Greece: Developments in working life 2016

Developments in working life in Europe: EurWORK annual review 2016

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Political context affecting working life aspects
No information.

The government(s) in office during 2016

<table>
<thead>
<tr>
<th>Government 1</th>
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<tbody>
<tr>
<td>In office since</td>
</tr>
<tr>
<td>Name of the head of government (prime minister/chancellor / ...)</td>
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<tr>
<td>Name all the parties that are forming this government</td>
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<tr>
<td>List the changes in the composition of the government in 2016</td>
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<tr>
<td>Additional comments</td>
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</tbody>
</table>

Elections and referenda
Please note: Neither elections nor referenda took place in Greece throughout 2016. The following information refers to two parliamentary elections and a referendum taking place in 2015.

<table>
<thead>
<tr>
<th>Election 1</th>
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<tbody>
<tr>
<td>When did the elections take place?</td>
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<tr>
<td>What kind of election was it? (parliamentary / presidential / referendum / local / ...)</td>
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<tr>
<td>Outcomes of the election (mention also % of the votes achieved by the major participants in the election)</td>
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<tr>
<td><strong>Referendum</strong></td>
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<tr>
<td><strong>When did the elections take place?</strong></td>
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<tr>
<td><strong>What kind of election was it?</strong> (parliamentary / presidential / referendum / local / ...)</td>
</tr>
<tr>
<td><strong>Outcomes of the election</strong> (mention also % of the votes achieved by the major participants in the election)</td>
</tr>
<tr>
<td><strong>Additional comments</strong></td>
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</tbody>
</table>

<table>
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<tr>
<th><strong>Election 2</strong></th>
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<tbody>
<tr>
<td><strong>When did the elections take place?</strong></td>
<td>20 September 2015</td>
</tr>
<tr>
<td><strong>What kind of election was it?</strong> (parliamentary / presidential / referendum / local / ...)</td>
<td>Parliamentary</td>
</tr>
<tr>
<td><strong>Outcomes of the election</strong> (mention also % of the votes achieved by the major participants in the election)</td>
<td>SYRIZA emerged once again as the largest party with 35.46% of the vote and 145 seats, followed by NEW DEMOCRACY with 28.09% and 75 seats, GOLDEN DAWN with 6.99% and 18 seats, PASOK with 6.29%</td>
</tr>
</tbody>
</table>
and 17 seats, the Communist Party of Greece (KKE) with 5.55% and 15 seats, POTAMI (River) with 4.09% and 11 seats, Independent Greeks (ANEL) with 3.69% and 10 seats and finally the UNION of CENTRISTS which entered Parliament for the first time since its founding in 1992, with 3.44% and 9 seats.

Additional comments
The elections resulted in an unexpectedly large victory for Alexis Tsipras' Coalition of the Radical Left (SYRIZA), which fell 6 seats short of an absolute majority and was able to reform its coalition government with the right-wing Independent Greeks (ANEL). The Popular Unity Party (LAE), which was formed by the 25 MPs who broke away from SYRIZA and triggered the snap election, did not enter Parliament, falling just short of the required 3% mark (2.86%).

**Forthcoming significant elections or political events in 2017**
On 6 October 2016, the members of [the Dialogue Committee on the Amendment to the Constitution](https://www.greece.gov.gr/en/), as appointed by the Prime Minister, were announced. The members come from the academic domain, the Local Government sector, the domain of business and the world of culture. The Dialogue Coordinating Committee undertakes to hold a "national dialogue," by organizing thematic discussions and consultation events on the Amendment to the Constitution in all of the country's municipalities, with the participation of scientific and social organizations, citizens' movements and collectivities, and individual citizens. As a second step, the conclusions of this public consultation will be collected through the holding of 13 meetings in each Region of the country. In the autumn of 2017 and after the consultation material has been delivered to all political parties, the parliamentary procedure is expected to begin, as defined by Article 110 of the Constitution and the Parliament's Standing Orders.

**Reactions from the social partners on new government's working life policies**
No new government took office during 2016.
Developments in social dialogue and collective bargaining 2016

Major developments in national/peak-level social dialogue 2016

Changes affecting the social dialogue actors and institutions in 2016

Representativeness
There were no major changes.

General Framework:
As regards trade unions’ operations and their basic rights (recognition, representativeness, right to strike), these are set out in Law No. 1264/1982, which has had some minor modifications over the years. At the national level, there is only one workers’ confederation, the Greek General Confederation of Labour (GSEE).

There is no specific legislation regarding employers’ representativeness. The Law on collective bargaining (Law No. 1876/1990) refers to ‘employers’ organisations of wider representation,’ which can sign agreements in the field of their domain. At the national level there are four recognised employers’ associations: the Hellenic Federation of Enterprises (SEV), which represents big industry and companies; the Hellenic Confederation of Commerce and Entrepreneurship (ESEE), which represents mainly the SMEs in Commerce; the Hellenic Confederation of Professionals, Craftsmen and Merchants (GSEVEE), which represents mainly the SMEs in industry and part of commerce; and the Association of Hellenic Tourism Enterprises (SETE).

