



European Social Charter

European Committee of Social Rights

Conclusions XVI-2

(Greece)

**Conclusions concerning Articles 1§4, 2, 3,
4, 9, 10 and 15 of the Charter and Articles
1, 2, 3 and 4 of the 1988 Additional Protocol
in respect of Greece**

Introduction

The European Committee of Social Rights' function is to judge the conformity of the law and practice of States party to the European Social Charter.

A presentation of this treaty as well as general comments formulated by the Committee figure in the General Introduction to the Conclusions (www.coe.int).

The European Social Charter was ratified by Greece on 6 June 1984. The time limit for submitting the 13th report on the application of this treaty to the Council of Europe was 31 March 2002 and Greece submitted it on 6 September 2002. It concerns the reference period 1997-2000.

This report (www.coe.int) concerned the rights forming the first part of the “non-hard core” provisions of the Charter: the right to just conditions of work (Article 2), the right to safe and healthy working conditions (Article 3), the right to a fair remuneration (Article 4), right to vocational guidance (Article 9), right to vocational training (Article 10), rights of physically or mentally disabled persons to vocational training, rehabilitation and social resettlement (Article 15) as well as the Additional Protocol: the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex (Article 1), the right of workers to be informed and consulted (Article 2), the right of workers to take part in the determination and improvement of the working conditions and working environment (Article 3), the right of elderly persons to social protection (Article 4). Greece has accepted all of these articles.

The present chapter on Greece contains 25 conclusions¹:

- 6 cases of conformity: articles 2§3, 3§3, 4§2, 4§5, 10§1 and 10§2
- 8 cases of non-conformity: articles 1§4, 3§1, 4§1, 4§4, 9, 15§1, 15§2 and article 1 of the Additional Protocol

In respect of the other 12 cases, that is articles 2§1, 2§2, 2§4, 2§5, 3§2, 4§3, 10§3, 10§4, and articles 2, 3 and 4 of the Additional Protocol, the Committee needs further information in order to assess the situation. It asks the Greek Government to communicate the answers to these questions before the 31 March 2006.

The next Greek report will concern the accepted provisions of the hard core articles, that is Article 1 (right to work), 5 (right to organise), 6 (right to bargain collectively), 12 (right to social security), 13 (right to social and medical assistance), 16 (right of the family to social, legal and economic protection) and 19 (right of migrant workers and their families to protection and assistance), of the European Social Charter. It concerns the reference period 2001-2002 and should be submitted to the Council of Europe before 30 June 2003.

1. Article 1§4 has been considered during cycle XVI-2 because the Committee's conclusion depends on the conclusions under Articles 9, 10§3 and 15§1.

Article 1 – Right to work*Paragraph 4 – Vocational guidance, training and rehabilitation*

The Committee takes note of the information contained in the Greek report and refers to its conclusions under Article 9 (right to vocational guidance), 10§3 (right to vocational training and retraining of workers), and 15§1 (right of persons with disabilities to guidance, education and vocational training).

The Committee concluded that the situation was in conformity with the Charter with regards to vocational guidance; was not in conformity with the Charter with regards to rehabilitation of people with disabilities (lack of information), and it deferred its conclusion with regards to continuing vocational training (lack of information).

The Committee concludes that the situation in Greece is not in conformity with Article 1§4 of the Charter.

Article 2 – Right to just conditions of work*Paragraph 1 – Reasonable daily and weekly working hours*

The Committee notes from the Greek report that there have been no changes to legislation governing daily and weekly working hours during the reference period. As regards the minimum daily rest period the report states that under Section 3 of Presidential Decree No. 88/1999 it cannot be less than twelve hours in a 24-hour period. However, derogations from daily and weekly rest periods can be made by collective agreement on condition that equivalent periods of compensatory rest are provided, or, where this is not possible, that “adequate protection” of the workers is ensured. While recalling that weekly working hours cannot exceed 48 on average over a four-month period, the Committee notes from supplementary information provided by the Greek Government that daily working hours including overtime “can extend up to the limit of the beginning of the daily rest.” The Committee thus observes that twelve working hours per day are possible and it requests clarification as to whether this means that weekly working time of 60 hours or more is possible in individual weeks as long as the average calculated over a four-month period does not exceed 48 hours per week.

In reply to the Committee’s question in the previous conclusion concerning Legislative Decree No. 515/1970, pursuant to which the Minister of Labour may extend working time beyond the statutory limits in an emergency or in case of “state need”, the report states that the application of this decree takes place on a case by case basis taking into account employment policy considerations. The Committee asks that the next report contain examples of decisions by the Minister of Labour under the decree.

New regulations pertaining to working time flexibility were introduced by Act No. 2874/2000. In enterprises where the normal regime of 40 hours per week is applied, it may henceforth be agreed by collective agreement at the enterprise level to allocate 138 hours annually to certain periods with increased working time on condition that average weekly hours are reduced to 38, or, alternatively, that total annual working time is reduced by 92 hours. Moreover, in enterprises where the new flexibility regime is introduced, so-called “singular overtime employment” (ordered at the discretion of the employer without the approval of any authority) is no longer an option. The Committee notes in this respect that where enterprises maintaining the normal 40 hours per week regime are concerned, Act

No. 2874/2000 reduces the obligation of workers to perform singular overtime employment from five hours per week to three hours per week. The Committee observes that the new flexibility regime averages working hours on an annual basis and in order to assess its conformity with this provision of the Charter information is necessary on the absolute limits to weekly working hours (cf. the question above).

Finally, the Committee takes note of the information on the Labour Inspectorate Body created by Act No. 2639/1998. In terms of sanctions this act provides for administrative fines ranging from 50 000 Greek Drachma (GRD) to 3 million GRD (from 147 € to 8 800 €) and penal sanctions consisting in imprisonment of at least three months and/or fines of at least 100 000 GRD (294 €). The report states that in 2000, there were 397 indictments relating to violations of working time rules.

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 2 – Public holidays with pay

Apart from confirming that all categories of workers are entitled to public holidays with pay, the Greek report does not reply to the questions contained in the previous conclusion. However, from supplementary information provided by the Greek Government the Committee notes that in accordance with Joint Ministerial Decisions Nos. 8900/1946 and 25825/1951 all workers in the private sector required to work on a public holiday are entitled to the daily wage plus an increase of 75 % (in the case of wage earners) or 75 % of 1/25th of the salary (in the case of salaried workers).

Moreover, according to the supplementary information equivalent compensatory rest is provided for in specific legislative provisions, in collective agreements or under company regulations, but the Government is not in a position to state whether this protection extends to the great majority of workers.

The Committee recalls that Article 2§2 requires equivalent compensatory rest for work on public holidays and the Government must therefore demonstrate that such rest is guaranteed to the great majority of workers. It therefore asks that the requisite information be contained in the next report.

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 3 – Annual holiday with pay

The Committee notes from the Greek report that part-time workers and workers with a fixed term contract are entitled to *pro rata* annual paid holiday, if they have been employed in an enterprise for at least twelve months (Act No. 1346/1983 and Act No. 2639/1998). The Committee recalls its case law according to which all part-time workers, no matter how many hours they work, should enjoy the same protection under this provision of the Charter as full-time workers. It requests confirmation that the *pro rata* principle amounts to equal treatment.

The report confirms that a worker who falls ill or has an accident during annual holiday is entitled to sick leave and may take the holiday at another time.

Pending receipt of the information requested, the Committee concludes that the situation in Greece is in conformity with Article 2§3 of the Charter.

Paragraph 4 – Reduced working hours or additional holidays for workers in dangerous or unhealthy occupations

From the Greek report and supplementary information provided by the Government in reply to a question the Committee notes that reduced working hours and/or additional paid holidays are stipulated in legislation for workers engaged in certain activities such as radiology work, construction work, printing (state sector) and work before computer screens. Similar measures have been agreed in a number of enterprise and sector-level collective agreements, for instance in respect of workers in the iron and steel industry, workers in the oil and gas industry, printers, electricians and repairers of ships. Workers in certain public companies (telecommunications, airways, etc.) also benefit from such measures.

In reply to another question raised by the Committee, the report states that there are no special provisions regarding reduced working hours or additional paid holidays for workers employed in bauxite, lignite, nickel and lead mines. The workers in question are covered by the general working time provisions of the National General Collective

Agreement (forty hours per week). The Committee considers that mining and underground work are potentially dangerous and unhealthy activities and workers engaged in such activity should therefore benefit from reduced working hours or additional paid holidays. Nevertheless, in order to assess the situation properly the Committee asks that the next report contain evidence indicating that the great majority of workers employed in dangerous and unhealthy activities benefit from the protection of Article 2§4.

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 5 – Weekly rest period

The Committee notes from the Greek report that there have been no changes to the situation in law during the reference period. However, having noted that the provisions of the applicable legislation are applied “*pro rata*” to certain categories such as part-time workers, temporaries and seasonal workers, the Committee asks that the next report explain in detail what the *pro rata* principle means in practice for such workers as far the enjoyment of a weekly rest day is concerned.

