Industrial Relations

Greece: Developments in working life 2018

Working life in 2018 – Annual review

Disclaimer: This working paper has not been subject to the full Eurofound evaluation, editorial and publication process.
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Political context affecting working life aspects

In 2018 (20 August), after the last legislative obligations had been passed (Law 4512/2018, Law 4549/2018) and the objectives achieved, the financial support programme was formally brought to an end by the institutions (EU, ECB, ESM) and the country regained some fiscal autonomy.

The Government’s main objectives were:

- to avoid/cancel the envisaged 18% cut in pensions from 1 January 2019 which it had itself instituted in 2017 (Law 4472/2017) as a condition for the completion of the Greek programme;
- to increase the statutory minimum wage and restore the obligatory extension of sectoral collective employment agreements; and
- to use a large part of the primary budget surplus to support the weakest social groups and reduce taxes for businesses, the self-employed and farmers.

By the end of the year, legislation had been passed; cancelling the reduction in pensions and introducing a range of financial support measures for the weakest social groups (a one-off “social dividend”) and decrease of the social security contributions for the self-employed.

An increase in the minimum wage and the abolition of the sub-minimum wage for under-25s was decided at the end of January 2019.

Labour market reforms or major packages of working life regulations

In Greece, in 2018 a wide range of reforms about the working life and the labour market took place. The main reforms are:

Right to strike

In January 2018, new measures were adopted regarding the right to strike of the primary company-based trade unions. The Law No 4512/2018 (art. 211), provides that at least half the union’s “paid-up” members must be present before a general assembly of employees can discuss and call a strike. This replaced the previous provision under Law No 1264/1982 (art.8) which set specific conditions for calling a strike, including support from at least 20% of paid-up members. This provision only applies to primary unions in local companies or establishments. Primary unions with regional or national coverage, and secondary and tertiary trade unions, are not affected, since their executive councils are responsible for approving strike action (Eurofound, 2018a).

Undeclared work

In July 2018 the Ministry of Labour passed the Law No 4554/2018 (“Social security and pension arrangements; combating undeclared work; enhancing workers' protection and other provisions”). Furthermore, a ministerial decision (9 August 2018) on undeclared work introduces new measures and sets out the procedures for imposing financial sanctions. Employers will be required to pay back-dated social security for three months for each undeclared worker and will be subject to a €10,500 fine per worker, with the fine reduced if they offer these workers a full-time contract. The fine reduction is annulled, if the employer does not retain the same number of employees or changes the terms of employment of the existing staff. Regarding the protection of workers, the Law 4554/2018 includes additional provisions designed to protect employees in cases of contracting and subcontracting. These provisions establish that the contracting entity and the contractor (or the contractor and the subcontractor) are jointly responsible for paying salaries and safeguarding labour law, and include provisions for the relevant procedures and sanctions. This law does not apply to the public sector (Eurofound: 2018b: 2018c).
Collective bargaining and minimum wage

After the end of the financial support programme (21st August 2019), the government introduced two important labour reforms that have significantly changed the collective bargaining system and the setting of the minimum wage, as follows:

The Decree of Minister’s of Labour No. 32921/2175/13-6-2018, “Re-establishment of the extension mechanism of the sectoral collective agreements and the favourability principle”. This introduces the terms and the processes of extension of the sectoral collective agreements after 21st August 2019. These two principles have been abolished since 2011 (Eurofound, 2018c).

The new mechanism for determining the minimum wage, as was initially introduced by Law 4172/2013 (Article 103) and amended in June 2018 with Law 4564/2018, was applied for the very first time. According to this, new specific dates for the consultation process were legislated, to take place from August 2018 until January 2019, in order for the new minimum wage to come in effect from 1/2/2019. The mechanism provides for the development of a step-by-step consultation to determine the minimum wage, involving the government, the social partners, the government, specialized scientific, research bodies, and experts. The process completed at the end of January 2019 and a new rate of the minimum wage introduced, effective from 1st February 2019. This regulation replaces the determination of the minimum wage via collective agreement which abolished in 2012 when had decreased the minimum wage (Eurofound, 2018b; 2018c; 2018d).

Social partners’ views and reactions on changes in governments and working life policies

In Greece, there was no governmental change in 2018.

The reactions of social partners on working life policies and on the major topics of the year 2018 concern:

Application of the new mechanism for determining the minimum wage

GSEE abstained on a political basis from the official tripartite consultation meeting. GSEE disagrees both in principle and on the procedure for the determination of the minimum wage as provided for by the laws promulgated under the Memoranda. GSEE seeks the statutory restoration of the minimum wage to 751 Euros for all workers – as it was under the 2010 National General Collective Bargaining Agreement and the reintroduction of the minimum wage determination system following bilateral collective bargaining among the national social partners (GSEE, 2019).

The employers’ organizations in their entirety expressed doubts and set requirements as regards any increase in the minimum wage (SEV, SVVE and ESEE propose a reduction in social security contributions; SEV and GSEVEE propose decrease of taxes; ESEE proposes a gradual increase in the minimum wage over four years to reach 751 Euros in 2022) (SEV 2018a, SVVE, 2019, ESEE, 2018, GSEBEE, 2019)

Undeclared work

All the social partners saw this intervention positively and expressed their individual views

Protection of Contracted and subcontracted workers

The employers’ organisations expressed their disagreements over the new measure on the basis that this will create legal and economic problems for the companies.

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Recognition of SVVE as national social partner
The five existing social partners (GSEE, SEV, GSEVEE, ESEE and SETE), including trade unions, announced that they strongly disagreed with the recognition of the SVVE, as they felt the decision had taken place without sufficient consultation and that SVVE is a regional and not a national association.