Major developments affecting the main actors
No major developments in 2016. However, it is important to note that SETE (Association of Hellenic Tourism Enterprises) was recognised relatively recently as a national social partner by Law No. 4144/2013.

Legislative or institutional changes to the main social dialogue institutions
In 2010 the Greek government, facing a huge public debt, requested financial aid from the EU and the IMF and adopted austerity measures, reforms in the markets and budgetary discipline.

In the new reality, the tripartite cooperation of social partners was set aside and the Institutions (EC/ECB/IMF) and the government co-decided a series of labour market adaptation measures. As a result of these interventions, the social dialogue was marginalized as the workers’ and employers’ representatives’ ability to intervene was limited and their bargaining power dwindled. And even if the Government asked the social partners’ opinions/observations, this was on pre-decided policies between Greek Government and the representatives of Institutions. In this new reality, the social partners’ effort, over the previous years, to maintain, through the social dialogue, the institution of the National General Collective Labour Agreement and also to take a stand on wider social issues, such as the refugee crisis, is a positive development.

An indicative development is the new EGSSE that was signed on 31 March 2016 by all the national social partners. The agreement adopts the European framework agreement on inclusive labour markets and contains general statements of intent about actions to be taken regarding the refugee crisis and unemployment. It does not refer to the minimum wage.
Changes in the social dialogue processes

Social dialogue has essentially been abolished, and collective bargaining and autonomy have been affected since the beginning of the crisis in 2010. A series of legislative interventions (Laws No. 3899/2010, No. 4024/2011, No. 4046/2012, No. 4093/2012, No. 4172/2013) were made in the established system of the previous existing free collective bargaining legislative framework and radically transformed it. The changes targeted the full ‘decentralisation’ of collective bargaining. Its main characteristics were to dismantle the ‘hierarchical’ relationship between the bargaining levels; weakening the importance and the binding character of the inter-sectoral and sectoral bargaining; to make collective agreements binding only for members of employers associations and trade unions; to make company-based collective agreements predominant; abolish the extension mechanism; establish a voluntary arbitration procedure; and legislate for a new mechanism of setting minimum wages by the government and not by the social partners through the National General Collective Agreement (EGSSE).

This new reality was reflected in the contributions of the social partners during a meeting jointly organised by the Greek Presidency (Ministry of Labour) and EUROFOUND (2014). The social partners agree that during the critical last years, the landscape has become extremely difficult for consultation institutions and industrial relations in general. Multiple interventions by the state in the system of collective bargaining, including the intervention in the content and universal character of the National General Collective Employment Agreement, the weakening of sectoral-level bargaining and of institutions for extending its results (extension), are concrete examples of the dramatic changes suffered by the social dialogue environment in Greece.

In this context, it should be noted http://www.oke.gr/oke_pron_pdf_en_2.html (May 2015). The Opinion suggests the restoration of the institution of the national collective bargaining and the setting of minimum wages by the involved parties and not the state.

Similarly, in their Joint Declaration the Social Partners [GSEE-SEV-GSEVEE-ESEE-SETE / July 2016] ask that the social dialogue be strengthened, the minimum wage not to be decided by the State but to be set through collective bargaining and to apply generally, refer to the restoration of sector-level bargaining and the expandability of collective bargaining agreements and, finally, believe that there is no point amending the legislation on lockout or collective redundancies.

It is pointed out that one of the most crucial issues of all the negotiations that have been going on since October 2016 between the Institutions (EC/ECB/IMF) and the Greek Government regarding completion of the second evaluation of the economic adjustment programme for Greece is labour issues and the restoration of social dialogue and collective bargaining process. According to reports, the International Monetary Fund (IMF) rejects the Greek Government’s positions on the restoration of collective bargaining and the resulting setting by them of the minimum wage, which is currently set by the Minister of Labour. According to the same publications, the legislative "shielding" of the employers’ right not to pay wages during a strike (instead of the recognition of the right of lockout) and the change of the law on trade unions with regard to the notice period for strike, the protection and the "acquired" rights of trade unionists are still under discussion. Negotiations got off to a positive start with the finding of the Committee of Experts on Labour Issues, which generally supports the Greek positions, unanimously maintaining that no changes are needed to trade union law and the issues of the strikes and lockouts, unanimously recommending that the scalability of collective/sectoral and occupational contracts be restored, and recommending by a majority that the setting of the minimum wage be returned to the social partners, who will set its level on the basis of collective bargaining.

In addition, at their meeting with the Minister of Labour (November 2016), representatives of the employer organisations confirmed the positions they had expressed in the joint statement of the national Social Partners on 19 July 2016 that the current legal framework in the field of collective dismissals be brought in line with Community and international labour standards.
and the need to restore the scalability of sectoral agreements for reasons of equal treatment of workers and to prevent unfair competition between businesses.

