



GREECE

Decent Work Check 2019

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WageIndicator Foundation - www.wageindicator.org

WageIndicator started in 2001 to contribute to a more transparent labour market for workers and employers by publishing easily accessible information on a website. It collects, compares and shares labour market information through online and face-to-face surveys and desk research. It publishes the collected information on national websites, thereby serving as an online library for wage information, labour law, and career advice, both for workers/employees and employers. The WageIndicator websites and related communication activities reach out to millions of people on a monthly basis. The WageIndicator concept is owned by the independent, non-profit WageIndicator Foundation, established in 2003. The Foundation has offices in Amsterdam (HQ), Ahmedabad, Bratislava, Buenos Aires, Cape Town, Islamabad and Venice.

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INTRODUCTION

Decent Work is the type of work for which all of us aspire. It is done under conditions where people are gainfully employed (and there exist adequate income and employment opportunities); social protection system (labour protection and social security) is fully developed and accessible to all; social dialogue and tripartism are promoted and encouraged; and rights at work, as specified in ILO Declaration on Fundamental principles and Rights at Work and Core ILO Conventions, are practiced, promoted and respected.

WageIndicator Foundation has been working, since late 2007, to raise awareness on workplace rights through a unique tool, i.e., **Decent Work Check**. The Decent Work Check considers different work aspects, which are deemed important in attaining "decent work". The work makes the rather abstract Conventions and legal texts tangible and measurable in practice.

The Decent Work Check employs a double comparison system. It first compares national laws with international labour standards and gives a score to the national regulations (happy or sad face). If national regulations in a country are not consistent with ILO conventions, it receives a sad face and its score decreases (and vice versa). It then allows workers to compare their on-ground situation with national regulations. Workers can compare their own score with national score and see whether their working conditions are consistent with national and international labour standards. The Check is based on de jure labour provisions, as found in the labour legislation.

Decent Work Check is useful both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also useful for researchers, labour rights organizations conducting surveys on the situation of rights at work and general public wanting to know more about the world of work. WageIndicator teams, around the world, have found out that workers, small employers and even labour inspectors are not, sometimes, fully aware of the labour law. When you are informed - being a workers, self-employed, employee, employer, policy maker, labour inspector - there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer) and you strive to enforce these (as a labour inspector).

The work is relevant to the challenges posed to the future of work especially the effective enforcement of legislation in financially constrained states, rise of precarious employment and measuring the impact of regulatory regimes.

Currently, there are more than 100 countries for which a Decent Work Check is available here: www.decentworkcheck.org During 2019, the team aims to include at least 10 more countries, thus taking the number of countries with a Decent Work Check to 115!

Major Legislation on Employment and Labour

1. Law 4093/2012, enacted on November 12, 2012
2. Presidential decree 88/1999
3. Ministerial Decision 18310/1946
4. Act 3302/2004 on the regulation on employees` annual leave and other provisions
5. Act 539/1945 on granting of annual holidays with pay to employees
6. Presidential decree 156/1994
7. Presidential decree (P.D.) 180/2004 as amended by law 3986/2011 P.D. 81/2003, as amended by P.D. 180/2004 amended by law 3986/2011
8. Greek Civil Code [CC], Presidential Decree 456/1984 (art. 648 - 680 on contracts of employment) Act 3863/2010 as mended by Art. 17(5) Act 3899/2010
9. Law 4075/2012
10. Act no. 2874/2000
11. Act 2874 of 2000
12. Act no. 1483 of 1983 amended by Act No. 3996/2011
13. Act no. 3488/2006
14. Law 1568/1985
15. Presidential Decrees 16/1996 and 17/1996
16. Presidential Decree No. 396/1994
17. Law 1414/1984
18. Constitution of Greece, last revised in 2008
19. Law 3896/2010 (updating and amending the Law 3488/2006
20. Law 3304/2005
21. Act 1837/1989
22. Ministerial Decision No 130621
23. Law 3064/2002
24. Law 1264/1982

01/13 WORK & WAGES

ILO Conventions

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

Greece has ratified the Convention 95 only.

Summary of Provisions under ILO Conventions

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups. Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

Regulations on work and wages:

- Law 4093/2012, enacted on November 12, 2012
- Presidential decree 88/1999
- Ministerial Decision 18310/1946

Minimum Wage

Workers can't be paid lower than the minimum wage which is the lowest remuneration that an employer should pay to the employee. The minimum salaries of all employees should be determined upon terms provided by National General Collective Labour Agreement (NGCLA). The terms and condition of NGCLA will apply to all employer and employee irrespective of whether they are member of any trade union or employer's union respectively.

From April 1st 2013, the minimum salary as is as follows:

- Workers over 25 years of age: €26.18 per day and €586.08 per month
- Workers under 25 years of age: €22.83 per day and €510.95 per month

The minimum wage in Greece is to be determined according to the terms of NGCLA. The minimum wage should be given to all workers whether they are working in public or private sector. This fact doesn't effect on the minimum wage that either the employee or employer is member of a trade union or employers' union.

Where an employer fails to pay due wages fully and regularly, the worker may file a complaint with the labour inspectorate (SEPE). SEPE is tasked with monitoring and implementation of all employment related legislation including payment of minimum wages. The workers may also file a case in the court for due wages. Moreover, the workers have the right to stop working if the wage payment is not full and is unduly delayed. Employment of a worker is secure during such abstention and he is paid his wages for the period.

Source: Law 4093/2012, enacted on November 12, 2012

Regular Pay

Greek legislation differentiates between the workers on the basis of job type. While white collar contract workers (intellectual work requiring specialized training and experience and requiring initiative) are paid monthly, the blue-collar workers (manual work with clear tasks) are paid on daily basis.

It is considered a fundamental employer obligation to pay wages in time. However, there is no law in Greece requiring the employer to pay wages within specific time duration (five or ten days of their eligibility). It is generally assumed that unless the issue is settled under the employment contract or collective agreement, wages must be paid at regular intervals, either fortnightly or monthly.

Employers are required to main employee pay slips for at least previous 3 months. The special overtime (for more details on overtime, please refers to the section on overtime compensation) must also be maintained until the electronic notification to the ERGANI (compliance related information system) is made. Employers are required to file all wage data to calculate social security contribution.

Workers in Greece are entitled to 14-month pay in a year. This includes normal 12-month pay, one-month pay as a Christmas bonus; half a month pay as an Easter bonus; and half a month pay as an annual holiday bonus.

Wages must be paid in local currency, i.e., Euro and through bank transfer only, applicable only to the private sector employees. Non-compliance with this provision is subject to fines ranging from 300 to 50,000 euros. Deductions from workers' wages are regulated under the law and an employer may deduct wages as income tax and social security contributions, trade union dues (after workers' consent), contribution for occupational pensions, and for wages that were paid in advance. If there is a significant delay in wage payment (regardless of the reason of delay), employee can consider it equivalent to contract termination by employer and thus demand severance pay.

Employers are required to provide workers with wage slips including every deduction and referring to applicable minimum wage.

02/13 COMPENSATION

ILO Conventions

Compensation overtime: Convention 01 (1919)

Night work: Convention 171 (1990)

Greece has ratified the Convention 01 only.

Summary of Provisions under ILO Conventions

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter times (125%) the regular rate.

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions are found in the Night Work Recommendation No. 178 of 1990.

