



European Organisation of
Military Associations and
Trade Unions

Brussels, Belgium
<http://euromil.org/>

To whom it may concern!

Brussels, 23 December 2022

Dear Sir, Madam,

As you may know, the European Organisation of Military Associations and Trade Unions (EUROMIL) is an umbrella organisation composed of 34 military associations and trade unions from 21 countries. It is the main Europe-wide forum for cooperation among professional military associations on issues of common concern. EUROMIL strives to secure and advance the human rights, fundamental freedoms, and socio-professional interests of military personnel of all ranks in Europe and promotes the concept of "Citizen in Uniform". As such, a soldier is entitled to the same rights and obligations as any other citizen. EUROMIL particularly calls for recognition of the right of servicemen and -women to form and join trade unions and independent associations and for their inclusion in a regular social dialogue by the authorities.

To that extent, EUROMIL is also monitoring the developments on the national level and this in close collaboration with its national member associations. As you may know, EUROMIL's member in Greece is the PanHellenic Federation of Armed Forces Unions (P.FE.AR.F.U), which is for EUROMIL a much respected and appreciated partner.

We have been informed that the Minister of Defence, submitted a draft law entitled "[Care for armed forces personnel, rationalization of the legislation of the armed forces, organization of the National Guard and other provisions](#)". On the online page for public consultation we read that the purpose of the draft law is among others to improve the care for armed forces personnel. As European representative umbrella organisation for military personnel, we can, of course, only applaud such an initiative.



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However, one of the articles in particular is drawing our attention, namely [article 71 on armed forces trade union issues](#), amending article 30C of Law 1264/1982. Just like P.FE.AR.F.U does, EUROMIL expresses its concerns on the changes in the legal framework of the Greek military trade unionism as foreseen in article 71. In our view, the proposed changes will surely not improve the institutional framework. On the contrary, we rather believe that these will weaken the functioning of trade unions in the armed forces. EUROMIL is a strong believer of a democratic parliamentary control on the armed forces and it is our experience that independent and professional trade unions can and should be a strong partner in this field. Therefore we have the feeling that the proposed amendments to the 1982 legislation is rather a wish from the military authorities than the political will of the legislator.

With the intended amendment trade union leaves, valid for all workers in the private and public sector will be abolished and replaced with special leaves of 3 days granted to the President and Secretary General of each primary union and 5 days to the President and Secretary General of each secondary Federation. It seems however that in all other primary trade unions in the public or private sector, 5 days leave is provided for the President, Vice-President and General Secretary if the union has 500 members or more, while for secondary Federations, leaves are provided from 15 days per month for President, Vice-President, Secretary General and Treasurer (up to full exemption from the duties for the entire mandate of the President and General Secretary, under conditions), as well as 9 days leave per month for the board members of the most representative Federation (based on the number of members). Without any justifiable reason a differentiation is now proposed for the military trade union leaders and representatives. As far as we know, during the past years the permanent provisions of the law on trade union leaves were applied to the military without abuse of these rights. On the contrary, it was the administration that in some cases refused to implement the clear provisions of the law.

The stability (in terms of transfer from one camp to another) of the elected members will be reduced, since this is limited only to the board members of the federation and only for the transfers outside the region. However, as P.FE.AR.F.U has repeatedly pointed out, the State must restore the immutability of the board members of the primary unions. The main reason is that this non-transferability is the basic condition to ensure that trade union officials will not be subject to "unfavourable" or "retributive" transfers, but also the necessary legal result of mandatory deletion in case of transfer. Since the law stipulates that the members



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of primary unions are automatically removed upon transfer, the board members of a primary union may not be transferred for as long as their mandate lasts, otherwise the voting of the colleagues who elected them will be de facto abolished and the democratic functioning of the trade unions is changed. The original version of the law (Article 50 of Law 4407/2016) provided for the immutability of the board members of the primary unions, a provision which was applied without difficulty and guaranteed the essential protection of union officials.

Trade union representation in Military Equity Funds and Transfer Councils, which was foreseen by the law (article 50 of L.4407/2016) and which, despite legal-technical failures, was maintained in the provisions of article 66 of L.4609/2019, is now proposed to be abolished. The provisions that were set to ensure transparency and the observance of legality in critical areas will, with this amendment, be abolished. Especially with reference to the planning of the transfers that affect the family life, but also to the operation of the Military Equity Funds which manage the money of the military personnel themselves. Unfortunately, the provisions of the law had not been implemented, despite the constant protests of P.FE.AR.F.U.

Therefore, we are convinced that the proposed amendments foreseen in article 71 will limit trade union rights, which are foreseen for all other branches of workers in the private and public sector and which until now also applied to the military. Furthermore, we see it as an attempt to legitimize retrospectively flagrant violations of the institutional framework, in cases where the administration completely unjustifiably refused to apply the law. In this sense, the intended amendments not only do not respond to the requests of representation in the Greek armed forces, but instead, act against and aim to weaken it.

Allow us to remind that P.FE.AR.F.U has in the past presented proposals for the creation of a coherent institutional framework, which would meet the modern needs of institutional representation of the military, taking into account the particularities and limitations implied by the nature of the armed forces. We were informed that their proposals have undergone systematic processing and have been presented to the relevant institutional bodies, which recognized the need for their adoption.

We strongly believe that the propose article 71 should be withdrawn from the draft law "*Care for armed forces personnel, rationalization of the legislation of the armed forces, organization of the National Guard and other provisions*" as this would only harm the functioning of a true partner in the democratic control on the



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Greek armed forces. In case there is a real need for changes of some elements of the legal framework organising trade unionism in the Greek military, EUROMIL believes that this firstly should be discussed in a social dialogue with the representative association, namely P.FE.AR.F.U. It is our experience that a well organised social dialogue in a clear legal framework with mutual respect between social partners and the competent representatives of the authorities, is in benefit of each and every individual member of these armed forces as well the armed forces as a whole.

We thank you for your kind consideration of this letter and look forward to your reaction.

Yours sincerely,

Emmanuel Jacob
President