. 98, the objective is to
courage and promote the full development and utilisation of machinery for collect-
ive bargaining. To this end the definition of the trade unions qualified to conclude
collective agreements should be reviewed. It is not acceptable, for instance, that a
trade union in an undertaking where there are fewer than 100 voting members should
be unable to negotiate agreements which concern conditions of work, health, safety
and other similar subjects. Similarly, there should also be a review of the rules con-
cerning procedure, which are too unwieldy to be effective. Here, again, the Greek
Government might wish to call on the help of ILO experts.

277. The method of financing the trade union movement is always of considerable
importance in relation to the free exercise of trade union rights. Any reform which
retained a system of financing through the Workers' Fund would not produce satis-
factory results. That system has been unanimously condemned over a long period of
years by governments and trade unions in Greece, and, at the international level,
by the Committee on Freedom of Association and by the Fact-Finding and Concilia-
tion Commission on the trade union situation in Greece. In its report of 14 July 1966
the Fact-Finding and Conciliation Commission envisaged several alternative solu-
tions.1 The Commission refers to those conclusions. It also endorses the finding of the
Fact-Finding and Conciliation Commission that “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 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 enjoy-
ment 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 ”.2

278. There remains the question of the power conferred upon the Courts of
Greece by section 6 of Legislative Decree No. 185 to dissolve any trade union whose
objectives or activities are aimed against, inter alia, “the political or social regime ”;
and to dismiss from office any trade unionist who engages individually in activities
similarly aimed. The Commission has noted that a similar provision, applicable to
all associations, is contained in article 19, paragraph 2, of the 1968 Constitution.
While the Commission has concluded that it would be premature to declare these
enactments to amount to a breach of Convention No. 87 before it has been seen how
they will be interpreted by the Courts, it would undoubtedly have viewed with the
gravest concern any use made of this power to dissolve trade unions or dismiss from
office trade unionists merely because their political or social objectives brought them
into conflict with the government of the day. The Commission, therefore, recom-
mends that the Government of Greece should in the reports referred to in the next
paragraph be invited to give detailed information about any judicial decision inter-
preting or applying the above provisions.


2 Ibid., para. 448.
Trade Union Rights in Greece

279. In conclusion, having regard to what has just been said, the Commission recommends that Greece should indicate regularly in its reports under article 22 of the Constitution of the International Labour Organisation concerning the measures taken by it to give effect to the provisions of Conventions Nos. 87 and 98, the action taken during the period under review to give effect to the recommendations contained in the present report. The Commission has considered whether it should specify a period of time for which such information should continue to be supplied, but, as the time for which such an arrangement remains desirable depends on the degree of progress made, it has been thought preferable to leave it to the discretion of the Committee of Experts on the Application of Conventions and Recommendations to indicate when it no longer considers any special information on all or some of these matters necessary.

280. The Commission considers that the execution of these recommendations would not of itself be enough to bring trade unionism in Greece into full conformity with the letter and spirit of Convention No. 87. It may be said, indeed, that this will not be achieved until civil liberties are fully restored. The Commission has taken note of the conclusion stated by the International Labour Conference in the resolution concerning trade union rights and their relation to civil liberties adopted at its 54th Session (1970). The Conference concluded that the rights conferred upon workers' and employers' organisations must be based on respect for those civil liberties which have been enunciated, in particular, in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights; and that the absence of these civil liberties removes all meaning from the concept of trade union rights. The Commission does not doubt that this resolution expresses all that is to be desired. The Commission itself, however, as a semi-judicial body appointed for the limited purpose of inquiring into alleged breaches of Conventions Nos. 87 and 98, is concerned with the positive rule of law rather than the desiderata which may flow from it, that is to say, with the conditions which the States that have ratified these Conventions have solemnly undertaken to secure rather than with those to which they ought to aspire.

281. Undoubtedly this positive rule of law must include such basic liberties as freedom from arbitrary arrest and freedom of opinion and speech in so far as they are necessary to enable organisations of workers and employers to further and defend the interests of their members. The Commission has noted in this report the various steps that have been taken by the Government of Greece to restore the protection of the law to these basic liberties. The Commission has noted also that it has received no evidence of any specific act committed since the end of 1968 which would amount to a direct interference with freedom of association. Nevertheless, the Commission thinks it probable that the grave breaches of the Convention which it has recorded during the earlier periods have left behind them a sense of constraint which inhibits the full exercise of trade union rights and liberties. While, for example, an excessive use of the right to strike would indicate an unhealthy state of industrial relations, the Commission cannot believe that the absence of any strike at all since April 1967 is to be accounted for by complete industrial contentment. It regards total inactivity in this respect as one of several symptoms indicating a reluctance on the part of trade union leaders to take any step that might not be fully approved by the Government.

Recommendations

282. This sense of constraint will, the Commission considers, continue to exist until the provisions of the new Constitution are fully brought into effect and siege law completely brought to an end. Even then it will continue until the effect of the emergency measures has been effaced and until in particular the Government is able to declare that all members of a trade union (the Commission refers only to them because they alone are within its competence), deported since April 1967 and since kept in detention without anything more being known about their cases than the meagre information recorded in this report, are either released or brought to public trial. When there has been an interruption of freedom of association of the magnitude recorded in this report, it needs more than a formal restoration of the status quo to put matters right; there must be restored also the atmosphere in which restriction is not felt. If the Commission had been able to visit Greece, it would have sought to ascertain to what extent trade union leaders now in office were freely elected and felt free to speak and act in the interests of their members irrespective of government disapproval. The Commission desires, as the last of its recommendations, to recommend that, as soon as the Government of Greece is satisfied that freedom of association is fully restored in the spirit as well as in the letter, it should invite the ILO to send to Greece a fact-finding commission or similar body which will be able to complete the task which this Commission has had to leave undone.


(Signed) DEVLIN,
President.
Jacques Ducoux.
M. K. Vellodi.

Postscript

Having signed this report, the members of the Commission wish to express to the Director-General of the International Labour Office, and to his collaborators, their warm thanks for all the help which they have received at all stages of the proceedings.

D.
J. D.
M. K. V.
APPENDICES

APPENDIX I

Complaint Filed by Messrs. Beermann, Morris, Vognbjerg and Sunde

The complaint signed by Messrs. Beermann, Morris, Vognbjerg and Sunde was as follows:

Complaint concerning Non-Observance of Convention No. 87 by the
Government of Greece, in Accordance with Article 26 of the Constitution of the
International Labour Organisation by Messrs. Beermann, Morris, Vognbjerg and Sunde

The following Workers' delegates to the 52nd (1968) International Labour Conference, file herewith, in accordance with article 26 of the Constitution of the International Labour Organisation, a complaint with the International Labour Office concerning the non-observance of Convention No. 87 by the Government of Greece:

H. BEERMANN (Federal Republic of Germany),
J. MORRIS (Canada),
S. B. VOGBNBERG (Denmark),
O. SUNDE (Norway).

The complaint is based on the following facts:

1. The military dictatorship which usurped power on 21 April 1967 by overthrowing the democratically constituted Government of Greece has suspended a number of important clauses of the Greek Constitution safeguarding basic democratic liberties and human rights.

2. As a consequence—as officially confirmed by Ambassador Tziras, Government delegate of Greece to the 52nd International Labour Conference to the Credentials Committee of the Conference (Fifth Report of the Credentials Committee)—"280 organisations of various kinds had been dissolved by administrative decision in June 1967. One hundred and forty-six of these organisations were trade unions. The funds of the dissolved trade unions are minimal and their property consisted mainly of office furniture and equipment. The assets of the dissolved trade unions were impounded by administrative authority and their attribution is to be effected under the procedure provided for by Decree No. 434 of 29 May 1968. One hundred and twenty-two trade unionists are now in detention for 'alleged offences unrelated to their trade union activities, some for political offences'. Trade unions were denied the right to meet freely in accordance with article 91 of the 1952 Greek Constitution, which article deals with a state of emergency. Articles 5, 6, 8, 12, 14, 95 and 97 of the 1952 Constitution are still suspended. The suspension of article 10 regarding freedom of assembly and of article 11 regarding freedom of association was lifted by virtue of Decree No. 369 of 29 May 1968."

3. In view of the fact that important articles of the Greek Constitution safeguarding basic human and democratic rights remain suspended, it is evident that the principles laid down in Convention No. 87 cannot really be respected. Article 4 of Convention No. 87 provides that organisations of workers were not liable to be dissolved by administrative authority. The before-mentioned organisations were thus dissolved in violation of Convention No. 87. The Government of Greece has not indicated whether these organisations could freely be reconstituted and whether they could recover their property which had been seized. Their dissolution has rather been confirmed by the Government by bringing into force together with articles 10 and 11 of the Constitution, of a decree providing that the property of organisations dissolved by the military authority would, by decisions of the tribunals, devolve to another organisation "pursuing similar objectives". The property confiscated from trade unions which were dissolved because they did not yield to government control will, therefore, be handed over to trade unions which can in no way be considered to be independent from the military dictatorship.

4. A great number of trade unionists continue to be kept in prison or had been forced to abandon their trade union activities in flagrant violation of Convention No. 87.
5. The 52nd (1968) International Labour Conference upon recommendation of its Committee on the Application of Conventions and Recommendations decided to place Greece on the special list criteria F. Greece was therefore included in a category which lists countries in which the Conference Committee has found that there were very serious breaches in the application of one or more ratified Conventions.

Recommendations.

6. In view of the before-mentioned evidence made available both to the Credentials Committee as well as to the Committee on the Application of Conventions and Recommendations of the 52nd International Labour Conference, the undersigned delegates to the 52nd ILC file in accordance with article 26 of the ILO Constitution a complaint with the International Labour Conference since they are not satisfied that the present Government of Greece is securing the effective observance of Conventions which it has ratified.

7. In view of the evidence given by the Government representatives of Greece to the 52nd International Labour Conference the undersigned make an urgent appeal to the Governing Body to refer this complaint immediately to a Commission of Inquiry without invoking first the procedure referred to in subparagraph 5 of article 26 of the ILO Constitution according to which a complaint could first be communicated to the government in question.


(Signed) H. Beermann,
J. Morris,
S. B. Vognbjerg,
O. Sundé.
APPENDIX II

Complaint Filed by Mr. Hlavicka

The complaint of Mr. Hlavicka, and the supplementary information in support thereof, was as follows:

(Translation)

Complaint concerning the Non-Observance of Convention No. 87 and of Convention No. 98 by the Government of Greece, Filed under Article 26 of the Constitution of the International Labour Organisation by Mr. Hlavicka

Sir,

I, the undersigned, Josef Hlavicka, Workers' delegate of Czechoslovakia to the 52nd Session of the International Labour Conference, file under article 26 of the ILO Constitution a complaint against the Government of Greece for serious permanent and systematic violation of the obligations deriving from the Freedom of Association and Protection of the Right to Organise Convention (No. 87) and from the Right to Organise and Collective Bargaining Convention (No. 98) of the ILO, ratified by this Government.