The report confirms that where Sunday work in certain establishments is authorised by exception under Act No. 2224/1994 the workers concerned are given another full day off in the same week pursuant to Section 23§5 of Act No. 1957/1991.

With respect to certain categories of workers not covered by the legislation guaranteeing a weekly rest period (workers in agriculture, livestock, hunting and fishing, domestic staff and seafarers) the report states that such workers (excluding domestic staff and seafarers) account for about 17,5 % of total employment. As far as seafarers are concerned the report emphasises that Greece has ratified ILO Convention No. 180 (Seafarers’ hours of work and the manning of ships) which provides for one rest day per week.

Pending receipt of the information requested, the Committee defers its conclusion.

Article 3 – Right to safe and healthy working conditions*Paragraph 1 – Issue of safety and health regulations*

The Committee takes note of the information in the Greek report.

Content of the regulations on occupational health and safety

The Committee examined the general scope of the regulations in Conclusions XIV-2 (pp. 335 to 336). The report contains information requested on the content of preventive and protective measures in Greek regulations:

Protection against dangerous agents and substances:

– Protection of workers against asbestos. Council Directive 83/477/EEC of 19 September 1983¹ on the protection of workers from the risks related to exposure to asbestos at work, as amended by Directive 91/382/EEC of 25 June 1991², has been transposed into domestic law. Greek law (presidential decrees Nos. 70/A/1988 and 175/1997) requires employers to assess the risks of exposure to asbestos and notify activities involving exposure to asbestos to the relevant authorities, sets limit values to asbestos-in-air concentrations, limits exposure to the lowest reasonably practicable level and in all circumstances below the limit values, and prohibits the application of asbestos by means of the spraying process and working procedures that involve using low-density insulating or soundproofing materials. The report says that the information in the previous conclusion is no longer applicable and that Greek regulations now comply with the limit values laid down in the Community legislation.

The report also states that the asbestos mines have been closed and that the two factories – employing approximately 200 persons – that produce asbestos-cement products will either cease operations or continue to operate from 1 January 2005 onwards by replacing asbestos with asbestos substitutes.

It also notes that in accordance with Commission Directive 99/77/EEC of 26 July 1999, the distribution of products containing asbestos will be prohibited from 1 January 2005 onwards. The Committee asks for

1. Official Journal No. L 263 of 24/09/1983 p. 0025 – 0032.

2. Official Journal No. L 206 of 29/07/1991 p. 0016 – 0018.

information in the next report on how far the sale of asbestos is currently regulated, or even banned, in Greece.

The Committee recalls that compliance with Article 3§1 of the Charter requires states to prohibit the use in the workplace of asbestos in its most dangerous forms, namely crocidolite amphibole fibres. The Committee does not think that simply transposing Directive 83/477/EEC as amended by Directive 91/382/EEC is sufficient to achieve this objective, particularly as Greece continued to produce asbestos-cement products throughout the reference period.

– Protection against ionising radiation. During the reference period, Greece adopted Joint Ministerial Decision (M.D.) 1014 (FOR) 94/6-3-2001 to bring Greek legislation into line with Council Directives 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation¹ and 97/43/Euratom of 30 June 1997 on health protection of individuals against the dangers of ionising radiation in relation to medical exposure². The Committee recalls that to be in compliance with Article 3§1, states must offer effective protection against the risks related to ionising radiation, which involves adjusting their regulations to take account of the recommendations of the International Commission on Radiological Protection (ICRP). It considers that these recommendations are sufficiently reflected in the dose limits in Directive 96/29/Euratom and that the situation in Greece is therefore in conformity with Article 3§1 in this regard.

Protection of non-permanent workers

In reply to the general question on measures to take account of the occupational health and safety needs of persons on fixed term and temporary contracts, the report states that the health and safety regulations apply to all employees, including those on fixed-term contracts.

The Committee notes from another source³ that in 2000, temporary work accounted for 13,1 % of total employment in Greece and

1. Official Journal No. L 159 of 29/06/1996 p. 0001 – 0114.

2. Official Journal No. L 180 of 09/07/1997 p. 0022 – 0027.

3. *Non-permanent employment, quality of work and industrial relations*, study conducted in 2002 by the European Industrial Relations Observatory On-line (consulted on the site www.eiro.eurofound.eu.int).

covered fixed-term contracts and other forms of temporary and seasonal work.

The Committee points out that for the situation to be in conformity with Article 3§1 of the Charter, states must take the necessary measures to equip non-permanent workers (temporary agency workers and fixed-term workers) with information, training and medical surveillance adapted to their employment status, in order to avoid any discrimination in respect of health and safety in the workplace. It indicates that these measures must ensure that such workers are afforded adequate protection, including against risks resulting from a succession of accumulated periods spent working for a variety of employers, exposed to dangerous substances, and, if necessary, must contain provisions prohibiting the use of vulnerable workers for some particularly dangerous tasks. The Committee asks the Greek authorities to indicate how the regulations apply the Charter in this regard.

Personal scope of the regulations

In reply to the Committee's question, the report states that Presidential Decree No. 17/1996, which transposes Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work¹, covers, as the directive requires, all sectors of activity in the private and public sectors (industrial, agricultural, commercial, administrative, educational and cultural activities, services, recreational activities, etc.).

In principle, Greek occupational health and safety legislation does not apply to self-employed workers. However, there are some exceptions, the most important of which derive from Community law and concern sub-contracting and the requirement for firms sharing the same workplace to co-ordinate occupational risk prevention activities (Presidential Decree No. 17/1996). Greece has a very high proportion of self-employed workers (37,8 % of total employment², by far the highest rate of all European Union countries). In its previous conclusion, the Committee found that this warranted the utmost circumspection and thought that there remained at least one serious gap, namely the situation where a self-employed worker employed

1. Official Journal No. L 183 of 29/06/1989 p. 0001 – 0008.

2. According to the Third European Survey on Working Conditions, 2000

family members. The report does not dispute this finding, which applies particularly to the agricultural sector. As a result, the Labour Inspectorate has conducted a special campaign to provide information on health and safety in agriculture.

The Committee recalls that for the purposes of Article 3§1, all workers, including non-employees, must be covered by health and safety at work regulations (Conclusions I, p. 8 and Conclusions II, p. 182). It has consistently maintained this interpretation, on the grounds that employed and non-employed workers are normally exposed to the same risks in this area. The Committee notes that, as far as Greece is concerned, the self-employed are only covered by occupational health and safety regulations on an exceptional basis and that there are still gaps that could affect the health and safety of other persons. It therefore considers that Greece still clearly fails to ensure risk-free and healthy working environments that safeguard the health and safety of all concerned.

Conclusion

The Committee concludes that the situation in Greece is not in conformity with Article 3§1 of the Charter because self-employed workers are not sufficiently covered by the occupational health and safety regulations.

Paragraph 2 – Provision for the enforcement of safety and health regulations by measures of supervision

The Committee takes note of the information in the Greek report.

Employment injuries and occupational diseases

The Committee observes from the report and the ILO *Yearbook of Labour Statistics* (2001) that the number of occupational injuries declared to the national social insurance institute (IKA) for which compensation was paid continued to decrease during the reference period (18 615 in 1999 compared with 21 541 in 1995). When compared with total employment¹, these figures confirm the marked decline in the incidence of accidents (0,45 per 100 workers) observed in the previous reference cycle. Setting aside the victims of the September 1999

1. 3 967 200 in 1998, according to the ILO Yearbook.

earthquake, 116 accidents led to the death of the individual concerned, which means that fatal accidents represented 0,6 % of all accidents, a rise of 0,1 % compared with the average for the years 1993-97.

In answer to the Committee's question, the report states that employers are required to notify any occupational injury within twenty four hours to the SEPE and the local police. The Committee would like the Government's comments on the information reported by the European Commission¹ that in the nine main branches of the economy (agriculture/hunting/forestry; manufacturing industry; electricity, gas and water production and distribution; construction; commerce; repair of motor vehicles and domestic items; hotels and restaurants; transport and communications; financial activities; rentals and services to business) only 39 % of accidents were notified.

In its previous conclusion, the Committee asked what remedial action was taken in response to the higher accident rate in small and medium sized enterprises. The report explains that, as in other countries, this is mainly the result of lack of organisation in small firms and the frequent use of short-term and seasonal labour. Officials from the labour inspectorate (SEPE, see below) visit all enterprises. For example, in 1999, 10 % of their visits were to the sectors in which small and medium sized enterprises are most numerous. Moreover, since 1996, all undertakings with fewer than fifty employees have been required to employ a safety technician.

The report states that in 2000, a working group was set up to prepare a new list of occupational diseases. The list will concern all insured persons and not just those insured with the IKA. The Committee wishes to be informed of developments.

