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INDUSTRIAL RELATIONS IN GREECE: BEFORE, DURING AND BEYOND THE ECONOMIC CRISIS

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ABSTRACT

In this paper we examine the transformation of industrial relations in Greece during the memoranda and after their official expiry. We argue that during the memoranda period, a process of “disorganized decentralization” of the collective bargaining system took place. This process was consolidated after the official expiry of the memoranda, through the legislation of the use of “opening clauses”. The consequences of the decentralization are the drastic reduction of collective agreements at the sectoral/occupational level, the reduction of the collective bargaining coverage rate, the increase of the individual contracts and the deterioration of the terms and working conditions of employees. These changes occurred in a conjuncture of the trade union movement’s weakening, and of the barriers for the development of collective action that have been legislated by the state. We argue that at this set of circumstances, the political and organizational reconstruction of the trade union movement is urgent.

Keywords: Collective Bargaining, Decentralization, Trade Unions, Economic Crisis, Comparative Industrial Relations

JEL Classification: J51, J52, J53

Introduction

During the period that followed the recourse of Greek governments to the EC-ECB-IMF support mechanism, a drastic reform of industrial relations has taken place, which we have also examined in previous studies (Zisimopoulos et al. 2019; Zisimopoulos 2018; Zisimopoulos and Economakis 2018a; Economakis et al. 2016), emphasising the restructuring of the collective bargaining system. The key reforms of the institutional framework of collective industrial relations that took place in the period 2010-2014 were maintained until August 2018, when the SYRIZA government restored the “favourability principle” and the principle of the “extension” of collective agreements that result by multi-employer bargaining. The election of the neoliberal government of “Nea Dimokratia” (New Democracy) and the recent voting of changes related to fundamental provisions of the labour law, have posed the question of the return to the industrial relations regime that was shaped during the memoranda period and of the undermining of the employees’ ability for collective action.

In this paper we attempt to contribute to a critical review of the impact of the economic crisis on Greek industrial relations and to examine the change of Greek industrial relations system’s position within the European variety of industrial relations systems. In addition, we incorporate in our analysis the period during which the memoranda have officially expired. Apart from the examination of the institutional framework for the collective bargaining, our analysis also incorporates the role of trade unions as a determinant of the shaping of the collective bargaining system characteristics.

Moreover, in this study we approach industrial relations as a field of class competition. We base our analysis on secondary data and examine the research questions in terms of actors, processes and outcomes.

The present paper is structured as follows: the second section is dedicated to the literature review concerning the structure of the collective bargaining system, the role of trade unions, the shaping of the collective bargaining coverage and the trends towards decentralization. The characteristics of the Greek collective bargaining system and of the trade unions during the pre-memoranda period are presented in the third section. In the fourth section, we focus on the key changes of the collective bargaining and of the position of the trade unions in the correlation of forces during memoranda period. In the fifth section, we examine the changes that occurred after the official expiry of the memoranda, while in the sixth section there are some concluding remarks and discussion.

Structure of the collective bargaining systems, trade unions and decentralization trends

Structure of collective bargaining systems and trade unions

The dominant level at which collective bargaining takes place is crucial for the extent to which employees are covered by collective agreements. In addition, the dominant level of collective bargaining is an important variable of a national industrial relations system as it relates to the degree of its centralization.

The industrial relations systems dominated by the collective bargaining at the enterprise level (single-employer bargaining) are considered as decentralized. On the other hand, those systems that dominated by the collective bargaining at the national and/or sectoral level (multi-employer bargaining) are considered centralized (Kristal and Cohen 2007: 613). In the case of the European Union, the collective bargaining at the enterprise level is dominant within the systems of “liberal pluralism” and “mixed system” of Eastern European countries, while the collective bargaining at sector level is (more) dominant within the systems of “organized corporatism” and “social partnership”, and is also (less) dominant within the “state-centred” system (Visser 2009: 48-54; see also Gumbrell-McCormick and Hyman, 2013).

The dominance of single-employer bargaining expands the potential of individual labour contracts use (Traxler 2003: 7), while the dominance of multi-employer bargaining drastically reduces the employers’ ability to unilaterally determine the terms of employment (Glassner et al. 2011: 308).

The efficiency of a collective bargaining system is reflected on the indicator of collective bargaining coverage rate. The level of collective bargaining coverage is determined by: (a) the existence of a strong trade union movement; and/or (b) the ensuring of the articulation of collective agreements at the different levels of bargaining.

More precisely, the articulation of collective agreements at the different levels of bargaining is reinforced by the legislation of “favourability principle” and the “extension” of collective agreements (Marginson 2015: 98). The “favourability principle” ensures that collective agreements concluded at the enterprise level cannot contain worse terms than those set at the higher levels of bargaining. Furthermore, through the “extension” of collective agreements, the validity of collective agreements at sector level is expanded to those employees that are not

covered by collective bargaining. The role of multi-employer bargaining is reinforced in those countries that the binding legal “extension” is implemented (Marginson and Sisson 2004: 44). The role of legal “extension” is important for ensuring high levels of collective bargaining coverage, particularly in those countries where the trade union density is low (see Visser 2009: 51).

Thus, the “favourability principle” ensures minimum wage and standards of the terms of employment at the sectoral/occupational level, while enabling further negotiation at the enterprise level for the improvement of the wages and terms of employment. What is more, the “extension” of collective agreements to all employees of a sector or occupation ensures high levels of coverage by collective bargaining and collective agreements at the sectoral/occupational level, while limiting (or eliminating) the use of individual labour contracts that set less favourable wages and terms of employment.

Based on the above analysis, Table 1 provides a classification of the 28 countries of the European Union according to the dominant level of collective bargaining.¹ Before the economic crisis (2007) in 16 of the 28 EU countries multi-employer bargaining (MEB) was dominant, in 3 countries the dominant level of collective bargaining was alternating (MEB/SEB), while in 9 countries single-employer bargaining (SEB) was dominant.