I have the honour to propose to you, on the basis of article 26, paragraph 2, of the ILO Constitution, that the Governing Body of the ILO appoint a Commission of Inquiry to consider the above violations.

I have the honour, etc.,

(Signed) Josef Hlavicka,
Workers' delegate of Czechoslovakia to the 52nd International Labour Conference.

Information on the Trade Union Situation in Greece and on the Infringements by the Greek Government of the Provisions of ILO Conventions Nos. 87 and 98, Ratified by It

The Government of Greece has ratified the following ILO Conventions, among others: Convention concerning Freedom of Association and Protection of the Right to Organise (No. 87); Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively (No. 98).

The provisions of these two Conventions have been and are still violated in a flagrant and permanent manner.

Following the military coup d'état of 21 April 1967, all individual guarantees secured by the Constitution and all democratic freedoms and trade union rights were suppressed.

Indeed, the suppression of articles 5, 6, 8, 12, 14, 95 and 97 of the Constitution, as well as the publication of Royal Decree No. 280 of 21 April 1967, of the communiqué of the General Staff of 25 April 1967 and the decision of the same organ of 4 May 1967 authorised the military government to take the following measures: to arrest and incarcerate any person without any formality; to prolong for an indefinite time the preventive detention of persons arrested and to prohibit bail; to withdraw arrested persons from the ordinary judges and to bring civilians before special tribunals (courts martial); to prohibit any assembly or meeting within premises or in public places, with the possibility of dissolving them by armed force; to search dwelling-places during the day or night to prohibit the communication and publication of information, to censure correspondence, etc.

As regards trade union organisations in particular, the suppression of articles 11 and 12 of the Constitution and the other provisions decreed by the Government had the following consequences: dissolution of 280 associations and organisations among which were some 150 workers' centres or trade union organisations of the first and second degrees, and the possibility of seizing their goods, archives, deposits and funds; the prohibition of creating any corporation with trade union aims; the absolute prohibition of strikes; the obligation to request prior authorisation for the holding of trade union meetings, the presence of the police at such meetings, and the censure of the documents adopted.

These events have provoked a wave of action and protest on the part of trade union and democratic organisations in Greece and throughout the world.
Trade Union Rights in Greece

For understandable reasons, the Greek Government announced on 29 May 1968 the promulgation of a Royal Decree, just before the 52nd International Labour Conference which opened in Geneva on 5 June 1968. By virtue of this Decree, articles 10 and 11 of the Constitution concerning the protection of the right to free assembly and the right of association were formally brought back into force.

However, the promulgation of this Decree does not abrogate any of the restrictive legislative and administrative measures presently in force and contrary to the rights of Greek workers to freedom of association and to other fundamental human rights.

This isolated measure, the practical application of which is more than doubtful, has no significance from the point of view of the obligations laid down by Conventions Nos. 87 and 98. Indeed, the abrogation of the other articles of the Constitution of Greece, especially of articles 5, 6, 8, 12, 14, 95 and 98, still remains in effect.

We can only conclude that the re-establishment of articles 10 and 11 is only a manoeuvre of the Greek Government to deceive public opinion in the country and abroad and to prepare more favourable ground, in the view of the Government, for the recent 52nd International Labour Conference.

In this regard, I refer to the Fifth Report of the Credentials Committee, where the Committee had to note, *inter alia*:

"The members of the Committee nevertheless continue to be deeply concerned by the present situation in Greece and particularly as regards the following facts:

(a) trade unions have been dissolved or suspended by administrative authority;
(b) trade union funds and property have been impounded;
(c) trade unions were denied the right freely to meet."

Accordingly, the Committee came to the following conclusion: "The Committee has... serious doubts as to whether the Greek Government has conformed fully with the spirit of the ILO Constitution since the Committee considers that it is not sufficient for a government merely to comply with the formalities concerning the nomination of the Workers' delegation."

In addition, I would point out that the report of the Committee on the Application of Conventions and Recommendations emphasised that Greece was among the countries in which there were very serious breaches in the application of Convention No. 87.

I wish also to refer to the conclusions of the Committee on Freedom of Association of the Governing Body of the ILO, Case No. 519, where it is stated:

"503. With regard to the case as a whole, the Committee recommends the Governing Body:

(a) to draw the particular attention of the Government to the importance that should be attached to the principle of the independence of the trade union movement and especially:

(i) to the principle that trade unions shall not be liable to be dissolved or suspended by administrative authority, a principle embodied in Article 4 of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), which has been ratified by Greece;

(ii) to the principle that the property of trade unions should enjoy adequate protection;

(iii) to the principle that freedom of expression, in particular through the press, is an essential aspect of freedom of association;

(b) to draw the attention of the Committee of Experts on the Application of Conventions and Recommendations to the foregoing conclusions;

(c) to request the Government to be good enough to indicate whether the measures taken by virtue of Royal Decree No. 280 of 21 April 1967 are still in force and to be good enough to indicate precisely the rules that govern, in law and in practice, military tribunal procedure, the right of workers to form organisations of their own choosing and the right to strike;

(d) to draw the attention of the Government to the importance which should be attached to the principle that, when trade unionists are detained for reasons which the Government states to be unconnected with their trade union activities, these trade unionists, in the same way as all other persons, should be judged promptly by an impartial and independent judicial authority under a procedure which has all the guarantees of normal judicial procedure;

(e) to request the Government to be good enough to present its observations urgently on the allegations mentioned in paragraph 502 above and referred to in paragraphs 481 to 485;

(f) to take note of the present interim report, on the understanding that the Committee will report again when it is in possession of the additional information specified in subparagraphs (c) and (e) above."
Appendix II

It is to be noted that these recommendations were made following several complaints filed by the WFTU, the ICFTU, and the IFCTU.

The serious violations of trade union rights in Greece led, at the 52nd International Labour Conference, to the submission of a draft resolution concerning freedom of association of the Greek workers and their right to organise. Unfortunately, due to lack of time, this resolution was not discussed at the Conference. It asserted, in particular:

"Considering that the Government of Greece has not taken any such measures as would comply with the observations of the Committee on the Application of Conventions and Recommendations and the Committee on Freedom of Association, but that, on the contrary, the vital provisions in the Greek Constitution safeguarding democratic and trade union rights remain suspended; that a great number of trade unionists are still arbitrarily incarcerated; that a great many trade unions have been dissolved by order of the public authorities; that trade union officials have been revoked on the recommendation of military authorities and that the composition of the governing organs of trade unions has been modified in the same way; that workers have been dismissed from their employment on account of their continued adherence to the principle of free trade unionism; that freedom of the press, including the trade union press, has been abolished.

"Considering that in these circumstances in Greece the independence of trade unions and the right of workers to form and join trade unions of their own choosing and their right to strike are non-existent;

"1. Insists that the Government of Greece fully discharge its obligations as a member State of the International Labour Organisation, in particular in respect of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), which Greece has ratified

"2. Urgently requests the Government of Greece to take immediate steps:

(a) for the effective implementation of the fundamental principles of freedom of association and the right to organise, guaranteeing the right of the workers to form and join trade union organisations of their own choosing, free and independent from government control and interference;

(b) for repealing all measures infringing these rights and other basic human freedoms;

(c) for the immediate release of all persons imprisoned for their activities in support of freedom of association, the right to organise and other basic human rights ".

I submit below further information on the concrete facts and events which fully confirm the assertions.

The very night of the coup d'état, the headquarters of the Democratic Trade Union Movement and those of other trade union organisations in Piraeus and elsewhere were completely destroyed. More than 1,500 trade union members were deported to the concentration camps of Yura without any bill of indictment being drawn up against them.

The dissolution of 279 trade union organisations and the seizure of their property and archives were decreed on 4 May 1967, on the basis of an ordinance of the Chief of Staff. Pursuant to a police ordinance of 30 May 1967, the headquarters of 45 organisations were sealed. During the summer of 1967, 40 other trade union organisations were dissolved.

The property of the trade union organisations which was seized amounts to some tens of millions of drachmas.

During the following months other measures were taken which prevented the democratic working of trade unions, in particular the obligation of the administrative councils of trade unions to inform the police beforehand of meetings envisaged, indicating the names of the members of the council, the questions on the agenda, and the time and place of the meeting.

In addition, in hundreds of workplaces where trade union organisations were dissolved, the police "solicit" the creation of new "nationalist" organisations, the charters of which must be drawn up by Mr. Fotiadis, legal adviser of the Greek General Confederation of Labour.

Many trade union leaders have been dismissed from office, including the General Secretary and five members of the leadership of the Federation of Bank Employees, the General Secretary of the Federation of Cement Workers and three members, including the General Secretary, of the Building Federation. The presidents and secretaries of the Pan-Hellenic Federations of Engineers, Seamen, Stewards, Electricians and others were also removed from office.

The prohibition of the establishment of new trade union organisations and of the payment of dues since the first day of the coup d'état still remains in effect.

As regards organisations which are still functioning, the police and the leadership of the Greek General Confederation of Labour attempt to oblige the legally elected leadership to resign.

The prior approval of the police or the military authorities is necessary for recruitment in these "organisations". However, the workers refuse to join such organisations.
Trade Union Rights in Greece

Since the month of June 1967, the police have undertaken massive arrests of trade union cadres for their active participation in the struggle against the dictatorial regime and against the present leadership of the Greek GCL.

Tens of thousands of workers from various factories in the country have been dismissed with the complicity of the Government and of the present leadership of the Greek GCL. In order to facilitate dismissal by employers, the Government abrogated Act No. 2112 which provided since 1920 for an indemnity for dismissed persons.

Under Act No. 516, the Government dismissed employees of banks and public services "guilty" of carrying out trade union activity, and all those who are not considered to sympathise with the dictatorial regime.

In order to further paralyse trade union activity, the Government took possession of the insurance funds of the employees of the banks, electricity and telecommunications.

In these conditions, the Greek workers have created the "Workers' Front against the Dictatorship", in whose ranks all the progressive workers and employees, who oppose the policy of repression, are united.

The opposition to the Government is manifested also among the Greek workers who, for various reasons, are outside the country. Thus, on 3 April 1968, the "Foundation of the Greek Trade Union Movement United against the Dictatorship" was created in Rome. This event confirms once again that the present "trade union organisations" in Greece are not considered authentic representatives of the Greek workers.

I draw the attention of the ILO to the organisation in Geneva, on 29 and 30 June, of a Conference of solidarity with the Greek workers, and I will try to submit at a later date to the ILO the documents and decisions adopted by this Conference.