Developments in industrial relations 2018
Changes affecting the national-level actors and institutions in 2018

Actors
Annual General Assembly of the Hellenic Federation of Enterprises (29/5/2018)
The Annual General Assembly of the Hellenic Federation of Enterprises (SEV), which was held in Athens on 29 May 2018, elected a new 20-member Board of Directors and a new 90-member General Council for the two-year period 2018-2020.
SEV’s report on its activities over the four years from 2014 to 2018 highlighted, among other things, that the Federation had helped shape the regulatory environment through its well-argued positions, referring by way of example to its participation in 82 public consultations on primary and secondary legislation, 184 memorandums to government/institutions and 107 laws incorporating SEV’s positions in 10 policy fields (including the Labour Market, Taxation, Energy, Licensing and Globalisation). Finally, there was a reference to SEV’s impressive increase in membership (65% over the four years) (SEVb, 2018, SEVc. 2018).

Election of new leadership to the National Confederation of Greek Trade (25/11/2018)
On 25 November 2018, a new 25-member executive council of the National Confederation of Greek Trade (ESEE) was elected. Out of 473 electors from all over the country, 435 took part in the election (92% participation) (ESEEb, 2018).

Representativeness
Recognition of a new national social partner (SVVE)
An additional employers’ organisation, the Federation of Industries of Northern Greece (SVVE), was recognised as a new and equal national social partner with Law 4554/2018 (article 41). This recognition increases the number of social partners from four to five, and changes the composition of every committee or forum in which the social partners participate (now six members: one workers representative and five employers’ representatives).

Institutions
Following the institution of obligatory extension of sectoral-level agreements and the favourability principle with new terms and procedures, the Supreme Labour Council (ASE), a tripartite social dialogue body institution, widened its responsibilities by participating in this process. According to the Minister of Labour’s circular no. 32921/2175/2018, the Minister of Labour sends the sectoral agreement to the ASE. The ASE asks the employers’ organisation that signed the agreement to submit its members’ register. This is then forwarded to the Labour Inspectorate, which checks whether the members of the employers’ organisation employ 51% of employees in the sector. After being notified by the Labour Inspectorate of the employment data, the ASE advises the Minister of Labour whether the conditions have been met to extend the signed sectoral agreement and declare it compulsory. In the case of the employers’ organisation failing to submit the members’ register, extension is not possible.
Changes affecting the sectoral and company level social dialogue 2018
Re-establishment of the extension mechanism of the sectoral collective agreements

In August 2018, the extension of sectoral collective agreements and the favourability principle (where the most favourable arrangement for a worker applies when an individual contract of employment exists alongside more collective labour agreements) were reinstated. From then until the end of the year, a total of ten (10) existing national sectoral collective agreements were declared compulsory for all employers.

Of them, six (6) national sectoral agreements concern the banks, the hotels, the travel agencies, the shipping companies, the shipping agencies and the foreign airline companies in Greece. Other three (3) local / sectoral collective agreements were declared compulsory for hotels in Chania and Lasithi in Crete and in Rhodes. Finally, one (1) is national / occupational agreement and concerns the technicians in the radio stations in Greece.

According to the Ministry of Labour these agreements cover approximately 191,000 employees (Ministry of Labour, 2018d).

The extension mechanism and the favourability principle have been existed since 1990 but were suspended in 2011. Legislatively, they were re-established in 2017, mentioning that the mechanism will be re-initiated after the official end of the Third Economic Adjustment Programme (20 August 2018).

Innovation in collective bargaining

- The 2018 National General Collective Employment Agreement (EGSSE) broadened the scope of the agreement by incorporating into it: the set-up of joint technical working groups on: the establishment of a National Occupational Insurance Fund, guidelines for collective bargaining d) the promotion of vocational training
- After six years without the extension mechanism of collective agreements, the principle of obligatory extension and the primacy of the more favourable arrangement under specific conditions have been re-established, and it has been decided that ten collective sectoral agreements will be extended.
- Activation of a new procedure for setting the minimum wage from 21 September 2018 (Laws 4172/2013 and 4564/2018) (see below).
### National social dialogue in 2018 – Scope and Contribution

