

Mandatory diagnostic Covid-19 testing for private sector employees in Greece

Ministerial Decision No. 64232, published on 16 October 2021, regulates the process of mandatory diagnostic Covid-19 testing for private sector employees and sets out a new weekly declaration obligation for employers to monitor compliance with such measure.

Scope of application

With effect from 18 October 2021, the mandatory Covid-19 weekly testing applies to all employees of the private sector, including interns, who provide their services physically at the workplace, except for: (a) those who have been fully vaccinated against Covid-19 (after lapse of 14 days from completion of the vaccination), (b) those who have been infected by Covid-19 within the last 6 months, and (c) employees subject to mandatory vaccination (unless officially exempted therefrom, in which case they also have to undergo Covid-19 testing to physically provide services).

Testing process

The above persons are obliged to undergo a Covid-19 diagnostic PCR or rapid test at a private health unit at their own cost. Any diagnostic tests performed at the employer's cost will not be considered as discharging the employees' testing obligation.

The testing must take place once every week (or twice for employees in the sectors of food, tourism, passenger transport, TV, cinema, theater, music or dance productions, private education and health personnel officially exempted from mandatory vaccination).

In case of urgent need to visit the workplace, the employee may undertake the diagnostic test even on the same day.

Private health units are required to register the results of all diagnostic tests performed on the National Covid-19 Patient Register, within 24 hours from the test.

If the result of the diagnostic test is negative, employees are required to download the official *"Certificate of negative Covid-19 diagnostic test"* from the platform "gov.gr" as evidence of their right to physically provide work at the workplace.

In case of a positive result, the employee is required to promptly inform the employer and remain in house quarantine, in accordance with EODY protocols.

Employers' declaration obligation

Based on data obtained from the National Covid-19 Vaccination Register and the National Covid-19 Patient Register, the ERGANI electronic platform will make available to employers information on vaccinated and infected employees, as well as on employees required to undergo Covid-19 diagnostic testing.

Employers are required to enter ERGANI - **on a weekly basis** - in order to finalise the respective employee information and submit the *“Declaration of Employer regarding the compliance of non-vaccinated and non-infected employees with their obligation to undergo Covid-19 diagnostic testing”*. By virtue of the above declaration, employers are required to confirm for each employee subject to the diagnostic testing obligation whether they complied with such obligation or whether they had a legitimate reason not to (i.e. employees on telework, on leave of absence, holding an equivalent vaccination/infection certificate from another country).

The declaration must be submitted by employers to ERGANI on a weekly basis, i.e. between Tuesday and Friday and refers to the previous week. As regards the first week of application of the measure (18-24 October), employers may submit the above declaration within 10 business days from the issuance of the Ministerial Decision, i.e. until 29.10.2021.

Non-compliance

Employees are subject to a fine of Euro 300 for each violation of their weekly obligation to undergo the mandatory diagnostic testing, while for part-time employees - working up to 50% of working time - the fine is set at Euro 150 per violation.

In case of non-compliance with the above obligations, employers are subject to fines as follows: (i) Euro 1,500 for each employee found at the workplace with a positive diagnostic test, (ii) Euro 2,000 in case of non-submission of the relevant declaration to ERGANI and (iii) Euro 10,000 in case of submission of a false declaration.

Employers are further required, subject to a fine of Euro 300, to inform by any appropriate means (email, announcement, etc.) their employees about both the mandatory testing process and the consequences of non-compliance for the employees.

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