I also reserve the right to submit any other necessary information in due time.

Conclusions and Proposals.

Considering that the fundamental human rights, democratic freedoms and trade union rights have been abolished in Greece following the coup d'état of 21 April 1967, in flagrant violation of the obligations of Greece as a States Member of the ILO;

Noting that Greece has ratified Conventions Nos. 87 and 98;

Affirming that the provisions of these two Conventions are violated in a flagrant, permanent and systematic manner in Greece,

I propose

under article 26, paragraph 4, of the ILO Constitution, that the Governing Body of the ILO appoint a Commission of Inquiry to examine the trade union situation in Greece and submit to the competent bodies of the ILO, including the forthcoming 53rd International Labour Conference in 1969, a report with its recommendations.

Geneva, 26 June 1968.

(Signed) Josef HLAVIČKA.
APPENDIX III

Observations Supplied by the Government of Greece

The written observations on the complaints supplied by the Government by letter dated 14 January 1969 (No. 3914/44) were in the following terms:

(Translation)

Sir,

In reply to your letter of 14 November 1968 and further to our letters No. 139573/1089 of 7 January 1969 and No. 150408/1197 of 8 January 1969, we have the honour to send you the following information with regard to the complaint made against the Government of Greece by Messrs. H. Beermann, J. Morris, S. B. Vognbjerg and O. Sunde and that made by Mr. J. Hlaviska.

A. We submit the following point-by-point reply to the complaint made by Messrs. H. Beermann (Federal Republic of Germany), J. Morris (Canada), J. B. Vognbjerg (Denmark) and O. Sunde (Norway), Worker delegates to the 52nd Session of the International Labour Conference.

1. The National Revolutionary Government assumed control of the country on 21 April 1967 in order to combat the threat of Communism to the nation, freedom and democracy. Some provisions of the 1952 Constitution were suspended for that purpose, it is true, as had been shown on several occasions. The new national Constitution, approved by the Greek people following the referendum of 29 September 1968, is now in force since 15 November 1968 and safeguards basic democratic freedoms and human rights.

2. The law concerning the state of emergency having come into force after the revolution of 21 April 1967, it was found necessary to dissolve those trade unions which for some time had diverged from their true goal and come under the control of illegal Communist usurpers devoted, not to the interests of their members, but to the political aim of overthrowing the Government in defiance of the principles of freedom and democracy and the ideals of trade unionism.

No occupational organisation pursuing legitimate ends was affected.

Articles 18 and 19 of the new Constitution, which relate to the rights of assembly and association, are fully in force.

3. The competent judicial authority which, in accordance with Military Law No. 434 of 1968, dealt with cases of dissolution of organisations, recognised the following organisations as their successors and entitled to their property.

<table>
<thead>
<tr>
<th>Dissolved Organisations</th>
<th>Succeeding Organisations</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Federation of Greek Bus Workers</td>
<td>(a) Pan-Hellenic Federation of Bus Workers</td>
</tr>
<tr>
<td>(b) Federation of Workers of the Electric Transport Company (HEN)</td>
<td>(b) League of the Electric Motor Workers of the Electric Transport Company (HEM)</td>
</tr>
<tr>
<td>(c) Greek Actors’ Union</td>
<td>(c) National Union of Greek Actors</td>
</tr>
<tr>
<td>(d) Athenian Commercial Employees’ Association</td>
<td>(d) Association of Employees of Commercial Establishments in Athens and the Vicinity</td>
</tr>
<tr>
<td>(e) Federation of Greek Electric Railway Staffs</td>
<td>(e) Union of Electric Railway Workers and Salaried Employees</td>
</tr>
<tr>
<td>(f) Union of Bookbinders of Athens and Piraeus</td>
<td>(f) Union of Bookbinding Workers and Technicians of Athens and Piraeus</td>
</tr>
<tr>
<td>(g) National League of Caretakers of Blocks and Large Buildings</td>
<td>(g) Association of Caretakers (Attica)</td>
</tr>
</tbody>
</table>

4. No trade unionist held in detention is named in the complaint. Although Mr. N. Papageorgiou, the employee of a cement company, and Mr. K. Papaioannou, a bank employee, are mentioned, that complaint has been proved false (paragraph 285 of the 108th Report of the Committee on Freedom of Association).

We have shown that Mr. Valasselis, whose name is also mentioned, was arrested in accordance with a court decision for an attempt against the life of the Greek Prime Minister. He was sentenced to imprisonment by court martial.

We have further shown that Mr. Vittoris, legal adviser to the Civil Aviation Union, whose name is mentioned, has never been held in detention.

We are not aware of the arrest of any trade unionist as such; in any case, anyone arrested and held in detention has been carrying on Communist and not trade union activities.

5. Articles 10 and 11 of the 1952 Constitution, which relate to the rights of assembly and association, were again brought into force on 30 May 1968 in accordance with Royal Decree No. 369 of 1968. Since promulgation of the new Constitution of 15 November 1968, articles 18 and 19 of the Constitution (Act I of the National Government) have been in force. See Appendix No. 1. Articles 10, 12, 13 (1), 14 (1) to (3), 25 (2) and (3), 58 (1) and (2), 60, 111, 112 and 121 (2) were suspended by virtue of article 138 of the new Constitution, approved by the Greek people following the referendum of 29 September 1968.

6. Reference to the decision of the International Labour Conference at its 52nd Session to include Greece in the special list adds no support whatever to the complaint; the circumstances on which that decision was based, quite apart from the question as to whether it was properly founded or not, no longer exist or have altered—as indeed is shown in our reply to the other points of the complaint and by our comments below concerning the complaint of Mr. Hlavička.

B. We observe that the very nature of the complaint made by Mr. Josef Hlavìčka, Workers' delegate of Czechoslovakia, relieves us of the obligation to reply in detail since it consists:

(a) of vague criticisms;
(b) of references to and excerpts from reports or recommendations of other bodies which were made on the basis of legal and actual conditions without taking into account the fact that they no longer exist; and
(c) of so-called additional information on certain events of May 1967.

In a desire, however, to give a true picture of the situation in Greece, which anyone would readily judge to be inspired by good faith, we inform you of the following:

1. Several articles of the 1952 Constitution had to be temporarily suspended in order to combat the threat of Communism to the nation. Trade union freedoms were nevertheless preserved since measures were taken only in extremely rare cases following suspension of several provisions of the Constitution.

2. It is quite untrue that persons are being arrested and imprisoned without any formal protection. Imprisonments respect the provisions of the law concerning the state of emergency and are subject to the safeguards afforded by military tribunals operating under the chairmanship of ordinary judges and following the procedure laid down in sections 269-427 of the Military Criminal Code, which has been in force for many years.

3. Preventive detention, a measure very rarely taken, is subject to the safeguards which have governed the operation of military tribunals since their creation.

4. Military tribunals are competent only in specific cases and are presided over by ordinary judges holding office for life. The procedure before a military tribunal is almost identical to that followed by an ordinary court, since the Military Criminal Code at present in force is patterned on the basic provisions of criminal common law. To be more specific, public hearings and the holding of oral proceedings (section 333) are formally recognised as basic principles of procedure. The right of defence and the right to appeal are fully recognised. Finally, it is expressly provided that any gaps in the Military Criminal Code with regard to questions of procedure shall be filled by recourse to the relevant provisions of ordinary criminal procedure (section 434 of the Military Criminal Code).

5. Meetings and assemblies of occupational organisations are not forbidden. Such organisations operate freely and in accordance with their rules and with the provisions of the Civil Code and Act No. 281 of 1914; the latter provisions were codified by Royal Decree No. 667 of 1968.

6. Recourse has been had to house search only in very rare cases and always subject to legal safeguards.

7. Censorship of mail, which was carried out only during the first weeks of the revolution, was later abolished.

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Appendix III

8. Articles 10 and 11 of the 1952 Constitution were again brought into force on 30 May 1968 by virtue of Royal Decree No. 369 of 30 May 1968. Several occupational organisations were dissolved during the early days of the revolution because they were political in character and engaged in illegal activities. (See A. 3 above.) Moreover, it is quite untrue that the creation of new organisations has been banned. Indeed, since 21 April 1967, five secondary occupational organisations and 156 primary occupational organisations have come into being.

In accordance with article 19 of the new Constitution, the right to strike is now restored. Strikes are forbidden only by employees of public services, local administrative authorities or other public law entities. Articles 10 and 11 of the Constitution of 1952 having again been brought into force with effect from 30 May 1968, no authorisation is now required for meetings of occupational organisations, which enjoy complete freedom and suffer no form of censorship.

Under article 18 of the new Constitution, the police may attend only public meetings.

As stated above, articles 10 and 11 of the 1952 Constitution came into force on 30 May 1968 and articles 18 and 19 of the new Constitution of 1968 on 15 November 1968. No claim or complaint relating to those articles has been made.

9. As regards the Fifth Report of the Credentials Committee concerning the Workers’ delegation of Greece, we wish to state the following:

(a) the Committee recognised that the Greek General Confederation of Labour is the most representative organisation of workers and the appointment of the Workers’ delegation of Greece therefore appears to conform to article 3, paragraph 5, of the ILO Constitution;

(b) the Committee decided, in view of the Greek Government’s intention to submit a new Constitution to the people, providing, among other things, for full freedom of association, not to examine the protests of the International Confederation of Free Trade Unions and the World Federation of Trade Unions.

As regards the 101st Report of the Committee on Freedom of Association (Case No. 519)¹, we refer to our letter No. 55090/379 of 23 May 1968, included in the report of the Committee on the Application of Conventions and Recommendations, of which a copy is appended to the present letter.²

10. The headquarters of the so-called Democratic Trade Union Movement were in fact those of the illegal Greek Communist Party. Documentary evidence was impounded and published in the daily press.

11. No one has been deported on the ground of his trade union activities or his position as a trade unionist. We point out that the number of persons deported for reasons of national security has already fallen and continues to do so. Their number is much less than that of persons held in detention in accordance with the same procedure followed by the parliamentary governments.

12. Some of the dissolved organisations, although set up as trade unions, were merely front organisations and not trade unions within the meaning of the provisions of international Conventions Nos. 87 and 98, as has been repeatedly shown above.

13. According to a court decision,³ the property of the dissolved organisations should pass to their successors in accordance with Act No. 434 of 1968. (See above, A. 3).

14. Since 30 May 1968 occupational organisations have not been obliged to inform the police of meetings of their boards, the names of board members, items on the agenda, or the time and place of meetings.

Under the Constitution occupational organisations enjoy the rights of free assembly and association provided they respect the laws of the country, which in no case subject the exercise of those rights to any preliminary government authorisation.

