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INTERNATIONAL LABOUR OFFICE

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**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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#### 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.