Activities of the labour inspectorate

On 1 July 1997, a new unified labour inspectorate (SEPE) was established under the supervision of the Ministry of Labour and Social Security, with responsibility for overseeing the application of health and safety at work legislation. The main changes compared with the previous situation (see the description in Conclusions XIV-2, p. 338) are as follows: increased powers to detect illegal employment and uninsured workers; greater specialisation of inspectors – social, technical and

1. Eurostat – “Statistics in Focus” Population and social conditions: No 16/2001 “Accidents at work in the EU 1998-1999”

medical; increase in the number of inspectors – creation of 1 048 posts, compared with a previous staffing of 463; compulsory initial and in-service training for inspectors; an adequate technical infrastructure.

The new department is responsible for every sector except mines and quarries, the fishing industry and work involving exposure to ionising radiation, which answer to specialist bodies. All enterprises are covered, irrespective of number of employees. As noted in the previous conclusion, self-employed persons working alone may also be subject to supervision.

The report states that in 2000 – the SEPE's first year of operation – 18 141 inspections were carried out, each concerning an average of 217 employees. More than a third of inspections were in the construction sector. The Committee asks that as well as updating this information the next report will specify the number and proportion of enterprises visited. It also asks for information on the concept of inspections.

899 violations were recorded. In 393 cases, a cessation of activities was ordered and 207 administrative fines were imposed, representing a total of 146 735 €. The Committee notes that the number of violations recorded is extremely low in comparison with the number of visits, and would like to receive comments from the government on this subject, particularly as concerns the sufficiently unexpected nature of visits. It also asks for information in the next report on the scale of administrative fines, whether they are imposed by violation and/or increased proportionately to the number of workers concerned and any criminal action taken.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 3 – Consultation with employers' and workers' organisations on questions of safety and health

The Committee takes note of the information in the Greek report.

The Committee examined the procedures for consulting workers' organisations in the private sector in Conclusions XIV-2 (pp. 339 and 340).

It asked for further information on consultation at company level. Article 2 of the Act 1568/1985 requires that undertakings with more than fifty employees shall set up workplace health and safety committees (EYAE). The report states this provision empowers all enterprises to establish health and safety at work committees but that there are no statistics on the proportion of enterprises that have such committees. Workplace health and safety committees are regularly informed of any facts relating to working conditions, can call on the employer to adopt measures in the event of immediate and serious danger and request expert assistance and are involved in labour inspectorate visits.

In undertakings where there are no workplace health and safety committees, pursuant to Section 10 of Presidential Decree No. 17/1996, the health and safety representatives shall be informed and consulted with regard to any activity which might have a relevant impact on safety and health and shall participate *inter alia* in the drawing up of health and safety regulations.

In its previous conclusion, the Committee also asked how workers' organisations were consulted in the public sector. The report states that under Act No. 2738/1999 on collective bargaining in the public administration, public sector trade unions, public corporations and local self-government organisations are required to negotiate on working terms and conditions. Any issue relating to health and safety at work may therefore be raised in negotiations on collective agreements on this subject (section 3.20 of the Act). In addition, joint committees carry out inspections in certain industries such as construction or ship building, irrespective of whether these come under the public or the private sectors.

The Committee concludes that the situation in Greece is in conformity with Article 3§3 of the Charter.

Article 4 – Right to a fair remuneration

Paragraph 1 – Adequate remuneration

The Committee notes from the Greek report that the gross national average wage in 2000 amounted to about 442 814 Greek Drachma (GRD) per month corresponding to about 1 300 €. In comparison, the monthly minimum wage for an employee (non-manual worker) with 0-3 years work experience was 155 948 GRD (about 458 €) in the second half of 2000. Consequently, the minimum wage for employees only represented about 35 % of the national average wage. The gross minimum wage for a manual worker was 6 988 GRD (20,5 €) per day in the second half of 2000, which according to the Committee's calculations would correspond to about 151 406 GRD per month (444 €) representing less than 34 % of the national average wage.

In the absence of the information requested in the previous conclusion on the effects of taxation and social security contributions on the relationship between the minimum wage and the average as well as of information showing that more favourable wage rates for all workers are fixed by collective agreement or other means, the Committee considers that the level of the minimum wage falls manifestly short of the requirements of this provision of the Charter. It recalls its case law according to which the minimum wage must at the outset represent at least 60 % of the national average wage (with wages being calculated net).

The Committee again reminds the Government that each report on the application of Article 4§1 of the Charter must include information on the value of the minimum wage as well as of the average wage, in both cases after deduction of social security contributions and taxes. Moreover, it asks that the next report state what is the approximate number of workers receiving the minimum wage.

The Committee concludes that the situation in Greece is not in conformity with Article 4§1 of the Charter as the minimum gross wage falls manifestly short of the 60 % threshold and as the Government has not shown that the effects of taxation or other factors result in the minimum wage ensuring a decent standard of living for the worker receiving it.

Paragraph 2 – Increased rate of remuneration for overtime work

The Committee takes note of the information provided in the Greek report and recalls that the situation has always been found to be in conformity with the Charter.

According to the report, there have been changes in relevant Greek legislation governing the workers' right to an increased rate of remuneration for overtime work.

Pursuant to Act 2874/2000 on the promotion of employment and other provisions and to Presidential Decree 88/1999 on minimum specifications for arrangement of working conditions in compliance with Directive 93/104/EC, the statutory working time is forty hours per week.

However, workers may be required by their employers to perform additional three hours per week at a 50 % increased rate of remuneration. Any work performed beyond this three-hour threshold is considered as overtime work and must be duly authorized by the competent labour inspection.

Overtime work is limited to 120 hours per year in non-industrial undertakings and to 25 to 30 hours per year in the industrial sector. It is compensated by a 50 % increased rate of remuneration. The report states that hours worked in addition to these statutory limits must be authorized by a resolution of the Ministry of Labour based on an opinion of the Supreme Labour Council and compensated by a 75 % increased rate of remuneration.

The Committee concludes that the situation in Greece is in conformity with Article 4§2 of the Charter.

Paragraph 3 – Non-discrimination between men and women workers with respect to remuneration

The Committee takes note of the information contained in the Greek report.

The right to equal pay is enshrined in the Constitution (Article 22§1), which stipulates that "all workers, regardless of gender or other distinctive features, have the right to equal pay for work of equal value". Law No. 1414/84 on the application of the principle gender equality in employment relations prohibits discrimination in particular

in respect of equal pay for equal work (Article 4§1). This law applies to all persons bound by an employment contract. The Committee asks whether Article 22 of the Constitution is the only legal basis for the right to equal pay in the public sector.

The law defines remuneration as covering the salary and any other payment made by the employer to the employee, directly or indirectly, in cash or in kind, in consideration of work done (Article 4§2).

The Committee asks if it is possible to look outside the enterprise for elements of comparison to determine whether work is equal or of equal value, this being a condition of conformity with Article 4§3.

Any clause in collective agreements, individual contracts and company regulations which is at variance with the equality principle is considered null and void (Article 5§3 of law No. 1414/84, revised).

Article 4§3 of Act No. 1414/84 stipulates that job classifications for the purpose of fixing wages must be based on the same criteria for men and women and must be applied without discrimination based on gender. The Committee requests information on all measures taken to make job evaluation criteria more transparent and job evaluation more objective.

According to the Greek National Statistical Service, in 1998 the difference between men's and women's wages ranged from 5,6 % for staff in the retail trade to 32,2 % in the insurance sector.

The Committee notes, in another source¹, that reducing the wage gap is not among the issues addressed in collective bargaining and that equality is not a priority of trade unions or employers' organisations. The Committee notes that no specific measures have been included in the successive action plans in the field of employment policy. It asks what concrete measures the Government intends to take to improve the social partners' awareness of this issue and include proactive measures in employment policy in order to reduce the wage gap.

Employees who feel that they have been discriminated against in violation of the law may complain to the Labour Inspectorate. Under law No. 2639/98, employers who break the law may be fined from 146 to 8800 €. The fine is imposed by the Labour Inspector, who must

1. *EIRO Comparative study on gender pay equity: the case of Greece* consulted on the Internet site of the European Industrial Relations Observatory (www.eiro.eurofound.ie).

explain the reasons for his decision. If the employer fails to comply after being fined, the case is brought before the labour tribunal. Employees who believe their rights have been violated may also take legal action.

The Committee wishes to know what other consequences violation of the equal pay principle may entail for the employer apart from a fine. Does the victim have the right to claim the difference in pay and, if so, can she also claim additional compensation? It also wishes to know where the burden of proof lies in disputes over equal pay¹.

Article 6 of law No. 1414/84 prohibits all discrimination in respect of dismissal, including dismissal as a retaliatory measure.

The general rules governing dismissal apply in cases of illegal or abusive dismissals. In such cases the judge declares the dismissal null and void and, on this basis, the employment relationship is maintained.