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<td><strong>Employment - Job creation</strong></td>
<td>Labour market policies and programmes for job creation by OAED in 2018 such as: a) a subsidy scheme for first recruitment of employees up to the age of 35 by the self-employed. Business subsidy scheme for the employment of 10,000 unemployed people aged 18-29 with an emphasis on graduates of higher education institutions. Employers’ subsidy scheme to maintain new jobs. Businesses’ subsidy scheme for the employment of six thousand (6,000) unemployed people aged under 39 who are graduates of tertiary education in the sectors of smart specialisation.</td>
<td>The schemes are run by the Greek Manpower Employment Organisation (OAED) in the context of active job creation policies and are financed by European funds. The social partners participate equally on the OAED Board.</td>
<td>Subsidy schemes for staff recruitment of: a) unemployed persons aged 18 and over, for at least three (3) months up to 18 months into full-time salaried positions b) unemployed graduates of higher education institutes aged 18 to 29, and unemployed beneficiaries of the Social Solidarity Income (SSI) for 12 months or 15 months c) 15,000 new jobs, created from 1 June 2017 to 31 May 2018 in private enterprises. D) employees to highly specialised businesses for 15 months.</td>
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<td><strong>Employment - ALMP</strong></td>
<td>Contribution of the social partners with policy proposals and documentation for the drafting of the &quot;Strategic framework for the redesign of the active employment policies&quot; (Ministry of Labour, 2018e)</td>
<td>Contribution of the Social partners to the OAED invitation, for submitting proposals in redesigning the strategic framework on active employment policies, to be taken into account from the Labour Ministry.</td>
<td>Strategic framework for redesigning Active Employment Policies (April 2018)</td>
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<td><strong>Employment - Labour market information</strong></td>
<td>In 2017 the Minister of Employment, Troels Lund Poulsen, established an expert committee on working environment. The task for the committee was to rethink the working environment (occupational health and safety) system in Denmark. The committee consists of four researchers, four representatives of the social partners and a chairman appointed by the government. There is a long-standing tradition in Denmark to have a tripartite dialogue on working environment issues. In September 2018 the committee came up with 18 recommendations for an improved Occupational health and safety effort. The recommendations are backed by the social partners. The recommendations have not yet been followed by political action.</td>
<td>The national social partners (GSEE, SEV, GSEVEE, ESEE, and SETE) are represented and actively participate in the “Labour Market Diagnosis System”, both at institutional and operational level. They carried out primary research that was used as the main input of the Mechanism and participate in the National Coordination Committee of the System.</td>
<td>Participation in and contribution to the Labour Market Diagnosis System. Publication of the “annual report of 2018” (EIEAD, 2018).</td>
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<td><strong>Skills, training and employability - Lifelong learning</strong></td>
<td>Bilateral cooperation between the social partners, GSEVEE and GSEE, for the implementation of: a) a joint research on the “Incentives and obstacles to adult participation in lifelong learning in Greece” b) the redesigning of the job profiles by setting a methodology tool and a pilot implementation for 30 occupations / jobs positions (GSEVEE and GSEE, 2018).</td>
<td>INE GSEE (the GSEE Labour Institute) and IME GSEVEE (the GSEVEE Small Enterprises Institute) collaborated in the design and the implementation of a nationwide survey on the incentives and obstacles to the adult participation in lifelong learning. The aim of this research is to become a reliable tool (barometer) as regards the participation in lifelong learning, facilitating appropriate decision-making and adopting of effective policies. Also they collaborate for the redesign of the job profiles.</td>
<td>Publication of the research in April 2018, titled “Incentives and obstacles to adult participation in lifelong learning in Greece” and completion of the evaluation on the existing framework and of the methodology on the job profiles.</td>
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<td><strong>Benefits - One off benefit - social dividend</strong></td>
<td>Provision of a one-off “social dividend” by the Ministry of Labour for 2018 (third year of implementation) to specific social groups (unemployed, low-pension, single parent families) based on income and assets. The social dividend varies from 300 to 1400 euro depending on the family status of households (Ministry of Labour, 2018f).</td>
<td>The social dividend was announced in November 2018 by the Ministry of Labour and is funded by the Ministry of Finance through the budgetary primary surplus.</td>
<td>In December 2018, 1,659,452 households (corresponding to 3,708,719 beneficiaries) received the social dividend (a total of €768,739,375). The provision of the social dividend continues in 2019 for some cases of beneficiaries and is expected to be completed in January 2019.</td>
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### Benefits - Welfare programme

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<td>Benefits – Welfare programme</td>
<td>Provision of the “Social Solidarity Income (SSI)” for 2018 (third year of implementation). The SSI combines: income support and complementary social services and benefits/goods (health care for the uninsured), social care structures and services; programmes and social structures to tackle poverty; social tariffs for electricity and water bills, labour market integration actions.</td>
<td>The social dividend is a welfare programme of the Ministry of Labour. The programme is for single- or multiple-person households and homeless people, while the guaranteed amount (200 to 900 euro per month) is based on income and property criteria and presumptions and varies according to the number and age of the members of the household.</td>
<td>According to Ministry of Labour, the SSI is granted to around 620,000 beneficiaries and amounts to 63 million euro a month.</td>
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### Taxation and non-wage related labour costs - Reduced social security contributions

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<td>Taxation and non-wage related labour costs - Reduced social security contributions</td>
<td>Social security contributions subsidy programme for employees aged up to 25 years. Law 4583/2018 (art. 86) provides for the application, as from January 2019, of a programme to subsidise the monthly social security contributions of private-sector employees aged up to 25 years. The subsidy will be granted by the Unified Social Security Fund (EFKA) and will cover 50% of the employer’s contributions for the main pension; namely, 6.6% of the employees’ gross earnings.</td>
<td>This is an initiative of the government and aims to strengthen the employment of young people.</td>
<td>Reduction of the monthly social security contributions of the private-sector employees aged up to 25 years for the employers</td>
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### Pension reforms - Cancellation of pension cuts

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<td>Pension reforms - Cancellation of pension cuts</td>
<td>Law 4583/2018: “Repeal of the provisions reducing pensions, incorporation into Greek Law of Directive (EU) 2016/97 of the European Parliament and of the Council of 20 January 2016 on insurance distribution and other provisions”</td>
<td>The law concerns the cancellation of up to 18% cuts in pension payments from 1 January 2019, which the government itself had instituted in 2017 (Law 4472/2017) as a prerequisite for the completion of the Greek support programme. There was extensive public debate and political controversy throughout 2018 on this topic. The social partners, like the political parties, were in favour of not cutting pensions, and there was no social dialogue apart from the public hearing of the bodies in parliament before the law was passed.</td>
<td>Cancellation of the planned cut in pensions of up to 18% from 1 January 2019 (Law 4472/2017 Article 1) and maintenance of the (nominal) difference between the pension already actually paid and the pension that would result from the new method of calculating pensions instituted by the law of the great social security reform of 2016 (Law 4387/2016).</td>
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### Wage setting - Additional allowances via the national collective agreement