If a worker has to work on a national/religious holiday or a weekly rest day, he/she should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

If a worker has to work during the weekend, he/she should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if a worker has to work on a public holiday, he/she must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take away the right to a holiday/ rest.

Regulations on compensation:

- Ministerial Decision 18310/1946
- Presidential decree 88/1999

Overtime Compensation

The General rule for working is 8 hour a day and 40 hours in a five-day week. The 40-hour work week can be distributed over five or six days by collective agreement. It is not permissible of offset working time even after the employee consent.

The total hours of work including extra work and overtime hours cannot exceed 12 hours a day and 48 hours a week averaged over a 4-month period.

These are some exceptional cases in which working time is extended for a day, week or a month but to be managed accordingly:

- 9 hour working day is admissible subject to this condition that the total time for a week does not exceed 45 hours.
- 10 hour working day is permitted over a period of 6 months subject to this condition that for the next 6 months of year, the working time will be 6 hour a day.

Work between 41 to 45 hours in week doesn't amount to overtime, it is called extra work, work exceeding 45 hour a week or 9 hour a day amounts to overtime. The extra work hours are subject to a premium pay rate of 20% above the normal hourly rate.

Lawful overtime (45-48 hours) will be paid as follows;

- If the overtime is till the 120 hours per year, the hourly wage is 140% of the normal wage rate.
- If the overtime is above 120 hours per year, the hourly wage is 160% of the normal wage rate.

Unlawful overtime (in excess of maximum working hours and not notified to the labour inspectorate) is paid at 180% of the normal wage rate. If a collective agreement is in place, workers may work two additional hours per day in excess of the normal working time in the periods of high economic activity and, in other periods, work two hours less per day or take accumulated time-off in lieu of this time. The agreement in which the overtime hours are not mentioned should be considered null and void.

Source: ec.europa.eu/eures

Night Work Compensation

If the employee is a night worker or working in night hours (10 p.m. to 06 a.m.) and he works at least three hours of his daily working time during night hours or is likely to perform night work for at least 726 hours of their annual working time, then he should be awarded with statutory hourly wage with the increase of 25%. The average working hours of night workers must not exceed 08 hours in a 24-hour period in a week.

Source: Ministerial Decision 18310/1946; Presidential decree 88/1999

Compensatory Holidays / Rest Days

The employer must not give work to the employee on Sunday or on any other public holiday. It is mandatory that the employees must never work on Sunday or on any other public holidays. Working on Sunday is banned with some exceptions like agricultural workers, family members working in a family enterprise, maritime workers or workers in sectors where nature of business justifies working on Sundays like transport, entertainment or vehicle repair. If the employee does work on Sunday for more than five hours, his weekly rest day moves to Monday should be entitled to another day off by his employer.

Source: Presidential Decree 88/1999

Weekend/Public Holiday Work Compensation

The workers who work on Sunday or on public holiday, they should be granted another day off and he/she must be compensated with hourly wage hours with 75% increase. Employment contracts and collective agreements may provide for a higher rate.

03/13 ANNUAL LEAVE & HOLIDAYS

ILO Conventions

Convention 132 (1970) on Holidays with Pay Convention Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days. In addition, for several industries, different Conventions apply.

Greece has ratified the Conventions 14 & 106 only.

Summary of Provisions under ILO Conventions

An employee is entitled to at least 21 consecutive days of paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

A worker should be entitled to paid leave during national and officially recognized public holidays.

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7-day period, i.e., a week

Regulations on annual leave and holidays:

- Act 3302/2004 on the regulation on employees` annual leave and other provisions
- Act 539/1945 on granting of annual holidays with pay to employees

Paid Vacation/Annual Leave

The legislation provides a basic annual leave entitlement of 20 days (for workers on five-day work week) to 24 days (workers on six-day week). Employees have a pro rata leave entitlement during the first 12 months of service. The annual leave increases with length of service and at the end of 3rd year of employment, it is 22 days for workers on five-day work week and 26 days for workers on six-day work week. The annual leave after 25 years of service amounts to 31 days in case of a 6-day workweek and 26 days in case of a 5-day workweek.

A worker on annual leave is entitled to normal pay plus additional half month's salary as leave allowance. A worker is not allowed to receive compensation in lieu of leave, except in the case of employment termination before worker could take such leave, and any agreement in this regard is null and void.

The timing of leave is decided by the employer taking into account the work requirement and needs of the employees to reconcile work and family. Employer must grant half of the normal annual leave between May 01 and September 30.

Employers are required to keep a book of annual leave for every employee and record the annual leave taken by the worker. Under Law 4254/2014, the following should be entered in the book of annual leave: name of employee, hiring date, number of annual leave days, commencement and end date of annual leave, leave emoluments and leave allowances. Employers are further required to submit to ERGANI (compliance related information system), in January each year, the comprehensive data on annual leave taken by the workers in the previous year.

Source: Act 3302/2004 on the regulation on employees` annual leave and other provisions; Act 539/1945 on granting of annual holidays with pay to employees

Pay on Public Holidays

Public holidays are paid rest days of religious or memorial nature. Employees are entitled to public holiday benefits for the following twelve public holidays and non-working days:

New Year's Day (January 1); Epiphany (January 6); Ash/Shrove Monday (March 3); Independence Day (March 25); Orthodox Good Friday (April 18); Orthodox Easter Monday (April 21); Labour Day (May 01); Holy Spirit Monday/Whit Monday/Pentecost Monday (June 09); Assumption Day (August 15); Ochi Day (October 28); Christmas Day (December 25); and Boxing Day (December 26).

The paid holidays are only second day of 25th March, Easter, 15th August and 25th December. The optional paid public holidays are 01st May and 28th October. Law 4454/2018 adds Boxing Day (26 December) to the list mandatory paid public holidays.

Weekly Rest Day

Workers are entitled to an uninterrupted break of 36 hours in each period of seven days. The weekly rest period of 24 consecutive hours begins immediately after a daily rest period of 12 hours. The weekly rest day is principally Sunday.

The minimum daily rest period is 11 consecutive hours in a 24-hour period. If the total daily working hours are over 6 hours, a rest break of 15 minutes is also allowed.

Source: Presidential Decree 88/1999

04/13 EMPLOYMENT SECURITY

ILO Conventions

Convention 158 (1982) on employment termination

Greece has not ratified the Convention 158.

Summary of Provisions under ILO Convention

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

A reasonable probation period must be allowed to let a worker learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).

Regulations on employment security:

- Presidential decree 156/1994
- Presidential decree (P.D.) 180/2004 as amended by law 3986/2011 P.D. 81/2003, as amended by P.D. 180/2004 amended by law 3986/2011
- Greek Civil Code [CC], Presidential Decree 456/1984 (art. 648 - 680 on contracts of employment) Act 3863/2010 as amended by Art. 17(5) Act 3899/2010

Written Employment Particulars

There are two type of employment contract in Greece: fixed term contracts and the contracts for the indefinite period/open ended contracts. In Greece, an employment contract is concluded when employee accept the offer of the employer.

A written employment contract is not necessary. The employment relationship can be concluded either in writing or orally, or even tacitly when the employee offers his work and the employer does not oppose such an offer. The employment agreement does not have to be in writing, except for part-time or temporary employment agreements and the renewal of fixed-term employment agreements.

Before conclusion of an employment contract, an employer is under obligation to inform the proposed employee with rights and obligations pertaining to the employment contract, wage and working conditions under which work has to be performed.

