



Platis - Anastassiadis & Associates

The associate law firm of EY Greece



Teleworking Status: Determination of Minimum Employee Indemnity

The Ministerial Decision No. 98490/2021 (Government Gazette 5646, bulletin dated 03.12.2021) determines the indemnity of the minimum cost, which must be granted by the employers to the employees, who are employed under teleworking status.

In particular, the decision provides that the minimum indemnity amount is set on a monthly basis as follows:

- a) the minimum monthly cost of using the employee's residence as workplace is defined as the amount of 13 euros.
- b) the minimum cost of communications is set at 10 euros.
- c) the minimum equipment maintenance cost is set at 5 euros.

It is noted that the Ministerial Decision was issued following the authorization of the article 67 par. 4 of the Law 4808/2021 which regulates holistically the issue of teleworking, i.e. both the case of the agreed teleworking, as well as that imposed unilaterally by the employer for reasons of public health protection, but also the case of teleworking following the request of the employee, in the event of a documented health risk.

There is a question whether the teleworking indemnity is due in every case of teleworking, or only in the cases of agreed teleworking, however, based on the wording of the ministerial decision we estimate (and to the extent that the Ministry of Labor does not officially take a different position) that it is due in every case telework and not only in cases of telework provided following an agreement between the parties.

It should also be noted that the text of the Ministerial Decision shows that the reported compensation is linked to the actual telework status, i.e. the total amount of 28 euros is due to the case where the employee provides at least 22 days of work from home using his own equipment (e.g. home computer) without the employer covering telecommunications costs. In all other cases, 1/22 of the costs, applicable on a case-by-case basis, are paid per working day. In this context, if, for example, the employer already covers the cost of telecommunications and provides corporate equipment, he must reimburse only the monthly cost of using the employee's residence (i.e. 13 euros in full in case of at least 22 days of work & 1 / 22 of the expenditure per working day in any other case).

As explicitly defined by the provision of article 67 of Law 4808/2021, the relevant indemnity is not part of the remuneration, but a deductible expense for the employing company, it is not subject to any tax or social security contributions.

In relation to the application of the relevant provisions, the relevant expense can not be offset with higher remuneration than the legal remuneration which the employer pays to the employee.

The indemnity is paid to the employee's payroll account, with a separate deposit in relation to the monthly salary with the indication : "payment of telework costs". For reasons of proof in case of dispute, we consider as a good practice the inclusion of the relevant expense payment in the payroll statements.

About Platis - Anastassiadis & Associates

Platis - Anastassiadis & Associates is part of the EY Law network operating in 90 countries globally and is comprised of 3,500+ people.

We are an independent law office with a core team of 25 lawyers. Our office provides high quality legal services across the full range of commercial and financial transactions.

Especially in our geographical area, we have established an ongoing cooperation with the respective law firms which are associated with EY, in order to offer seamless and consistent regional services to our clients that have cross country operations.

Our experience allows us to better understand our clients' needs and offer them integrated multidisciplinary solutions in the fields of accounting, tax and financial advisory services. Platis - Anastassiadis & Associates law office is solution focused. We work closely with our clients to seek innovative and practical ways of dealing with their issues. Our priority is to help our clients meet their business objectives. Our expertise, commitment and enthusiasm has resulted in the build up of a client base which includes local and international listed, state and private sector companies and financial institutions.

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