15. There has been no police intervention with regard to the creation of occupational organisations. In fact, occupational organisations seeking to improve the lot of their members have already been set up and are being set up throughout the country.

² Not reproduced here.
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In drawing up the rules of new occupational organisations the lawyer, Mr. C. Fotiadis, acted as legal adviser to the Greek General Confederation of Labour. We cannot understand why the complainant comments on the grant by the Confederation of legal assistance to affiliated organisations. Moreover, it is only very rarely that rules bear the name of Mr. Fotiadis, since he practises in Athens and most organisations have been set up in the provinces.

16. As regards the complaint that trade union leaders have been stripped of their functions, we point out that trade union leaders are appointed by the tribunals, whenever necessary, with instructions to hold elections within a few months' time.

17. The creation of new occupational organisations is not forbidden. As already explained, 161 occupational organisations have been set up since 21 April 1967.

As regards the complaint that prohibition of the payment of dues has remained in effect since the first day of the coup d'état, we should like to receive some explanations before giving a reply.

18. With regard to the complaint that the police and the Greek General Confederation of Labour are attempting to force the resignation of legally elected leaders, we refer to B.16 above.

19. With regard to the complaint concerning the mass arrests of trade union leaders, we inform you that no active trade union leader is being held in detention. No such case has been brought to our attention, with the exception of the cases mentioned above under A.4, on which we have already supplied detailed information.

20. The complaint that tens of thousands of workers have been dismissed is quite unfounded; in fact, the Government promulgated Acts Nos. 99 and 173 of 1967 relating to the supervision of mass dismissals.

In accordance with the provisions of these Acts mass dismissals are invalid in cases where, before one month has elapsed since informing the competent employment office, the Minister of Labour has not granted his approval at the request of the employer concerned after consulting the National Council for Social Policy (Ministry of Labour).

21. The complaint that the indemnity provided for under Act No. 2112 of 1920 has been abolished is also unfounded. In fact, according to Act No. 99 of 1967, as amended by Act No. 173 of 1967, the maximum amount of the indemnity is set at 240,000 drachmas where the employer is the State, public law entities, banks or public utility undertakings. The reason for fixing a maximum indemnity was that unusually high indemnities amounting to large sums were being paid to too few employees and so were arousing discontent among the working population at large. Act No. 2112 of 1920 is still in force and is applicable (section 2, subsection 2, of Act No. 173 of 1967).

22. With regard to the complaint concerning the dismissals of state and bank employees, we would point out that they involved only certain bank and state employees who were Communists or of extremely depraved character. The Government has given such employees the right of appeal to a committee consisting of three ministers. These committees are operating regularly and many such employees have been reinstated.

23. The complaint against the Government of having taken possession of the insurance funds of the employees of the banks, electricity and telecommunications is without foundation. All insurance funds of wage earners, including these funds, are run by tripartite boards comprising representatives of the State, workers and employers. The Government has simply reduced the number of members of insurance fund boards in order to cut down their administrative expenses. The chairman of the insurance fund for telecommunications staff is Mr. K. Tsaganos, a former trade union leader.

Finally, the comments made by Mr. Hlavíčka in his complaint concerning the creation of a "Workers' Front" show a somewhat naïve attitude. In fact, the Front is a desperate attempt to keep in existence the obsolete machinery of Communism, encouraged by a small group of voluntary exiles whose partisan interests have been affected.

I have the honour to be, etc.,

(Signed) A. Voyatzis,
Minister of Labour.
APPENDIX IV

Measures Taken by the Governing Body Following the Filing of the Complaints

At its 173rd Session on 13 November 1968, the Governing Body adopted a report of its Officers, namely its Chairman, Mr. George L.-P. Weaver, United States Government representative, its Employers' Vice-Chairman, Mr. Pierre Waline (French), and its Workers' Vice-Chairman, Mr. Jean Môri (Swiss), which contained the following passages:

4. 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), were ratified by Greece on 30 March 1962 and have therefore been in force for Greece since 30 March 1963. Messrs. Beermann, Morris, Vognbjerg and Sunde, on the one hand, and Mr. Hlavıčka, on the other, were Workers' delegates of their countries to the 52nd Session of the International Labour Conference on the date of filing their respective complaints, namely on 25 June 1968. Their credentials had been regularly deposited and no objections had been made to them. They accordingly had the right, under article 26, paragraph 4, of the Constitution, to file a complaint if they were not satisfied that Greece is securing the effective observance of the two Conventions.

5. The four Workers' delegates mentioned first in paragraph 4 above have requested that, in view of the information supplied by the representatives of Greece to the 52nd Session of the International Labour Conference, the Governing Body refer their complaint immediately to the Commission of Inquiry " without invoking first the procedure referred to in subparagraph 5 of article 26 of the ILO Constitution according to which a complaint could first be communicated to the government in question ". The complainants wished no doubt to refer to the provisions in fact contained in article 26, paragraph 2, of the Constitution.

6. It is for the Governing Body to decide on this preliminary request. During the 52nd Session of the International Labour Conference, the Government delegates of Greece had the opportunity to give information on the trade union situation in Greece before the Committee on the Application of Conventions and Recommendations and the Credentials Committee, in particular. Moreover, the Greek Government has already supplied information in connection with the application of the Freedom of Association and Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), either within the framework of the examination of reports on ratified Conventions by the Committee of Experts for the Application of Conventions and Recommendations or in connection with the procedure concerning complaints for infringement of freedom of association before the Committee on Freedom of Association of the Governing Body or the procedure of the Fact-Finding and Conciliation Commission on Freedom of Association.

7. The information thereby furnished by the Greek Government was, however, not supplied within the framework of the procedure provided for in articles 26 to 29 and 31 to 34 of the Constitution, which has a judicial character. Moreover, since the filing of the complaints in question the situation in respect of freedom of association in Greece may perhaps have evolved and it would be desirable that the Governing Body take into consideration the information that might be supplied in this regard by the Greek Government before deciding what action should be taken with regard to these complaints.

8. In these circumstances, the Officers of the Governing Body felt that the Governing Body would no doubt wish to adopt in this instance a procedure similar to that which was approved for the examination of the complaint filed by Ghana against Portugal, on the one hand, and of the complaint filed by Portugal against Liberia, on the other.

9. Accordingly, as in the above-mentioned cases, no discussion on the merits of the complaint is admissible at the present stage. It would indeed be inconsistent with the judicial nature of the procedure provided for in article 26 and following articles of the Constitution that there should be any discussion in the Governing Body on the merits of a complaint until the Governing Body has before it the contentions of the government against which the complaint is filed, together with
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an objective evaluation of these contentions by an impartial body. Nor would such discussion be appropriate while a proposal to refer the complaint to a Commission of Inquiry is pending before the Governing Body, or while the complaint is sub judice before a Commission of Inquiry. If there is to be a Commission of Inquiry—which it is for the Governing Body to decide under article 26, paragraph 4, of the Constitution—it is when the Commission of Inquiry has reported upon the merits of the complaints that the Governing Body may be called upon to take action in the matter.

10. It is now for the Governing Body to take the procedural decisions necessary to permit of the complaint being examined promptly and in an orderly manner. The Officers therefore recommend the Governing Body to take the following decisions at its present session:

(a) The Government of Greece as the Government against which the complaints have been filed, should be requested by the Director-General to communicate to him its observations by 15 January 1969 at the latest.

(b) In accordance with the provisions of paragraph 5 of article 26 of the Constitution, the Governing Body should invite the Government of Greece to send a representative to take part in the proceedings of the Governing Body at subsequent sessions at which the matter is under consideration; in conveying this invitation to the Government of Greece, the Director-General should inform it that the Governing Body proposes to consider the matter at its 174th Session, which will be held in Geneva in February-March 1969.

(c) The Governing Body should at its 174th Session consider, in the light of the complaints received and the information which may be furnished by the Government of Greece, whether the two complaints should be referred to a Commission of Inquiry.

11. The Officers envisage that, in the event of a Commission of Inquiry being appointed, the members of the Commission would be designated in accordance with the same criteria, and would serve under the same conditions, as the members of the Commission appointed to examine the complaint filed by the Government of Ghana concerning the observance by Portugal of the Abolition of Forced Labour Convention, 1957, and of the Commission appointed to examine the complaint filed by the Government of Portugal concerning the observance by Liberia of the Forced Labour Convention, 1930. They would serve as individuals in their personal capacities, would be chosen for their impartiality, integrity and standing, and would undertake by a solemn declaration to perform their duties and exercise their powers as members of the Commission “honourably, faithfully, impartially and conscientiously”. A solemn declaration in these terms would correspond to that made by judges of the International Court of Justice. The Officers will make proposals concerning the other necessary arrangements at the appropriate stage.

12. It should be added that subsequently to the filing of the above-mentioned complaints the Director-General has received two communications from the Minister of Labour of Greece dated 14 August and 11 October 1968, requesting that ILO technical assistance be afforded to the Greek Government in respect of the possible amendment of a recent enactment codifying the law on occupation organisations, in respect of the financing of occupational organisations of workers without interference by the Ministry of Labour, and in respect of trade union education. The Director-General has replied that since the whole question of the application of the Conventions on freedom of association in Greece was the subject of a complaint under article 26 of the Constitution of the ILO that is being referred to the Governing Body at its November 1968 Session, he could not see his way to expressing a view on the feasibility of technical assistance being granted at the same time by the Office in fields so directly related to the matters complained of.

13. The Officers of the Governing Body have taken note of this exchange of correspondence and consider that so long as constitutional complaint procedures are pending in the field of freedom of association it would not be appropriate for the International Labour Office to furnish technical assistance in the fields directly related to the matters complained of.

14. The Officers of the Governing Body recommend the Governing Body to endorse the conclusion set out in the foregoing paragraph.

The Communication of Observations by the Greek Government

Observations requested from the Greek Government were received by the Director-General on 16 January 1969, in a communication dated 14 January 1969. The text of this communication is reproduced in Appendix III above.
Appendix IV

Decision of the Governing Body Relative to the Appointment of a Commission of Inquiry under Article 26 of the Constitution

At its 174th Session (March 1969), the Governing Body examined a report of its Officers —namely its Chairman, Mr. George L.-P. Weaver, United States Government representative, its Employers' Vice-Chairman, Mr. Pierre Waline (French), and its Workers' Vice-Chairman, Mr. Jean Möri (Swiss)—which, after indicating that the Greek Government had communicated its observations on the complaints made against it, contained the following statements and recommendations:

8. The report of the Officers of the Governing Body which was approved by the Governing Body on 13 November 1968 indicated that “it would... be inconsistent with the judicial nature of the procedure provided for in article 26 and following articles of the Constitution that there should be any discussion in the Governing Body on the merits of a complaint until the Governing Body has before it the contentions of the government against which the complaint is filed, together with an objective evaluation of these contentions by an impartial body. Nor would such a discussion be appropriate while a proposal to refer the complaint to a Commission of Inquiry is pending before the Governing Body, or while the complaint is _sub judice_ before a Commission of Inquiry. If there is to be a Commission of Inquiry—which it is for the Governing Body to decide under article 26, paragraph 4, of the Constitution—it is when the Commission of Inquiry has reported upon the merits of the complaints that the Governing Body may be called upon to take action in the matter.”

