

CELSI Research Report No. 17

# THE RISE OF THE DUAL LABOUR MARKET: FIGHTING PRECARIOUS EMPLOYMENT IN THE NEW MEMBER STATES THROUGH INDUSTRIAL RELATIONS (PRECARI R)

## COUNTRY REPORT: GREECE

APRIL 2016

ARISTEA KOUKI ADAKI  
CHARA KOKKINO



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### **Aristea Koukiadaki**

The University of Manchester

### **Chara Kokkinou**

The University of Manchester

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#### **Central European Labour Studies Institute (CELSI)**

Zvolenská 29  
821 09 Bratislava  
Slovak Republic

Tel /Fax: +421-2-207 357 67  
E-mail: [info@celsi.sk](mailto:info@celsi.sk)  
Web: [www.celsi.sk](http://www.celsi.sk)

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**Corresponding Author:**

Aristea Koukidaki  
The University of Manchester,  
Oxford Rd, Manchester, UK  
E-mail: [aristea.koukidaki@manchester.ac.uk](mailto:aristea.koukidaki@manchester.ac.uk)

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## **Abstract**

The report critically assesses the evolution of precarious work in Greece. In doing this, it pays particular attention to the role of the legal framework, the employment model and the industrial relations system at domestic level. In line with the PRECARIR project analytical framework, the precarisation of work is understood here as the mechanisms which create, reproduce and possibly extend the disadvantaged segment(s) of labour market in terms of (1) low wages (2/3 of median gross hourly wages), (2) limited or no social security entitlements (3) low job security, and (4) other labour conditions less favourable than in standard employment contracts regulated e.g. limited access to training (Kahancová and Martišková, 2014). On this basis, the analysis first deals with the regulation of atypical/precarious work in the pre-crisis period. It then goes on to examine how the emergence of the crisis and the response to this conditioned the regulatory framework affecting precarious work. Empirical evidence is then presented on the nature and incidence of precarious work since the crisis and the analysis concludes with an evaluation of the current trends and the implications for the labour market institutions involved in dealing with precarious work.

It is argued that at present the Greek labour market is characterised by precariousness at two levels. The first concerns the nature of the employment relationship and includes the use of atypical forms of employment, such as part-time, short-time and subcontracted labour, which have increased substantially since the start of the crisis. But precariousness is also evident in the case of individuals in a standard employment relationship, i.e. direct and open-ended employment contracts, where the interaction between low wages, increasing inequalities between different workforce groups, the breakdown of collective bargaining and the inability of the state to act as a safety net have meant the growing precarisation of this part of the labour market as well, blurring the divide between those in standard employment relationships and not those on atypical forms of employment. In the absence of a legal/institutional framework that would promote the use of complementary regulatory mechanisms, including collective bargaining, to normalise and protect precarious forms of work, there are some attempts by the social partners (especially trade unions and employers' associations representing small and medium enterprises) to mutualise the risks associated with the changes in the labour market. The unilateral, piecemeal and fragmented nature of these activities in conjunction with the dysfunctional role of the state have meant that the effectiveness of these attempts to deal with the changes in the landscape of the labour market is limited and this presents important implications for workers and unions but also for employers and the state.

## **Part 1: Precarious work in the context**

### **1. The Greek system of labour market regulation in the pre-crisis period**

In the pre-crisis period, Greece was characterised as an example of a country with 'state capitalism' (Schmidt 2002) or 'Mediterranean style of capitalism' (Amable 2003). These systems have a number of common characteristics, including among others, the existence of an extensive regulatory role of the state in conjunction with fragmented organisation of unions and business; a number of countries that belong in these groups also face structural unemployment coupled with the operation of dual labour markets. Consistent with these features, the regulation of the labour market in Greece has been traditionally based on a fully-fledged legal structure that arose from the interventionist role of the state (Koukiadaki and Kretsos 2012). With respect to employment protection legislation, in particular, Greek labour law was traditionally structured with a permanent and personal work relationship between the

worker and the employer in mind. In this respect, the dominant form of work was the permanent and standard employment relationship; this reflected the social norms that were oriented towards the security and quality of professional life (Yannakourou 2004).

But even in the pre-crisis period, the Greek labour market was characterised by significant shares of seasonal, fixed-term and atypical employment. Research by Letourneux in 1998 reported that precarious work (which included all types of employment that were not permanent) stood at 18%. Part-time work stood at 14% of all contracts, the rate of self-employed was at 46%, significantly higher than the EU average rates, and the rate of fixed-term and seasonal work (mostly in hotels and in the construction sector) stood at 29% (Letourneux 1998). With respect to part-time work, its incidence was rather low for a number of years: the phenomenon was associated with low rates of pay traditionally provided in such cases. Low rates of pay then acted as a disincentive for individuals to opt for part-time work. Data from Eurostat for 2005 reported that 14,7% of women were part-time workers on an involuntary basis; the figure stood at 10,2% for men. One in three part-time workers was employed involuntarily for less than 6 months (30% for women and 41% for men) and 45% of those were below 30 years old. Broadly, there were differences in the nature and incidence of atypical employment between Greece and other EU Member States (mostly in northern Europe). While in Northern Europe, part-time jobs have been very common for a number of years (e.g. in the Netherlands and the UK), the development of non-standard employment in Greece was traditionally characterised by a reliance on temporary, i.e. fixed-term and seasonal work. The use of fixed-term contracts became prevalent, especially in the public sector, while seasonal work was particularly used in the service sector (mainly in retail and hotel and catering services). On top of this, Greece was characterised by an extended grey economy in which informal and unregulated precarious work was normalised (Kambouri, 2013).