The following minimum information must be provided to the workers in the written form as a statement of employment particulars: Name and address of employer and employee; Place of work; Prior information of work if employment will take place at different places; Either job title or brief nature of the work to be done; Date of commencement of the employment; Duration of the contract (for fixed term contracts); rate or method of calculation of remuneration; frequency of wage payments (fortnightly or monthly); Daily and weekly working hours; method of calculating holiday and number of paid holidays; Conditions of contract termination and advance notice by the employer and employee; and Any relevant collective agreement

An employer is required to provide above statement of employment particulars within the following time periods, depending on the type of contract:

- within 2 months from the date of the commencement of the employment if the employment agreement is for indefinite period;
- within five days from the date of the commencement of the employment if the employment agreement is for a definite period/fixed term;
- within fifteen days from the date of the commencement of the employment if the employment agreement is for part time employment

Source: Presidential decree 156/1994 implementing directive 91/533/EEC

Fixed Term Contracts

Fixed term contracts are prohibited for tasks of permanent nature. The fixed term contracts are regulated by the Labour Code which does not require mentioning of a specific reason for validity of a fixed term contract.

Parties to the employment contract are free to stipulate the duration of an employment contract provided that there is an upper limit of 03 years total duration (both in case of a single fixed term contract or successive renewals). A fixed term contract may be renewed successively (maximum three times) however the total time period may not exceed 03 years. If a fixed term contract (or its renewals) goes beyond 03 years without providing any objective reason, it is considered that the fixed term contract is aimed at covering the fixed and permanent needs of an enterprise thus resulting in the conversion of such a contract to employment contract of indefinite duration. Unlimited renewals of fixed term contracts are allowed if these are justified by objective reasons in particular the nature or the form of the employer's or the company's activity, special grounds or needs which are specifically provided for in the employment contract (inter alia temporary replacement of a worker, performance of occasional work, temporary increase in workload).

Source: P.D. 81/2003, as amended by P.D. 180/2004 amended by law 3986/2011; Greek Civil Code [CC], Presidential Decree 456/1984; art. 648 - 680 on contracts of employment

Probation Period

In order to testing the skills of the employee, a trial period/ Probation period is established. In contracts of indefinite duration, the first 12 month is considered probation period. The parties can mention the condition for termination during probation period in the employment contract, however if the contract does not contain any such condition, the contract may be terminated during probation period without notice and without severance pay. However, as regards unfair dismissals based on the abuse of the employer's termination rights, workers on probationary have essentially the same rights as regular workers with more than 1 year of employment with the employer.

Source: Art. 74(2) Act 3863/2010 as amended by Art. 17(5) Act 3899/2010

Notice Requirement

The law requires employers to notify employees in writing in the case of individual dismissal and the local office of OAED public employment service must be informed within eight days. However, the law does not provide for a statutory notice period in the case of blue-collar employees. In the case of monthly paid employees/white collar workers, employer may choose to give dismissal notice in which case the severance pay is halved. The notice period is as follows:

- i. no notice for less than one year of employment;
- ii. one-month notice for one to two years of service;
- iii. two-month notice for two to five years of service;
- iv. three-month notice for five to ten years of service; and
- v. four-month notice for 10 years or more of service

Employment contract may provide for notice on both sides. Employers or employees may waive their right to contractual notice or accept payment in lieu of notice. Even where such notice periods apply, both employers and employees may terminate a contract of employment without notice on the grounds of misconduct by the other party.

Both parties to the fixed term contracts can terminate the contract when there is serious reason for doing so. In such cases, no compensation is awarded to the employees.

Valid grounds of dismissal are as below misconduct, severe negligence, poor performance. No employee should be dismissed on the following grounds: dismissal of women during her pregnancy and after the child birth; dismissal of the employee when he/she performing military duty; dismissal of the employee when he/she on annual leave; and dismissal of the member of the trade union board during the period of their office hours.

In line with the provisions of Civil Code, when an indefinite term contract is terminated, the worker has the right to request the time-off to look for another job before the contract termination date. The necessary time-off can be decided between the parties.

In 2017, two new grounds for dismissal were added for employees who are protected against dismissals because they founding members of a trade unions or are elected of the management board of a trade union. Now these employees can be dismissed if they are absent without any reason from work for more than three days (earlier the unjustified absence had to be at least 7 days) and if they commit theft or embezzlement against the employer or its representatives.

Source: Act 2112/1920; Act 3833/2010 Art.74(2)B, Law 3845/2010 and 3863/2010; §672 of Civil Code of Greek; Act no. 1264/1982; §5 & 6 Act 539/45; §15 Act No.1483/1984; §677 of the Civil Code

Severance Pay

In Greece, the employer while terminating an employment contract has to offer the employee the essential severance pay. If the termination of the employee takes place after serving prior notice, then employee is entitled to one-half of the severance pay provided by Law 2112/1920. If the termination of the employee takes place without serving notice, he is entitled to full amount of the severance, which will be calculated according to the employee seniority/length of service.

The severance pay differs for daily and monthly paid employees. The qualifying period for daily paid employees is at least two months' service and one-year service for monthly paid employees. While the monthly paid employees are entitled to both severance and notice periods (in which case severance pay is reduced by half), the daily paid employees receive only severance payments.

The severance pay for monthly paid employees is one month's pay for one to two years of service; two months' pay for two to four years of service; three months' pay for four to six years of service; four months' pay for six to eight years of service; five months' pay for eight to ten years of service; six months' pay for ten to eleven years of service; seven months' pay for eleven to twelve years of service; eight months' pay for twelve to thirteen years of service and so on until the severance pay reaches 12 months' pay for 16 years of service. If the employer serves prior notice, as required under the law, the above severance payment is reduced by 50%. The severance pay remains the same for individual or collective dismissals.

Before November 2012, the years of service used to calculate statutory severance pay were 28 years however in 2012 these years have been capped at 16. Still, the earlier cap of 28 years applies to the workers who have completed 17 years or more of service before 12 November 2012. They are entitled to one month's extra pay for each additional year from 17 years' service up to 28 years' service. However, the monthly salary is capped at €2,000. A worker with 28 years of service, under the old regime, is entitled to 12 monthly salaries plus 12 salaries up to 2000 Euro each.

In the case of daily paid employees, the severance pay is five (5) days' pay for two months to one year of service; seven (7) days' pay for one to two years of service; fifteen (15) days' pay for two to five years of service; thirty (30) days' pay for five to ten years of service; sixty (60) days' pay for ten to fifteen years of service; one hundred (100) days' pay for fifteen to twenty years of service; one hundred and twenty (120) days' pay for twenty to twenty five years of service; one hundred and forty five (145) days' pay for twenty five to thirty years of service; and one hundred and sixty five (165) days' pay for 30 years' or more of service.

05/13 FAMILY RESPONSIBILITIES

ILO Conventions

Convention 156: Workers with Family Responsibilities Convention (1981)
Recommendation 165: Workers with Family Responsibilities (1981)

Greece has ratified the Convention 156 only.

Summary of Provisions under ILO Convention

Paternity leave is for the new fathers around the time of childbirth and is usually of shorter duration.

Recommendation (No. 165) provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance Recommendation 165 asks the employers to look into the measures for improving general working conditions through flexible work arrangements.