**Main social dialogue topics and outcomes in 2016**

<table>
<thead>
<tr>
<th>Themes</th>
<th>Description of issue</th>
<th>Main result</th>
</tr>
</thead>
<tbody>
<tr>
<td>General labour market topics</td>
<td></td>
<td>Social partners collective agreement concluded</td>
</tr>
<tr>
<td>Job creation, reduction of unemployment</td>
<td>National General Collective Labour Agreement 2016 provides for the undertaking of targeted action by the social partners to address unemployment and the safeguarding of jobs. For example, the issues of access, reintegration, maintenance and development of workers should be examined to allow a full integration of people into the labour market.</td>
<td>Social partners collective agreement concluded</td>
</tr>
<tr>
<td>Active labour market policies</td>
<td>National General Collective Labour Agreement 2016</td>
<td>Social partners collective agreement concluded</td>
</tr>
<tr>
<td></td>
<td>Social partners have decided on the incorporation into Greek law of the European framework agreement on inclusive labour markets, signed on 25 March 2010 by the European Trade Union Confederation (ETUC), the Confederation of European Business (BUSINESSEUROPE), the European Association of Craft, Small and Medium-sized Enterprises (UEAPME) and the European Centre of Employers and Enterprises providing Public Services (CEEP). In addition, the social partners agreed to develop an action plan to assess obstacles and implement actions to promote active inclusion in the labour market.</td>
<td>Social partners collective agreement concluded</td>
</tr>
<tr>
<td>Benefits (unemployment, sickness schemes)</td>
<td>National General Collective Labour Agreement 2016</td>
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<tr>
<td>------------------------------------------</td>
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<tr>
<td>The marriage allowance of 10% remains in force under the new EGSSE and is granted to all wage earners - both men and women - as the social partners agree that it has an institutional and universal character for all the country’s workers.</td>
<td>Social partners collective agreement concluded</td>
<td></td>
</tr>
</tbody>
</table>

| Taxation and non-wage related labour costs | No (major) issues debated in this area. It should be noted, however, that, over the past few months, the majority of the social partners’ representatives took industrial action against the new social security and tax reform. |

| Pension reforms | No (major) issues debated in this area. It should be noted, however, that over the past few months the majority of the social partners’ representatives took industrial action against the new social security and tax reform. |

<table>
<thead>
<tr>
<th>Labour market participation of different groups</th>
<th>National General Collective Labour Agreement 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social partners agree that after exploring the possibility of cooperating with the International Labour Organisation, they will take the necessary steps for the implementation of actions to help tackle the refugee - immigration problem.</td>
<td>Social partners collective agreement reached</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Working life-related themes</th>
</tr>
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<tr>
<th>Wage setting systems, including the setting of minimum wages</th>
<th>Joint declaration of Social Partners (GSEE-SEV-GSEVEE-ESEE-SETE) according to which, inter alia, they state their belief that there is no question of</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social partners common position</td>
<td></td>
</tr>
</tbody>
</table>
reducing the minimum wage or abolishing the 13th and 14th salary, ask that the social partners agree on the legal minimum wage (currently set by law by the government) as part of the National General Collective Employment Agreement (EGSSE) and agree to the modernisation of the trade union law, stressing the need to protect the right to strike and trade union action. The social partners also declare that they agree to the restoration of the Minister of Labour’s power to declare generally binding sectoral collective employment agreements.
| Working time regulations | No (major) issues debated in this area. |  |
|--------------------------|--------------------------------------|  |
| Terms and conditions of employment, including different forms of contracts | Diagnostic Report of Undeclared Work in Greece & Roadmap for Fighting Undeclared Work. Formulated by ILO, in close collaboration with the Greek Government and the social partners and funded by the European Commission on “Supporting the transition from informal to formal economy and addressing undeclared work in Greece.” The Report, endorsed in a tripartite meeting, was prepared by a high-level team of experts – among them Dr. Stavroula Demetriades from EUROFOUND | Tripartite agreement reached |
| Health, safety, and well-being at work | No (major) issues debated in this area. |  |
| Work-life balance related themes, incl. family leaves | Law No. 4430/2016 (Government Gazette 205/A/31-10-2016) on “Social and Solidarity Economy and development of its institutions and other provisions” The current law clearly defines, among other things, the concept of “collective benefit” with particular reference to the reconciliation of personal, family and professional life | Legislation passed following debate |
| Skills, training, and employability | The Labour Institute of the GSEE implements a subsidized counseling, training, and self-employment/entrepreneurship | Joint action of the Labour Institute/GSEE-ESEE-EEDE on training- self-employment |
program for 500 unemployed persons aged 15-29, in cooperation with the ESEE and the EEDE [Hellenic Management Association]

Any other relevant themes/topics addressed in the national level/peak level social dialogue