Additionally, Table 1 depicts the significant differentiation of the collective bargaining coverage rate among the three country groups.² In the first country group, the coverage rate was on average 83%, in the second, the coverage rate was 49.6%, while in the third country group, the coverage rate was 27.7%. This differentiation highlights the role of the dominant level at which collective bargaining takes place, in terms of their effectiveness.

¹ For the classification of EU countries according to the dominant level at which collective bargaining takes place the indicator Level-I has been used. According to Visser (2019: 5) “[a] level is ‘predominant’ if it accounts for at least two-thirds of the total bargaining coverage rate in a given year. If it accounts for less, but for more than one-third of the coverage rate, there is a mixed or intermediate situation, between two levels. A mixed situation also occurs when bargaining levels alternate and/or it is impossible to assess which of the two contributes more to the actual coverage of agreements”.

² According to the indicator AdjCov (see Visser 2019: 15) that we have used, the collective bargaining coverage rate expresses the “employees covered by valid collective (wage) bargaining agreements as a proportion of all wage and salary earners in employment with the right to bargaining, expressed as percentage, adjusted for the possibility that some sectors or occupations are excluded from the right to bargain”.

In the case of countries where single-employer bargaining was dominant, there was a lack of mechanisms that ensured the articulation of collective agreements at different levels. In all these countries there was no legal recognition and application of the “favourability principle”, while the “extension” mechanisms were either implemented by exception as in the case of “mixed system” countries (Czech Republic, Estonia, Hungary, Latvia, Lithuania), or were not provided by the law as in case of “liberal pluralism” countries (Cyprus, Malta, Poland, Great Britain). Additionally, the level of coverage rate seems to be related to the level of trade union density. In other words, the more powerful the trade union movement in these countries was, the greater the collective bargaining coverage rate.

In the case of countries where multi-employer bargaining was dominant, the high levels of coverage rate were not related to the high levels of trade union density, with the exception of countries that belong to the “organized corporatism” system (Denmark, Finland and Sweden). In other words, there was a gap between “potential bargaining strength and solidarity among workers”, i.e. the power of trade union movement (that is expressed by the union density) and “the real rather than potential extent to which employees are subject to union-negotiated terms and conditions of employment” (that is expressed by the coverage rate) (European Commission, 2011: 35). This gap (restricted power of trade union movement but high level of collective bargaining coverage rate) is covered by the institutionalization of multi-employer bargaining and the existence of mechanisms that are related to the articulation of the collective bargaining system, namely the implementation of the “favourability principle” and “extension” of collective agreements (see Visser 2009: 51). Particularly, in the countries where the levels of trade union density were low (countries that belonged to “social partnership system and mainly to the “state-centred” system) and coverage rate exceeded 80% and in some cases reached 100% (Austria, France, Greece, Portugal, Spain, Romania), the “favourability principle” was fixed in law and the “extension” of collective agreements was automatic and general.

Table 1: Classification of 28 EU countries according to the dominant bargaining level, 2007

	Country code	Favourability principle	Extension	Union Density	Coverage Rate
MEB	AT	Fixed in law/binding	Automatic and general	29.6*	98.0*
	BE	Fixed in law/derogation is possible	Automatic and general	54.7	96.0
	DK	Not fixed in law/a matter for the negotiating parties	No legal provision	67.8	76.8
	FI	Not fixed in law/a matter for the negotiating parties	Automatic and general	69.5*	84.7*
	FR	Fixed in law/derogation is possible	Automatic and general	7.8*	98.0*
	DE	Fixed in law/derogation is possible	Exceptional	19.8	61.7
	GR	Fixed in law/binding	Automatic and general	22.6	100.0
	IE	Fixed in law/binding	Exceptional	29.5	n.a.
	IT	Fixed in law/derogation is possible	Automatic and general	33.5	n.a.
	NL	Not fixed in law/a matter for the negotiating parties	In many industries	19.4	79.1
	PT	Fixed in law/binding	Automatic and general	20.7*	85.9*
	RO	Fixed in law/derogation is possible	Automatic and general	32.0	100.0
	SK	Fixed in law/binding	Exceptional	18.8	40.0
	SI	Fixed in law/binding	In many industries	30.6	70.0
	ES	Fixed in law/derogation is possible	Automatic and general	16.3	82.9
SE	Fixed in law/derogation is possible	No legal provision	67.0	89.5	
MEB/SEB	BG	Fixed in law/binding	Exceptional	17.2	40.0**
	HR	Not fixed in law/a matter for the negotiating parties	Exceptional	30.3*	49.8
	LU	Fixed in law/binding	Automatic and general	36.5*	59.0*
SEB	CY	Not fixed in law/does not apply	No legal provision	58.1	58.1
	CZ	Not fixed in law/does not apply	Exceptional	17.4	26.2
	EE	Not fixed in law/does not apply	Exceptional	7.6	n.a.
	HU	Not fixed in law/does not apply	Exceptional	14.9	24.6
	LV	Not fixed in law/does not apply	Exceptional	16.6	21.5
	LT	Not fixed in law/does not apply	Exceptional	9.3	10.2
	MT	Not fixed in law/does not apply	No legal provision	56.5	n.a.
	PL	Not fixed in law/does not apply	No legal provision	14.0	18.9
	GB	Not fixed in law/does not apply	No legal provision	27.2	34.6

Source: Visser, 2019.

Note: For the classification of countries in MEB, SEB and MEB/SEB the Level-I variable has been used; for the classification of countries according to the existence of “favourability principle” and of “extension” mechanisms the variables FAV and EXT have been used; the variables UD and AdjCov have been used for the depiction of union density and collective bargaining coverage.