Regulations on family responsibilities:

- Law 4075/2012
- Act no. 2874/2000

Paternity Leave

Father of a new born child is entitled to paternity leave of two days. The father of new born child is entitled to reduction in daily working hours for the purpose of child care without any decrease in regular pay.

Source: Law 4075/2012; National General Collective Labor Agreement, Art. 6

Parental Leave

After the completion of maternity or paternity leave, the parents of the minor children can receive unpaid leave of four month till the child become 6-year-old upon request to the employer. The employer must grant parental leave on a "first come, first served" basis to eligible employees, and is not obliged to grant leave to more than 8% of their total workforce at the same time. There is no obligation for an employer to pay employees while on parental leave. The parental leave is non-transferable and is considered individual right.

The special parental leave is allowed to natural or foster parents with a child (up to 18 years of age) suffering from Down's Syndrome, severe mental disability, or autism. The special parental leave is paid and can be up to 10 working days per year. There is also provision for unpaid parental leave rights of up to 30 working days per year parents with children (under 18) in hospital treatment caused by illness, accident, etc.

Source: Law 4075/2012 (Art. 49-55), which implemented Directive 2010/18/EU

Flexible Work Option for Parents / Work-Life Balance

The employee having responsibilities of family or minor children, who work in enterprise having at least 50 employees, can reduce their working hours by one hour per day and receive a proportionally decreased salary.

Source: Act no. 2874/2000

06/13 MATERNITY & WORK

ILO Conventions

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after birth. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

Greece has ratified the Convention 103 only.

Summary of Provisions under ILO Convention

During pregnancy and maternity leave, a worker should be entitled to medical and midwife care without any additional cost.

During pregnancy and while breastfeeding, a worker should be exempt from work that might bring harm to you or your baby.

The total maternity leave should last at least 14 weeks.

During maternity leave, a worker's income should amount to at least two thirds of your preceding salary.

During pregnancy and maternity leave, a worker should be protected from dismissal or any other discriminatory treatment.

Workers have the right to return to same or equivalent position after availing maternity leave.

After childbirth and on re-joining work, a worker must be allowed paid nursing breaks for breast-feeding the child.

Regulations on maternity and work:

- Act 2874 of 2000
- Act no. 1483 of 1983 amended by Act No. 3996/2011
- Act no. 3488/2006

Free Medical Care

The facilities of the Social Insurance Institute (IKA) normally provide medical services directly to patients. Benefits include general and specialist care; care in a hospital; medicine; maternity care; dental care; appliances; and transportation.

The insured person pays 25% of pharmaceutical costs and up to 25% of the cost of other services (including prostheses and eyeglasses) except for hospitalization. There is no limit to the duration of medical benefits.

No Harmful Work

No relevant legislation could be located

Maternity Leave

Female employees are entitled to a maternity leave of 17 weeks of which 8-week leave has to be taken before child birth and 9-week after the child birth. Pregnant employees are entitled to time off without loss of pay to receive antenatal care, if the employee notifies her employer and the need for the care is certified.

At the end of basic maternity leave of 17 months, workers are entitled to reduce their working time by one hour per day without any loss of income for the next 30 months. They can also reduce their working time by 02 hours per day during the first twelve months and one hour per day in the next six months after arranging with the employer. An equivalent amount of time-off may be taken in the form of paid leave.

There is also a provision for special leave for the duration of 065 months and it is granted either at the end of basic maternity leave of 17 weeks and before the beginning of use of flexible working (reduced daily hours of work) or alternatively after the end of reduced daily working hours.

Employee is entitled to 50% of the pay by the employer. The remainder of the normal pay, subject to a minimum and maximum, is paid by the IKA social insurance institute. Employer may pay an employee more than the statutory 50% of the monthly pay during maternity leave. However, it will result in the full or partial loss of employee's right to the IKA's maternity leave allowance. (Act 2874 of 2000 Promotion of Employment and other Provisions (parental leave, increase maternity leave, §11)

In line with Law 4488/2017, intended/commissioning mother is entitled to maternity leave and corresponding allowances for the post-natal period (9 weeks). They are also entitled to 6-month leave for protection of maternity.

Income

Employee is entitled to 50% of the pay by the employer. The remainder of the normal pay, subject to a minimum and maximum, is paid by the IKA social insurance institute. Employer may pay an employee more than the statutory 50% of the monthly pay during maternity leave. However, it will result in the full or partial loss of employee's right to the IKA's maternity leave allowance.

A child benefit equal to the 10% of the total amount of maternity allowance up to a maximum of 40% is also paid. During the special leave of six months, OAED provides the employee with a monthly amount equal to the minimum wage as well as the proportion of holiday allowances.

In line with Law 4488/2017, surrogate mothers and adoptive mothers who adopt a child under 2 years of age are entitled to statutory maternity allowance.

Protection from Dismissals

Pregnant workers and new mothers are protected from dismissals. Law requires that a female worker may not be dismissed from service during her pregnancy and in eighteen months after child birth or during her absence for a longer time due to illness due to pregnancy or childbirth, unless there is a compelling reason for dismissal. (Section 36 of Act No. 3996/2011 amending section 15 of Act no. 1483/1983 on protections and facilitation of obligations of workers with family obligations)

In line with Law 4488/2017, the protection from dismissal during pregnancy and in the 18-month period after birth is extended to surrogate mothers, intended/commissioning mothers and adoptive mothers who have adopted a child under 6 years of age.

Right to return to same position

Employees are entitled to return to the same position after availing their maternity leave. If an improvement in the working conditions has occurred during her absence, she is entitled for the same as awarded to other employees. (Act no. 3488/2006 Term and condition of employment and other relevant provisions Sec. 5)

Breastfeeding/ Nursing Breaks

Working mothers have the right to one of the following:

- i. Work 1 hour less daily for the same pay for the first 30 months after the end of maternity leave;
- ii. Work 2 hours less daily for the same pay for the first 12 months after the end of maternity leave and 1 hour less for another 6 months after that - requires agreement of employer;
- iii. 3.5 months extension of maternity leave instead of working less daily - requires agreement of employer. This 'breastfeeding leave' can be taken by the father in case the mother does not want to.

A breastfeeding mother has the right NOT to serve night duty until 12 months of age of her child; if this is not possible, she has a right to a leave with full pay.

(EU Directive 92/85/EOK of 19.10.1992 concerning "Measures to ameliorate safety and health of pregnant, post-partum and breastfeeding working women, adopted by the Greek Government ΠΔ 178/1997 and ΠΔ41/2003; Act No. 1483 of 1983, §5,8,12)

07/13 HEALTH & SAFETY

ILO Conventions

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here.

Labour Inspection Convention: 81 (1947)

Greece has ratified the Convention 81 only.

Summary of Provisions under ILO Conventions

The employer, in all fairness, should make sure that the work process is safe.

The employer should provide protective clothing and other necessary safety precautions for free.

Workers should receive training in all work-related safety and health aspects and must have been shown the emergency exits.

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

Regulations on health and safety:

- Law 1568/1985
- Presidential Decrees 16/1996 and 17/1996
- Presidential Decree No. 396/1994

Employer cares

Employers bears all the responsibilities to ensure health, safety and welfare of employees at work. After the basic OSH legislation dating from 1985 and 1986, more than 150 legislative enactments require employers to take specific measures to protect the health and safety of employees and others. Employers are required to: manage safety based on a regularly updated written "regular risk assessment"; take the appropriate measures to eliminate or minimise risks to ensure employees' health and safety; provide training and information (in a form, manner and language that is understood); consult with employees on health and safety issues; draw up plans to ensure the safety of employees in the event of emergencies and serious and imminent dangers; and maintain a company register of accidents at work.