**Examples of selected significant social dialogue debates**

**Roadmap for Undeclared Work** in the framework of a project with the contribution of EUROFOUND

In October 2016, the “Roadmap for Fighting Undeclared Work” was ratified and published. This 3-year plan for Greece was produced through a participative and consultative tripartite process by the Greek Government and the social partners under the auspices of the ILO and the funding of the European Commission on “Supporting the transition from informal to formal economy and addressing undeclared work in Greece.” This roadmap aims at a balanced regulatory and policy framework for preventive and appropriate corrective measures that will facilitate the transition to the formal economy and tackle undeclared work in Greece. The objective is to identify actions which will shift future towards the desired implementation of a holistic, integrated strategic approach and will support the fight through a sequence of inter-related actions. Among the first deliverables of this project was the preparation of the Diagnostic Report of Undeclared Work in Greece, which can be considered as a first and unique result. The Report prepared by a high-level team of experts – among them Dr. Stavroula Demetriades from EUROFOUND – constitutes a remarkable analysis of the situation and a key contribution to the national policy debate on undeclared work and it was endorsed by the Greek Government and the social partners in a high-level tripartite validation meeting.

In addition to this, the national social partners (GSEE, SEV, GSEVEE, ESEE, SETE) signed a Joint Statement - Declaration, which refers to labour market issues, among which the extension of the collective labour agreements.

**National General Collective Labour Agreement 2016**

On 31 March 2016, the Greek national level social partners signed a new National General Collective Labour Agreement. The agreement adopts the European framework agreement on inclusive labour markets and contains general statements of intent about actions to be taken regarding the refugee crisis and unemployment. It does not refer to the minimum wage. The 2016 EGSSE runs from 1 January 2016 to 31 December 2016. It states that the parties:

- ensure the continuation of institutional conditions established by previous EGSSEs and reaffirm that, in the case of the provisions on intervention in the EGSSE being lifted, they will begin direct negotiations to determine the pay terms of the agreement – including the minimum wage;
- agree that they will take the necessary steps for the implementation of actions to help tackle the refugee immigration problem’;
- have decided on the incorporation into Greek law of the European framework agreement on inclusive labour markets, signed on 25 March 2010 by the European Trade Union Confederation (ETUC), the Confederation of European Business
(BUSINESSEUROPE), the European Association of Craft, Small and Medium-sized Enterprises (UEAPME) and the European Centre of Employers and Enterprises providing Public Services (CEEP);

- agree to develop an action plan to assess obstacles and implement actions to promote active inclusion in the labour market; for example, looking at issues such as access and reintegration.

**Sectoral and company level social dialogue 2016**

Since 2010 and the aforementioned collective bargaining reforms (cf. Section “Changes affecting the social dialogue actors and institutions in 2016”), the evolution of the different levels of collective agreements clearly show the trend towards the decentralisation of collective bargaining. Today, the most important/frequent level of bargaining is the company level. This is also supported by data from the Ministry of Labour, according to which 287 company-level agreements were signed in 2016, whereas, a total of approximately 429 company-level agreements are in force, covering 132,000 workers, of which 112,000 were wage earners, and 20,000 were blue collar workers. 27 collective employment agreements are also in force, of which 18 are sectoral (following an arbitration award), and 9 are professional.

It is pointed out that Law No. 3845/2010 and subsequent legislation gives the possibility to the company-based agreements to derogate from the respective sectoral/professional collective agreements as well as from the EGSEE even though they contain less favourable terms. However, a company-based agreement cannot set lesser wages than those set by the government and must comply with the national minimum wage. The EGSEE and the sectoral agreements are binding only for members of employers’ associations and trade unions, and because there is no mechanism to check membership, they have become simply indicative in nature.

**Main developments - other than wages and working time - from important collective agreements or bargaining rounds**

Please check the 2016 National General Collective Labour Agreement (“Major social dialogue debate 2” Section).

**Examples of innovative collective agreements (at any level) made during 2016**

Please check the 2016 National General Collective Labour Agreement (“Major social dialogue debate 2” Section).
Policies and actions to address pay-inequalities

The recent public debate on pay gaps at the workplace

The fragmentation that currently prevails in the wage formation system in Greece, with the prevalence of individual employment contracts and, secondly, company-level agreements, the dramatic reduction of sectoral agreements, the plummeting of wages, which are now at the 2004-2005 levels, and the expansion of underpaid flexible forms of employment characterize the wage structure system in Greece, at the dawn of 2017.