* 2008

** 2006

Trends towards decentralization of collective bargaining systems

During the three decades before the onset of the current economic crisis, a tendency towards decentralization of collective bargaining systems was developed worldwide. According to Visser (2016: 15) decentralization is defined as “moving negotiations and decisions over wages and terms of employment closer to the individual enterprise”. Thus, (*ibid.*) “[d]ecentralisation occurs when central or sectoral agreements are articulated with or replaced by enterprise agreements”.

The decentralization of collective bargaining in European Union countries, took over the past decades either the form of “organized decentralization”, or the form of “disorganized decentralization” (Traxler 1994: 186). In “organized decentralization” certain bargaining issues, such as the working time and wages, “are delegated to regulation at company and plant level [but] within a binding framework set by the multi-employer settlement” (Traxler 2003: 19). In the case of “disorganized decentralization” “[sectoral collective] agreements disintegrate to be displaced by company-level arrangements” (Marginson et al. 2003: 165). Therefore, “disorganized decentralization” resulting “from a breakdown or dismantling of higher-level arrangements” (Traxler 1994: 186), leading to the replacement of multi-employer bargaining by single-employer bargaining (see also Zisimopoulos et al. 2019: 49).

Based on the above analysis, “organized decentralization” is indirectly linked and “disorganized decentralization” is directly linked to the undermining of the “favourability principle”, and thus to the undermining of the role both of the sectoral bargaining and sectoral unions. In addition, the “disorganized decentralization” is linked to the complete collapse of the “extension” of collective agreements, as the “extension” makes sense only when the sectoral collective agreements exists. Consequently, the “disorganized decentralization” contributes to the decline of coverage rate, and therefore increases the control of capital over the wages and terms of employment. This is because “disorganized decentralization” leads to individual employment contracts that contain less favourable terms of employment for the employees which are not covered by the trade union at the enterprise level (in micro and small enterprises), or it abolishes minimum standards of wages and terms of employment that would be set by sectoral collective agreements and from which the bargaining process at the enterprise level could be initialized.

However, the main trend in the EU since the late 80’s was the “organized decentralization” (Marginson et al. 2003: 165), the main vehicle of which was the

use of “opening clauses” and “opt-out clauses” or “hardship clauses” (Marginson and Sisson 2004: 153-154, 164-165).

The distinction between “general opening clauses” and “temporary opening or ‘inability to pay’ clauses” is relevant to the previous distinction (Visser, 2016: 20). In both cases the “opening clauses” permit the employers (under certain circumstances) to modify collective agreements in favour of them, deviating from collective agreements that have been concluded at higher levels of bargaining (Visser 2005: 296-299, 2013: 42-43). According to Visser (2016: 20), the “general opening clauses” allow certain specific issues to be decided after further negotiations at the enterprise level, but within the framework and under conditions specified and agreed in the collective agreements concluded at the sector level. In other words, they are the vehicle of “organized decentralization” “within” collective agreements concluded at the sector level. On the other hand, “temporary opening clauses” allow the suspension of the validity or the renegotiation of the terms of collective agreement in cases of enterprises facing financial difficulties. This type of opening clauses may be included in collective agreements at any level they are concluded. Especially in the case of “temporary opening clauses” implementation to collective agreements at the enterprise level, the favourability principle and the “extension” of collective agreements that concluded in higher levels are in practice undermined.

In the period of the current economic crisis, the trend towards the decentralization of collective bargaining systems is reinforced (Marginson 2015), even in countries where the multi-employer bargaining was dominant (see Leonardi and Pedersinim 2018). This means that multi-employer bargaining is undermined in favour not only of single-employer bargaining, but also in favour of individual employment contracts, particularly in the case of countries –such as Greece– where the process of “disorganized decentralization” is dominant (Zisimopoulos et al. 2019). In this direction, the “temporary opening clauses” have particularly been used (Visser 2016: 20-23).

This process is fueled by the international organizations, which consider the collective bargaining as a main source of labour markets rigidity (Marginson 2015: 97). The European Union policy encourages the erosion of the institutions for regulation and protection of employment (Hyman 2018: 569), undermining the so-called “European Social Model of Labour Relations” (Zisimopoulos et al. 2019: 47). The international organizations and Greek governments seek to apply the “internal devaluation” in order to reduce wage costs, through the decentralization

of collective bargaining and the flexibility of the labour market (see Economakis et al. 2016: 55-56).

Table 2 depicts the trend towards decentralization of collective bargaining systems in the EU countries during the current economic crisis. In particular, among the 28 EU countries there is a change in the proportion between the countries dominated by the multi-employer bargaining, the countries with alternating the dominant level of collective bargaining and those dominated by single-employer bargaining. In 2014, in 12 of the 28 EU countries the multi-employer bargaining was dominant (16 in 2007), in 5 countries the dominant level of collective bargaining was alternating (3 in 2007), while in 11 countries the single-employer bargaining was dominant (9 in 2007). It must be noted that in 2014 in 3 of the 4 countries which did not any more belong to the group of countries dominated by multi-employer bargaining (Ireland, Greece, Romania), fiscal adjustment programs (memoranda) have been implemented, imposed by international organizations.

As regards the effectiveness of collective bargaining, in the first group of countries the coverage rate³ was on average 84.3% (83% in 2007), in the second group coverage rate decreased to 30.2% (49.6% in 2007), while in the third country group decrease to 26.9% (27.7% in 2007). In the 12 countries that continue to be part of the first category (MEB), the stability of the institutions that related to the articulation of the collective bargaining system (with the exception of Spain where the “favourability principle was abolished), it seems that contributes to the marginal increase of collective bargaining coverage, with the exception of the “organized corporatism” countries (Denmark, Finland, Sweden) in which the high levels of union density seem to contribute to the high levels of the collective bargaining coverage rate. The decline of the trade union density in the second (from 28% on average in 2007 to 21.7% in 2014) and in the third group of countries (from 24.6% on average 2007 to 21.5% in 2014), and/or the weakening or the abolition of the “favourability principle” and of the “extension” of collective agreements, seem to contribute to the reduction of the coverage rate.