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<td>National General Collective Employment Agreement (EGSSE) 2018. On 28 March 2018, national social partners – the Greek General Confederation of Labour (GSEE), the Hellenic Confederation of Professionals, Craftsmen and Merchants (GSEVEE), Association of Greek Tourism Enterprises (SETE), the Hellenic Federation of Enterprises (SEV) and National Confederation of Hellenic Commerce (ESEE) – signed the EGSSE. The social partners do not rule on the minimum wage (which has been set by legislation since 2012); but they have pledged to start negotiating the pay terms of the EGSSE if legal restrictions on the content of the 2010–2012 EGSSEs are lifted this year. Also they agreed to maintain non-wage conditions, such as the marriage allowance, three-yearly pay increases based on prior working service, and leave for working parents (Ministry of Labour, 2018a).</td>
<td>Bipartite formal negotiations for the signing of the EGSSE.</td>
<td>Signing of the EGSSE 2018</td>
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### Wage setting - Minimum wage setting

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<td>For the first time, the mechanism for determining the minimum wage, as provided for by Law 4172/2013 (Article 103) was applied in Greece. For the year 2019, the amendment/ law 4564/2018 provided for specific dates for the consultation, which started on August 21, 2018, and ended at the end of January 2019. The new mechanism provides for the development of a step-by-step consultation to determine the minimum wage, involving the social partners, specialized scientific, research bodies, and experts.</td>
<td>Participation of the Social Partners in the consultation/process, sending, by the end of October 2018, their proposals and the recommendations of their scientific bodies to the Coordination Committee. Moreover, consultation meeting between the social partners (except GSEE) and the Minimum Wage Coordination Committee took place on November 16, 2018.</td>
<td>The process is in progress</td>
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<td><strong>Work-life balance - Family leave</strong></td>
<td>Leave for the protection of motherhood and leave for breastfeeding and childcare Statement of the State Legal Council (PNC) No. 124/2018 (20/6/2018), regarding the clarification of the application of the maternity protection leave. (Being accepted by the Minister of Labour)</td>
<td>State Legal Service (NSK) Opinion No. 124/2018 (20 June 2018), which was accepted by the Minister of Labour and clarifies how leave for the protection of motherhood applies. The initiative came from the Ministry of Labour. The Ministry’s Directorate of Working Conditions addressed an official question in 3/3/2017 and the Legal Council answered with the opinion No 124/2018.</td>
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<tr>
<td><strong>Other aspects of working life - Right to strike</strong></td>
<td>In January 2018, new measures were adopted regarding the right to strike of the primary company-based trade unions. According to the Law (No 4512/2018, art. 211), at least half the union’s “paid-up” members must be present before a general assembly of employees can discuss and call a strike. This replaced the previous provision under Law No 1264/1982 (art.8) which set specific conditions for calling a strike, including support from at least 20% of paid-up members. This provision only applies to primary unions in local companies or establishments. Primary unions with regional or national coverage, and secondary and tertiary trade unions, are not affected, since their executive councils are responsible for approving strike action.</td>
<td>Concerning this new provision on the right to strike, social dialogue didn’t take place. GSEE disagreed. The employers didn’t really react. Only the SEV’s weekly bulletin made a general comment that the provision is at the right direction and there is a need to change / modernise the trade union law.</td>
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### Themes

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<td><strong>Other aspects of working life - New professional/occupational fund</strong></td>
<td>The establishment of a national professional/occupational fund by the national social partners is expected but without a timescale. A national multi-profession fund is currently being negotiated by the social partners through the employers’ organisations and GSEE and aims to provide a supplementary social security service to about 2 million private-sector employees.</td>
<td>The process is in progress. A study on the organizational structure, administration and funding of the Fund has started and is in progress.</td>
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<td><strong>Terms and conditions of employment - Undeclared work</strong></td>
<td>In July 2018 the Ministry of Labour with the Law 4554/2018 introduced new process to tackle undeclared work. The legislation detailed conditions for the implementation of financial sanctions for employers found to have undeclared workers.</td>
<td></td>
</tr>
<tr>
<td><strong>Terms and conditions of employment - Protection of Contracted and subcontracted worker</strong></td>
<td>The Law 4554/2018 includes additional provisions designed to protect employees in cases of contracting and subcontracting. These provisions establish that the contracting entity and the contractor (or the contractor and subcontractor) are jointly responsible for paying salaries and safeguarding labour law, and include provisions for the relevant procedures and sanctions. This law does not apply to the public sector.</td>
<td>According to all the employers’ organisations, the provision on contracting was imposed by the government without any prior social dialogue. The four social-partner employers’ organisations (SEV, GSEVVEE, ESEE and SETE) by a joint letter dated 3 July 2018, called for Article 9 on contracting and subcontracting to be withdrawn and for the Ministry of Labour to commit itself to a more constructive cooperation and sincere consultation with the social partners prior to the tabling of a new provision. (SEV, GSEVVEE, ESEE, SETE, 2018).</td>
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No major social dialogue debates were held on the following themes: Health, safety and well-being at work; Working time.
Selected major social dialogue debates

New measures to combat undeclared work

The issue of combating the undeclared work is one of the most important objects of tripartite social dialogue since 2015. Since then the Ministry of Labour under the programme “Supporting the transition from the informal to the formal economy and combating undeclared work in Greece” with the technical assistance of the ILO and the participation of the national social partners (GSEE, SEV, GSEVEE, ESEE, SETE) have initiated a series of actions and procedures for the combating of undeclared work through meaningful social dialogue (Eurofound, 2017).