The national minimum wage in Greece is set by the Government. With Law 4046/2012 and Law 4093/2012, the Government for the first time since 1990 intervened in free collective bargaining and the formation of the national minimum wages through the General National Collective Agreement (EGSSE). These laws introduced a decrease of 22% and 32% for workers under 25 years old, of the existing national minimum wage of the year 2012 (€751.40). The new national minimum wages determined to €586.08 and €510.95 for employees under 25 years old. The new reduced wages will be in force until 31 December 2016. It is pointed out that by a judgment of the Court of Peace of Katerini (34/2015), the provision of the 6th Council of Minister’s Act (PYS) of 2012 was, for the first time, judged to be unconstitutional in terms of the remuneration of young employees under 25 years of age. In the judgment’s reasoning it is stated, among other things, that, "the regulation of the 6th PYS of 2012 that introduces a discriminatory remuneration against young people aged under 25 (-32%) violates the constitutionally protected rights of equality before the law (article 4, paragraph 1), equal pay and collective autonomy (Article 22, paragraph 1), and youth welfare (Article 21, paragraph 3)." Similarly, the Opinion (306/2015) issued by the Economic & Social Council of Greece (OKE) on the “Adaptation of provisions of Law 1876/1990 - Recovery and Reform of the framework for collective bargaining, Mediation and Arbitration and other provisions Draft Law” (May 2015) emphasized the “unacceptable” discriminatory remuneration against young people.

Subsequent legislation (Law No. 4172/2013) established a new mechanism for setting the national minimum wages. From 1 January 2017, the minimum wage will be set by a final Decision of the Ministry of Labour, after consultations with the national social partners. The consultation period will be starting at the beginning of each year, and the final ministerial decision will be issued at the end of June.

According to data provided by ELSTAT [Hellenic Statistical Authority] (Labour Force Survey, 2nd quarter of 2016), the wage gap (defined as the difference in total net monthly earnings in Greece) is 13.2%. In this context, the average net wages of women amount to 801.87 Euros and those of men to 923.12 Euros. The average wage of women corresponds to
86.8% of the average wage of men. According to the Administration of the OAED [Greek Manpower Employment Organization], this is due to the combination of the lowest wages (27% to 37% in the EU), the fewest hours of paid work (9% to 28% in the EU) and the lowest rate of employment among women (for example, career break to take care of children or relatives). With respect to this issue, a series of initiatives was taken in 2015 and 2016 by the Secretariat General for Gender Equality (presented a draft law on Essential Gender Equality to be voted by the Greek Parliament and completed the consultation on the National Action Plan on Gender Equality (ESDIF) for the period 2016-2020-cf. Section “Policies to address pay inequalities at the workplace”); by the Union of Regions of Greece in cooperation with the Equality sector of the ENPE [Union of Regions of Greece] and the Region of Attica (a workshop with a corresponding subject was organised); and by the Labour Institute of the GSEE (presentation of the results of a study, produced with the financial support of the PROGRESS Programme of the European Union, and entitled “The Effects of the Economic Crisis on Gender Pay Gap: A Comparative Analytical Report between Cyprus, Greece and Portugal (2008-2014)”, https://www.inek.org.cy/GPG/index.php/event/04-07-2016 (-cf. Section “Pay gaps at the workplace / Evidence”)

**Positions regarding the posted workers directive**

*Presidential Decree 101/2016 (Government Gazette of the Hellenic Republic, Bulletin A 178/26.09.2016) provides for the transposition of Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services. The provisions of the Directive refer mainly to the terms and working conditions of employees posted in the Greek territory, and also to service providers when they are established in the Greek territory, as well as to employees posted to another Member State from Greece. To ascertain any abuses, in cases where there is an underlying cross-border provision of services that does not include the posting of workers, the competent authorities (SEPE [Labour Inspectorate], SDOE [Economic Crimes Enforcement Agency], IKA [Social Security Institute], etc.) carry out a comprehensive evaluation of all facts with the assistance, where appropriate, of other authorities, departments or agencies. The PD also provides that the employer of a posted worker shall safeguard the rights of the latter under the employment contract between the employer and the posted worker and that any unfavorable treatment of a posted worker by the employer because of the exercise of such rights by the worker is prohibited.*


**Positions of trade unions**

In the transposition of Directive 2014/67/EU of the European Parliament and of the Council into national law and in respect of the arrangements laid down in Article 12 of the Directive regarding subcontracting liability, the Greek General Confederation of Workers (GSEE) submitted to the Ministry of Labour, Social Security & Social Welfare their following positions, which were expressed verbally at the meeting of 18 April 2016. According to the letter, the role of the social partners and continuous dialogue are proclaimed, inter alia, in the preamble of the Directive, as essential for its effective implementation. In this context, the social dialogue and consultation with the social partners ought to concern all the provisions of Directive 2014/67/EU, and not just Article 12. The view of the Confederation concerning the transposition into national law of Article 12 of Directive 2014/67/EU can be summarised as follows:

1) Legislative provision should be made for the establishment of joint and several liability of the contractor and all subcontractors throughout the subcontracting chain in respect of posted workers. This joint liability must be mandatory, since only in this way can it be ensured that abuse is tackled effectively.

2) The above joint liability should concern not only the construction industry but all economic/business activities. This is especially justified by the fact that contracting/subcontracting has extended to all areas of business activity and therefore there is a similar need for protection and prevention of abuse from its use.