³ The calculations have been based on available data, see Section 4.4. and footnote in Table 2.

Table 2: Classification of 28 EU countries according to the dominant bargaining level, 2014

	Country Code	Favourability	Extension	Union Density	Coverage Rate
MEB	AT	Fixed in law/binding	Automatic and general	27.7	98,0
	BE	Fixed in law/derogation is possible	Automatic and general	53.8	96,0
	DK	Not fixed in law/a matter for the negotiating parties	No legal provision	69.3	82,0
	FI	Not fixed in law/a matter for the negotiating parties	Automatic and general	66.7	89,3
	FR	Fixed in law/derogation is possible	Automatic and general	8.0	98,5
	DE	Fixed in law/derogation is possible	Exceptional	17.7	57,8
	IT	Fixed in law/derogation is possible	Automatic and general	36.4	80,0
	NL	Not fixed in law/a matter for the negotiating parties	In many industries	18.1	85,9
	PT	Fixed in law/derogation is possible	Exceptional	17.0	74,0
	SI	Fixed in law/binding	In many industries	26.4	69,2
	ES	Inversed/does not apply	Automatic and general	16.8	90,7
	SE	Fixed in law/derogation is possible	No legal provision	61.8	90,0
MEB/SEB	BG	Fixed in law/binding	Exceptional	14.0	24,6**
	HR	Not fixed in law/a matter for the negotiating parties	Exceptional	26.1	49,7
	GR	Inversed/does not apply	No legal provision	23.1**	21,9
	LU	Fixed in law/binding	Automatic and general	34.1	n.a.
	SK	Fixed in law/binding	In many industries	11,2*	24,4*
SEB	CY	Not fixed in law/does not apply	No legal provision	45.8	45,8
	CZ	Not fixed in law/does not apply	Exceptional	12.9	31,7
	EE	Not fixed in law/does not apply	Exceptional	4,7*	18,6*
	HU	Not fixed in law/does not apply	Exceptional	10,2	22,8
	IE	Not fixed in law/does not apply	No legal provision	30,4*	32,5*
	LV	Not fixed in law/does not apply	Exceptional	12,7	15,3
	LT	Not fixed in law/does not apply	Exceptional	7,9*	7,1*
	MT	Not fixed in law/does not apply	No legal provision	53,0	47,0**
	PL	Not fixed in law/does not apply	No legal provision	12,4*	17,2*
	RO	Not fixed in law/does not apply	Exceptional	n.a.	30,0
	GB	Not fixed in law/does not apply	No legal provision	25,0	27,5

Source: Visser, 2019.

Note: For the classification of countries in MEB, SEB and MEB/SEB the Level-I variable has been used; for the classification of countries according to the existence of "favourability principle" and of "extension" mechanisms the variables FAV and EXT have been used; the variables UD and AdjCov have been used for the depiction of union density and collective bargaining coverage.

* 2015

** 2013

Collective bargaining and trade unions in Greece the pre-memoranda period

The collective bargaining system in Greece until 2010

The collective bargaining in Greece during the period 1955-1990 was conducted in accordance with the framework set by Law 3239/1955. According to this Law, collective bargaining was mainly taking place at national and occupational level, while collective bargaining at sector level was not foreseen (Article 7). The negotiations at the enterprise level was taking place only by exception in large enterprises or in certain public utilities (Article 7). The state was exercising compulsory arbitration to resolve the collective disputes (Articles 9-19), while it was entitled not to approve or to modify collective agreements if their terms were contrary to the general or economic or social policy of the government (Article 20).

In addition, the “favourability principle” was legislated (Articles 3 and 21). The “extension” of collective agreements to all employees at the national or occupational level was fortified in Article 5. Favourable to the maintenance of collective agreements and therefore for the centralized character of collective bargaining system, was the implementation of the time extension and “after-effect” of collective agreements (the so-called “metenergia”) (Article 4).⁴

The highly centralized character of the collective bargaining system until 1990, is necessary to be seen in the light of two factors (Zisimopoulos et al. 2019: 50): a) the dominance of micro and small enterprises in the Greek economy, that did not allow the development –in a wide range– of forms of bargaining at the enterprise level and b) the correlation of forces between capital and labour. In particular, the correlation of forces in the period following the collapse of the dictatorship (1974), was relatively favourable to wage labour, as it is reflected in the high levels of trade union density (see Figure 1). This correlation of forces and the state’s attempt to incorporate the political radicalism, led to the maintenance of the centralized nature of collective bargaining system.

During the 90’s the correlation of forces changed worldwide in favour of the capital, given the change of political status in the East countries and of the

⁴ According to Law 3239/1955, the period of time extension and “after-effect” of a collective agreement was at least two months. Two years after the conclusion of a collective bargaining, if no one of the contractual parts would not denounce it, the collective agreement was still in effect as an open-ended collective agreement. In case of denouncement by one of the contractual parts, the collective agreement terms remained in effect for two months.

neoliberalism dominance. In this context, in the early 90's the basic priority for the Greek capital was to be full member of the European Union, and in particular of the Economic and Monetary Union. In this respect, the decentralization of the collective bargaining system would facilitate the reduction of wages, which was a prerequisite for Greece to meet the criteria set by the Maastricht Treaty (Zambarloukou 2006: 217). A restricted attempt towards a partial decentralization, which however did not undermine the centralized character of collective bargaining system, was expressed by the adoption of the Law 1876/1990 on "Free Collective Bargaining". This Law was voted by all political parties that made up "all-party government" in that conjuncture (Zisimopoulos et al. 2019: 50).