Source: Law 1568/1985 and various Presidential Decrees; especially PD 16/1996 (Minimum safety and health in the workplace) and 17/1996 (on measures to improve the health and safety of workers at work)

Free protection

Employees should be provided with free protective clothing, footwear and other personal protective equipment against dangerous and harmful factors occurring in the work environment and inform them about its use. Washing, maintenance, repair, dust removal and disinfection of these things is also the employer's responsibility. The employer must not allow an employee to work without protective equipment specially when working in dangerous working conditions. workers must be fully trained and educated on the use of personal protective equipment.

Source: Presidential Decree No. 396/1994 on Minimum safety and health requirements for the use of personal protective equipment at work

Training

The employer shall provide training for staff in the field of occupational health and safety before allowing them to work and conduct periodic training in this area. The employer is obliged to familiarize employees with the rules about safety and health at work, risks to the health and safety and measures taken to prevent accidents and protect workers.

Source: Art. 11 of PD 17/1996; Art. 8 of PD 16/1996; Art. 28 of Law 1568/1985

Labour Inspection System

The labour inspectorate body was established in 1999. Its aim is to enforce labour laws in public and in private sector. It protects the legal right and ensures health, safety, and welfare of worker in Greece. The labour inspection system consists of 96 regional social labour inspectorate offices and 52 regional technical and medical inspectorate offices. The Greek Labour Inspectorate Body (S.EP.E) is regulated by the Presidential Decree N° 136/99 on Organisational Planning of S.EP.E (30/06/1999), the Act 2639/98 on Establishment of the S.EP.E (02/09/1998), the Law N° 2874/00 on Promotion of Employment and other provisions and by the Law N° 3762/09 on Restructuring of S.EP.E and other organisations settlement under the YP.A.K.P. (15/05/2009).

The labour inspectorate can: fine the offenders (between €500 to 50,000) prosecute employers for breaches of health and safety legislation; serve notices on employers requiring them to stop work for up to six days or amend their safety measures; and withdraw companies' operating licences.

An employer who denies the access to the workplace or provides inaccurate information to the labour inspector, is liable for an administrative penalty ranging from €300 to €50,000.

08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT

ILO Conventions

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

Greece has ratified the Convention 102 only.

Summary of Provisions under ILO Conventions

A worker's rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally, a worker should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). A worker must be entitled to paid sick leave.

During illness, a worker should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

During the first 6 months of illness, a worker should not be fired.

If a worker is disabled due to an occupational disease or accident, he/she must receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.

Regulations on sick leave & Employment Injury Benefits:

Income

An employee can claim half of his pay for the first three days and full pay for 15 days for the first year in employment or 30 days for any year thereafter, less the amount which the employee received from his social security provider. Sickness cash benefit is also paid through social security institute (IKA) to the insured employees who, because of physical or mental illness, are unable to work and are absent from the workplace for more than three days. The base rate is 50% of the reference pay for your category. This is increased by 10% for each dependent in your family, but the total amount cannot exceed 70% of the reference rate. Sickness benefit is paid from the fourth day after the onset of the illness or after the illness was certified by the competent IKA-ETAM body. The duration of cash sickness benefit varies from 182 days to 720 days depending on the number of completed days of employment.

Medical Care

The facilities of the Social Insurance Institute (IKA-ETAM) provide medical services directly to the affiliated patients/workers. Benefits include general and specialist care; care in a hospital; laboratory/clinical tests; dental care; pharmaceutical products; medicine; maternity care; supplementary care (therapeutic aids, orthopedic appliances, spectacles, hearing aids, prostheses, etc.); and transportation. There is no limit to duration. The insured person must have at least 50 days (rising to 100 by 2013) of contributions in the last year or last 15 months (excluding the last quarter/three months) or must be a pensioner.

Job Security

Employment of a worker is secure during his/her illness for the following time periods depending on his length of service with the employer. It is one month for service up to four years; three months for service up to ten years; four months for service up to fifteen years and six months for service over fifteen years. If an employee is unable to attend work after these time limits, it is considered tacit termination of contract by the employer.

Disability/Work Injury Benefit

Work injuries may be classified, on the basis of their consequences, as those resulting in: (i) permanent total incapacity (ii) permanent partial incapacity (iii) temporary incapacity and (iv) fatal injury leading to death of a worker.

All employees come under IKA-ETAM when they are victim of an accident at work palace; an accident while travelling to and from workplace; and any disease or illness due to the hazards of employee's job. In the case of temporary incapacity, the amount of benefit is calculated similarly as ordinary sickness benefit although there is no three-day waiting period.

In the case of Permanent total disability, 100% of the old-age pension is paid for an assessed degree of disability of 80% or more (severe), 100% of the old-age pension is paid; and 75% of the old-age pension is paid (100% if the insured has at least 6,000 days of coverage or the disability is the result of a psychiatric condition) for an assessed degree of disability of 67% to 79.9% (ordinary)

In the case of permanent partial disability, 50% of the old-age pension is paid (75% for a psychiatric condition) for an assessed degree of disability of 50% to 66.9%. No pension/benefit is payable for disability below 50%.

The minimum pension is 70% of the minimum wage plus supplements for a dependent spouse and children

In the case of fatal injury, the survivors' pension depends on the date the deceased worker entered the insurance system. If the deceased worker was first insured before January 01, 1993, the widow(er)'s pension is 70% of the insured worker's pension and 50% if the deceased worker was first insured after December 31, 1992.

The survivor's pension is paid for three years beginning from the month following insured worker's death. A surviving divorced spouse may receive a pension of 30% of the survivor pension if married to the deceased for at least 15 years; 40% if married for at least 25 years. The widow/widower pension ceases on remarriage.

Orphan's pension also varies depending on the date of entry into insurance system. 20% of the insured worker's basic pension is paid to each orphan (60% for full orphan) up the age of 18 years (24 years for students and no limit for disabled) if the worker was first insured before January 01, 1993. This percentage is 25% (50% for full orphan) for worker insured after December 31, 1992.

A lump-sum grant equal to eight times the reference pay of the highest insurance category is paid in the event of the death of an insured person who has accumulated 100 insurance days in the year before the year of death or over the last 15 months, or in the event of death of an old-age pensioner or a person receiving an invalidity pension or a death benefit. The funeral grant is paid to the person to who paid for the funeral.

(ISSA Country Profile)

The text in this document was last updated in January 2019. For the most recent and updated text on Employment & Labour Legislation in Greece in Greek, please refer to: <https://mywage.gr/>

09/13 SOCIAL SECURITY

ILO Conventions

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat, higher standards have been set in subsequent Conventions

Employment Injury Benefits: Conventions 121 (1964),

Invalidity, Old age and survivors' benefits: Convention 128(1967)

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

Greece has ratified the Conventions 102 only.

Summary of Provisions under ILO Conventions

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give "due regard to the working ability of elderly persons" and "demographic, economic and social criteria, which shall be demonstrated statistically". Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.