9. The trade union situation in Greece in recent years has become a question of international public importance and has aroused considerable interest both within and outside the Organisation. The Governing Body Committee on Freedom of Association, the Committee of Experts on the Application of Conventions and Recommendations and the Conference Committee on the Application of Conventions and Recommendations in particular, and the International Labour Conference itself, have been seized of the matter on several occasions and have expressed their concern in this regard. At the present time the Governing Body has before it contradictory statements by the complainants and the Government. In the circumstances, the Officers of the Governing Body consider that one of the means available for ensuring the fullest possible impartial examination of the matter, in law and in fact, is reference to the Commission of Inquiry provided for in article 26 and following articles of the Constitution, which lay down a procedure of a judicial nature applicable without distinction to all international labour Conventions.

10. The Officers of the Governing Body accordingly recommend that the Governing Body deal with the matter at this stage in exactly the same way as it dealt with the two previous complaints, relating to Portugal and Liberia, by referring the whole question without further discussion to a Commission appointed in accordance with article 26 of the ILO Constitution and requesting the Commission to submit a first report to the Governing Body at its 177th Session (November 1969).

11. The Officers further recommend that the Commission should determine its own procedure in accordance with the provisions of the Constitution of the Organisation and the report of the Officers of the Governing Body approved by the Governing Body on 13 November 1968, and should be guided by the following general directives:

The Commission shall begin its work by examining the observations of the Government of Greece with a view to determining on what matters it needs fuller information. The Commission will then, through the Director-General, consult the Government of Greece, the appropriate organisations having consultative status with the ILO and the authors of the complaints, but without being bound by the views of any of them, concerning the arrangements necessary to ensure that it has at its disposal thorough and objective information concerning the questions at issue; in the event of any difficulty being encountered, the Commission will so report to the Governing Body.

12. If these suggestions are approved by the Governing Body, the Director-General will submit proposals concerning the composition of the Commission to the Governing Body before the end of the present session.

When this matter was discussed in the Governing Body on 5 March 1969, the representative of the Greek Government made the following statement, as it appears in the Minutes of the Governing Body:

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Mr. Tziras began by reminding the Governing Body that although the complainants had asked that a commission of inquiry should be set up immediately the Governing Body in its wisdom had considered it preferable that the Greek Government should first have an opportunity to submit its observations and to be represented in the Governing Body when the matter was under consideration, and it had taken a decision to that effect at its preceding session.

Since his Government had, in its observations, refuted the allegations in detail and since, moreover, the Governing Body was not called upon to consider the merits of the case, he would confine himself to a few general remarks which had a bearing on the procedural decision the Governing Body was about to take.

The first related to the allegedly arbitrary nature of the measures taken by the Government in derogation to the provisions of Conventions Nos. 87 and 98. Although it had ratified those Conventions on 30 March 1962 and, in particular, had assumed an obligation under Article 8 of Convention No. 87 to ensure that the law of the land did not impair the guarantees provided for in the Convention, Greece had not undertaken to repeal article 91 of the 1952 Constitution relating to the state of emergency. The Conventions did not, and could not, require the repeal of such provisions, which were common in national Constitutions. The state of emergency was as familiar a concept in public law as that of force majeure in private law. Its proclamation, the temporary imposition of restrictions on the exercise of certain freedoms, the provisional suspension of safeguards afforded to the workers and all the other consequences of the application of the law of 1912 concerning the state of emergency were constitutional and strictly legal, as was the action taken by the competent military authorities in dissolving certain organisations which had ceased to exercise legitimate trade union functions within the meaning of Article 10 of Convention No. 87 and, in stepping outside the bounds of legality, had violated the provisions of Article 8. Trade unionists had been arrested and held in detention, not in their capacity as such, but because of offences against the state security laws of 1929, 1947 and 1962. The Conventions did not require immunity for trade unionists from such legislation, and the laws did not provide it. Freedom of association and the right to organise had been suspended from 21 April 1967 to 29 May 1968, also in accordance with the constitutional provisions governing the state of emergency. Granted that the law must conform with the Constitution and that the Government was the sole judge of the need to proclaim a state of emergency, the safeguards required by the Conventions were clearly not inviolate, and their suspension, however regrettable, had been in no way arbitrary.

Secondly, the factual situation alleged in the complaints no longer prevailed. The trade unions which had been dissolved were now free to reorganise and indeed, as stated in the letter from the Minister of Labour which was appended to the report, several had already done so. Under Law No. 434 of 29 May 1968 their property was to pass by virtue of ordinary court decisions to organisations pursuing similar objectives. The allegations in the complaints concerning the right of workers to meet freely and set up organisations of their own choosing were also unfounded. The rights of assembly and association, though suspended on 21 April 1967 on proclamation of the state of emergency, had been restored by the Royal Decree of 29 May 1968 and confirmed by articles 18 and 19 of the Constitution with effect from 15 November 1968. As regards the right to strike, the Prime Minister had officially assured the Greek General Confederation of Labour by a letter of 26 May 1967 that it had never been abolished in practice; it had, besides, been formally restored by article 19 of the new Constitution.

In the light of those considerations, it was questionable whether the proposal to follow the procedure prescribed under article 26 of the ILO Constitution truly reflected the spirit of co-operation and conciliation between governments, employers and workers which should prevail within the ILO in such cases.

He accordingly wished to make three suggestions. First, the Governing Body might reconsider its recent decision to withhold technical assistance from the Greek Government until the constitutional procedure for the investigation of complaints had been completed. Such assistance would help the Government to overcome certain difficulties and to give early satisfaction to the workers. Secondly, the Governing Body might refer the whole question to its Committee on Freedom of Association. The Committee's 110th Report contained definitive conclusions on a substantially similar complaint against the Greek Government which the Governing Body had still to adopt and which the Government had not yet had an opportunity to examine. If the complaints now under discussion were also submitted to the Committee, the article 26 procedure would be unnecessary. Another possibility would be for the Governing Body to call for a factual on-the-spot survey of the situation with regard to freedom of association in Greece similar to those already carried out by the ILO in other countries pursuant to a decision taken in 1958.

There seemed to be no reason for the Governing Body to take a hasty decision on the procedure to be followed, and the Minister of Labour of Greece, on behalf of the Government, formally requested the Governing Body to postpone its decision to a later session.
Following this statement, Mr. Roberto Ago (Italian Government representative, Chairman of the Government group of the Governing Body, and Chairman of the Committee on Freedom of Association) made the following statement, as it appears in the Minutes of the Governing Body:

Mr. Ago had listened with great interest to the statement by Mr. Tziras, from which it was clear that the question at issue was the essentially legal one of the extent of obligations assumed by member States in ratifying international labour Conventions. The Governing Body was not of course called upon to resolve that issue itself, but to decide on the most appropriate procedure for investigating the complaints.

As regards Mr. Tziras’s first suggestion, though the early resumption of technical assistance to Greece was certainly desirable it would be pointless before due investigation of the present complaints, in view precisely of the typically legal nature of the problems which they raised and which could hardly be solved through technical assistance.

The possibility of referring the complaints to the Committee on Freedom of Association—Mr. Tziras’s second suggestion—had already been discussed at length in the Committee. Whereas the Committee’s main function was to examine alleged violations of freedom of association in countries which had not ratified the relevant Conventions, Greece had in fact ratified them. Moreover, when as in the present case the complainants and the Government made contradictory statements, the Committee could merely take note of them and conclude that their veracity must be tested through further investigation on the spot.

The third suggestion—a survey of the trade union situation in Greece similar to those already carried out in other countries—seemed misguided. The practice of making such surveys might be usefully resumed; but in this case the Governing Body was faced with a specific complaint that Greece had violated its obligations under ratified Conventions, and the question was therefore not one suitable for settlement by a mission of ILO officials sent to carry out a survey of the over-all situation with regard to freedom of association in the country.

The question at issue being, as Mr. Tziras himself had acknowledged, a legal one relating to the observance of ratified Conventions, the most appropriate procedure would be that prescribed by article 26 of the Constitution. The members of the Commission of Inquiry—persons of high distinction and repute—would consider the complaints with an impartiality which the Greek Government could not expect to be surpassed by any other body, and certainly not by one more fitted to discuss political and legal questions. Moreover, if dissatisfied with the Commission’s report and unwilling to follow its recommendations the Greek Government could, under article 29 of the Constitution, refer the complaints to the International Court of Justice, a body whose objectivity was altogether beyond dispute.

Mr. Jean Mori, Workers’ Vice-Chairman of the Governing Body, concurred in the statement of Mr. Ago.

At the conclusion of these statements, the Governing Body approved the above recommendations of its Officers.
APPENDIX V

Legislative Decrees Nos. 185 and 186 of 1969

(Unofficial Translation)

Legislative Decree No. 185 of 1969 on the Supplementation and Amendment of the Legislation on Trade Unions
(Government Gazette No. 86/1969)

We, CONSTANTINE, KING OF GREECE,

On the proposal of Our Council of Ministers, have decided and ordered:

Article 1

1. Lawfully constituted trade unions of all categories, except those of merchant seamen, civil servants, and employees of legal entities of public law and of local governments, shall continue to be governed by the legislation on trade unions now in force (Royal Decree No. 667 of 1968 codifying the legislation in force on trade unions, etc.), as supplemented or amended by the present Decree.

2. Lawfully constituted trade unions of merchant seamen shall continue to be governed by the provisions of Emergency Law No. 257 of 1968 on trade unions and federations of merchant seamen, as supplemented or amended by the present Decree.

3. Lawfully constituted occupational associations of civil servants and of employees of legal entities of public law shall be governed by the provisions of Law No. 4879 of 1931 on civil servants' associations as amended by the Presidential Decree of 5-17 December 1931 and by articles 1 to 9 of Law No. 5403 of 1932 on the right to strike of civil servants as subsequently amended or supplemented.

4. The provisions of the Civil Code on legal entities shall apply to the trade unions and associations mentioned in the previous paragraphs of the present article, supplementing the special provisions governing them.

Article 2

1. Every manual and non-manual worker shall have the right to be a member of a single trade union, and through it, of the relevant association of trade unions.