With the Law 1876/1990, that was in effect without substantial modifications until 2010, the collective bargaining at sectoral and enterprise level was first introduced (Article 3). The prerequisite for the conduct of collective bargaining and for the agreement conclusion at the enterprise level, was the existence of a trade union in enterprises that employing at least 50 employees (Article 6). In addition, the "favourability principle" (Article 10), the "extension" of collective agreements concluded at higher levels (Article 11) and the "time extension and after-effect" of collective agreements (Article 9) were in force.⁵

It must be added that the compulsory arbitration of the state was abolished and the Organization for Mediation and Arbitration (OMED) was established. The main task of the OMED was the regulation of collective disputes when collective bargaining reached a dead end and a collective agreement was not feasible (at any level). The law gave to the trade unions the right to appeal unilaterally to the arbitration services (Articles 15 and 16). The decisions of OMED were assimilated to collective agreements. This guaranteed the existence of collective agreements for all employees and particularly for the majority of employees in micro and small enterprises, which were mainly covered by sectoral and occupational collective agreements, contributing by this way to the maintenance of high coverage rate (see below Table 5). During the period 1992-2010 approximately 50% of collective agreements at sectoral and occupational level were concluded after the resort of the sectoral and occupational trade unions to the OMED services (OMED 2018).

Law 1876/1990 created the conditions for the articulation of collective agreements at the higher levels with collective agreements at the enterprise level, and therefore

⁵ According to Law 1876/1990, the period of time extension and "after-effect" of a collective agreement was at least six months. If employers and employees had not concluded a new collective agreement or individual contracts six months after the expiration of collective agreement, then, its terms were still in effect beyond the period of six months.

for the decentralization of the collective bargaining system. Nevertheless, the collective bargaining system remained centralized with the role of sectoral and occupational bargaining dominant. The class correlation of forces (although with decreased trade union density throughout that period, see Figure 1), the close relationship between the governments (especially those of social democrats) and trade union leaders (Zambarloukou 2006: 216; Zambarloukou 2010: 238-239), the state's need to ensure the "social peace" in order to achieve the main priorities of capital (joining the eurozone, conducting Olympic games), but also the structural characteristics of the Greek economy (dominance of micro and small enterprises), were factors that did not permit the decentralization of the collective bargaining system on a large scale.

A common feature in both above-mentioned periods was the particularly high levels of collective bargaining coverage rate. Particularly in the period 1990-2010 the coverage rate was 100% (see Visser 2019). In conditions of labour movement weakening (see next section), the high levels of coverage rate were in a high degree the result of the legal framework that contributed to the maintenance of the centralized nature of the collective bargaining system.

The trade union movement in Greece until the crisis

Important factors that determine the strength of trade union movement are the union membership (in absolute terms) or union density (in relative terms), as well as the degree of union centralization (Visser and Kaminska 2009: 20-21). The second factor relates to the degree of unity or fragmentation of the trade union movement, which consists a special feature of its structure (Leat 2007: 270) and refers to the multitude of federations or confederations representing the collective organizations of the lower levels.

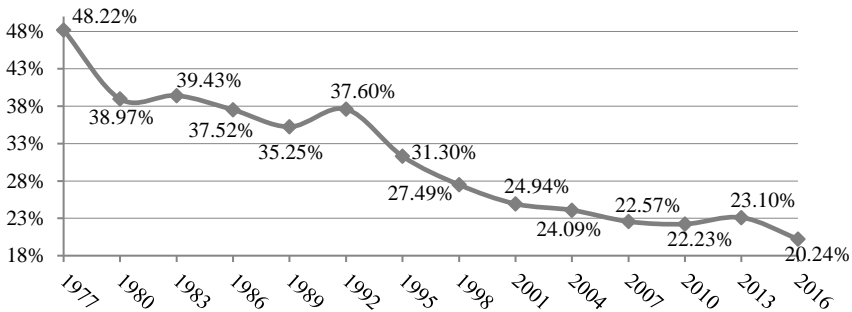
The trade union density in Greece follows the global downward trend following the economic crisis of 1973 (see Ebbinghaus and Visser 1999; Western 1995:196; Visser 2006: 45-47; Kouzis 2007: 81-89). As depicted in Figure 1, the trade union density in Greece was particularly high (albeit with a downward trend) during the period 1974-1980 and relatively stable during the period 1980-1990.⁶ The high

⁶ Bithymitris and Kotsonopoulos (2018) have made a periodization of the Greek trade union movement by following Hyman's (2001) scheme, according to which the identity of the trade union movement is constructed within the triangle "class-society-market" (see also Bithymitris 2017: 82-87). In the period 1974-1982 the class dimension and the "autonomous class representation" are dominant. During the period 1982-1990 the social dimension was developed, and the Greek trade union movement embedded in the context of social partnership.

rates of union density rates in this period related to the existence of strong trade unions in the public utilities, banking sector,⁷ local government entities, construction sector, shipping, mining and large industries, as well as in the public sector (Katsanevas 1994: 183).

However, during the period 1990-2010⁸ union density was constantly decreasing. To this development have mainly contributed the extensive privatizations, the wide range of unreported employment, the deindustrialization and the increase of unemployment rate (Zambarloukou 2006: 218; Zambarloukou 2010: 239-245; see Papanikolopoulos 2018: 53 ff).

Figure 1: Trade union density in Greece, 1977-2016



Source: Visser (2019).

Two of the most important timeless aspects of Greek trade union movement inefficiency must be noted.⁹ The first concerns its weak quantitative development. This feature is due to the structure of employment, to high rates of self-employment and consequently to the dispersion of wage employment to micro and small-sized enterprises (Kouzis 2007: 48-49; Zisimopoulos 2018: 195-196). The second aspect of trade union's inefficiency –related to the efficiency of multi-employer bargaining– is its fragmentation (Kouzis 2007: 14; Bithymitris and

⁷ During the 80's, the union density in the banking sector and public utilities reached 100% (Zambarloukou 2010:238).