Regulations on social security:

Pension Rights

The insured person is entitled to a pension when the pensionable age of 65 years is reached (the retirement age for women is also rising to 65 years by 2015). Law, however, gives both the option of early retirement/reduced pension (60 years for men/rising to 60 years for women by 2015) and late retirement/deferred pension.

A worker is eligible for full pension after reaching the normal retirement age provided that the contributions have been paid for 4500 working days (nearly 15 years). Full pension can also be granted without age limit after 37 years of service and payment of contribution for 11,100 working days.

In the case of early retirement, reduced pension is available if a worker has at least 4,500 insurance days at the age of 60 (the age limit of 55 for women, valid until 31 December 2010, gradually increases to 60 by 2015). The pensionable age for heavy and unhealthy occupations is 60 years (55 years for women in 2010 but rising to 60 by 2015) provided that they have 4500 insurance days including 3600 in a heavy and unhealthy occupation and 1,000 in the 13 years preceding retirement. Pensionable age is also different for mothers and fathers with minor children.

The amount of old age pension is determined based on the following formula: years of credited service X final 5 year's average salary. The amount of pension is equal to the 60-70% of the final five year's average salary.

If employee is insured before 31 December 1992, the minimum amount of pension is 486.84 Euro per month and the maximum pension is 2373.57 Euro per month

If the employee is insured after 1st January then minimum amount for pension is 495.74 Euro per month and maximum amount is 2773.40 Euro per month.

Dependent's/Survivors' Benefit

The survivor's pension is paid for three years (extendable for those receiving full pension) beginning from the month following insured worker's death. A surviving divorced spouse may receive a pension of 30% of the survivor pension if married to the deceased for at least 15 years; 40% if married for at least 25 years. The widow/widower pension ceases on remarriage.

Orphan's pension also varies depending on the date of entry into insurance system. 20% of the insured worker's basic pension is paid to each orphan (60% for full orphan) up to the age of 18 years (24 years for students and no limit for disabled) if the worker was first insured before January 01, 1993. This percentage is 25% (50% for full orphan) for worker insured after December 31, 1992.

A lump-sum grant equal to eight times the reference pay of the highest insurance category is paid in the event of the death of an insured person who has accumulated 100 insurance days in the year before the year of death or over the last 15 months, or in the event of death of an old-age pensioner or a person receiving an invalidity pension or a death benefit. The funeral grant is paid to the person to who paid for the funeral.

Unemployment Benefits

Unemployment benefits are administered by Labour Employment Office (OAED). Any person who is insured is entitled to unemployment benefits. The calculation of unemployment benefit depends on various factors such employment duration, salary, cause of unemployment, family status, etc.

Following conditions are to be fulfilled before receiving unemployment benefits: worker must be 16 years old; must not have been dismissed due to misconduct; and must have at least 125 days of contributions in the last 14 months. Unemployment benefit comprises a base amount plus supplements for each dependent in your family. The basic allowance amounts to € 360. It is increased by 10% for each dependent family member. The duration of unemployment benefit depends on the number of insurance days a worker has completed in the last 14 months. If it is 125 days (minimum required period), a worker is entitled to five months of benefits. Similarly, 150 insurance days entitle a worker to six months of benefits; 180 insurance days to eight months; 220 days to ten months and 250 days to 12 months.

Invalidity Benefits

An invalidity pension is granted if one of the following contribution related conditions are met: worker has 4500 working (or insurance) days or 1500 working/insurance days including 600 days in the last 5 years or 300 working/insurance days before reaching age 21 with the addition of 120 working days for every following year up to the limit of 1500 work/insurance days.

In the case of Permanent total disability, 100% of the old-age pension is paid for an assessed degree of disability of 80% or more (severe), 100% of the old-age pension is paid; and 75% of the old-age pension is paid (100% if the insured has at least 6,000 days of coverage or the disability is the result of a psychiatric condition) for an assessed degree of disability of 67% to 79.9% (ordinary)

In the case of permanent partial disability, 50% of the old-age pension is paid (75% for a psychiatric condition) for an assessed degree of disability of 50% to 66.9%. No pension/benefit is payable for disability below 50%. The minimum pension is 70% of the minimum wage plus supplements for a dependent spouse and children.

10/13 FAIR TREATMENT

ILO Conventions

Convention 111 (1958) lists the discrimination grounds which are forbidden.

Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

Greece has ratified both Conventions 100 & 111.

Summary of Provisions under ILO Conventions

At workplaces, equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

Not clearly provided in ILO Conventions. However, sexual intimidation/harassment is gender discrimination.

An employer can't discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

People have the right to work and there can't be occupational segregation on the basis of gender.

Regulations on fair treatment:

- Law 1414/1984
- Constitution of Greece, last revised in 2008
- Law 3896/2010 (updating and amending the Law 3488/2006)
- Law 3304/2005

Equal pay

Men and women are entitled to equal pay for equal work or work of equal value. When a job classification system is used for determining pay, the system must be based on the same criteria for both men and women and should not lead to discrimination based on sex. The Constitution of Greece also provides that all workers are entitled to equal pay for work of equal value irrespective of their sex or any other distinction.

When designing and implementing evaluation systems, the personnel associated with the wage evolution must respect the principle of equal treatment and prevent discrimination on grounds of sex or marital status. (Article 22.1.b of the Constitution of Greece, last revised in 2008; Article 4 of Law 3896/2010; Article 4 of Law 1414/1984)

Sexual Harassment

Harassment is "unwanted conduct related to the sex of a person occurs with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment" while the sexual harassment is "any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment".

Article 3(2)(a) of Act 3896/2010 also says that "harassment and sexual harassment and any less favourable treatment due to submission or rejection of this conduct constitute gender discrimination and are prohibited".

Under article 662 of Penal Code, an employer has a wide 'duty of care' for the protection of the material and moral interests and the personality of the workers and third persons in the workplace. This implies the employer's liability for his/her own conduct and the conduct of his/her agents.

Under article 337(1) of Penal Code, sexual harassment is an 'offence to sexual dignity' consisting of 'lewd gestures or proposals concerning lewd acts' 'offending a person's dignity in the area of his/her sexual life'. Lewd gestures imply bodily contact (caresses etc); while lewd proposals may be oral or in writing or by gestures without bodily contact. Pursuant to paragraph 5 of Article 337 of the Penal Code, whoever commits an act constituting sexual harassment by taking advantage of an employee, including any candidate taking part in the recruitment process, due to his or her employment position, will be prosecuted by indictment and punished with imprisonment from between six months and three years. Moreover, a pecuniary penalty may be imposed on him or her of at least EUR 1,000. (Law 3896/2010 (updating and amending the Law 3488/2006)

Non-discrimination

Under article 4 of the Greek Constitution, "all Greeks are equal before the law" and "Greek men and women have equal rights and equal obligations".

Article 116 of the Constitution also provides that adoption of positive measures for promoting equality between men and women does not constitute discrimination on grounds of sex and that the state has to take measures for the elimination of inequalities actually existing, in particular to the detriment of women. Under article 5 of the Constitution, all persons living within the Greek territory enjoy full protection of their life, honour and liberty irrespective of nationality, race or language and of religious or political beliefs.