During the implementation of the “Roadmap for combating undeclared work 2017-2020”, which was validated with tripartite process in October 2016, a separate "Department for tackling undeclared work" was established (Law No 4468/2017) within the authority of the Supreme Labour Council (ASE). In this department the national social partners are equally represented along with government representatives and the department operates on a regular basis since 25 September 2017. This department has the authority to implement the Roadmap and to discuss all the necessary changes to the legislative framework. During 2018 the department organised approximately seven meetings.

The main outcome of the dialogue was the adoption of a new law on tackling undeclared work (Law 4554/2018-7-2018, Art. 5, 6 and 7) as well as the need to strengthen Labour Inspection Services and to intensify inspections. The provisions of the law introduce a new “architecture” of the employers’ fine and changes concerning the inspections and the administrative sanctions for undeclared work. The ministerial decision of 9 August 2018 sets out the procedures for imposing the €10,500 fine per undeclared worker. Compulsory back-dated social security of three months is payable for every undeclared worker, while if the employer recruits the undeclared worker on a full-time contract, the fine is reduced to €7,000 (for a 3-month contract), €5,000 euros (for a 6-month contract), and €3,000 euros (for a one-year contract). The reduction is annulled if the employer does not retain the same number of employees or changes the terms of employment terms of employment of the existing staff. If within 3 years of the first inspection, the employer repeats the infringement (undeclared work), the €10,500 fine is increased by 100% on the first occasion and by 200% for each subsequent infringement.

For this issue, on July 2018, the Economic and Social Council of Greece (OKE) published an opinion on draft Law 4554/2018 (OKE, 2018).

Views of the social partners

The social partners agreed in principle with the new measures and submitted their specific views and proposals. The employers’ organisations support the development of actions to combat undeclared work, although individual differences exist between them, and they are actively involved in all the relevant committees and actions at a national, European and international level (the Labour Inspectorate’s Social Control Council, the Programme to combat undeclared work - ILO, the European Platform tackling undeclared work, etc.), actively contributing with positions and proposals on combating unlawful labour.

SEV has expressed its strong wish to combat undeclared and uninsured work and unlawfulness in the labour market in general, since this reduces tax revenues, affects the funding of social security and distorts competition. According to SEV, transforming informal work into formal employment can help improve the quality and sustainability of public finances and market efficiency, while helping to achieve full employment, to improve quality and productivity at work, to strengthen social cohesion and inclusion, to eliminate poverty traps and to avoid market distortions. In this area, the social partners must play a strong and active role in all stages from the design of the policies to their implementation.

ESEE and GSEVEE have submitted proposals to the ASE, which actually set more favourable terms for SMEs in turning the fine into declared work.
According to GSEE, undeclared and falsely declared work are also issues of equal importance, and the participation of ILO, as part of special technical assistance, guarantee the implementation of the Undeclared Work Roadmap. During this period, the Confederation justified its demands and presented the true extent of undeclared work on the basis of reports from its affiliated members (Labour Centres and sectoral Federations). However, key GSEE proposals were ignored, such as the provision of minimum staff composition in companies and the absence of inspections in the agricultural sector.

**Application of the new mechanism for determining the minimum wage**

The mechanism for determining the minimum wage, as provided for by Law 4172/2013 (Article 103) is applied for the first time in Greece. For the year 2019, amendment/law 4564/2018 provided for specific dates for the consultation, which started on August 2018, and ended on January 2019. It is noted that, the normal procedure provides for a 5 month consultation period beginning each February and ending each June. The new mechanism provides for the development of a step-by-step consultation to determine the minimum wage, involving the government, the social partners, specialized scientific, research bodies, and experts. The consultation process is coordinated by a Coordination Committee, constituted by the president of the Organisation for Mediation and Arbitration (OMED) as chairman, a representative of the Ministry of Labour, and a representative of the Ministry of Finance. The envisaged stages, with explicitly foreseen time frames, are: the creation of a dossier with proposals, studies-documentation from the social partners and scientific bodies, including the results of a tripartite dialogue meeting held by the Coordination Committee, and the sending and processing of all material to the KEPE, a research center supervised by the Ministry of Finance, responsible for drafting a proposal on the new rate of the minimum wage. The KEPE's proposal is discussed in the Council of Ministers, and then the Minister of Labour, in cooperation with the Minister of Finance, decides on the new rate of the minimum wage.

Finally, the new rate of the minimum wage was determined at 650 Euros for all employees (increase 11%) and the sub-minimum wage for young workers under 25 years, applicable since 2012 (510 Euros) was abolished.

During the process various proposals were made from OAED, ELSTAT, OMED, Bank of Greece, EIEAD, and National Social partners, and the KEPE submitted the final synthesis and proposal at the end of December 2018 (Ministry of Labour, 2019).

The Social Partners participated in the consultation, sending, by the end of October 2018, their proposals and the documentation of their scientific Institutes to the Coordination Committee. Moreover, a consultation meeting between the social partners (except GSEE), the Minister of Labour and the Coordination Committee took place on November 16, 2018.

The proposals of the social partners concerning the minimum wage present significant differences between them.

GSEE sent its proposals but abstained on a political basis from the consultation meeting. GSEE disagrees both in principle and on the procedure for the determination of the minimum wage as provided for by the laws promulgated under the Memoranda (4093/2012, 4172/2013 and 4564/2018). GSEE seeks the statutory restoration of the minimum wage to 751 Euros for all workers – as it was under the 2010 EGSSE and before the statutory reduction of the minimum wage in 2012 – and the reintroduction of the minimum wage determination system following bilateral collective bargaining among the national social partners.