⁸ In the period 1990-2009 the social dimension and the integration of the trade union movement within the framework of the social partnership were strengthened, while it took place its bureaucratization and its incorporation into the strategy of the capital (Bithymitris and Kotsopoulos 2018: 112-14).

⁹ In the timeless aspects of the Greek trade union movement inefficiency, its asymmetric development (strong trade union movement mainly in the public sector) and its economic dependence on the state and the funding from the European Union, are also included (see Bithymitris and Kotsopoulos 2018: 110-111).

Kotsonopoulos 2018: 110). The negative impact of union fragmentation on the efficiency of multi-employer bargaining was counterbalanced by the articulation mechanisms, i.e. the “favourability” principle and the “extension” of collective agreements.

According to Kouzis (2007: 14), the fragmentation has been developed “... at the primary and secondary level of union organization, when a trade unions’ panspermia is observed in working places where even a trade union would suffice”.¹⁰ The reasons for the fragmentation are attributed to (*ibid.* : 105-114): (a) the maintenance of a great amount of occupational unions, (b) the loose interpretation of the concept of sector that leads to more than one sectoral unions or even federations within the same sector, and (c) the founding of unions for the sole purpose of the influencing on the correlation of forces within the trade union movement.

The period of the memoranda: “disorganized decentralization” of collective bargaining, weak survival of sectoral collective agreements and weakening of trade unions

The fiscal adjustment programmes (memoranda) imposed by the EU-IMF-ECB, implemented in the period 2010-2018 and their main purpose was the imposition of the “internal devaluation” (Zisimopoulos et al. 2019: 51). The “internal devaluation” was based on two pillars (IMF 2012:122-123): a) the reduction of labour costs in private and public sectors¹¹ and b) the reformation of the collective bargaining framework.

The most important interventions in Greece in the direction of the imposition of austerity were the cutting of wages in the public and private sectors, the drastic cut and finally the abolition of (holiday, Christmas and Easter) benefits in the public

¹⁰ In 2007, 2,425 trade unions were represented by GSEE (General Confederation of Greek Workers) and 1,260 unions were represented by ADEDY (Greek Civil Servants’ Confederation) (see Kouzis 2007: 104), while even in the period of economic crisis this fragmentation continued. In 2016, 126 regional labour centers (regional federations) and 70 sectoral and occupational federations were represented by GSEE, while 46 federations were represented by ADEDY. The trade unions that were represented by two confederations were more than 3,000 (Zisimopoulos 2018: 194-195).

¹¹ It must be noted that in the name of labour costs reduction and in the name of the improvement of competitiveness, a gradual flexibilization of the Greek labour market occurred from the early 90’s until the imposition of memoranda. That flexibilization has been based on the extended use of atypical forms of employment (mainly of the part-time employment) and on the widespread violation of labour legislation related to the employment protection (see Dedousopoulos et al. 2013: 18-24; Kouzis 2018: 119-120). This flexibilization trend was accelerated by the imposition of the memoranda.

sector (see Zisimopoulos and Economakis 2018b), the reduction of the minimum wage by 22% and the introduction of the sub-minimum wage (Law 4046/2012).

The main interventions towards the decentralization of the collective bargaining system, which have been analysed in related studies (Ioannou 2012; Koukiadaki and Krestsos 2012; Kornelakis and Voskeritsian 2014; Yannakourou and Tsimpoukis 2014; Schulten 2015; Eurofound 2015; Economakis et al. 2016; Koukiadaki and Kokkinou 2016; Kouzis 2018; Zisimopoulos 2018; Zisimopoulos and Economakis 2018a; Katsaroumpas and Koukiadaki 2019; Zisimopoulos et al. 2019), are condensed in Table 3.

Table 3: Reforms of the Greek collective bargaining system during the memoranda period

	Before the memoranda	The period of the memoranda	
National General Collective Agreement (EGSSE)	Determination of minimum wage and employment conditions	Determination of minimum non-wage terms of employment	Law 4093/2012
Sectoral collective agreements	Favourability principle in effect	Abolished	Law 3845/2010, Law 3899/2010, Law 4024/2011
	Extension of sectoral collective agreements to all employees of the sector	Abolished	Law 4024/2011
	Collective agreement time extension at least six months	Restricted to 3 months	Law 4046/2012
Enterprise collective agreements	Could be concluded only by a trade union in enterprises in which were employed at least 50 employees	Can be concluded by a trade union or by an association of persons that consists of at least the 3/5 of employees in the same enterprise	Law 4024/2011

Source: Zisimopoulos 2018; Zisimopoulos and Economakis 2108a; Economakis et al. 2016, adapted by the author.

These interventions led to:

- (a) the weakening of the National General Collective Agreement,
- (b) the undermining of collective bargaining at sectoral and occupational level through the abolishment of 1) the “favourability principles”, 2) the “extension” of collective agreements and 3) the “time extension and after-effect” of collective agreements,
- (c) the strengthening and spread of collective bargaining at the enterprise level. In accordance with Law 4024/2011, a collective agreement at the enterprise level can

be concluded after negotiations in which participates either an enterprise trade union, or an association of persons that consists of the 3/5 of employees (regardless of the total number of employees in the enterprise). Therefore, a collective agreement can be concluded in enterprises with fewer than 20 workers in which there is no trade union.¹²

The weakening of the role of OMED also contributed to the decentralization of the collective bargaining system too (Law 3899/2010, Law 4046/2012), as the right of unilateral resort to the arbitration services by the trade unions was restricted.