The Committee considers that the principle of non-discrimination between the sexes includes equality of remuneration between full-time and part-time workers, insofar as the majority of part-time workers are women and this can lead to indirect discrimination. The Committee requests the following information in this respect:

- Is the hourly wage of part-time workers employed in the same type of job or in a similar job identical, as a rule, to the hourly wage of full-time workers ?
- Are there possible exceptions to this principle and, if so, on what grounds ?
- If pay increases in line with length of service, how is the latter calculated in the case of part-time workers ?
- Are certain components of pay, such as premiums, bonuses, entitlements and benefits associated with complementary insurance schemes, paid as a result of employment, reserved for full-time workers?

Pending receipt of the information requested, the Committee defers its conclusion.

1. *Ibid.*

Paragraph 4 – Reasonable notice of termination of employment

The Committee takes note of the information provided in the Greek report.

It recalls that Greek law provides that manual workers are given daily wages instead of a period of notice for termination of employment and that, in its previous conclusions, it found that the number of daily wages granted was not reasonable.

Noting that the report does not indicate any changes, the Committee concludes that the situation in Greece is not in conformity with Article 4§4 of the Charter.

Paragraph 5 – Limitation of deduction from wages

On the basis of the information provided in the Greek report and in previous reports, the Committee notes that the situation with regard to the limitation of deductions from wages, which it previously considered to be in conformity with the Charter, has not changed.

Furthermore, it notes that, in reply to a question from the Committee on how Greek courts decide whether deductions from wages of workers having defrauded their employers are legitimate, the report states that, according to relevant Supreme Court case law, these deductions may only be made on the portion of salary which is not devoted to the worker's and his family's basic needs.

It therefore concludes that the situation in Greece is in conformity with Article 4§5 of the Charter.

Article 9 – Right to vocational guidance

The Greek report provides up-to-date information concerning vocational guidance.

As Greece has accepted Article 15 of the Charter, the measures concerning vocational guidance of people with disabilities are dealt with under that provision.

Vocational guidance within the education system

a. Functions, organisation and operation

The report indicates that new legislation, Act 2525/97, was enacted to complement the existing legal framework for School Vocational Guidance (SVG) -Act 1566/85. SVG is the responsibility of the Ministry of National Education and Religion and targets students in the last year of lower secondary school and in the first year of upper secondary school.

The 1997 Act has redefined the concept of guidance and its institutional organisation. The SVG Sector of the Pedagogical Institute, set up in 1993, has created the necessary infrastructure: 68 Centres of Consultancy and Orientation (KESYP) have been established in the prefectures all around the country, and 200 Offices of School Vocational Guidance (GRASEP) have been set up in school units. At national level, two Centres of Consultancy and Orientation has been created in, respectively, the Ministry of National Education and Religion and the Pedagogical Institute.

Co-operation is carried out among these bodies and with other agencies dealing with guidance, such as universities bodies, the Organisation of Vocational Education and Training (OEEK), etc.

The services offered by the KESYP and the GRASEP are free of charge.

The Committee asks if students can chose to follow or not the advice received through guidance. If the advice is compulsory, the Committee asks which are the consequences in case of non-compliance by the student.

b. Expenditure, number of staff and persons assisted

The report indicates that, during the reference period, the total public expenditure for guidance amounted to around 900 million Greek

Drachma (GRD, about 2,6 million €), which represented 20-25 % of the total expenditure for guidance. Given the low share of public expenditure on guidance with respect to the state budget, the Committee asks whether expenses are partly taken over by families, directly or indirectly by paying private institutions' fees.

As to staff, the report informs that there were 120 Consultants of SVG, 78 experts of information and 500 teachers-consultants. Further training on guidance is regularly provided to teachers.

Beneficiaries of the SVG services are all students of secondary education.

Vocational guidance in the labour market

a. Functions, organisation and operation

The report indicates that the Vocational Guidance Directorate of the Greek Manpower Employment Organisation (OAED) is the central service responsible for guidance in the labour market. Locally, there are five centres, but three new centres are planned in consequence of the growing need of guidance.

The Vocational Guidance Centres offer individual guidance to young persons of 15-18 drop out from school, students of secondary education, unemployed people. They also offer group guidance to provide information about professional options.

Vocational guidance is also provided in the 63 Centres of Employment Promotion.

b. Expenditure, number of staff and persons assisted

The report provides the following figures about the OAED vocational guidance activities during the reference period.

The total expenditure for vocational guidance amounted to 164 million GRD (about 481 200 €).

Staff accounted for nineteen consultants of vocational guidance and three psychologists.

Beneficiaries grew from 9 722 in 1997 to 19 914 in 2000.

The Committee asks for similar information about the vocational guidance carried out by the Centres of Employment Promotion.

Dissemination of information

The report indicates that, with respect to guidance in the education system, information is provided by printed material (folders, brochures, guides and books), and electronically via the NESTOR network and the SVG site¹. The NESTOR network links together the KESYP and the GRASEP. The site contains up-to-date databases, electronic version of books, as well as any information concerning studies, professions, training and employment.

Nationals of the other Parties to the Charter

With respect to guidance in the labour market, the report indicates that access is ensured to all interested parties, provided they speak Greek.

The Committee asks if the language requirement is provided by law.

Conclusion

The Committee concludes that the situation in Greece is not in conformity with Article 9 of the Charter because of the language requirement imposed to have access to vocational guidance services.

In accordance with Article 14§2 of the Committee's Rules of Procedure, a dissenting opinion of Mr. N. ALIPRANTIS is appended to this conclusion.

1. <http://sep.pi-schools.gr>

Article 10 – Right to vocational training

Paragraph 1 – Promotion of technical and vocational training and the granting of facilities for access to higher technical and university education

The Committee takes note of the up-dating information provided in the Greek report about initial vocational training carried out by the Vocational Training Institutes (IEK) under the management of the Organisation of Vocational Education and Training (OEEK).

The Committee observes that the Greek education and training system consist of compulsory education, secondary general and vocational education, post-secondary vocational education, and higher education.

The Committee recalls that Article 10§1 covers all forms of higher education. In view of the current evolution of national systems, which consists in the blurring of the boundaries between education and training at all levels within the dimension of lifelong learning, the Committee considers that, today, the notion of vocational training of Article 10§1 covers initial training, i.e. general and vocational secondary education, university and non-university higher education, and continuing training. University and non-university higher education are considered to be vocational training as far as they provide students with the knowledge and skills necessary to exercise a profession.

Under Article 10§1 national reports should, accordingly:

- describe the most recent measures adopted to promote vocational training, including general and vocational secondary education, university and non-university higher education, apprenticeship, and continuing training (the description of the whole system may be recovered from existing database on the topic: Eurydice, Cedefop);
- highlight the bridges between secondary vocational education and university and non-university higher education;
- outline the mechanisms for the recognition/validation of knowledge and experience acquired in the context of training/working activity in order to achieve a qualification or to gain access to general or technical education;

- underline the measures to make general secondary education and general higher education qualifications relevant from the perspective of professional integration in the job market;
- outline the mechanisms for the recognition of qualifications awarded by continuing vocational education and training;
- provide figures about the completion rate of students enrolled in higher education;
- provide figures on the employment rate of people who hold a higher-education qualification and the waiting-time for these people to get a first qualified job.

It is clear that access to higher technical or university education based solely on individual aptitude cannot be achieved only by setting up educational structures which facilitate the recognition of knowledge and experience as well as the transfer from one type or level of education to another; this also implies that registration fees or other educational costs do not create financial obstacles for some candidates.

The Committee requires that the next report provide detailed information on the entire education and training system on the basis of the above guidelines and the Form for Reports.

As Greece has accepted Article 15, the measures concerning training of people with disabilities are dealt with under that provision.

Secondary education

The Committee observes from another source¹ that, from 1998/99, at the completion of nine years compulsory education (six years of primary education and three years of lower secondary education – gymnasium), pupils can opt for unified upper secondary education (EL) or technical vocational schools (TEE).

Unified upper secondary education provides education in three fields of study, theoretical, practical and technological, and lasts three years. Technical vocational schools (TEE), which operate under the supervision of the OAED (the Greek Manpower Employment Organisation), aims at providing technical and vocational knowledge

1. Eurybase, Greece, 2001, (www.eurydice.org); OEEK website (www.oEEK.gr).

and to cultivate skills to facilitate young people's entry into the labour market.

The Committee notes from Eurydice that, during the 1998-2000 period, there were, on average, 1 300 public and private general upper secondary schools and 500 public and private technical vocational educational schools.

The number of students in general upper secondary education (public and private) decreased from about 300 000 to 240 000. Students attending technical vocational schools (public and private) increased from about 100 000 to 124 000.

The ratio teacher/pupil in general upper secondary school was stable at around 1:10, while that in technical vocational schools decreased from 1:9,7 to 1:7,8.