2. No workers' trade union or association of trade unions shall be allowed, for representation purposes of any kind or for the exercise of its rights in any respect, to count more than once the same physical or legal person affiliated to it in any capacity or in any form.

Article 3

1. A strike shall be regarded as the previously concerted continuous or interrupted withdrawal of labour by more than five wage earners who are in employment with any employer, whether a physical or legal person, excepting the public services, legal entities of public law and local government agencies, provided that such withdrawal of labour is due to a dispute arising out of the non-observance of rules or terms of employment or is aimed at improving or maintaining existing conditions of work.

2. A strike, as defined in the preceding paragraph, shall be regarded as having been called and brought into force when the appropriate executive body appointed in accordance
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with the constitution of the organisation representing the workers has decided to take such an action by an absolute majority of the members entitled to vote.

3. A strike decided under the conditions defined in the above paragraphs shall not be allowed to last for more than three days. A strike of a greater duration can be decided only at the general assembly of the union concerned by an absolute majority of the members entitled to vote.

4. The body of the union concerned that is defined as competent in the previous paragraph to call a strike shall ensure that the necessary personnel for the security of the installations of the undertaking concerned continues to provide its services during the strike and that the employers' association competent under the provisions in force to negotiate a collective agreement, the Ministry of Labour and the other ministry supervising the undertaking are informed of the decision 48 hours in advance of the time when the strike is due to start.

5. Any concerted refusal of labour by more than five workers who remain at the workplace or any intentional reduction in the performance of their work shall be regarded as a strike within the meaning of paragraph 1.

Article 4

1. A strike shall not be called or brought into force during the period of time provided for in Legislative Decree No. 3239 of 1955 on the settlement of collective labour disputes, etc., as amended while an attempt is being made to solve the dispute by mediation.

2. Trade unions of wage earners engaged in undertakings of communications, water supply, light, fuel, power and bread, as well as those engaged in providing medical attendance, shall be allowed to call a strike or bring it into force even where the dispute does not come under the provisions of the existing machinery for settlement, if, within fifteen days of the date when the claims involved were served on the relevant employer and communicated to the ministry supervising the medical establishment concerned and to the Ministry of Labour, the competent authorities have not set in motion the procedure for settlement according to the provisions in force. Where there are no special provisions for the settlement of such disputes, their referral for collective bargaining to arbitration courts by the Ministry of Labour or the ministry supervising the trade union concerned in accordance with Law No. 3239 of 1955 shall be regarded as putting into operation the procedure for settlement; in such cases the arbitration courts are competent to render an award irrespective of the nature of the dispute.

Article 5

1. Wage earners participating in a strike called in violation of the provisions of article 3, paragraph 2, and article 4, paragraphs 1 and 2, of the present Legislative Decree or refusing their services during the strike for the security of the machinery of the undertaking in which they are engaged although they have been assigned to such services in accordance with paragraph 4 of article 3, shall be regarded as having broken their contracts of employment and shall not be covered by the protection provided for by Law No. 3198 of 1955.

2. Members of the executive body of the trade union which decided to call the strike who have not complied with their obligation under paragraph 4 of article 3 of the present Legislative Decree to assign the personnel necessary to take care of the installations in the undertaking shall also be regarded as having broken their contracts of employment and shall lose the protection provided for by Law No. 3198 of 1955.

Article 6

1. To article 12 of Royal Decree No. 667 of 1968 are added the following paragraphs 5 and 6:
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5. Trade unions whose objects or activities are aimed against the territorial integrity of the State or against the political or social regime or the security of the State or against civil and individual liberties shall be dissolved by decision of the court of first instance upon application by one of their members or by the Public Prosecutor of the district of their headquarters.

6. Members of an executive or supervising committee or representatives of a trade union who, as individuals, carry out activities aimed against the territorial integrity of the State or its security or its political or social regime shall be removed from office in accordance with the procedure provided for in the previous paragraphs.

2. To article 13 of the Royal Decree of 1968 is added the following paragraph 3:

3. The court of first instance of the district of the headquarters of a trade union disbanded before the promulgation of Constitutional Act B, or to be disbanded in accordance with the provisions of article 12 of Royal Decree No. 667 of 1968 as amended, can order the transfer of its property to another union having the same or a similar object upon application by the latter on the understanding that the applying union offers guarantees of fulfilling the objectives of the disbanded union. Court decisions taken on the basis of Emergency Law No. 434 of 1968 remain valid.

Article 7

Paragraph 1 of article 15 of Royal Decree No. 667 of 1968 is replaced by the following:

Two or more trade unions can, in accordance with the provisions of their constitutions, set up an association (workers' centre, federation, confederation) to serve their common interests and at the same time retain their financial and administrative autonomy.

Associations established under the provisions of the present Royal Decree may be recognised provided that they notify the names of the executive committees of the constituent unions.

In the general assemblies (congresses, etc.) of such associations of whatever degree, each union or association of unions shall be represented and shall dispose of a number of votes proportional to the number of paid-up members who have voted. The proportion of the number of votes is to be determined by the constitution of each association and must be the same for all trade unions affiliated to each association and for the total of members who will vote. A fraction exceeding one-half shall be counted as a whole number. In no case shall the votes of each union or association of unions in their totality make up a component exceeding one-fifth of the total number of votes of the general assembly in question.

Recognised associations of trade unions and their officers shall have the same rights and obligations as individual trade unions under the terms of the present Royal Decree.

Article 8

1. Trade unions whose titles have been registered in the books of recognised unions of the courts of first instance shall be regarded as recognised and lawfully constituted when, through their legally existing executive committees, they supply the registrar of the relevant court of first instance with a photocopy of the report of elections, duly confirmed, signed by the representative of the judicial authority who supervised the elections, within three months of the date of promulgation of the present Legislative Decree, and are inscribed in a special book of recognised trade unions containing the particulars enumerated in paragraph 2 of article 81 of the Civil Code.

2. Trade unions not complying with the procedure established by the previous paragraph shall be regarded as non-existent from the legal point of view and their members shall be liable to the penalties provided for in article 188 of the Penal Code.

3. The validity of the new documents to be deposited and the titles of the trade unions can be challenged by the competent inspector of labour and by any body having a legal interest, before the court of first instance of the district of the headquarters of the union concerned, and the court must decide within eight days whether they are valid or not. If the challenge is successful, the decision made shall be written in the margin of the registration of the union in the special registry book of trade unions and communicated to the complainant by the clerk of the court.
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Article 9

1. From the date of coming into force of the present Legislative Decree no person shall be elected or in any way take office as a member of an executive board or as a representative of a trade union, unless—

(a) he has worked during the six years preceding the date of the elections, in actual employment in a dependent job, at least 100 days a year or 600 days in all, of which at least 50 each year must be proved from the records of the main social insurance fund by which he is covered;

(b) he has been a regular member of the union.

2. A candidate for election to office as defined above shall, before the election has begun, present an application of candidature to the supervising elections committee in accordance with the relevant legal provisions.

3. The judge present in accordance with the law at the general assemblies of the trade unions during both the election of the supervising committee and the elections of the union bodies must call on the candidates before the voting starts to hand over to him a written declaration asserting that they meet the requirements of eligibility laid down in the law and in the constitutions of the unions. The judge checks whether the requirements are met and, if he is convinced that they are, he confirms the candidatures of those entitled to be candidates for the elections.

4. From the date of coming into force of the present Legislative Decree the terms of office of members of executive boards of trade unions or associations of trade unions who have not worked during the six years preceding the date of the elections, in actual employment in a dependent job, at least 100 days a year or 600 days in all, out of which at least 50 each year can be proved from the particulars of the main social insurance fund by which they are covered, shall come to an end.

5. Where the end of the term of office, as determined above, occurs during the last year of office, as defined in the constitution of the union concerned, the executive board shall be regarded as being legally constituted by the remaining members until the expiration of the term of office, provided that the substitute members, in accordance with the constitution and the law, have taken over the seats of the outgoing members, or where there are no substitutes, the total number of those holding office is not less than half plus one of the full complement. If this is not the case, a new executive board shall be appointed in accordance with article 69 of the Civil Code to run the union for the remaining part of the term of office.

6. Members of executive boards who used to receive monthly regular payments from trade unions and whose terms of office come to an end under the present Legislative Decree, provided that they have completed at the time of the end of their terms of office after being legally elected three years' continuous or interrupted service in the same trade union, shall be entitled to the compensation provided for in Law No. 3198 of 1955; in this case the years of their terms of office shall be reckoned together with the years of any service they may have had on the staff of a union, provided that they were not paid at the same time by their respective employers.

Such compensation shall be calculated on the basis of the monthly regular payments received as an average during the last six months in office and cannot exceed the limits laid down in Emergency Law No. 173 of 1967; it shall be paid by the Workers' Fund upon application by the beneficiary, after consultation with the union concerned, in twelve equal monthly instalments.

From the compensation calculated as above shall be deducted any amount received as a lump-sum payment from the Provident Branch of the Auxiliary Fund for Officials and Employees of Trade Unions by those retiring as a result of the termination of their office; this deductible amount shall be proportional to the space of time which was taken into
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account, in accordance with the provisions of the present Legislative Decree, in order to
determine the amount of compensation payable.

7. Anyone signing a declaration required by paragraph 3 of the present article which
asserts anything false shall be liable to punishment as provided for by article 225 of the
Penal Code, and those who participate in administrative activities of any kind in violation
of paragraph 3 of the same article shall be liable to the punishment provided for in article 17,
paragraph 4, of Royal Decree No. 667 of 1968.

8. To article 6 of Royal Decree No. 667 of 1968 codifying the existing legislation on
trade unions, the following paragraph 5 is added:

5. Persons to whom paragraph 1 of the present article refers are entitled, during hours of
work, to unpaid leave of 8 to 50 hours a month in order to enable them to conduct the affairs of
the unions as defined in their constitutions. Any disagreement between employers and union repre-
sentatives on this subject shall constitute a collective dispute and shall be treated in accordance
with the procedure laid down in Law No. 3239 of 1955.

9. Any space of time accorded as leave of absence shall count as time of service with
the employer in the calculation of actual employment in a dependent job in accordance
with paragraph 1 of the present article.

Article 10

1. From the first days of the month following the promulgation of the present Legislative
Decree, the monthly salary of those employed under a contract of employment by workers’
occupational associations of any degree, as well as any payments made to the members of
the executive councils or to other persons engaged in any capacity to deal with trade union
business cannot on any account exceed in total each month the maximum amount to which
the employees of joint-stock companies are entitled on the basis of the collective agreement
or arbitration award in force.