It should be noted that the decentralization of the collective bargaining system in the first year of memoranda implementation took the form of “organized decentralization”, by applying “temporary opening clauses”. In particular, the “Special Company Collective Agreements” which could be concluded in cases of firms facing economic difficulties, were legislated (Law 3899/2010). Those agreements could contain less favourable terms than those of sectoral collective agreements. If the “Special Company Collective Agreements” were a partial undermining of the “favourability principle” in line with the “organized decentralization” process, the explicit abolition of the “favourability principle” (Law 4024/2011) led to the “disorganized decentralization” of the collective bargaining system and the collapse of multi-employer bargaining.

The “disorganized decentralization” of the collective bargaining system was reflected on the drastic reduction of collective agreements that resulted by multi-employer bargaining, on the increase of those that were the result of single-employer bargaining (Table 4) and on the dramatic increase of individual employment contracts (Table 5). The few collective agreements that have survived at sectoral and occupational level are mainly found in the tertiary production sector and the majority of them in the so-called “tourist industries” (Zisimopoulos et al. 2019).

¹² According to the Greek legislation, the main prerequisite for the establishment of a trade union is the membership of at least 20 employees.

Table 4: Collective agreements at sectoral, occupational and enterprise level, 1990-2017

Year	Collective agreements at sectoral and occupational level			Collective agreements at the enterprise level		
	At occupational level	At sectoral level	Total	Concluded by trade union	Concluded by association of persons	Total
Average 1990-2010	86	98	185	167	-	167
2011	28	35	63	147	32	179
2012	11	26	37	273	703	976
2013	14	9	23	194	216	410
2014	8	12	20	151	135	286
2015	12	17	29	146	117	263
2016	11	14	25	219	102	321
2017	11	12	23	157	89	246
Average 2011-2017	14	18	31	184	199	383

Source: OMED (2018), adapted by the author.

The “disorganized decentralization” also led to the reduction of collective bargaining coverage rate (Table 5).

Table 5: Collective bargaining coverage rate in Greece, 2007-2016

Year	Workers with the right to participate in collective bargaining		Workers excluded by law from collective bargaining	Total wage employment	Collective bargaining coverage rate*
	Employees covered by collective agreements	Uncovered or employees under individual employment contracts (estimate)			
2007	2,068,111	0	882,489	2,950,600	100.00%
2008	2,120,228	0	875,547	2,995,775	100.00%
2009	2,071,276	0	877,349	2,948,625	100.00%
2010	1,958,827	0	867,573	2,826,400	100.00%
2011	1,581,568	179,323	825,184	2,586,075	89.82%
2012	1,206,948	384,191	749,186	2,340,325	75.85%
2013	937,020	547,537	728,693	2,213,250	63.12%
2014	339,600	1,208,806	714,719	2,263,125	21.93%
2015	391,500	1,258,142	698,233	2,347,875	23.73%
2016	431,800	1,264,350	724,400	2,420,550	25.46%

Source: Visser (2019), adapted by the author.

* The AdjCov index has been used (employees covered by valid collective bargaining agreements, as a proportion of all wage and salary earners in employment with the right to bargaining).

Particularly, the collective agreements that were concluded by “associations of persons” in the period 2012-2013, seems to have been the “vehicle” for employers’ disengagement from the sectoral and occupational collective agreements that were

in effect at that time and for wages reduction (see Ioannou and Papadimitriou 2013: 64-65). Above all, it seems that the use of individual employment contracts was the main “vehicle” of the period for the deterioration of wages and working conditions. Throughout the period 2010-2017, the reform of the collective bargaining system led to the reduction of wages approximately 19.1% (ETUI 2018: 56).

The collective bargaining system reformation occurred on the ground of a deteriorating class correlation of forces for the trade union movement. Although the union density rate decreased by almost 2% during the period 2007-2016, the trade unions lost more than 25% of their members (Table 6). Especially the rising unemployment by more than 25%, as well as the devaluation of the bargaining role of trade unions at sectoral and occupational level, contributed to their weakening (Zisimopoulos 2019: 57). Despite the radicalization of the collective action during the first years of the memoranda implementation (until 2013)¹³, the “institutional exclusion” of the trade unions by the state and the consensual position of the trade unions confederations towards the implemented policy, did not lead to a reconstruction of the trade union movement but to a deterioration of its position and to the retreat of its class-social-economic functions (Bithymitris and Kotsonopoulos 2018: 114-118).

Table 6: Union membership and union density in Greece, 2007-2016

Year	Net union membership	Total employment	Union density	% change of union membership	% change of employment 2007-2016
2007	665,978	2,950,600	22.57%	-26.45%	-17.96%
2016	489,860	2,420,550	20.23%		

Source: Visser, 2019, edited by the author.

Finally, it must be noted that few months before the official expiry of the memoranda SYRIZA-ANEL government pass the LAW 4512/2018, the main purpose of which was the restriction of trade unions’ collective action (Article 211). In particular, that Law set as a precondition in order to a trade union decide for strike action the participation of at least 50% of the paid-up members, while the precondition set by Law 1264/1982 was the participation of at least 1/3 of paid-up members and in some cases of at least 1/5 of them. Given that the strike action consists the basic means of the employees for exerting pressure to the capital

¹³ See Papanikolopoulos (2018: 45). Moreover, according to Papanikolopoulos (2018:45-52) the economic exhaustion, the frustration and the dominance of the logic (as a substitute to collective action) that SYRIZA could overturn the memoranda policy if became the governmental party, were important factors that contributed to the reduction of trade unions’ action.

during the collective bargaining period, its restriction makes it difficult and overall weakens collective bargaining at the sector, occupation and enterprise level.