Higher education

The report provides information only on post-secondary vocational education, which is carried out in the Vocational Training Institutes (IEK) under the management of the Organisation of Vocational Education and Training (OEEK). There are currently 138 public and 71 private IEKs. Students attend IEK for a period of one or two years depending on their previous upper secondary school leaving certificate. Education is both theoretical and practical and concerns the following fields: telecommunications, financial and administrative services, tourism, transport, food and beverages, mechanical, electrical and electronic engineering, and building.

The report indicates that, during the reference period, trainees at public IEKs increased from about 38 000 to 71 000, while teachers accounted to around 10 000 in 2001. The total expenditure for public IEKs also grew from about 19 billion Greek Drachma (GRD; about 55 million €) in 1997 to 35 billion GRD (about 102 million €) in 2000.

The Committee observes from another source¹ that, in Greece, higher education is provided by universities and Technological Education Institutions (TEI). The education provided at the fourteen TEIs is chiefly oriented toward the assimilation and transfer of scientific knowledge to production. Among others, the following fields of

1. *Ibid.*

specialisation are offered: administration and economics, health and welfare occupations, technological applications, food and nutrition technology.

The Committee noted from Eurydice that, during the reference period, students enrolled in universities were on a yearly average about 260 000. In 1999/00, students in TEIs were about 130 000.

The Committee reiterates its question for information on measures taken to facilitate access to higher technical and university education, especially on the fact that individual aptitude is the only criterion for access to higher education.

The Committee observes from Eurostat that the total public expenditure for education increased from about 3,3 billion GRD (about 10 million €) in 1997 to 4,3 billion GRD (about 12 million €) in 2000. This represents, on a yearly average, about 3,5 % of the GDP. The Committee notes this percentage is lower than the EU average, which stands at 5 %, and that these figures are in contradiction with those provided by the report with respect to the sole IEKs expenditure, unless the 1998 devaluation is the reason for so a sharp difference.

The Committee, therefore, reiterates its question that the next report provide more complete information about public budget for education and vocational training.

As far as equality of treatment is concerned, the report confirms that, at least with respect to IEK, nationals of the other Contracting Parties to the 1961 European Social Charter and of the Parties to the Revised European Social Charter lawfully resident or regularly working in the country are granted equal access (Act No. 2224/94).

The Committee observes from another source¹ that legislation has been enacted to grant equal access to foreigners, supposedly including nationals of the other Contracting Parties to the 1961 European Social Charter and of the Parties to the Revised European Social Charter lawfully resident or regularly working in Greece, to higher education. The Committee asks for confirmation.

1. Ministerial Decision No F152/B6/198/4-4-2000 (www.ypepth.gr).

Conclusion

Pending receipt of the requested information, the Committee concludes that the situation in Greece is in conformity with Article 10§1 of the Charter.

Paragraph 2 – Promotion of apprenticeship

The Greek report indicates that, according to Act No. 2640/98, apprenticeship is part of secondary technical vocational education, is free of charge and targets young people from 15 to 23 years.

Apprenticeship takes place in the fifty two technical vocational schools (TEE) under the supervision of the Greek Manpower Employment Organisation (OAED). It is organised in two cycles of study: A and B.

Cycle A lasts three years and combines theoretical education in the Educational Unit and practice in public or private enterprises. An apprenticeship agreement, subject to the legal framework of relevant acts and ministerial decisions, is concluded between the employer and the TEE, defining the length of the apprenticeship, the employer's obligations, etc. Students are remunerated by a percentage of the occasional daily wage for an unskilled worker, are insured, and are granted leave, accommodation benefits and medical care.

The report indicates that, in the year 2000/01, 19 000 students attended apprenticeship in the TEE. In reply to the Committee's question, the report states that the number of students undertaking apprenticeship corresponds to the training places available and that between 20 and 50 % of the applicants are not admitted each year due to the shortage of places. In order to overcome the situation, the OAED has introduced a subsidy for the employers consisting of a daily compensation (5,87 €) for trainee and position of employment offered.

Trainees completing the A cycle can enter the labour market, enrol in Cycle B or into lyceum.

Cycle B consists of a one year course of theoretical and practical study, which also takes places in the TEE. It is planned to expand the offer, which currently stands at 260 places. Upon completion of the Cycle B, trainees can enter the labour market, can enrol in IEK or in TEI, for the latter upon passing the national examination.

The report also states that the Organisation of Vocational Education and Training (OEEK) organises apprenticeship ("practical exercise")

for graduates of the Vocational Training Institutes (IEK). 6 000, partially subsidised, places for a period of six months are available in public or private enterprises. The total expenditure for practical exercise amounts to about 3 million €.

There is no information in the report about expenditure for apprenticeships. Consequently, the Committee asks for it to be provided in the next report.

The report confirms that foreign nationals of the other Contracting Parties to the 1961 European Social Charter and of the Parties to the Revised European Social Charter lawfully resident or regularly working in Greece are granted equal access to all the above forms of apprenticeships.

In order to assess whether the situation is in conformity with Article 10§2 of the Charter and due to the evolution of the legal and practical framework of the organisation of apprenticeships at national level, the Committee asks the next report to provide information on the following topics: length of the apprenticeship and division of time between practical and theoretical learning; selection of apprentices; selection and training of trainers; remuneration of apprentices; termination of the apprenticeship contract.

Pending receipt of the requested information, the Committee concludes that the situation in Greece is in conformity with Article 10§2 of the Charter.

Paragraph 3 – Vocational training and retraining of adult workers

Under Article 10§3 of the Charter, the Committee considers continuing vocational training for employed and unemployed persons, including the long-term unemployed. Accordingly, the Committee will examine only those of the activation measures for unemployed people that strictly concern training. It is under Article 1§1 of the Charter that the Committee considers activation measures for the unemployed in general terms.

The Greek report contains some information on continuing vocational training programmes (SEK). The OAED (the Greek Manpower Employment Organisation) manages two main programmes: Alternate Vocational Training and Continuous Vocational Training. These are

implemented through a network of fifty Certified Centres of Vocational Training (KEK), spread almost all over the country.

Similarly to apprenticeships, the continuing vocational training programmes aim at providing theoretical training at educational centres and practical training in enterprises. These programmes target both employed and unemployed people.

For both programmes, the focus is to match the training with the needs of the market, in co-operation with social partners and employers.

Employed people

With respect to employed people, the report indicates that, next to the programmes mentioned above, the OAED manages additional in-company programmes. First, there is a training programme for the self-employed, which gathered about 111 000 participants in the 1994/2000 period, 46 % of whom were women. Secondly, there are specific programmes carried out under the LAEK Special Fund for Employment and Vocational Training, amongst which one concerning medium and small enterprises employees (about 19 000 participants in 2001), and another concerning vocational training financed through employers' contribution (220 000 participants in 2001). Finally, there are several training programmes targeting men and women farmers. From 1997 to 1999, 22 437 women farmers had been receiving training.

The Committee notes that the report does not provide a clear picture of the organisation of continuing training programmes for employed people and their participation. The Committee asks for this information to be provided in the next report.

From Eurostat, the Committee observes that, in 1999, 15 % of employees participate in some form of continuing vocational training. As in its previous conclusion (Conclusion XIV-2, p. 351), the Committee observes this participation's rate to be fairly low and asks which kind of measures are planned to increase it.

In view of the growing relevance of continuing vocational training, the Committee asks that the next report provides information on the existence of preventive measures against the deskilling of still active workers at risk of becoming unemployed as a consequence of technological and/or economic progress.

Unemployed people

From Eurostat, the Committee observes that in the period 1997-2000 unemployed people increased from 420 800 to 493 400, that is from the 9,8 % to the 11,1 % of the labour force (the total of employed and unemployed people in the country). The share of long-term unemployed (i.e. those persons who are without work for 12 months or more) as percent of total unemployment stood at around 55 % during the reference period.

The report indicates that the SEK programmes of the OAED are a relevant tool to provide training for unemployed people through the co-operation of the Certified Centres of Vocational Training (KEK) and the Centres for Promotion of Employment, which unemployed people turn to. In 2001, there were 2 100 participants in Continuous Vocational Training and 4 700 in Alternate Vocational training. Priority has been given to young unemployed people over adults (respectively 60 % to 40 %) who have been out of the job market for less than six months (65 %) in order to get them back to work quickly.

Additionally, the report refers to particular groups beneficiaries from training under the programme "Fighting exclusion from the job market". A fund, EKLA, has been set up to this purpose and employers contribute to it.

From Eurostat, the Committee notes that participants to training in the context of labour market policies accounted to about 86 000 in 1998 and 90 000 in 1999, which would resume to a participation rate of about 20 %.

The Committee notes that, notwithstanding its request, the report does not provide a clear picture of the organisation of continuing training programmes for unemployed people and their participation. The Committee asks for this information to be provided in the next report.

Moreover, taking into account that the high level of long-term unemployment, the Committee asks that the next report give more information on all the training measures available for long-term unemployed people.

The Committee asks whether legislation exists on the possibility of individual leave for training and, in particular, subject to what conditions, on whose initiative, of what length and in which cases it is paid or not.