2. Legal advisers or lawyers engaged on a monthly salary by the associations referred
to in the previous paragraph, when they work for first-degree trade unions, can in no case
receive a monthly payment exceeding the fixed emoluments plus the legal supplements of
lawyers acting before courts of first instance; when they work for associations of trade
unions they can in no case receive a monthly payment exceeding the fixed emoluments plus
the legal supplements of lawyers acting before courts of appeal.

3. Where persons referred to in the previous paragraphs receive salaries or remunerations
for the above-mentioned reasons from more than one trade union, the total of their salaries
or remunerations from these sources can in no case exceed the relevant maxima laid down
in paragraphs 1 and 2.

4. Members of executive councils of workers’ occupational associations of any degree
receiving their wages from their employer are entitled to the difference between the payment
from the association provided for in paragraph 1 and the wages they receive from their
employer.

Such persons can, in addition, receive from the association representation expenses up
to one-half of the payments provided for by paragraph 1 of the present article, provided
that such expenses are allowed by the constitution of the union to which they belong.

5. Bodies approving payments or remunerations exceeding the amounts established in
the previous paragraphs, as well as persons accepting such excess money, shall be punished
in accordance with article 390 of the Penal Code on dishonesty and shall have to return
to the union concerned twice the amount of any money unlawfully collected.

6. Persons referred to in paragraphs 1 and 2 of the present article, in the event of ter-
mination by the union of an existing contract of employment for any reason, shall be entitled
to severance pay in accordance with the law in force; such severance pay cannot exceed the
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Article 11

1. Where persons referred to in the previous article receive, at the time of the promulgation of the present Legislative Decree, payments or salaries or remunerations higher than those determined in the previous paragraphs, they shall notify by a written statement to be communicated within a month of the date of the promulgation of the present Legislative Decree, both to the unions by which they are employed and to the Workers' Fund, through a bailiff, whether they accept the payments or salaries provided for by the present Legislative Decree or prefer to leave their jobs voluntarily.

In the latter case the Workers' Fund shall pay, within three months of the date on which it receives the notification, the compensation (severance pay) due in accordance with the law for termination of the contract of employment; such compensation cannot in any case exceed the maximum laid down in Law No. 173 of 1967.

2. Persons receiving such compensation shall not be allowed, for a period of five years, to receive any payment or salary or remuneration from an occupational association; otherwise they shall be liable to the consequences arising out of paragraph 5, article 10, unless they return to the Workers' Fund all the money they have collected under the present article.

3. Upon application by executive councils of workers' occupational associations, the Governing Body of the Workers' Fund shall pay the compensation due for termination of the employment contract in accordance with the law, such compensation not exceeding the maximum laid down by Emergency Law No. 173 of 1967, to persons employed by the unions concerned, provided that these persons were legally notified of the termination of their employment contract, duly decided by the respective executive councils.

Article 12

1. Any provision contrary to the present Legislative Decree shall be rescinded.

2. Any dispute arising out of the application of articles 9 to 11 of the present Legislative Decree shall be settled by the court of first instance composed of one judge.

Article 13

The legislation on trade unions may be codified by a single Royal Decree promulgated on the proposal of the Minister of Labour.

Article 14

The present Legislative Decree shall come into force on the date of its promulgation in the Government Gazette.

Athens, 9 May 1969.

We, CONSTANTINE, KING OF GREECE

On the Proposal of Our Council of Ministers, have decided and ordered:

Article 1

1. From the date of coming into force of the present Legislative Decree only occupational associations with representative capacity shall be entitled to institute a collective dispute and conclude collective labour agreements.
2. Not more than two occupational associations shall be recognised as having representative capacity in the same branch of activity.

3. Trade unions of wage earners and salaried employees shall be recognised as representative if at least 100 members have voted at the most recent elections for the executive council; associations of trade unions in the same occupation or in kindred occupations (federations) shall be recognised as representative if at least 5,000 members have voted.

Associations of trade unions whose total number of insured workers does not exceed 10,000 shall be recognised as representative provided that at least two-fifths of the members have voted at the most recent elections.

Article 2

1. If the representative capacity of an association is challenged on the application of the association itself or the Ministry of Labour or any other entity having a legal interest, the president of the administrative arbitration court of first instance of the district of the headquarters of the association shall issue a definitive ruling.

2. In making his decision, in accordance with the previous paragraph, the president shall take into account:

(a) the membership of the union in relation to the total number employed in the trade or occupation concerned and insured with the respective social insurance funds on the basis of the number of those who voted during the most recent elections for its executive council;

(b) the attitude of absolute independence taken towards any influence unrelated to the trade union objectives pursued by it and the activities developed within the limits of such objectives;

(c) the acceptance by the union of the procedure of collective bargaining;

(d) the existence of the necessary guarantees for the strict application of the laws, the constitution and the collective agreement or arbitration award, in accordance with the genuine trade union activity of the union.

3. If the representative capacity of the union is challenged while there is a labour dispute pending before the administrative arbitration court, the president of the court before which the labour dispute is pending shall settle the question of representative capacity.

Article 3

1. Where two occupational associations are recognised as representative, the decision concerning the second shall make it clear, on the basis of the criteria of article 2, which one of the two is the most representative association. The most representative association may also be decided subsequently in accordance with the principles laid down in article 2 concerning those entitled to raise the matter, those qualified to settle it and the procedure to be followed.

2. Nation-wide associations of trade unions of more general character (confederations) and local associations of trade unions (labour centres) shall be regarded as representative if they have as affiliates a majority of trade unions belonging to national associations of unions of the same or kindred trades (federations). First-degree trade unions shall also be regarded as representative if they are affiliates of representative national associations of trade unions of the same or kindred trades.

The provisions of the previous article shall apply accordingly.

Article 4

1. Collective labour agreements shall apply only to the members of the occupational associations which have concluded them. If, however, during the negotiation of the col-
lective agreement, an association recognised as most representative participated, the collective agreement shall apply also to the members of the association recognised as simply representative, provided that the latter, having been invited by the most representative association to participate in the negotiations, did not appear, or that it participated in the talks and did not disagree with the conditions negotiated by the most representative association. Where the simply representative union disagreed, its disagreement releases its members from any engagement only when it immediately notifies in writing its disagreement to the contracting organisations, to the Minister of Labour and to the minister responsible for the undertaking.

2. Where a collective agreement is to be made compulsory or to be extended to cover wage earners or employers for whom it was not negotiated in accordance with the previous paragraph, the relevant provisions of Law No. 3239 of 1955 as amended by Legislative Decree No. 3755 of 1957 shall apply.

Article 5

1. Where there is failure to reach an agreement through direct negotiation, every representative occupational association has the right to raise a collective dispute by an application addressed to the Department of Labour Wages or to the competent inspectorate of labour of the Ministry of Labour, such application being on the same day entered in a special book reserved to this end. The application must be accompanied, on pain of non-acceptance for discussion, by the following:

(a) the documents required by article 5, paragraph 10, of Royal Decree No. 667 of 1968 on the codification of the existing legislation on occupational associations for the legitimisation of the association raising the collective dispute;

(b) an attested photocopy of the certification issued in accordance with article 8 of the same Royal Decree, by the representative of the judicial authority who attended the last elections;

(c) a written attestation that a true copy of the application raising the dispute has been communicated ten full days in advance of its submission to the other association recognised as representative with an invitation to participate in the talks on the dispute. When the existence of another representative association is challenged, an application shall be handed over on the subject to the competent official of the Ministry of Labour; the official shall either invite the other association concerned or certify that none exists.

Article 6

1. The Minister of Labour or the official authorised by him in the district of the administrative arbitration court of first instance, within five days of the date of presentation of the application raising the dispute, in accordance with the previous article, appoints as rapporteur on the dispute one of the officials of the Ministry of Labour. The person who appoints the rapporteur shall also fix the date and hour of the hearing by him of the interested parties, among which is included also the other representative association, to be invited in accordance with the provisions of the previous paragraph; he shall send them written invitations three full days before the discussions are due to start. The rapporteur appointed in this way, after having satisfied himself of the legality of the application made and of the representativity of the parties, listens to the arguments put forward by the parties, and undertakes the task of conciliation. The rapporteur can postpone the discussion for a period not exceeding five days from the date of the first discussion before him, in order to collect more data.

2. When an agreement is reached, the rapporteur drafts a report, which is communicated with the relevant file for the conclusion of a collective agreement, in accordance with Law No. 3239 of 1955 as amended.
3. The scope of the obligations deriving from a collective agreement concluded after the raising of a collective dispute shall be determined in accordance with the provisions of article 4 of the present Legislative Decree.

**Article 7**

1. If the negotiations conducted in accordance with the previous article with a view to settling the collective dispute do not result in an agreement within three days of the date when the hearing started as provided for by article 6, a report is drafted by the rapporteur to be delivered by him on the same day with the file of the case to the official appointed by the Minister of Labour.

2. Where the dispute comes within the competence of the administrative arbitration court of first instance of Athens or Piraeus, the report referred to in paragraph 1 of the present article and the file of the case shall be referred, within 24 hours, to the competent official of the Study Service of the Ministry of Labour appointed by the Minister, who, in co-operation with the competent service of the Ministry of Co-ordination, shall collect all useful data on the economic and social circumstances which may influence the dispute. Within eight days of the date when the file is handed over to him, the said official shall prepare a report to be presented by him to the Minister of Labour, or to the official appointed by the Minister.

3. Within five days of the date when the official of the Study Service delivers his report to the official authorised by the Minister of Labour, the latter official shall either summon the parties to appear before him and make a further attempt at conciliation, by addressing to them written invitations at least 24 hours before the discussion is due to take place, or refer the case to the administrative arbitration court of first instance in accordance with Law No. 3239 of 1955 as it is in force now.

4. The decision of the competent administrative arbitration court settling the dispute raised by the most representative occupational association, after being rendered executory either as it is or amended in accordance with articles 19 and 20 of Law No. 3239 of 1955, shall apply also to the members of the simply representative association, whether this latter participated in the procedure by which the award was made or not, on the conditions provided for by article 4 of the present Legislative Decree.

5. Where an administrative arbitration court other than those of Athens and Piraeus is competent to settle the dispute, if the parties do not reach agreement during the procedure described in article 6 and paragraph 1 of article 7 the case shall be referred direct to the competent local arbitration court.

**Article 8**

1. The periods referred to in articles 6 and 7 of the present Legislative Decree shall be reckoned in accordance with article 18, paragraph 2, of Law No. 3239 of 1955 and article 7 of Legislative Decree No. 3755 of 1957.

2. Paragraph 2 of article 4 of Law No. 3239 of 1955, as supplemented by paragraph 2 of article 10 of Legislative Decree No. 3755 of 1957, is amended as follows:

Notice of termination releases the association giving it and the association to which it is given from all engagements for the future, and its legal effects shall commence two months from the date when it was communicated to the Ministry of Labour. Existing individual contracts of employment, however, shall be binding until they are legally terminated.