3) The joint and several liability of contractor and subcontractors should be instituted without any conditions (which in any case the Directive does not set) because otherwise its effective implementation will be hampered in practice.

4) The joint and several liability of contractor and subcontractors should concern each existing legal wage or above paid to the receiving company and not just the outstanding net minimum remuneration, which is the minimum protection in accordance with the Directive.

5) There should be no provision for any possibility of exempting contractors from liability. Any adoption of the imprecise legal concept of “due diligence” as grounds for exempting contractors from liability, which is a possible measure under the Directive and not mandatory, or any specification of it in particular actions and obligations, will certainly pave the way for the abuse which the provision of Article 12 of the Directive seeks to address.

**Positions of employers organisations**

In its announcement, the National Confederation of Hellenic Commerce (ESEE), which participated in the meeting of the UEAPME’s Administrative Body (October 2016, Brussels, http://www.ueapme.com/IMG/pdf/UEAPME_Note_Posting_of_Workers.pdf) in the context
the debate on employment and the social policy of the EU, notes the difference of opinion between the organisations - members of the European Union of craft, small and medium-sized enterprises with regard to the revision of the European Directive on labour “mobility & posting”. According to the National Confederation of Hellenic Commerce (ESEE), the European Parliament paved the way for the revision of the Posting of Workers Directive on 15/09/16 (ESEE has come out strongly in favor of this revision), when MEPs adopted a report on the highly controversial issue of “social dumping”, bringing the EU a step closer to its revision, a position shared also by the ESEE, despite the strong opposition of the Eastern countries.

**Position of the government**

According to a statement from the Ministry of Labour (at the Informal Meeting of the Ministers of Employment and Social Policy of the EU that was held in Amsterdam on 19 and 20 April, 2016), the revision of the Directive is imposed by the need to restore the balance between the economic and the social aspects of the issue of posting and to protect the rights of workers, not only of those who are posted but also those who are in the host country. Moreover, it agrees with the principle of "equal pay for equal work in the same place", adding that such principle should be applied not only between countries but also within each country and, in this context, it referred to the differentiation of the minimum wage for young people in Greece that was imposed by the policies dictated by the memoranda.

**Pay gaps at the workplace**

**Evidence**


This comparative report, which has been produced with the financial support of the PROGRESS Programme of the European Union, among others concludes that the crisis has not only undermined the autonomy of collective bargaining, it has also exacerbated existing inequalities between women and men, with crisis policy interventions often neglecting to analyse or address the disproportionate impact on women of austerity measures and pay cuts. The report has shown that the economic crisis has had a negative effect on gender equality and women's pay, reducing the capacity unions have to negotiate on gender pay inequalities. Wage cuts, pay freezes and wage moderation principally affects the public sector and increasingly impacts on women. Most importantly, unions reported that it is now harder to persuade union negotiators and employers to address gender pay inequalities in negotiations and to implement gender sensitive collective bargaining. Wage transparency and the relevant lack of gender disaggregated data on pay impedes the capacity of unions to adequately negotiate on pay inequalities limiting the role that unions can play in negotiations and in
addressing the complex issues associated with the undervaluing of women’s work and skills and in identifying criteria to implement equal pay for work of equal value.


The general characteristics of the women’s presence in the so-called “labour market” in Greece include, according to the study, the consistently low participation in employment, high unemployment rates and concentration in sectors that are, for the most part, underpaid and have a poor professional status. Moreover, female workers in Greece are in a less favourable condition compared to men in terms of the position they hold in the company/organization where they work, the employment relationship they enter into in the specific job and the pay they receive (Galata, 1996; Kritikidis, 2011). Self-employment, part-time employment, and home working seem to broaden the opportunities for the women's participation in the workforce. The field of informal economy is a larger source of employment for women than for men, but the high employment rates of women in undeclared or partially declared (underdeclared) work should not be ignored. The wage gap between women and men is also important but has never been officially measured systematically in Greece, much less so during the crisis, despite the most unfavourable economic consequences that the adoption of successive austerity measures and the complete deregulation of labour relations have brought about at the workers' expense.

As it was mentioned before, the wage inequalities / discriminations have never been officially measured systematically in Greece, much less so during the crisis, despite the most unfavourable economic consequences that the adoption of successive austerity measures and the complete deregulation of labour relations have brought about at the workers’ expense.

A text of positions that the Ministry of Labour sent to the Committee of Experts (July 2016) makes reference to wage inequalities, indicating a large class of new poor workers who earn meagre wages that are significantly lower even than the unemployment benefit of 360 Euros granted by the OAED. The data show that 126,956 workers are paid a gross monthly salary of up to 100 Euros. A total of 343,760 workers receive gross monthly salaries ranging from 100 to 400 Euros. They are practically workers employed under part-time employment contracts or work rotation schemes for 2 or 3 days per week or even a few hours per week.