As to expenditure for continuing vocational training of employed and unemployed people, there is no information in the report. From Eurostat, the Committee observes that the total expenditure for training amounted to 119 million € in 1999.

The Committee requests information on the sharing of the burden of the cost of vocational training among public bodies (state or other collective bodies), unemployment insurance systems, enterprises, and households as regards continuing training.

The report does not provide information about equal treatment of nationals of the other Contracting Parties to the 1961 European Social Charter and of the Parties to the Revised European Social Charter lawfully resident or regularly working in Greece, with respect to access to continuing vocational training. The Committee asks for this information to be provided in the next report.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 4 – Encouragement for the full utilisation of available facilities

The Committee takes note of the information in the Greek report, which concerns only vocational training provided by the Vocational Training Institutes (IEK) under the management of the Organisation of Vocational Education and Training (OEEK).

Fees and financial assistance (Article 10§4 a and b)

The report indicates that registration fees are normally charged for attendance of IEK. They amounted to 65 000 Greek Drachma (GRD; about 190 €) for every semester in 2000.

According to the report, fees may be covered by the system of scholarships for IEK's trainees. Each semester the scholarship amounts to twice the fees (about 381 € in 2000). There are two kinds of scholarships: those for the best performing students and those for students who meet social criteria. Previous requirements are high notes and the successful completion of the previous semester's courses. The report indicates that, in 2000, 7 805 scholarships were granted for a total amount of 507 million GRD (about 1,4 million €).

The Committee reiterates its request to receive full information about fees charged for university and non-university higher education and any kind of educational allowances.

The report confirms that, according to Act No 2224/94, equal treatment is ensured with respect to all types of educational allowances for nationals of the other Contracting Parties to the 1961 European Social Charter and of the Parties to the Revised European Social Charter lawfully resident or regularly working in Greece.

Training during working hours (Article 10§4 c)

The situation, which was found to be in conformity, has not changed.

Efficiency of training (Article 10§4 d)

There is no answer to the Committee's question of information about the evaluation of vocational training programmes for young workers, including apprenticeship. The Committee, therefore, reiterates its question.

As far as the participation of employers' and workers' organisations to their supervision is concerned, the Committee notes from another source¹ that they participate in Tripartite Advisory Committees whose main task is to survey the labour markets at regional and local level, and consequently propose to the Governing Board of the OEEK (Organisation for Vocational Education and Training) the introduction of new specialities in public Vocational Educational Institutes or the withdrawal of specialities, when demand drops. They also participate in the vocational training certification process.

The social partners also participate in the Administration of the OEEK.

Conclusion

Pending receipt of the requested information, the Committee defers its conclusion.

1. OEEK website (www.oEEK.gr).

Article 15 – Right of physically or mentally disabled persons to vocational training, rehabilitation and social resettlement

Paragraph 1 – Vocational training arrangements for disabled persons

The Committee notes the information in Greece's report.

According to the report in order to be granted the status of a person with a disability the person concerned must have a disability rate of at least 50 % due to a chronic physical intellectual or mental complaint or damage. The Committee wishes to know more specifically what benefits registration confers.

The Committee wishes to know what steps have been taken, if any, or are planned, to move away from a medical definition of disability and towards a more social definition such as that endorsed by the WHO in its International Classification of Functioning (ICF 2001).

The total number of persons with disabilities who benefited from welfare scheme was 130 815 in 2001.

The number of persons with disabilities who are registered by the Manpower Employment Organisation's (OAED) records of the unemployed is 16 500.

No figures are supplied for the total number of persons with disabilities in Greece, nor the total number registered, nor the total number of working age. The Committee requests this information.

Assessment of vocational skills

The Employment Services of the OAED have specialist counsellors to assist persons with disabilities find appropriate vocational training, to assess their vocational skills and provide support during training and employment. The Committee requests information on the regional distribution of these services.

Education and Vocational Training

The OAED is the primary provider of vocational training for adults, continuing training and apprenticeships. In order to encourage integration of persons with disabilities into these services 10 % of places are reserved for trainees with disabilities (adults and unemployed young persons). The Committee wishes to be informed

as to how many persons with disabilities receive training through mainstream courses.

There are three OAED specialised centres for the vocational training of persons with disabilities who cannot be integrated into mainstream facilities. Preparation for integration into the labour market is one of the objectives of these centres. 927 persons received training through these centres between 1997-2000 (annual average of 200-300).

In addition there are thirty nine bodies which operate specialised training centres for persons with disabilities. These bodies are legal entities of public and private law (NGO's and Municipalities) but are supervised by the Ministry of Health and Welfare. They are also subsidised by the Ministry and EU.

Training is also provided by these bodies within the context of the OP "Exclusion from the Labour Market" as well as within the context of Horizon axis of the Community Initiative employment programme. Between 1997 and 2000, 400 training programmes were implemented for 3 500 persons with disabilities. It is estimated that currently these bodies provide services to more than 2 000 persons annually.

The report provides details of two Operational Programmes for the Vocational Rehabilitation of Special Categories of Persons (EPEAK I & II), persons with disabilities are included in the categories eligible to benefit from the programmes. One of the objectives of the programmes is the inclusion of persons with special needs in the educational system, in particular into Public Vocational Training Institutes (IEK) through the adaptation of the infrastructure and equipment and special educational programmes. The Committee wishes to receive information in the next report on the number of persons with disabilities who participated in the programmes.

The Committee found no information in the report on vocational training or education for young persons with disabilities within the secondary education system, it asks for this information to be provided in the next report along with information on measures to enable persons with disabilities attend universities.

The Committee notes that there have been efforts made to promote the vocational training of persons with disabilities in Greece. However it does not at present have enough information to assess the overall adequacy of the situation, in particular whether the number of places meets the demand.

The Committee notes the information provided in the report on the qualifications required for staff providing vocational training for persons with disabilities. It asks whether general teacher training incorporates special needs education as an integral component.

The Committee asks whether legislation protects persons with disabilities from discrimination in access to education and training.

Conclusion

Noting that Greece has failed to provide evidence of its compliance with this provision in its last seven reports, the Committee concludes that the situation in Greece is not in conformity with Article 15 §1 of the Charter.

Paragraph 2 – Placement arrangements for disabled persons

The Committee notes the information in Greece's report

As regards placement services for persons with disabilities the Committee refers to the information under Article 15§1.

The Committee recalls from the information submitted under Article 15§1 that there are 16 500 persons with disabilities on the unemployment register.

Measures to promote employment

A number of measures exist in Greece to promote the employment of persons with disabilities. A quota system exists whereby a quota of jobs is reserved for people from certain vulnerable groups in the population and includes persons with disabilities. Act 2643/1998 (which replaced and amended the previous legislation on the subject Act 1648/1986) provides that private enterprises and public sector bodies that employ more than fifty persons are subject to the quota. According to the report, 13 000 persons with disabilities have been placed in employment through this scheme between 1987 and 1998. However the Committee notes from another source¹ that the number of applicants for this scheme far exceeds the number of available

1. Active labour market programmes for people with disabilities, country profile Greece's Report prepared for DG Employment and Social Affairs of the EU.

posts. The Committee asks whether the majority of firms comply with their obligations under the legislation and what penalties are imposed on those who do not comply.

The Committee notes from another source¹ that until recently the employment of persons with disabilities in the civil service was prohibited. Therefore it wishes to receive more information on the number of persons with disabilities employed in the public sector and civil service and information on general measures to encourage the recruitment of persons with disabilities to all grades of the civil service.

The Manpower Employment Organisation (OAED) continues to be the main agency responsible for integrating persons with disabilities into the labour market. The report details the various programmes implemented by the OAED:

- wage subsidies; there are three different wage subsidy schemes in operation; these benefited approximately 3000 persons with disabilities in 2001. The first three months of employment are deemed to be a period of adaptation and the employer receives an additional subsidy to facilitate the in-house training of the employee.
- subsidy programme for young professionals belonging to vulnerable social groups; this is a three-year subsidy programme for self-employment and the creation of small firms and cooperatives. According to the report this benefits 450 persons with disabilities on an annual basis.
- subsidy for the ergonomic adaptation of workplaces for persons with disabilities; under this programme 90 % of the costs of adaptation up to a ceiling of 2 400 € is covered. This is intended to benefit fifty persons in 2002.
- subsidy programme for employers and self employed persons within the framework of the operational programme “Fight against exclusion from the labour market”; this programme aims at the employment of persons who have already benefited from provision of training under the “Fight against exclusion from the labour market” training programmes.

1. *Ibid.*

Overall the Committee notes from the report and other sources¹ that the employment measures (placements) have been made available to an increased number of persons with disabilities, employment subsidies have become more generous and the duration of certain programmes has increased. Nevertheless it wishes to receive further information on the total number of persons with disabilities registered as unemployed who are placed in employment on an annual basis.

