



18.6.2024

NOTICE TO MEMBERS

Subject: Petition No 0131/2024 by Mustafas Bodour (Greek) on the working conditions in the tourism industry in Greece

1. Summary of petition

The petitioner draws attention to the working conditions in Greece during the summer period, which he describes as deplorable. He states that Greek employees are forced to work 8-12 hours a day, 7 days a week for at least 6 months, while being paid for 40 hours. He explains that no overtime is paid for working on holidays and that employees are forced to work under extreme heat without breaks, while wages are decreased in case of illness. He wonders how this can happen in Europe, considering the degree of manipulation and the advantages taken by employers to be criminal. He adds that the Greek government has failed to take action and may ignore the situation. Therefore, he asks the European Union to initiate an investigation on this issue.

2. Admissibility

Declared admissible on 8 May 2024. Information requested from Commission under Rule 227(5) (New Rule 233(5)).

3. Commission reply, received on 18 June 2024

The petition

The petitioner draws attention to the working conditions in Greece during the summer period, which he describes as deplorable. He states that Greek employees are forced to work 8-12 hours a day, 7 days a week for at least 6 months, while being paid for 40 hours. He explains that no overtime is paid for working on holidays and that employees are forced to work under extreme

heat without breaks, while wages are decreased in case of illness. He wonders how this can happen in Europe, considering the degree of manipulation and the advantages taken by employers to be criminal. He adds that the Greek government has failed to take action and may ignore the situation. Therefore, he asks the European Union to initiate an investigation on this issue.

The Commission's observations

Directive 2003/88/EC of 4 November 2003 concerning certain aspects of the organisation of working time¹ lays down minimum safety and health requirements for the organisation of working time. It sets limits on working time and stipulates minimum requirements for rest periods. Following Article 4 of the Directive, workers are entitled to a rest break, where the working day is longer than six hours. Article 3 of the Directive guarantees workers 11 consecutive hours of daily rest, and Article 5 stipulates the right to a weekly rest period of 24 hours plus the 11 hours of daily rest.

In accordance with Articles 17 and 18 of the Working Time Directive, Member States may adopt derogations from its Articles 3, 4 and 5 in various circumstances, among others where there is a foreseeable surge of activity, such as in tourism. Derogations relating to these circumstances may be adopted by way either of national law or of collective agreements. In addition, derogations can be introduced for any activity, if these derogations are adopted by way of collective agreements. In all cases where a derogation from daily or weekly rest or from breaks applies, the Directive requires that the workers concerned are granted equivalent periods of compensatory rest. In exceptional cases, where equivalent periods of compensatory rest cannot be afforded for objective reasons, the workers concerned must benefit from appropriate protection.

Article 7 of the Working Time Directive sets out the workers' right to at least four weeks of paid annual leave. The conditions for entitlement and granting of such leave are regulated by the national legislation and/or practice of the Member States.

The Working Time Directive does not regulate the questions of pay for hours worked. This issue is outside the scope of European Union law. In accordance with Article 153(5) of the Treaty on the Functioning of the European Union², the provision does not apply to pay.

The right to sick leave and the conditions for exercise of that right are also not governed by European Union law. Each Member State has its own social security laws and is free to decide who is to be insured, which benefits are granted and under what conditions.

As regards the claim that Greek workers are often forced to work, during the summer period, under extreme heat, it should be noted that European Union legislation on occupational safety and health (OSH) protects workers from all types of risks, including risks related to heat stress. Employers are required, among others, to be in possession of an assessment of the risks to safety and health at work, including those facing workers exposed to particular risks such as heat at work, and shall also take the resulting preventive and protective measures. In addition to the general protection provided to workers by the OSH Framework Directive 89/391/EEC³, the Workplace Directive 89/654/EEC⁴ lays down more specific safety and health provisions on workplaces. In its Annex I, point 7, and Annex II, point 7 (both entitled 'Room temperature'),

¹ OJ L 299, 18.11.2003, p. 9.

² OJ C 202, 7.6.2016, p. 47.

³ OJ L 183, 29.6.1989, p. 1.

⁴ OJ L 393, 30.12.1989, p. 1.

it stipulates that during working hours, the temperature in rooms containing workplaces must be adequate for human beings, having regard to the working methods being used and the physical demands placed on the workers.

The European Union OSH Directives lay down minimum requirements, and Member States may adopt or maintain more stringent protective measures. However, it is primarily the competence of Member States to enforce national legislation transposing European Union OSH legislation.

Furthermore, the European Union has published several practical tools and guides to help employers protect workers and prevent the OSH risks that workers face. Among others, the European Agency for Safety and Health at Work (EU-OSHA) has published the guide ‘Heat at work – Guidance for workplaces’ in 2023⁵ which is available in most European Union languages, including Greek. The guide provides practical guidance on how to manage and prevent the risks associated with working in heat. In addition, there exist several Greek OiRA tools (Online interactive Risk Assessment tools) of EU-OSHA, supporting employers in preparing risk assessments for, among others, work in hotels, cafes and restaurants, catering and shops⁶.

Conclusion

The information provided by the petitioner does not allow to identify any issue of non-compliance with the Working Time Directive or European Union legislation on occupational safety and health.

⁵ <https://osha.europa.eu/en/publications/heat-work-guidance-workplaces>

⁶ <https://oira.osha.europa.eu/en/Partners/hellenic-ministry-labour-and-social-affairs?page=1>