Employers’ organizations in their entirety expressed various concerns and set requirements as regards any increase in the minimum wage (GSEE, 2019).

SEV with SETE propose the increase of minimum wage but stresses that an increase in wage costs that does not result from an improvement in productivity and non-wage competitiveness will create problems for many businesses, and proposed a comprehensive set of measures, where the increase of the minimum wage should be in line with developments in the average productivity of the economy, along with a corresponding reduction in social security

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contributions, the subsidisation of contributions for new entrants to the labour market regardless of their age, the abolition of compulsory arbitration, and the exemption from the sectoral collective agreements of companies with weak economic performance, reducing tax burdens, etc (SEV, 2018a and SETE, 2019).

ESEE proposed a gradual increase in the minimum wage over four years, to reach 751 Euros in 2022; underlined the need to reduce non-wage costs, and called for the rationalization of the contributions of self-employed professionals (ESEE, 2018a).

GSEVEE argued in favour of the statutory reestablishment of the minimum wage determination by collective bargaining between the social partners and supported that any increase in the minimum wage should be linked to a reduction in non-wage costs (GSEVEE, 2019).

SVVE argued in favour of a gradual increase in the minimum wage over three years, as long as the rate of increase is in line with the actual cost capabilities of existing businesses and is combined with a simultaneous reduction in employers’ contributions for both employers and employees (SVVE, 2019).

**Development of the mechanism of Labour Market Diagnosis System with the participation of the social partners**

The Labour Market Needs Analysis Mechanism was created by the Ministry of Labour in 2016, following an Action Plan adopted by the European Commission in 2015. It includes a wide operational network of actors and social partners, contributing to the Mechanism and utilizing its outflows. EIEAD is the responsible organisation for coordinating the network, supervising and managing the special IT system and producing results.

The Labour Market Needs Analysis Mechanism consists of two pillars. The first pillar concerns data on employment, unemployment and entrepreneurship, collected from multiple sources and organized and visualized in a way that enables interactive browsing and searching for information. The second pillar concerns the analysis of these data by EIEAD, on the one hand, to highlight the most dynamic professions and their characteristics and, on the other, to facilitate the design of evidence-based active policies targeted at specific sectors, occupations, demographic characteristics, qualifications, skills and geographic units.

- As a continuously evolving process, the Diagnosis Mechanism data and analysis are constantly updated and enriched.
- In the development and the operation of the Mechanism, the national social partners (GSEE, SEV, GSEVEE, ESEE, SETE) have representation and active participation both at institutional and operational level. Especially:
- They carried out the primary research that was used as the main input of the Mechanism.
- They participate in the Coordination Committee of the Mechanism
- They are members of the Operational Network of Bodies and Organizations and undertake actions to collect data on labour market needs
- They collaborated with CEDEFOP in the context of the programme “Governance of Euskills anticipation and matching systems: Country review” (2017-2018), to combine the results of the diagnosis mechanism with the policy making on employment, training and human resource development
- They participated in and contributed to the Publication of the “Annual report of 2018”
**Unilateral government actions – without social dialogue**

Concerning this followed provisions, social dialogue didn’t take place.

- New arrangements regarding the right to strike
- Measures to improve protection of employees in cases of contracting and subcontracting
- Recognition of the employers’ organisation SVVE as a new social partner

**Collective labour disputes in 2018**

**Changes in the regulation of collective labour disputes**

The determination of the minimum wage from 1990 until 2012 (law 1876/1990) was the result of negotiations between the National social partners. This practice and regulation have been changed since 2012 (PIS 6/2012) when the minimum wage determined-decreased by the government. After the end of the financial support programme and as the law 4172/2013and 4564/2018 foresee, the new mechanism for determining the minimum wage was activated. This mechanism includes different way and stages of consultation which lasts about 5 months. For more details see above “application of the new mechanism for determining the minimum wage”

**Selected major labour disputes of national significance**

**Renewal of the General Collective Agreement - EGSSE 2018**

In 2018, the EGSSE was signed on 28 March, by the five national social partners (GSEE, SEV, GSEVEE, ESEE, SETE) and it renews the 2017 EGSSE until 31 December 2018.

This agreement does not include minimum wage rates (which is set by legislation since 2012); but the social partners agreed to start negotiating the pay terms of the EGSSE if legal restrictions on the content of the 2010–2012 EGSSEs are lifted. Also they agreed to maintain in force non-wage conditions, such as the marriage allowance, three-yearly pay increases based on prior working service, and leave for working parents.

The provisions of EGSSE also include the setting up of joint technical working groups on: a) the establishment of a National Occupational Social Security Fund, b) the running of a ‘Business Restart – Rescuing Jobs’ initiative and c) setting guidelines for effective collective bargaining. The social partners also decided to run joint projects on the future of work and on vocational training.

Finally, social partners called the government to set up a permanent tripartite consultation council, as provided for in the International Labour Organisation’s (ILO) International Labour Convention 144 (Ministry of labour, 2018a).

**Great controversy between government and social partners over the right of unilateral appeal to the Arbitration in collective labour disputes**

During 2018, the issue of the "obligatory" nature of Arbitration in labour disputes has created controversies between the employers, the trade unions and the Government.