As regards sheltered employment facilities, the Committee requests further information on these; in particular the number and types of such facilities and well as the number of persons working in them. Further it wishes to receive information on the terms and conditions of employment in sheltered employment facilities.

Protection against dismissal and discrimination in employment

The Committee notes that national legislation against discrimination on the grounds of disability and on the promotion of equal opportunities has been prepared. It wishes to receive details of this in the next report. Meanwhile the Committee finds that the situation is not in conformity with the requirements of the Charter. It considers that the legal situation of persons with disabilities requires anti discrimination legislation.

As regards dismissal the Committee notes that a person with a disability employed under the quota scheme as laid down in under Act No. 2643/1998 can only be dismissed with the permission of the Regional Manager of the OAED when the enterprise or body concerned is facing financial collapse. Persons with disabilities can only otherwise be dismissed on the grounds stipulated in Article 11 of the above-mentioned Act. The Committee wishes to receive further information on these grounds.

1. Active labour market programmes for people with disabilities, country profile Greece Report prepared for DG Employment and Social Affairs of the EU.

Conclusion

The Committee concludes that the situation is not in conformity with Article 15§2 of the Charter as there is no legislation protecting persons with disabilities from discrimination in employment.

Article 1 of the 1988 Additional Protocol – Right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex

The Greek report on Article 1 of the Additional Protocol states that the “Greek Government wishes to enter a reservation concerning the application of the Protocol to this matter [social security]”. The Committee points out that social security falls within the scope of Article 1 of the Protocol to the extent that it affects equal treatment and equal opportunities. It draws the Greek authorities' attention to the wording of the Appendix, according to which social security matters may be excluded from the scope of Article 1. It therefore considers that the Greek Government was entitled to make a declaration when ratifying the Protocol to the effect that social security matters were excluded, but that it did not exercise this right.

The Committee has examined the equal rights situation in Greece over the reference period 1999-2000 from the standpoint of Articles 1§2 (elimination of all forms of discrimination in employment) and 4§3 (right to equal pay). On the basis of its conclusions regarding the first of these provisions (Conclusions XVI-1, p. 286), it has concluded that the situation is not in conformity with Article 1 of the Protocol since “the restrictions on the admission of women to the police college and the corresponding exclusion of women from 85 % of police duties constitute direct discrimination based on sex that has not been shown to be necessary in a democratic society to protect the public interest or national security or to be justified by the nature of the activities in question”. The Committee understands that a draft act to remedy the situation has been adopted outside the reference period and it asks to be kept informed of developments in the next report.

The report contains a great deal of information on special measures to protect women in relation to maternity. The Committee has examined these measures from the standpoint of Article 8 (right of employed women to maternity protection). Future reports should only provide information on forms of protection for women not exclusively connected with maternity.

The Committee has also examined the place of women in employment from the standpoint of Article 1§2. It asks for information in the next report on women's career development, such as the proportion of women with qualifications and the proportion of women occupying senior posts in the public and private sectors.

With regard to measures to promote equal opportunities, the report notes that Article 116§2 of the Constitution has recently (April 2001) been revised to specify that positive measures for the promotion of the equality between men and women do not constitute an act of discrimination based on sex. The Committee asks for information in future reports on such positive measures in individual firms and in collective agreements.

In accordance with the employment policy recommended by the European Union, promoting women's access to employment is one of the priorities of the national employment policy (pillar IV of the National Action Plan 2000). The Committee notes from another source¹ that gender mainstreaming remains a basic concern of the Secretariat General for Equality (an independent department set up in 1985 and reporting to the Prime Minister). It is particularly concerned with employment, helping women set up businesses, education and training. The Committee asks for information in the next report on how gender mainstreaming is applied in practice in both employment and education policies.

The report refers to several programmes co-financed by the European Union offering financial support for job creation, training and setting up businesses, aimed particularly at vulnerable groups. Most of these initiatives have benefited women.

The Committee concludes that Greece is not in conformity with Article 1 of the Additional Protocol during the reference period because of the restrictions on the admission of women to the police college and the corresponding exclusion of women from 85 % of police duties.

1. Report on national machinery, action plans and gender mainstreaming in the Council of Europe member States since the Fourth World Conference on Women, EG (99) 12, 2000

Article 2 of the 1988 Additional Protocol – Right of workers to be informed and consulted

The Committee takes note of the information provided in the Greek report.

Legal framework

The relevant legal provisions governing the right to information and consultation of workers are the Act No. 1767/88 on the works councils and other labour provisions¹, as amended, and the Presidential Decree No. 40/97 on the right of the employees to information and consultation at community scale enterprises and groups of enterprises in compliance with Directive 94/45/EC.

Section 2 of Act No. 1767/88 provides for the institution of works councils in charge of representing employees with regard to information and consultation within the undertakings.

Scope

Personal scope

Pursuant to Section 1 of Act No. 1767/88, undertakings with at least fifty employees shall allow, at the workers' request, the setting up of works councils. Where unions are not represented, this obligation applies also in undertakings with at least twenty employees.

According to the report maritime workers are not covered by the said Act, given the particular nature of work on board of ships.

The Committee recalls that like most workers in the private sector, maritime workers are covered by the obligations subscribed by Contracting Parties under Article 2 of the Protocol. It therefore asks whether Greek law and practice include other provisions guaranteeing the right to information and consultation of maritime workers.

The report also states that there are no figures showing the proportion of workers who are not covered by the provisions of Act No. 1767/88.

The Committee recalls that, on the basis of Article 7 of the Protocol, Article 2 shall cover the great majority (80 %) of workers employed in

1. Ratifying ILO convention 135.

private or publicly managed undertakings. It therefore requests that the next report provide appropriate information on this issue. In particular, it asks what is the exact proportion of workers employed in undertakings with less than twenty employees.

Finally, the Committee asks if the employers' obligation to inform and consult the works councils also applies with regard to trade unions represented within the undertaking.

Material scope

– Obligation of information

Pursuant to Section 13 of Act No. 1767/88, works councils shall be informed by the employer on all decisions with regard to:

- changes in the undertaking's legal status;
- total or partial transfer or limitation of the undertaking's facilities;
- introduction of new technologies;
- changes in the personnel structure, reduction or increase of the number of employees and suspension from duties or work station;
- the annual planning of investments on health and safety measures;
- any non-planned overtime work;
- general financial and production trends of the undertaking;
- balance sheets, annual reports and operating statements.

Compulsory information must be provided by the employer at least once a year or within a twenty day period from a work council's request. Disclosure of confidential information may be denied by the employer.

– Obligation of consultation

According to the report, in undertakings where there is no trade union representation employers shall consult the works councils in case of collective redundancy procedures and in any other cases provided by law.

The Committee understands that where there is some kind of trade union representation works councils are not consulted. It asks whether this assumption is correct.

Furthermore, it requests that the next report provide all relevant information with regard to the cases other than collective redundancies where the obligation of consultation applies.

Rules and procedures

According to the report, members of works councils are elected for a two-year term in proportion to the number of employees by direct and secret ballot within the employees general meeting. The report does not give details on eligibility conditions, in particular on whether non-unionised employees may be elected to the works council. The Committee requests that the next report provide appropriate information on this issue.

Pursuant to Section 11 of Act No. 1767/88 employers and works councils shall meet within the first ten days of every second month or, in exceptional cases, at the request of one of the parties. Topics to be discussed at meetings should be notified, by the proposing party, at least five days ahead of the meetings.

Remedies

According to the report, disputes over the right to information and consultation may be brought by labour organisations and employers before the labour inspection which decides on the matter. Non-compliance with the inspection's decisions may be sanctioned by fines ranging from 15 € to 293 € for each violation and each refusal to comply.

The Committee asks whether the labour inspection's decisions may be challenged before an independent body.

Conclusion

Pending receipt of the requested information, the Committee defers its conclusion.

Article 3 of the 1988 Additional Protocol – Right of workers to take part in the determination and improvement of the working conditions and working environment

The Committee takes note of the information provided in the Greek report.

The relevant legal provisions governing the workers' right to take part in the determination and improvement of working conditions and working environment are Act No. 1767/88 on the works councils and other labour provisions¹; Act No. 1568/85 on employees' health and safety; and Presidential Decree No. 17/96 on measures on the improvement of the workers' health and safety at work in compliance with directives 89/391/EEC and 91/383/EEC.

Working conditions, work organisation and working environment

The Committee notes that, pursuant to Section 1 of Act No. 1767/88, undertakings with at least fifty employees shall allow, at the workers' request, the setting up of works councils through which employees participate, among other things, in the determination and improvement of their working conditions and working environment. Where unions are not represented, this obligation applies also in undertakings with at least twenty employees.

The Committee asks whether these provisions also apply to undertakings managed by public authorities. Moreover, it asks what is the proportion of workers employed in undertakings with at least fifty and at least twenty employees, respectively, where works councils have actually been established.