**Policies to address pay inequalities at the workplace**

In January 2016, Greece legislatively ratified (Law No. 4359/2016 - Government Gazette of the Hellenic Republic 5/Α/20.1.2016 “Ratification of the revised European Social Charter”) the Revised European Social Charter of 1996. This vote is an important step in the country’s effort to implement policies to deepen the social state and the rule of law. It is even more important, as this ratification has been a social demand since 1996, when the Revised ESC was signed by many countries, including Greece. Until recently, 33 European countries had ratified the Revised ESC, but Greece had not done so. The fact that it was ratified pursuant to Article 28 of the Constitution means that the provisions of the Charter prevail over any conflicting statutory provision. In this context, the Charter's provisions on industrial relations and the safeguarding of the workers' rights that are strongly affected by austerity policies are of particular importance nowadays.

**Article 4: the right to fair pay**, according to which the Parties undertake, among other things:

1. To recognize the workers’ right to a pay ensuring them and their families a decent living standard;
2. To recognize the workers’ right to an increased pay for overtime work, subject to exceptions for special cases;
3. To recognize the right of workers, both men and women, to equal pay for work of equal value.
In April 2016 the Secretariat General for Gender Equality prepared and presented a draft law on Effective Gender Equality to be voted by the Greek Parliament. The purpose of this law is to specify the rules arising from the principle of gender equality and to ensure the implementation of the principle of equal treatment and equal opportunities for all community members, as well as the achievement of effective gender equality through the elimination of all forms of discrimination between them, such as the wage gap.

In December 2016, the consultation on the National Action Plan on Gender Equality (ESDIF) for the period 2016-2020 was completed.

The Workshop that was organised by the National Centre for Public Administration and Local Government, following a relevant request of the Secretariat General for Gender Equality, was attended by experts and representatives of entities of the Public Administration, the civil society and the Academic community, whose field of action concerns gender-related issues. The priority axes of the ESDIF concern the following fields of policy: Social cohesion, poverty, immigration and multiple discriminations / gender-based violence / Education, Training, Culture, Sports and Mass Transport / Labour market and reconciliation of family and professional life / Health / Decision-making centres.

**Social partner’s involvement in addressing pay inequalities at the workplace**

Please note as a general remark that, since 2010, a series of legislative interventions were made in the established system of the previous existing free collective bargaining legislative framework and radically transformed it. As such the current legislation provides for a new mechanism of setting minimum wages by the Government and not by the social partners through the National General Collective Agreement (EGSSE).

However, the social partners continued their efforts through joint declarations and actions to restore their role in the formation of the minimum wage, while taking initiatives towards the removal of inequalities in the labour market. In this context, with the contribution of the International Labour Organisation (ILO), the national representatives of employees and employers (GSEE, SEV, GSEVEE, ESEE, SETE) run joint nationwide actions on March 2015 to promote equality and combat prohibited workplace discrimination under the slogan “The world of work together for equality”. These joint actions represented a commitment by the parties to the 2014 National General Collective Employment Agreement, highlighting its critical regulatory role and its connection with society. The technical contribution of the ILO and its Liaison Office in Athens to this initiative was crucial. These joint actions seek to emphasise the value of the social dialogue in raising awareness in the workplace about gender equality, diversity and today’s multiracial and interdependent society, signaling the need to build a culture of respect for human rights and the importance of timely and effective confrontation of racism and xenophobia in the workplace. The common objective is to make it known all over Greece that workers’ and employers’ organisations are together in the fight against discrimination and social exclusion.
Promoting the reconciliation of working families and caregivers

Recent policies
Alternative granting of additional child care leave in case of the birth of twins, triplets, etc., in the form of part-time work (November 2016). A public sector employee in a position of responsibility, who gave birth to twins, applied to her Office in order to be granted an additional child care leave of six months in the form of part-time work. The Ombudsman sent a document to the competent Ministries, suggesting that the additional six-month leave due to the birth of twins should be granted alternatively in the form of part-time work. The Ministry of the Interior and Administrative Reconstruction approved the granting of the additional six-month child care leave due to the birth of twins in the form of part-time work. This decision may pave the way for a legislative regulation.


The provisions of Article 8 (the right of employed women to protection of maternity) provide, among other things, for the granting of a leave up to a total of at least 14 weeks (in Greece working mothers are entitled to a total duration of 17 weeks of maternity leave), in the form of paid leave, or in the form of adequate social security benefits, or in the form of benefits from public funds (https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168007cf93); that it should be considered as unlawful for an employer to give a woman notice of dismissal during the period from the time she gives notice of her pregnancy until the end of her maternity leave, or to give her notice of dismissal at such a time that the notice would expire during such a period mentioned; and the provision that women who are nursing their infants are entitled to sufficient time off work for that purpose.