The prohibited grounds of discrimination in Greece are "race, ethnic origin, language, religion, political or other beliefs, sex, disability, age and sexual orientation, trade union membership (or non-membership), marital status and pregnancy". (Law 3304/2005)

Law No. 3304/2005 has been replaced by Law No. 4443/2017. Other than the former protected grounds, as mentioned above, the new law adds the following into the list of protected grounds: chronic illness, descent, family or social status and gender identity or characteristics. The new law also prohibits discrimination by association to a person/persons with certain characteristics connected to the above-mentioned protected grounds. Similarly, the new law prohibits discrimination by perception and treats denial of reasonable accommodation to the disabled person as a form of discrimination.

Reasonable accommodation is "necessary and appropriate modifications, adopted so as to ensure the equal treatment for people with disabilities or chronic illness, under the condition that none of these measures create an excessive or unjustified burden for the employer".

Law No. 4491/2017 prohibits discrimination on the ground of gender identity. Law defines 'gender identity' as 'the inner and personal way in which one feels about his/her gender, irrespective of the sex registered at birth according to his/her biological features.

Equal Choice of Profession

People are free to choose their profession/occupation. No restrictive legislation could be located.

11/13 MINORS & YOUTH

ILO Conventions

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

Greece has ratified both Conventions 138 & 182.

Summary of Provisions under ILO Conventions

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

Regulations on minors and youth:

- Act 1837/1989
- Ministerial Decision No 130621

Minimum Age for Employment

The basic provisions that protect children and young people are Act 1837/1989, P.D. 62/1998 and Ministerial Decision No 130621 on work and activities that are forbidden for children and young people.

Under the above provisions: young people under 15 years old may not be employed in any job; as an exemption, the employment of children aged at least 3 years is allowed in cultural or related activities, subject to the permission of the competent labour inspector, who issues such permission at the employer's request, subject to the limitations of the above provisions; the daily pay for minors must not be below the lowest minimum wage for an unskilled worker under the National General Collective Labour Agreement; the employment of young people aged between 15 and 18 years is subject to the issue of a minors' booklet by the competent labour inspectorate; and minors who have not yet reached the age of 16 years or are still at school must not work more than 6 hours per day or 30 hours per week. Night work and work is prohibited for workers under the age of 16 years. (Article 1-8 of Law 1837/1989)

Presidential Decree 62/1998 forbids children under 15 years from working in family businesses relating to agriculture, forestry, and livestock.

Minimum Age for Hazardous Work

Special provisions apply to protect the health, safety and integrity of children and to prevent their abuse or exploitation. Minors may not be employed in hazardous (heavy or unhealthy) work, and on tasks that can harm their mental health and generally impede the free development of their personality.

The minimum age for hazardous work is eighteen years and is determined under a Ministerial Decree No, 130621/2003. The decree mentions a long list of works and activities which by their varying nature or the circumstances in which these are performed are likely to harm the health and safety of children or affect their morals. Thus, employment of minors is prohibited in all such activities. The following four broad activities with many sub activities are prohibited for minors under 18 years: working in unhealthy environment (hazardous substances, agents or procedures; temperatures; noise and vibration harmful to health); activities requiring long working hours, night work and employment where a minor is exposed to any risk of physical, psychological or sexual abuse or exploitation; work requiring use of dangerous equipment, machinery and tools or work involving manual handling or transport of heavy loads; and work carried out under the soil surface, water, dangerous heights or areas under restriction.

12/13 FORCED LABOUR

ILO Conventions

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

Greece has ratified both Conventions 29 & 105.

Summary of Provisions under ILO Conventions

Except for certain cases, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Employers have to allow workers to look for work elsewhere. If a worker is looking for work elsewhere, he/she should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

Regulations on forced labour:

- Law 3064/2002

Prohibition on Forced and Compulsory Labour

Greek Law 3064/2002 and Presidential Decree 233/2003 prohibit both sex trafficking and forced labour and prescribe punishments of up to 10 years' imprisonment with fines the equivalent of approximately \$14,000 to \$70,000. (Trafficking in Persons Report 2013)

Freedom to change jobs and Right to quit

There is no provision in Greek labour legislation which restrict the workers to change or quit job. If a worker decides to terminate the employment, he/she may resign by giving notice to the employer as specified in the employment contract.

For more information, please refer to Employment Security section.

Inhuman Working Conditions

The normal working time is 8 hour a day and 40 hours in a five-day week. The 40-hour work week can be distributed over five or six days by collective agreement. Working time may be extended beyond normal working hours; however, it is not permissible of offset working time even after the employee consent.

The total hours of work including extra work and overtime hours cannot exceed 12 hours a day and 48 hours a week averaged over a 4-month period.

For more information on this, please refer to the section on compensation.

(ec.europa.eu/eures)

13/13 TRADE UNION

ILO Conventions

Freedom of association and protection of the right to organize:
Convention 87 (1948)

Right to Organize and Collective Bargaining: Convention 98 (1949)

Greece has ratified both Conventions 87 & 98.

Summary of Provisions under ILO Conventions

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.

Regulations on trade unions:

- Constitution of Greece, last revised in 2008
- Law 1264/1982

Freedom to Join and Form a Union

Under article 23 of the Constitution, the State is required to adopt due measures safeguarding the freedom to unionise and the unhindered exercise of related rights against any infringement thereon within the limits of the law.

Workers have the right to form and join a trade union, but cannot be obliged to join one. Legislation stipulates the procedure for setting up and registering unions. There are three levels of trade union organisation for employees under private-law contracts:

- 1) first level - individual unions at company, sectoral, local or occupational levels;
- 2) second level - sectoral or occupational federations of first-level unions, and labour centres, which group first level unions in a particular geographical area; and
- 3) third level - confederations of second-level unions, of which there is only one, the General Confederation of Greek Labour (GSEE).

As at least 20 members are required for the formation of a company-level trade union. Company-level agreements can normally be signed only at employers with at least 50 employees. However, at employers with no trade union, including companies with fewer than 20 employees, employees may form an "association of persons", a looser form of employee representative organisation. An Association of Workers is established by at least three-fifths of workers in the enterprise, regardless of the total number of the enterprise's workers, and its duration is not subject to a time limit.

The associations of workers are recognised as trade unions of a temporary nature by Law 1264/1982. If above mentioned three-fifth of employees are members of the association, it can sign a company collective agreement, even at employers with fewer than 50 employees.

Employers are required to grant leave of absence to the trade union representatives (presidents and general secretaries of big trade union federations) for their whole term of office. The representatives of smaller organizations and secondary trade unions are entitled to lesser duration of leave (maximum of 15 days per month).

Freedom of collective bargaining

Trade Unions are entitled to engage in collective bargaining and sign collective agreements, if the company has 50 or more employees. In smaller companies employing less than 50 workers, Association of workers can sign collective agreement with the company if 60% of the workers are members of association.

Collective employment agreements can only be for a fixed-term, with a minimum duration of one year and a maximum duration of three years.

Legislation recognises four levels of collective bargaining and four types of collective agreement:

- the National General Collective Agreement (EGSSE), covering the entire private sector as far as institutional provisions (for example those on working time and leave) are concerned and the members of the signatories that concluded
- the EGSSE as far as pay is concerned; sector- or branch-level collective agreements at national or lower levels; company-level collective agreements; and occupational collective agreements at national or local level.

Right to strike

Lawful strike is right of the all employees. Under the aegis of art.23 of Constitution, employees have a right to strike to protect the professional, economic, social interests and rights.