Members of works councils are elected for a two-year term, in proportion to the number of employees and by direct and secret ballot within the employees general meeting. The report does not give details on eligibility conditions. Therefore the Committee requests that appropriate information with regard to this issue, in particular on whether non-unionised employees may be elected to the works council, be provided in the next report.

According to the report, pursuant to Section 12 of Act No. 1767/88, works councils decide jointly with the employer with regard to:

1. Ratifying ILO convention 135.

- the drawing up of internal regulations;
- the drawing up of health and safety regulations;
- the drawing up of information programs on the new methods for the organization of the undertaking and the use of new technologies;
- the programming of employees' training, continuous education and further education, in particular in the context of new technology;
- the control of employees' presence and behaviour and the protection of their privacy in particular against the use of audio-visual means;
- the programming of regular leaves;
- the reintegration of employees suffering from permanent disabilities following an accident at work, in appropriate posts;
- the programming and control of cultural, recreational and social events.

Protection of health and safety

The Committee notes that Section 2 of Act No. 1568/85 requires that, in addition to works councils, undertakings with more than fifty employees shall set up workplace health and safety committees. Other undertakings shall provide for the election of one employees' representative in charge of dealing with health and safety issues.

It also notes that, in undertakings where there are no works councils nor workplace health and safety committees, pursuant to Section 10 of Presidential Decree No. 17/1996, the health and safety representatives shall be informed and consulted with regard to any activity which might have a relevant impact on safety and health and shall participate *inter alia* in the drawing up of health and safety regulations.

It appears, from this information, that all workers may participate, through their representatives in the protection of their health and safety. The Committee requests a confirmation that the situation is as such.

Organisation of social and socio-cultural services and facilities

The Committee notes that, pursuant to Section 12 of Act No. 1767/88, works councils may participate in the organisation of social and socio-cultural services and facilities within the undertakings offering such services and facilities. It asks whether workers have a right to participate in the organisation of such services and facilities if offered in undertakings in which there is no works council.

Supervision

According to the report, disputes between employers and the works councils on the measures on which they must decide jointly (Section 12 of the Act No. 1767/88), shall be solved through the intervention-arbitration mechanism set up by Act 1876/1990 on free collective bargaining and other provisions.

The Committee asks whether decisions taken on the basis of these mechanisms may be brought before an independent judicial body.

It also asks what are the supervisory mechanisms in the context of workplace health and safety committees and of health and safety representatives.

Conclusion

Pending receipt of the requested information, the Committee defers its conclusion.

Article 4 of the 1988 Additional Protocol – Right of elderly persons to social protection

The Committee notes the information in the Greek report.

The goal of the policies for elderly persons in Greece is to maintain the elderly in their own environment for as long as possible in order to ensure independence, quality of life and social integration.

Approximately 1,7 million persons or 16,3 % of the population are over 65 years of age and the number is increasing.

The Committee asks whether there exists non-discrimination legislation protecting elderly persons against discrimination on grounds of age.

The Committee notes that elderly persons sometimes have reduced decision making powers or no such powers or capacity, it wishes therefore to know whether in these circumstances there exists a procedure for 'assisted decision making'. It refers in this respect to the principles laid down in Committee of Minister's Recommendation No R. (99) 4 concerning the legal protection of incapable adults.

Adequate resources

For persons over 56 years of age without social insurance a means tested flat rate benefit is guaranteed by the OGA (Social Security Fund for the rural population) and is equal to the pension awarded to those insured under this fund. Such persons are also entitled to free medical care under the National Health System.

Social security allowances (EKAS) are available for pensioners whose income falls below a set level. The amount of the allowance depends on the level of the pension, it is adjusted in line with the Consumer Price Index.

As regards housing benefit the Committee notes that housing benefit is payable in respect of low income couples over 65 years of age who rent property.

The Committee wishes to receive further information on pension levels, the flat rate benefit for those without social insurance and EKAS and on their comparison with minimum wages. It wishes to know whether pensions are linked to wage levels or the cost of living.

Services and facilities

The Committee interprets paragraph 1b of Article 4 of the Protocol as presupposing the existence of services and facilities. It has decided to examine information not only relating to the provision of information about these services and facilities but about the services and facilities themselves under this provision as opposed to under Article 14 of the Charter.

The report provides information on:

- Open Care Centres (*Kapi*) for the elderly have been developed as alternatives to institutional care. These fall under the responsibility of the Ministry of Health and Welfare and are financed by the State although they are run by the local authorities. There are a total of 373 such centres and each can accommodate approximately 300 persons. Open Care centres provide a wide range of services and facilities including medical care, physiotherapy, social and leisure activities.
- Care at Home programme; this was initiated in 1997 to provide care at home for elderly persons—primarily for those in need of medical care. The programme is supervised by the Ministry of Health and Welfare and the Ministry of Public Administration and Decentralisation. It is coordinated and monitored by a Monitoring Committee and implemented at the local level by the *Kapi*. It exists in 106 municipalities and provides services to more than 5 500 persons. It is planned to extend the programme further. Services such as medical services, home assistance are provided and it also aims to facilitate involvement in cultural, religious and social activities.

Other care services include programmes operated by the National Welfare Organisation through Family Care Centres such as old age clubs and old age groups. The Hellenic Red Cross provides home-nursing services for those discharged from the Red Cross hospital and provides training for families caring for elderly persons.

The Committee wishes to know whether services are provided by other bodies for families caring for elderly members (information, training, respite care etc), especially as the family remains the main care provider for elderly persons in Greece.

It also wishes to know whether there are specific day care centres for those suffering from dementia or other related illnesses.

Summer holidays are organized for elderly persons by the Social Centre for the Family and Youth in collaboration with *Kapi*, approximately 15 000 persons benefit from this every year. Similar programmes are organized by the national Tourism Organisation which subsidises holidays for elderly persons.

The Committee wishes to know whether there exist complaints procedures for inadequate provision of service and/or care.

The report provides details of the ways in which elderly persons are informed of the services available.

Housing

The report contains information on housing benefits for elderly persons but no information on how the needs of elderly persons are taken into account in national or local housing policies. The Committee requests information to be provided in the next report on this issue, including information on the provision (if any) of sheltered housing, the possibilities for adapting existing housing, the duty of local authorities to provide appropriate housing, the rules on security of tenure and whether the supply of housing for elderly persons is adequate. The Committee wishes to know in this respect whether the concept of 'lifetime adaptable housing' has been given consideration.

Health care Services

Elderly persons are entitled to free health care by virtue of membership of the social insurance funds or under the National Health System. The Committee wishes to know what proportion of the cost of medicines is borne by the elderly person.

Primary health care for elderly persons is provided by a number of institutions and bodies. The Committee wishes to receive further information on health care services for the elderly:

- health care programmes and services (in particular primary health care services) specifically aimed at the elderly;
- guidelines on health care for elderly persons if any;
- mental health programmes for persons with dementia and related illnesses;
- palliative care services for the elderly.

Institutional care

According to an appended source¹ the proportion of elderly persons living in institutions is less than 1 % of the total number of older people. Institutional or residential care is provided by public as well as private profit and non-profit bodies. There are 26 State-owned nursing homes for the chronically ill with a total of 2 600 places. There are also a certain number of old age homes and social homes.

Private bodies (including the church) operate 110 institutions, which have a total of about 5 500 places subsidized by the State. The Ministry of Health and Welfare is responsible for licensing such institutions and ensuring the quality of care provided.

The Committee notes that Ministerial Decisions set out the minimum standards that nursing homes must respect. It notes that it is the responsibility of the local authorities to monitor and supervise the operation of nursing homes and the quality services provided in them. Administrative and penal sanctions may be imposed for violation of the rules. The Committee considers that any inspection system should be independent of the entity that establishes or manages the residential facility and asks whether steps are envisaged to create an independent inspection mechanism. The Committee wishes to know whether the law requires homes to be inspected on a regular basis.

The Committee wishes to have further information on the following issues:

- requirements of staff qualifications and training and wage levels
- fee for any of the institutions?
- supply matches demand – are there waiting lists?
- are there special procedures for complaining about the care and treatment in institutions?
- how are the rights to personal dignity, privacy and right to maintain personal contact with those close to the individual guaranteed?
- are there guidelines on the care of persons suffering from dementia or related illnesses?

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- what are the policies on the right of persons to participate in the organisation of the life of the institution?
- can persons be compulsorily placed in such institutions? What is the procedure?
- are there guidelines on the use of physical restraints in institutions?

Conclusion

Pending receipt of the information requested the Committee defers its conclusion.

Dissenting opinion of Mr. N. ALIPRANTIS

Conclusion relating to Article 9

Knowing that there is no legal provision in Greek legislation on access to vocational guidance requiring users of the service to speak Greek, I consider that the opposite affirmation by the Greek report is due to misstatement or to mistake.

Therefore, since the European Committee of Social Rights considers it is entitled to draw information from reliable sources other than governments' reports, such as the knowledge of the experts, members of the Committee, I am in favour of a deferral.

