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**Fourth Study Commission, Public and Social Law, Questionnaire 2024:**

***“Digital Revolution Impact on the Labor Market: Platform or Gig Economy and Artificial Intelligence”***

**Patras, September, 2024**

1) Answer to the first issue/question

The spread of work on digital platforms in Greece, made its presence strong during the long economic crisis 2010 - 2019 in the country and during the crisis caused by the Covid-19 pandemic (2020-2022), which intensified the presence of digital platforms especially in the food delivery businesses. Reliable statistics on the characteristics and scope of the platform economy in Greece are limited and often difficult to obtain due to the nature of the platform economy and the lack of transparency that characterizes its operation. According to the statistics of The Hellenic Confederation of Professionals, Craftsmen, and Merchants (GSEVEE), 2022- (Third-level employers association in Greece) , in the businesses of food delivery operating in Greece, on average, the percentage of the turnover that comes from participating in a digital platform, amounts to 23.1%.

Several Greek and global digital platforms offering various services and products in the country. They covering areas such as passenger transport, food delivery, travel bookings, accommodation provision, buying and selling, social networking etc. Digital platforms in Greece are a new field of entrepreneurship, which is constantly evolving with the addition of new businesses. At the same time, it is characterized by the mobility and liquidity that distinguishes the platform economy in general. In this fluid environment, mergers, acquisitions of companies, but also rapid exits from the market are observed. The emerging trend indicates the entry of majors of global platforms in the Greek market

## 2) Answer to the second issue/question

In Greece there are two categories of platform workers. Dependent employees and freelancers. A better approach to the issue can be made through the legislation in Greece for platform work. In particular:

A first regulatory approach to the problems of work in platforms in accordance to the European standards as Greece is a member of the EE, is contained in Law 4611/2019, to which from May 2019 employers are obliged to provide Personal Protective Equipment (PPE) for those who work in food delivery with independent service or project contracts.

A further regulatory approach is contained in Law 4808/2021 (Regulations for modern forms of work, articles 67-72). Digital platforms are defined (Article 68) as “businesses that act, either directly or as intermediaries, and, through an online platform, connect service providers or businesses or third parties with users, or customers, or consumers and facilitate transactions between them, or direct transactions together”. Article 69par.2, establishes 4 criteria where the contract with the digital platforms is considered that it is not a dependent work contract, since the employee is entitled, based on his contract, cumulatively: i) To use subcontractors or substitutes to provide the services he has undertaken to offer ii) To choose the project/s that digital platform proposes to undertake or unilaterally set the maximum for himself number of such projects iii) To provide his independent services to anyone third party or to carry out works for any third party, including considered competitors of the digital platform. iv) To determine by himself the time of providing his services, within given time frames, adjusting it to his personal needs and not based on the interests of the digital platform. If the above conditions are not met (cumulatively), then it is presumed that the concluded contract is for dependent work (fixed or indefinite).

Law 4808/2021 as a first attempt to form a regulatory order in the field of digital work, contains positive points. However, some points have received criticism, such as the Article 69 (par. 1), which essentially gives the right to the company-platform to choose the type of employment relationship and to employ workers either with project contracts or independent service contracts, or with dependent labor contracts.

Criticism are also placed regarding the establishment of a negative presumption in par. 2 of the same article, according to which the contract between digital platform and service provider is presumed not to be for a dependent worker, as long as the terms and conditions

are the result of unilateral selection of the worker regarding the project and the choice of working time. In other words, the weaker of the parties, namely the worker, who is in any case at a disadvantageous procedure position, must, according to this criterion, prove that the relevant self-employment contracts are false, which is obviously difficult.

We should mention at this point, that by resolution on 24th of April 2024, Council of EE, was accepted the proposal for a directive of the European Parliament and Council, in order to improve the working conditions of platform workers (COM(2021)0762 – C9-0454/2021 – 2021/0414(COD)). According to the proposal of the directive (Article 5) a legal presumption is introduced in favor of the employment contract, where it is defined that (par. 1): The contractual relationship between the digital work platform and the person performing work on a platform is legally presumed that it is an employment relationship when facts indicating control and direction are established, in accordance with national law, collective agreements or practices in force in the Member States and taking into account the case law of the Court. Where the digital labor platform seeks to rebut the legal presumption, it is for the digital platform to prove that the contractual relationship is not an employment relationship, as defined by the legislation, collective agreements or practices in force in the Member States, taking into account jurisprudence of the Court. We should mention also, that the agreed text will have to be formally adopted by the Council of EE as well. After its publication in the EU's Official Journal, member states (as well as Greece) will have two years to incorporate the provisions of the legislation into their national legislation. In comparison, based on the above analysis, we find that the Greek regulation in article 69 of the law 4808/2021 has a contrary provision for the presumption of dependent work in platforms from the proposal of the above proposal of the directive of EE.