Notice of termination of a collective agreement of indefinite duration shall not be permissible unless at least twelve months have elapsed since the date on which it was put into effect.

The legal effects of the notice of termination of a collective agreement shall apply automatically to all those to whom it was extended compulsorily by a subsequent decision in accordance with
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the procedure provided for in paragraph 2 of article 5 and those to whom it applies in accordance with paragraph 3 of article 5.

3. Any challenge of the designation of a collective dispute as such shall be disposed of during the preliminary proceedings by decision of the Minister of Labour.

4. Notification to the Minister of Labour of an appeal, as provided by article 12, paragraph 1, of Law No. 3239 of 1955 on pain of inadmissibility, shall henceforth be the responsibility of the clerk of the court with which the appeal has been lodged, who shall be liable to punishment if he fails to make the necessary notification.

5. Paragraph 3 of article 20 of Law No. 3239 of 1955 as amended by paragraph 9 of article 10 of Legislative Decree No. 3755 of 1957, is amended as follows:

Where the procedure prescribed in the preceding paragraphs is not completed within the period specified therein, any of the parties shall be entitled to file the collective agreement or arbitration award at the court of the justice of the peace of the district where the agreement was drawn up or the arbitration court that issued the award is situated, and a copy shall be transmitted to the competent inspector of labour.

The party filing the agreement or award shall give notice by bailiff of this action, which shall be equivalent to publication, to the Ministry of Labour and the parties concerned. A collective agreement or arbitration award published in this way shall come into force, unless it contains a provision prescribing otherwise, on the day following its filing at the court of the justice of the peace.

Article 9

1. Where a dispute arises between an employer and his wage earners that is not a collective dispute within the meaning of the law, though it arises out of the existence or functioning of an employment relation, the representative occupational associations may ask the competent inspector or supervisor of labour to convene a tripartite committee of co-operation under his chairmanship to seek an amicable arrangement. A representative of the workers' association and a representative of the employers' association of which the parties to the dispute are members shall participate in this committee on an equal footing. Where there is no employers' association a representative nominated by the management of the undertaking shall participate in the committee.

2. The committee provided for in the preceding paragraph shall obtain from the parties concerned or any other party such information as it may deem useful and shall endeavour to bring them to an amicable settlement. A record of proceedings shall be drawn up either by the inspector of labour himself or by a member of his staff to be nominated by him.

3. The record of proceedings shall contain a summary of the reasons which led to the conflict, the viewpoints put forward by both sides, an indication of the sources of information, the conclusions and the result of the attempt made by the committee. The record of proceedings shall be signed by the chairman of the committee, by at least one of the conflicting parties and by the official who has drawn it up and shall be kept in the files of the competent inspectorate of labour; certified copies shall be made available to the parties.

4. Representatives of undertakings or occupational associations and officials of the inspectorate of labour who refuse without just cause to attend the meetings of a committee set up under the present Legislative Decree when they have been convened by its chairman at least 24 hours before the time fixed for the discussion of the case shall be liable, on complaint by the Minister of Labour, or the Inspector General of Labour duly authorised by him, to the penalties laid down in article 17, paragraph 4, of Legislative Decree No. 667 of 1968.

Article 10

1. National associations of unions of the same and kindred trades recognised as representative shall be entitled to negotiate a clause in the collective agreement or to raise a
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collective dispute with a view to obtaining a provision prescribing that, in payment of the membership dues of each member of first-degree trade unions, national associations of unions of the same or kindred trades (federations), national general associations of trade unions (confederations) and local associations of trade unions (labour centres) under their respective constitutions, the employers concerned shall deduct from the Christmas bonus to which each member is entitled the amount of the daily wage of an unskilled man or woman worker or an apprentice, as the case may be (check-off system), and transfer it to the Workers' Fund for the benefit of the occupational associations in accordance with the following paragraphs.

2. From the money collected in this manner, the Workers' Fund shall deposit in a separate account with the Bank of Greece in the name of the national federations of unions of the same and kindred trades which, in accordance with the previous paragraph, have obtained the check-off clause or raised the collective dispute on this subject as many daily wages by categories as there are paid-up individual members of the first-degree trade unions affiliated to them. If more than one national federation of trade unions co-operated in the conclusion of the agreement or the raising of the collective dispute the account of each one of them with the Bank of Greece shall be separate.

3. The amount transferred by the employers in accordance with the above paragraphs shall be distributed as follows:

(a) 10 per cent to the account of the confederation to which the representative federation which obtained the check-off clause or raised the dispute is affiliated;

(b) 25 per cent to the first-degree trade unions affiliated to the most representative federation which obtained the check-off clause or raised the dispute; the distribution among them shall be proportionate to the number of paid-up members of each;

(c) 10 per cent to the local associations of trade unions (labour centres) if, at the time of promulgation of the present Legislative Decree, they have their headquarters in a community counting more than 180,000 inhabitants, according to the figures of the last official census of the population, and be distributed among them in proportion to the number of paid-up members of the first-degree trade unions affiliated to the local associations of trade unions which are in turn affiliated to the most representative national federation of unions of the same and kindred trades which concluded the agreement or raised the dispute;

(d) 30 per cent to the local associations of trade unions described in the previous paragraph, if they have their headquarters in a community counting fewer than 180,000 inhabitants, according to the figure of the last official census of the population, to be distributed among them in proportion to the number of paid-up members of the first-degree trade unions affiliated to the local associations of trade unions which are in turn affiliated to the most representative national federation of unions of the same and kindred trades which concluded the agreement or raised the dispute;

(e) the remaining percentage shall go to the national federations of unions of the same and kindred trades in accordance with paragraph 2 of the present article. Each of them shall operate its account and make the allocations provided for above among the beneficiaries.

4. A federation of unions of the same and kindred trades that is simply representative and has participated in the collective agreement or raised the dispute, provided that it did not disagree during the negotiations which took place, shall be entitled to a separate amount proportionate to the number of paid-up members of its affiliated trade unions. The confederation to which the national federation is an affiliate, the local associations of trade unions to which its unions are affiliated and the trade unions themselves shall be entitled to draw against this amount, which shall be distributed in accordance with the percentages laid down in paragraph 3 of the present article and the number of paid-up members of each association.
Appendix V

5. Any dispute or conflict among the beneficiaries concerning the rights and obligations laid down in the present article shall be settled by the court of first instance composed of a single judge in the district of the headquarters of the national federation which concluded the agreement or raised the dispute; the procedure laid down in articles 691 and the following articles of the Code of Civil Procedure (dealing with labour claims) shall apply, except that the conciliation stage before the committee on conciliation shall be omitted.

Article 11

1. Members of trade unions who have fulfilled their obligation under article 10 of the present Legislative Decree shall be released from their obligation to pay a daily wage to the Workers’ Fund out of their Christmas bonus under the existing legislation.

2. The amount of one day’s wages paid by each member of the workers’ occupational associations under article 10 of the present Legislative Decree shall be set against his membership dues payable to the association he belongs to for the following year to the extent that the membership dues are covered by the money received by the association.

Article 12

1. Workers’ occupational associations recognised as representative shall, until they obtain the check-off system provided for by article 10 of the present Legislative Decree through a relevant clause in the collective agreement or an arbitration award, be entitled to monthly allocations from the money collected by the Workers’ Fund under the existing legislation, on the basis of the number of their members who voted at the last elections for their executive councils, such number to be ascertained from the report on the elections drawn up according to law.

2. Workers’ occupational associations can receive, until they are recognised as representative or if they do not belong to the category of those which can raise a collective dispute, a monthly financial allocation, in accordance with the above provisions, so far as they do not collect affiliation fees on the basis of a check-off system introduced by a collective agreement or arbitration award, for another two years from the date of coming into force of the present Legislative Decree.

3. The beneficiaries of the above two paragraphs shall be designated by decision of the Administrative Council of the Workers’ Fund approved by the Minister of Labour.

Article 13

Workers’ occupational associations unable to be recognised as representative, because they cannot secure the number of members defined in paragraph 3 of article 1 of the present Legislative Decree or do not belong to the category of those which can be recognised as representative, can obtain financial assistance, in accordance with the relevant provisions in force until the promulgation of the present Legislative Decree, for two years following the date of its coming into force.

Article 14

Workers’ occupational associations having at the time of the promulgation of the present Legislative Decree executive councils appointed in accordance with article 69 of the Civil Code shall be entitled to financial assistance for a period not exceeding six months from the date of promulgation of the present Legislative Decree. Occupational associations that have executive committees appointed since the promulgation of the present Legislative Decree in the Government Gazette shall be entitled to financial assistance for a period not exceeding three months.

In each case the financial assistance shall be renewed upon the election of the executive council.
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Article 15

1. The Minister of Labour can approve a decision by the Governing Body of the Workers’ Fund to grant special financial assistance to workers’ occupational associations to help them to pay the rents of their offices and the expenses of holding their congresses or general assemblies or conferences or establishing contacts either in Greece or abroad with international trade union organisations.

2. Retired wage earners’ and salaried employees’ associations may also obtain financial assistance for recreation schemes for their paid-up members.

3. Occupational associations receiving financial assistance in accordance with the previous paragraphs shall settle their accounts with the Workers’ Fund within a period of time to be fixed by its Governing Body.

Article 16

1. After consultation with the most representative employers’ and workers’ associations, minimum wages and salaries can be fixed by joint decision of the Prime Minister and the Ministers of Co-ordination, Industry and Labour for general categories of unskilled workers, employees and apprentices, without dividing them into trades and vocations. The necessary meetings shall be convened by the Minister of Labour.

2. In fixing minimum wages and salaries, the rate of economic development of the country, the percentage increase in the national income, productivity in relation to the general evolution of the national economy and the cost of living shall be taken into account.

3. Collective disputes raised before the date of promulgation of the present Legislative Decree with a view to the conclusion of a general collective labour agreement shall be settled in accordance with the provisions in force before that date; national general collective agreements shall remain in force.

4. The provisions concerning national general collective labour agreements and arbitration awards of Law No. 3239 of 1955 as amended subsequently and dealing with the fixing of minimum wages or additional payments or increments of any nature shall be rescinded with effect from the date of coming into force of the present Legislative Decree.

5. The provisions of article 22 of Law No. 3239 of 1955 as well as any other provision contrary to the present Legislative Decree shall also be rescinded.

Article 17

The provisions of Law No. 3239 of 1955, Legislative Decree No. 3755 of 1957 and the present Legislative Decree may be codified by Royal Decree on the proposal of the Minister of Labour.

Article 18

The present Legislative Decree shall come into force on the date of its promulgation in the Government Gazette.

Athens, 9 May 1969.