

# Legal Flash

**January 2024**

## **Implementation of the digital work card in the industrial and retail sectors**

**The recently published Ministerial Decision 113169/2023 of the Ministry of Labour and Social Security expands the application of the digital work card to industrial and retail enterprises.**

The new Ministerial Decision also updates the criteria for designating employees as managing executives and introduces changes to the documents that employers submit to the Information System ERGANI II.

The key provisions of the Ministerial Decision are summarised below:

### **Expansion of application of the digital work card**

The digital work card will compulsorily apply from 01.01.2024 to enterprises pursuing their main business activity in the industrial and retail sectors, in accordance with the business activity tax codes (KAD) set out in the Ministerial Decision.

The Ministerial Decision provides a transitional period for the implementation of the digital working card, during which no relevant administrative sanctions will be imposed, as follows:

- Until 01.04.2024 for industrial enterprises;
- Until 02.05.2024 for retail businesses;
- Until 13.05.2024 for enterprises in both sectors, provided that they employ less than ten employees.

### **Update of the criteria for managing executives**

The Ministerial Decision updates the criteria for the classification of employees as managing executives, in one of the existing categories, as follows:

Category A: Addition of the case of employees who are authorised to make decisions autonomously.

Category B: Reduction of the remuneration threshold for the qualification as managing executives who head units, departments or other autonomous organisational functions, to four times the applicable minimum salary (i.e.,

based on the current minimum salary, a monthly remuneration of at least EUR 3,120) - instead of six times the applicable minimum salary.

Category C: Reduction of the remuneration threshold for the classification of high-paid employees as managing executives, to six times the applicable statutory minimum salary (i.e., based on the current minimum salary, monthly remuneration of at least EUR 4,680) - instead of eight times the applicable minimum salary.

The above changes will enter into force on 01.03.2024.

## **Revision of the Information System ERGANI II documents**

The Ministerial Decision introduces new documents that employers are required to submit to the Information System ERGANI II, in implementation of the provisions of L. 5053/2023, whilst it also modifies existing documents. Indicatively:

- Consolidation of the hiring documents which should be submitted together with the new document Declaration of Basic Conditions of Employment;
- Introduction of a unified document for Digital Notification of termination/ end of the employment contract - the cases of termination of the employment contract include the automatic termination of the employment contract under probationary period and the transfer to another company;
- Activation of the option for employers who have integrated the digital work card to report changes in working hours, working time organisation and overtime, within the next month;
- Enterprises with continuous operation or capable of continuous operation, where employment on the sixth day is permitted, shall submit a solemn declaration that they belong to one of the above categories.

The above changes will enter into force on 01.03.2024.

## **Let's talk**

For a deeper discussion of how the Ministerial Decision 113169/2023 might affect your business, please contact:



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This information is intended only as a general update for interested persons and should not be used as a basis for decision-making.

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