Changes after the official expiry of the memoranda

From the 20th of August 2018 –when the memoranda were formally terminated– and until Law No. 4635/2019 was passed in October 2019, there was a partial institutional revival of the pre-crisis context for collective bargaining. In particular, the SYRIZA-ANEL government restored the “favourability principle” and “extension” of sectoral collective agreements through the Ministry of Labor Circular 32921/2175. However, the institutional restoration, especially of the “extension” of sectoral collective agreements, was extremely weak as its implementation depended on employers. According to the circular the “extension” of a collective agreement was not possible, if the employers’ organization did not submit its members’ register to the ministry services, in order to be ascertained that at least 50% of employees of the sector are employed by the employers involved in the negotiations. One year after the circular was issued, there was no drastic revival of collective bargaining, and the increase of collective agreements concluded at sectoral and occupational level was limited. (see Zisimopoulos et al. 2019b: 54 ff).

Law 4635/2019, passed by the new neo-liberal government of “Nea Demokratia” in October 2019, seeks to validate the negative correlation of forces for the wage labour, which was shaped during the period of the economic crisis and memoranda. In this respect, the institutional framework for industrial relations formed by the memoranda is reintroduced, the deregulation of the Greek labour market become permanent, and the imposition of further obstacles to collective action is sought.

In particular, the role of the associations of persons in the collective bargaining at the enterprise level become permanent (Article 53, paragraph 5). In addition, the “favourability principle” is again restricted by the introduction of “general” and “temporary opening clauses”. National and local occupational and sectoral collective agreements may provide for special terms or provide for exemption from specific terms (general opening clauses) for employees in a large number of enterprises, such as social economy enterprises, non-profit legal entities, firms with financial problems (Article 53, paragraph 8). In firms facing financial problems, collective agreements at the enterprise level take precedence over sectoral (temporary opening clauses) and therefore may set lower wages and less favourable working conditions than those set out in sectoral collective agreements

(Article 55). This is essentially a reset of the “Special Company Collective Agreements” introduced by Law 3899/2010. Therefore, it seems that government policy is oriented towards the “organized decentralization”, but given the fact that the “disorganized decentralization” took place during the period 2010-2018.

Law 4635/2019 in fact abolishes the “extension” of sectoral collective agreements. The enterprises facing financial problems are excluded from the implementation of “extension”. In addition, the documentation of its positive impact on competitiveness and employment is required, in order to be approved by the Ministry of Labor and become applicable (Article 56).

The role of bargaining and collective agreements –and especially those that concluded at the sector and occupation level– is also undermined by the degradation of the OMED’s role. Article 57 essentially imposes the joint resort to arbitration services by the employers and employees and abolishes the right of employees for unilateral resort. Since it is the employees’ side who resort to the arbitration services, this article imposes the retreat of employees to employers’ demands in order a collective agreement to be concluded. Only the state as employer has the right for unilateral resort to the arbitration services in order to modify the employment conditions of public utilities’ employees (see Kouzis 2019).

The same law seeks the cancellation of the democratic and collective way of trade unions operate and seeks to impede collective action. Article 54 stipulates that the decisions of the trade unions general assemblies, as well as the decisions for strike action, should be taken by electronic voting. The trade union is thus transformed from a collective social subject of wage labour into a “virtual collectivity”, a sum of passive “e-voters”. What is more, the workers’ fear as regards the protection of personal data will discourage many union members from participating in this type of decision-making process for the development of collective action.

Conclusions

The previous analysis shows that a change of the state’s role in Greek industrial relations has been occurred. While in past decades the state guaranteed the existence of labour regulations institutions, during the period of economic crisis has been contributed to the deregulation and decentralization of industrial relations. This process has taken place given the trade unions’ weakening and given their “institutional exclusion” from the collective bargaining. Therefore, the

position of wage labour in the correlation of forces has worsened, in favour of the capital.

During the memoranda period took place a process of “disorganized decentralization” of the collective bargaining system. The process of decentralization has become permanent after the official expiry of the memoranda through the institutionalization of “opening clauses” use, which undermine the “favourability principle” and the “extension” of collective agreements but without typically abolishing them and therefore they are oriented towards the “organized decentralization”. It must be noted that the institutional establishment of a collective bargaining system favourable to the wage labour before the economic crisis, was not the result of a “benevolent” or “neutral” state, but the result of the favourable position of wage labour in the correlation of forces. The institutional collapse of the centralized collective bargaining system and the institutionalization of the decentralization has been based on and validates the negative correlation of forces for the wage labour. It has also been based on the aggression of neo-liberal policy against the wage labour, the aim of which is to limit the collective action of employees.

The drastic reduction of collective agreements at sectoral and occupational level, the decline of the coverage rate by collective agreements, the increase of individual employment contracts and the deterioration of working conditions since the inception of the economic crisis until today, are the main implications of the decentralization of the Greek collective bargaining system. Thousands of young workers who have joined the labour market during the period of economic crisis have never been remunerated under the terms set by a collective agreement, and therefore do not acknowledge the usefulness of collective action and collective determination of wages and working conditions. This is a “success” for the forces of capital at the level of “values” and for the benefit of the neo-classical approach of industrial relations.

In addition, it must be pointed out that according to Hyman (2018: 575) the “uneven impact” of the economic crisis across European countries make difficult “any attempt to systematise the patterns of industrial relations across Europe”. However, we could say that the Greek system of industrial relations seems to be shifting from the “state-centred” to the system of “liberal pluralism”.

Ultimately, the reshaping of the Greek industrial relations characteristics is guided by EU policy the basic direction of which is the neo-liberal policy of “internal devaluation”, and by the neo-liberal policy of the Greek governments of the last

10 years. In these circumstances, the wage labour and trade unions are called upon to act for their reconstitution at a political and organizational level. At the political level to fight the neo-liberal restructuring of industrial relations and EU policy that encourages it. In addition, the class orientation of trades unions and the release of the trade union leadership from the dominant strategy of the capital, are necessary. The class orientation could contribute to the revitalization of both the social and economic functions of the trade unions. At the organizational level, the unions are called upon to deal with chronic aspects of their inefficiency and especially with the dominant one, the fragmentation of trade union movement.

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