The general right of the social partners to appeal in an Arbitration procedure for resolving labour disputes is enshrined in the Constitution (article 22) and within this context, the Law No 1876/90 established a system of the so-called "obligatory Arbitration". This meant that, when collective negotiations fail to reach an agreement, then the social partners (either jointly or unilaterally) have the right to appeal in the independent Organisation of Mediation and Arbitration (OMED) and ask for issuing an Arbitration decision, which resolves the dispute and is obligatory applicable.
During the crisis, the previous Government issued in 2012 a Ministerial Act (PYS 6/2012), which abolished the right to appeal unilaterally to the Arbitration and established that only a Joint appeal between the trade unions and the employers' is lawful and can produce a final obligatory resolution.

In 2014 the Supreme Court judged (Decision No 2307/2014) that the Ministerial Act No 6/2012 is unconstitutional, and the Government brought a new law (No. 4303/2014) reinstating the right of the unilateral appeal to the Arbitration, although with a more complicated procedure.

During 2018, and in accordance with its previous commitment under Law No 4336/2015, the Ministry of Labour has developed independent expertise on the mediation/ arbitration system, which was communicated to the social partners for further consultations. At the same time, the Ministry conducted a round of bilateral consultation meetings with the social partners as well as three (3) technical tripartite meetings. In their letters and texts to the Minister of Labour during the consultation process (April - May 2018), the social partners documented their detailed positions and proposals on mediation and arbitration.

Then, the government practically maintained the previous arbitration and mediation system taking into account the Decision of the Supreme Court and passed the Law now in Force (No.4549/2018), which envisages that the Mediation and Arbitration of collective labour disputes must examine the economic situation and the developing competitiveness in the area of production to which the collective dispute refers (a provision that already existed) and the developing purchasing strength of the salary (an addition).

**Views of the Social Partners**

*Employers’ organisations*

The employers' organizations during the consultations made a series of interventions in order to express their positions and objections to the Arbitration status. All the national employers' organisations, in a Joint Letter to the Labour Minister in April 2018, strongly opposed to the rule of the "Compulsory Arbitration", arguing that this is opposed to the practices of other European countries, as well as to the International Conventions. In May 2018, SEV and SETE with a new intervention, focused once again on the right of the unilateral appeal to the Arbitration, expressed their strong objections to it and demanded that the Arbitration has to be re-established on a voluntary basis; that is only after a Joint decision between employers and workers. They also appealed to the ILO, asking to examine whether current legislation on unilateral recourse to Arbitration is contrary to international labour agreements.

*Trade Unions*

GSEE in its intervention to the Ministry of Labour (May 2018) argued that the government has the obligation to comply with the Decision No 2307/2014 of the Supreme National Court, adopted after GSEE’s appeal for the reversal of the provisions, which limited the right of unilateral recourse to arbitration.

According to GSEE, by its decision, the Supreme National Court has ruled that provisions on restrictions on arbitration and on the content of the arbitration decision are unconstitutional. GSEE submitted extensive documented memos to the Ministry of Labor in order to comply with the Court Decision, by removing all the procedural barriers introduced in the legislation after its adoption (for example the provision of a secondary five-member arbitration panel, the obligation to take into account additional elements fully oriented on the employers’ side such as competitiveness during the adjustment period).

*Measures to improve protection of employees in cases of contracting and subcontracting.*

In 2018, the Government passed the Law 4554/2018, which among others includes additional provisions on the protection of employees in cases of contracting and subcontracting (article 9 of the Law). These changes establish that the contracting entity and the contractor (or the
contractor and subcontractor) are jointly responsible for paying salaries and safeguarding labour law, and include provisions for the relevant procedures and sanctions. This law does not apply to the public sector.

Before the voting of the law, all the employers’ organisations expressed strong objections against the provisions on contracting and they submitted extensive documentation against the legislation. At the same time, all the social partners complained that no substantial social dialogue took place on the issue.

Only on July 2018, the Economic and Social Council of Greece (OKE) published an Opinion on Law 4554, taking into account the different views expressed by the social partners. Indeed, due to the strong objections, OKE proposed a review of the specific measure on contracting through a systematic dialogue, so that it does not remain impossible to implement in practice, creating problems for both employers and employees.

Views of the Social Partners

Employers’ organisations

According to all the employers’ organisations, the provision on contracting was imposed by the government without any social dialogue. In a joint letter dated 3 July 2018, the four social-partner employers’ organisations (SEV, GSEVEE, ESEE and SETE), called for Article 9 on contracting and subcontracting to be withdrawn and for the Ministry of Labour to commit itself to constructive cooperation and sincere consultation with the social partners prior to the tabling of a new provision. They argued that in this way, the government’s responsibility for monitoring compliance with the legislation is passed on to businesses, which are burdened with an additional high cost, that the government is going ahead with universal implementation without setting any criteria, and finally, that it is against private initiative and entrepreneurship in an international context in which there is widespread use of contracting and subcontracting. Furthermore, in November 2018, SEV sent a new documentation letter to the Labour Minister, against the law provisions (SEV, GSEVEE, ESEE, SETE, 2018).

Trade Unions

According to GSEE, the formal prohibition of contracting for the provision of the work necessary for the operation of a business is a consistent demand and position. Until this happens, however, GSEE has long called for the strengthening of the regulatory framework for contracting. Crucial demands of the trade unions have always been the establishment of joint and several liability not only for the contractor/subcontractor but for the contracting entity or authority as well; extension of the scope of the provisions on contracting for security and cleaning to all types of contracting; the creation of a “Register of Offending Cleaning and/or Security Companies” and the publication of its data in the Reports of the Labour Inspectorate (to be extended to all kinds of contracting); the establishment of strict certification procedures for contractors in terms of the services they provide (until the formal prohibition of contracting necessary for the provision of work necessary for the operation of a business); and the ratification of the ILO Labour Clauses (Public Contracts) Convention, 1949 (No. 94) as an important regulatory parameter in strengthening the institutional framework against abuses in contracting.