### 3) Answer to the third issue/question

Artificial intelligence is one way in the evolution of society and has entered the lives of Greeks at an early stage, offering multiple advantages but also risks. The main drivers of acceleration include advances in new technologies that expand the technical capabilities of AI, digital skills, large investments (public and direct private investments, and Public-Private Partnerships) from the technology industry, as well as the willingness of public policy, the economy (as a macro), business (for-profit or social) and society to embrace and capitalize on AI.

According to the study "Generative AI Greece 2030<sup>1</sup>", major slow-down factors include lack of interoperability and competing standards, lack of digital literacy, motivation and long-term plans, defensive or technophobic mindsets, and user fatigue with technology.

Positive features of the IA ecosystem in Greece (with prospective till 2030) are mentioned addressing the lack of human resources due to demographic problem, the creation of new specialties/jobs, finding solutions to critical problems such as climate change/Sustainability, the release of human resources/ utilization in strategic creative work, cultural Diversification (creation of multilingual contents etc.) with a positive impact on tourism. Promoting the understanding of man and his environment.

#### 4) Answer to the fourth issue/question

The development of Artificial Intelligence in Greece began in recent years to emerge as the "antidote to the previous recession". Indicative of the importance, given to it by the business and government staffs, is a study in which the potential for a significant increase in the country's GDP of the order of 195 billion over a period of 15 years, i.e. up to 2035<sup>2</sup>. The same study, emerges the enormous difficulty to achieve the goal, because Greece, at the time of the research, was only in the penultimate position in the European index of digital economy and society, with a very low percentage (only 24%) in the ability to absorb and integrate technological innovation. In addition, in 2019 the utilization of AI in Greek companies was also low (only 3%), compared to 45% which is the rate worldwide. One of the decisive steps, however, is the passing of Law 4961/2022 for IA in Greece. The law, establishes a number of measures for artificial intelligence, for its utilization by public and private entities, setting similar obligations to protect human rights and at the same time establishing entities for the monitoring, correct and legal application of artificial intelligence. Obligations are set for public bodies such as performing an algorithmic impact assessment, providing public information on the conditions of the AI system (transparency obligations) and maintaining a register of AI systems. Obligations regarding clear and complete information are established for private entities when the AI system is used to influence

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<sup>1</sup> The study was published in autumn 2023 by the National Center for Social Research and the National Center for Natural Sciences Research "Democritos", with the support of the Special Secretariat for Long-Term Planning (of Greek Government)

<sup>2</sup> Study by Accenture/Microsoft "Greece with an AI to the future (2019)" [https://www.accenture.com/\\_acnmedia/accenture/redesign-assets/dotcom/documents/local/1/accenture-with-ai-to-the-future-2019.pdf](https://www.accenture.com/_acnmedia/accenture/redesign-assets/dotcom/documents/local/1/accenture-with-ai-to-the-future-2019.pdf).

decisions regarding the employment of employees (recruitment, evaluation, selection), even imposing sanctions by the Labor Inspection Department.

It is important to note, that workers in general but also in Greece express strong concerns about the pressure they face at work and especially platform workers. Platforms in particular, as a general negative finding, are observed to practice continuous digital surveillance through massive data collection of platform worker behavior, which feeds into automated performance reports and work allocation decisions. According to the International Labor Organization survey (ILO, 2021a), more than 40% of workers reported that they are systematically monitored for work time, that they must submit screenshots and remain available at specific intervals. Algorithmic management is also criticized for its increasing use of nudges and penalties for indirectly manipulating employee behavior.

The question raised at this point relatively, is whether the regulation of the law can in practice control this development, in reference to the working conditions of the employee and the limit that can be placed on the employer in terms of the degree of control over the employee.

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