In order for a decision to strike to be legal, it must be taken by: the general assembly of the union's members in the case of first level unions (eg company unions - see Trade union rights); and their administrative boards in the cases of second-level union organisations (eg sectoral or occupational federations) and third-level union organisations (the GSEE).

For a strike to be legal, the union(s) involved must notify the employer of the strike demands, date and duration at least 24 hours before the action starts. In the case of public sector utilities, unions are obliged to give four days' notice of a strike and OMED mediation services should be called in to arrange dialogue during this "cooling-off" period. Such dialogue may also occur before strikes outside the public utilities, but this is not a legal requirement. During strikes in essential services, a minimum level of service must be maintained and the trade union(s) concerned must ensure that sufficient employees continue working to protect the employer's facilities and prevent accidents or damage.

Greek Constitution and Law 1264/1982 safeguard the employees' right to strike. The decision to declare a strike is subject to the authority of the General Assembly of the union members. The union declaring the strike should provide the necessary personnel for the safety of the firm's premises and the prevention of damage or accidents. The union is also obliged to give to the employer or his professional association 24-hour advance notice about the strike. In case of a lawful strike, the employer is prohibited from operating its facilities with union members, who break the strike, or to declare a lockout or to prevent the strike by an injunction. However, if by a court ruling the strike is declared as illegal, the union leaders are obliged to call off the strike, otherwise they are liable to various penalties, including termination of their employment. Strikes of any sort of judicial functionaries and security crops are prohibited and unlawful (Art.23(2) of Constitution of Greece 2008).

The text in this document was last updated in January 2019. For the most recent and updated text on Employment & Labour Legislation in Greece in Greek, please refer to: <https://mywage.gr/>

DECENT WORK QUESTIONNAIRE

DECENTWORKCHECK.ORG

Check

Decent Work Check Greece is a product of WageIndicator.org and
www.mywage.gr/home



National Regulation exists



National Regulation does not exist

01/13 Work & Wages

	NR	Yes	No
1. I earn at least the minimum wage announced by the Government		<input type="checkbox"/>	<input type="checkbox"/>
2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)		<input type="checkbox"/>	<input type="checkbox"/>

02/13 Compensation

3. Whenever I work overtime, I always get compensation <i>(Overtime rate is fixed at a higher rate)</i>		<input type="checkbox"/>	<input type="checkbox"/>
4. Whenever I work at night, I get higher compensation for night work		<input type="checkbox"/>	<input type="checkbox"/>
5. I get compensatory holiday when I have to work on a public holiday or weekly rest day		<input type="checkbox"/>	<input type="checkbox"/>
6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it		<input type="checkbox"/>	<input type="checkbox"/>

03/13 Annual Leave & Holidays

7. How many weeks of paid annual leave are you entitled to?*		<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 3 <input type="checkbox"/> 4+
8. I get paid during public (national and religious) holidays		<input type="checkbox"/>	<input type="checkbox"/>
9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week		<input type="checkbox"/>	<input type="checkbox"/>

04/13 Employment Security

10. I was provided a written statement of particulars at the start of my employment		<input type="checkbox"/>	<input type="checkbox"/>
11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature <i>Please tick "NO" if your employer hires contract workers for permanent tasks</i>		<input type="checkbox"/>	<input type="checkbox"/>
12. My probation period is only 06 months		<input type="checkbox"/>	<input type="checkbox"/>
13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice)		<input type="checkbox"/>	<input type="checkbox"/>
14. My employer offers severance pay in case of termination of employment <i>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</i>		<input type="checkbox"/>	<input type="checkbox"/>

05/13 Family Responsibilities





15. My employer provides paid paternity leave <i>This leave is for new fathers/partners and is given at the time of child birth</i>		<input type="checkbox"/>	<input type="checkbox"/>
16. My employer provides (paid or unpaid) parental leave <i>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</i>		<input type="checkbox"/>	<input type="checkbox"/>
17. My work schedule is flexible enough to combine work with family responsibilities <i>Through part-time work or other flex time options</i>		<input type="checkbox"/>	<input type="checkbox"/>

06/13 Maternity & Work





18. I get free ante and post natal medical care		<input type="checkbox"/>	<input type="checkbox"/>
19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work		<input type="checkbox"/>	<input type="checkbox"/>
20. My maternity leave lasts at least 14 weeks		<input type="checkbox"/>	<input type="checkbox"/>

* On question 7, only 3 or 4 working weeks is equivalent to 1 "YES".





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- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 21. | During my maternity leave, I get at least 2/3rd of my former salary |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy
<i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child |  | <input type="checkbox"/> | <input type="checkbox"/> |





07/13 Health & Safety

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 25. | My employer makes sure my workplace is safe and healthy |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. | My employer provides protective equipment, including protective clothing, free of cost |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. | My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. | My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |









08/13 Sick Leave & Employment Injury Benefits

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 29. | My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. | I have access to free medical care during my sickness and work injury |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | My employment is secure during the first 6 months of my illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | I get adequate compensation in the case of an occupational accident/work injury or occupational disease |  | <input type="checkbox"/> | <input type="checkbox"/> |













09/13 Social Security

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 33. | I am entitled to a pension when I turn 60 |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | When I, as a worker, die, my next of kin/survivors get some benefit |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | I get unemployment benefit in case I lose my job |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident |  | <input type="checkbox"/> | <input type="checkbox"/> |



10/13 Fair Treatment

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment, promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Sex/Gender |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Race |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Colour |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Religion |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Political Opinion |  | <input type="checkbox"/> | <input type="checkbox"/> |




* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.

Nationality/Place of Birth		<input type="checkbox"/>	<input type="checkbox"/>
Social Origin/Caste		<input type="checkbox"/>	<input type="checkbox"/>
Family responsibilities/family status		<input type="checkbox"/>	<input type="checkbox"/>
Age		<input type="checkbox"/>	<input type="checkbox"/>
Disability/HIV-AIDS		<input type="checkbox"/>	<input type="checkbox"/>
Trade union membership and related activities		<input type="checkbox"/>	<input type="checkbox"/>
Language		<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation (homosexual, bisexual or heterosexual orientation)		<input type="checkbox"/>	<input type="checkbox"/>
Marital Status		<input type="checkbox"/>	<input type="checkbox"/>
Physical Appearance		<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy/Maternity		<input type="checkbox"/>	<input type="checkbox"/>
40 I, as a woman, can work in the same industries as men and have the freedom to choose my profession		<input type="checkbox"/>	<input type="checkbox"/>





11/13 Minors & Youth

41. In my workplace, children under 15 are forbidden		<input type="checkbox"/>	<input type="checkbox"/>
42. In my workplace, children under 18 are forbidden for hazardous work		<input type="checkbox"/>	<input type="checkbox"/>

12/13 Forced Labour

43. I have the right to terminate employment at will or after serving a notice		<input type="checkbox"/>	<input type="checkbox"/>
44. My employer keeps my workplace free of forced or bonded labour		<input type="checkbox"/>	<input type="checkbox"/>
45. My total hours of work, inclusive of overtime, do not exceed 56 hours per week		<input type="checkbox"/>	<input type="checkbox"/>

13/13 Trade Union Rights

46. I have a labour union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
47. I have the right to join a union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
48. My employer allows collective bargaining at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
49. I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination		<input type="checkbox"/>	<input type="checkbox"/>

Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

Greece scored 45 times "YES" on 49 questions related to International Labour Standards

If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.