The provisions of article 27 enact an obligation to adopt measures enabling workers with family responsibilities to enter and remain in employment, as well as to re-enter employment after an absence due to those responsibilities. Moreover, their needs in terms of conditions of employment and social security should be taken into account by the employer; services should be developed, including child day-care services and other programs for the creative employment of children, and, after the maternity leave, a childcare leave should be granted to parents (for example, leave for visiting children’s school or due to a child’s sickness etc.

Law 4430/2016 (Government Gazette 205/A/31-10-2016) on “Social and Solidarity Economy and development of its institutions and other provisions”: it defines “collective benefit” as the joint service of the needs of the members of the Social and Solidarity Economy Organization, through the creation of equal production relations, the creation of stable and decent employment and the reconciliation of personal, family and professional life.

Law 4342/2015 (art. 38) redefines the beneficiaries of child care leave, so that the principle of equal treatment and equal opportunities for men and women in work and employment is served, in accordance with national and Union law, and the leave is granted alternatively, but under the same terms and conditions, to working parents of both sexes, as a form of paid parental leave. In this way, for the first time a related regulatory gap is covered, so that the child care leave is granted from now on also to the working parent in case where the other parent does not work, regardless of their gender.

The Ministerial decision (Gov. Gazette of the Hellenic Republic, Bulletin B 192/23-1-15) regulates issues of reconciliation, more specifically for “Self-employed women directly insured with the Insurance Organisation for Self-employed Professionals (OAEE), who are entitled, due to pregnancy and confinement, to a monthly maternity allowance amounting to one hundred fifty (150) EUROS for a period of four (4) months.”
Although, there are no any new care facilities or assistance at home in between 2015 – 2016, it should be noted that the "Help at Home" programme counts among the municipality's most important social care programmes. It was introduced as a pilot scheme in March 1988 in two areas of Athens (Gyzi and Sepolia) and, due to the exceedingly positive response of the local community, it became an "institution" and continues to provide primary care to Athens citizens. Since the scheme began operating at the Gyzi and Sepolia Friendship Clubs, some 1,000 cases have been documented and more than 680 individuals have received assistance. Following the successful Pilot Phase, the programme was extended to include all 7 City Districts, with the creation of 7 new units which operate in the same fashion. The "Help at Home" programme is directed toward senior citizens who cannot look after themselves fully, as well as individuals with mobility difficulties and other problems.

Rights to request special working time arrangements, place of work etc.
No major developments.

The role of collective agreements
The National General Collective Labour Agreements that have been concluded by the social partners from 1975 to date include provisions to support the employment of women and to facilitate the professional and family responsibilities of workers. The main provisions include: Marriage and childbirth leave; maternity leave; night work by pregnant women; part-time work, child care leave; parental leave; leave of absence to monitor the child’s school performance; protection of single-parent families - Foster parents. As for provisions in caretaking relatives in need of long term care, Greek Labour Law provides time offs for the care of dependents: leave for dependent members of the family (e.g. a disabled spouse or adult children as well as disabled parents or unmarried sisters if their annual income is less than the basic income of an unskilled worker); Leave for parents of children with disability: one hour per day, if the parent asks for it (unpaid and only applied in enterprises with more than 50 employees); Leave for parents whose children (up to 18 years of age) need regular transfusion or dialysis or suffer from cancer or need a transplant: up to ten days per year paid leave, funded by the employer.; Leave for parents due to the hospitalisation of a child (up to 18 years of age), which requires their immediate presence: up to 30 days per year unpaid leave on the condition that the parent has exhausted his/her normal Parental leave.

The new EGSSE of 2016 ensures the continuation of the institutional terms that were enacted by the previous EGSSE. In this context, the following provisions continue being in force, among other things:

ARTICLE 2 PARENTAL LEAVE FOR CHILD CARE (PART-TIME WORK) - EGSSE OF 2014: The working father has an independent right to use, under the same conditions, the childcare leave provided for by the National General Collective Labour Agreement (part-time work), such right being granted also for the first time where the mother is self-employed. If both parents are salaried employees, by means of a joint declaration filed with their respective employers, they specify their choice as to who will make use of the parental leave (part-time work), unless by means of a joint declaration they define time periods in which each one will make use of the parental leave, within the time limits of such right.

Working mothers in Greece are entitled for the period of 30 months from the end of maternity leave either to arrive later or leave earlier by one hour each day from work. Alternatively, if this is agreed with the employer daily working time can be set lower by two (2) hours for the first twelve (12) months and one (1) hour per day for six (6) additional months.

The employee (mother or father) can alternatively ask for a continuous paid parental leave, within the period during which he/she is entitled to reduced hours for child care, instead for a part-time nursing and childcare leave.
ARTICLE 6 FOSTER PARENTS - EGSSE OF 2008-2009: According to Article 6 of the EGSSE of 2008-2009, all the provisions of the National Collective Labour Agreements and Arbitration Awards in force regarding the protection of family and the facilitation of workers who are natural or adoptive parents, apply accordingly to foster parents.
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