National authorities

According to the Ministry of Labour, for the first time ever, the new provisions on contracting set rules on the system of contracting, where the circumvention of workers’ rights has increasingly been observed. The new arrangements introduce an integrated system of rules that establishes the joint and several liability of the contracting entity, the contractor and the subcontractor to employees during the execution of contracted work. This broadens the protection of labour rights in respect of the payment of remuneration due, social security contributions and any severance payments, compensation in the event of an accident at work, and the implementation of health and safety measures.
Working time 2018

Changes in the regulation of working time 2018

*Legislation on working time duration or organisation*

**Public holidays**

Law 4554/2018 (art. 42) established 26th December as a compulsory public holiday for employees.

**Collective bargaining outcomes on working time duration or organisation**

a) **First-tier local authorities.** The 2018 Collective Employment Agreement on the pay and working conditions of employees in a private-law employment relationship between the Panhellenic Federation of Local Government Employees (POE-OTA) and the Ministries of the Interior and Finance provide for specific working time arrangements such as:

- Working week of 32 hours in the following categories of employees/jobs: Waste management, harvesting, waste inspection and transportation, burial and exhumation of the dead, asphalting, drainage, maintenance and repair of cleaning equipment, construction work, water supply, etc.

- Night work for pregnant women: Avoiding the employment of pregnant women on night shifts or, if the woman requests it for health reasons, transfer to a day job.

- Additional annual leave of five days for waste management employees (Ministry of Labour, 2018c)

b) **Second-tier local authorities.** The 2018 National General Collective Employment Agreement regulating the employment terms and conditions of employees in a public law employment relationship with second-tier local authorities lays down:

- A working week of 35 hours in the categories of employees/jobs such as asphalt laying, park maintenance, street lighting, street cleaning, etc.

- Annual leave of the above employees, two (2) days extra per year and other special arrangements in terms of working time (Ministry of Labour, 2018b)

*Major debates concerning working time duration or organisation*

There were not changes concerning working time at national level. At sectoral level changes on the working time were made in the collective agreements in the local authorities.

*Other relevant information concerning working time*

There were not changes about the working time as compared the previous year and no social dialogue of any kind took place. The only change regards the initiative of Ministry of Labour for the characterization of 26th December as obligatory public holiday.

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18
Health and well-being at work 2018

Physical working environment

Heat stress of workers
Law 4554/2018 (Article 11) added to the existing legislation on health and safety of workers by enabling the Minister of Labour to issue decisions following an opinion from the Council of Worker Health and Safety. In this context, legislative provisions can be made specific, while more particular issues to do with preventing and tackling heat stress of workers during the summer can also be identified. Such decisions may in particular determine the procedure and method for figures and conditions regarding heat stress, such as temperature and humidity, the type of work and the categories of workers exposed to high heat stress, the technical and organisational measures that must be taken, as well as any other necessary detail.

Employee compensation in the case of an accident at work.
Law 4512/2018: “Arrangements for the implementation of the Structural Reforms to the Economic Adjustment Programme and other provisions.” This law clarified an old legislative provision (Law 1846/1951), making clear the employer's obligation to compensate an employee who has suffered an accident at work if current legislation on health and safety at work has not been complied with.

Protection of the safety and health of employees delivering goods by motorcycle.
This circular laid down specific measures and obligations to protect the safety and health of employees delivering goods by motorcycle. The circular states, inter alia, that:

- it is the responsibility of the employer to maintain the transport vehicle in a proper condition so that it does not present a risk to the health and safety of employees who drive it.
- the employer is obliged: a) to have the appropriate vehicle inspection certification (KTEO and a regular maintenance book); b) to provide the legally required personal protective equipment to employees who are drivers of vehicles for the transportation of goods and to check that they wear the necessary and appropriate personal protection equipment at work; and (c) to have a written Occupational Risk Assessment, which must include, inter alia, matters relating to delivery work, through which all possible risks are identified and evaluated and measures are proposed for preventing and tackling them.
- for all employees working in the transportation and delivery of goods by motorcycle, a specific information booklet will be available on the risks involved in this work (with risk analysis, appropriate preventive measures, good practices, etc.), and a short leaflet with useful good practice guidelines.
- SEPE undertakes to organise a targeted audit campaign in the particular businesses, both to inform and raise awareness of employers and employees and to check and improve levels of compliance with the legal requirements for health and safety at work.

Psychosocial working environment
Decision of the Minister of Labour: Approval of a Table of Chronic Physical or Mental or Psychological Disorders or Damage, which at the same time confers limited opportunities for professional employment, solely for the needs of Law 2643/1998 (A’220). It is noted that Law 2643/1998 takes into account the employment of persons in special categories and their appointment or recruitment to public services (Ministry of Labour, 2018h).
Employment status 2018
No major changes in 2018 for: ‘Standard’ employment contracts; Fixed term contracts; Temporary agency workers;Posted workers; Seasonal workers and Zero hour contracts (not applicable).

Self-employed
• Unemployment benefit: By Decision of the Minister of Labour (Government Gazette 3496 / B’ / 25-7-2018), unemployment benefits are provided to self-employed doctors, lawyers, engineers under certain conditions. The benefit is given from 3 to 9 months and amounts to 360 euro / month
• Reduction of social security contributions: Law 4578 / 3-12-2018 provides for the reduction of insurance contributions to self-employed persons from 1 January 2019, which is estimated to affect about 250,000 self-employed persons
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