The prevalence of such atypical and precarious forms of work should be seen in light of the traditions and particularities of the socio-economic and institutional structures in Greece (for an insightful analysis of the importance of these issues for precarious employment, see Barbier 2013). Among others, ‘the country’s semi-Fordist industrial structures, as well as to poor employment protection and welfare provision (long before pan-European recent flexibilisation trends) (Gialis et al. 2015: 2) combined with persisting rates of structural unemployment sustained such forms of work. In respect particularly of the organisation of the Greek economy, this was predominantly characterised by family, small and medium enterprises both in the manufacturing and service (retail, tourism, etc.) sectors. Such companies traditionally made use of cheap, unskilled and unprotected work in order to develop strategies of low labour cost competitiveness, fuelling thus the development of low-skilled jobs (Petraki 2007: 80-81). But even in the case of large enterprises, technological innovations facilitated the outsourcing of tasks performed by permanent workers and as such led to significant job losses. In terms of the increased rates of self-employment, these can be partially explained due to the prominence of agricultural, service-based and informal work in the Greek economy. However, a large percentage of self-employed individuals were workers working under a works contract and contracts for independent services, which often were facades for dependent employment (Yannakourou 2004). Consequently, there was evidence to suggest that even before the start of the crisis, workers in Greece were experiencing significant job insecurity: a study conducted on behalf of GSEE in 2008 found that 75% of workers, including public sector employees, were experiencing insecurity regarding their employment future (reported in Kouzis 2009). It is important to describe here the linguistic and semantic focus of the terms used in this area (Barbier 2013: 25). In Greece, the term ‘precarious employment’ as an umbrella term covering different situation (e.g. seasonal work,

part-time work and bogus self-employment) started to being used by researchers in the 2000s. The movement in mid-2000s of the ‘generation of 700 euros’<sup>1</sup> could be also read in this light: the movement, which gained prominence in the social media, represented workers aged between 25 and 35 years’ old, who were ‘overworked, underpaid, debt-ridden and insecure’.

Against this context, the perceived characteristics of the Greek system in the pre-crisis period traditionally included labour market rigidities with respect, in particular, to dismissal protection and collective bargaining. Greece was traditionally ranked high in terms of the degree of restrictiveness in Employment Protection Legislation (EPL) by the OECD and the World Bank.<sup>2</sup> Consistent with mainstream economic accounts of labour market segmentation (for a critique, see Cahuc and Kramarz 2004), the institution of the standard employment relationship (SER) was interpreted as an obstacle to mobility, excluding groups (primarily young workers, women and long-term unemployed) from accessing better paid, more secure employment, and thus exacerbating inequality. In other terms, the ‘labour market rigidities’ associated with the SER were interpreted as enabling the development of a dysfunctional labour market and fuelling dualisation trends between outsiders who had insecure jobs or no jobs at all and insiders who enjoyed permanent employment.<sup>3</sup> In order to facilitate labour market entry, especially for vulnerable groups (i.e. long-term unemployed, women and young people), it was suggested on a number of occasions that ‘loosening EPL on temporary employment should hence be ideally combined with reducing the level of protection for permanent workers’ (OECD, 2007: 97). On its part, the European Commission had also included in its recommendations the need to modernise employment protection legislation within an integrated ‘flexicurity’ approach.<sup>4</sup> Such recommendations by international organisations were frequently in line with the views of employers at domestic level, and especially that of the largest employers’ association, the Hellenic Federation of Enterprises, (SEV) (Dedousopoulos 2012).

But in broad terms, governments were seen as unable to implement structural changes in the economy due to the persistent and powerful opposition of labour and social movements (Koukiadaki and Kretsos 2012). With respect to social dialogue at national level, the agenda pre-crisis was inconsistent and fragmented, resulting in *ad hoc*, partial bargaining (Featherstone, 2008: 6). The attempts at ‘tripartite social dialogue’ in 1997 and 2000 were widely regarded as failures (Zambarloukou 2006: 220-223) and Greece was typically depicted as exhibiting low ‘social capital’ (Featherstone 2008). With respect to collective bargaining, there was pre-crisis a highly structured and collectivised framework based around a multi-level bargaining system. But similar to the situation in other southern European countries, trade unions were experiencing challenges related especially to fragmentation and these were reflected in the low levels of trade union density.<sup>5</sup> However, the institutional support provided for multi-level bargaining, including the application of extension mechanisms and of the favourability principle, together with continuing support by the

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<sup>1</sup> <http://g700.blogspot.gr/>

<sup>2</sup> According to the OECD, an unusual feature of Employment Protection Legislation (EPL) in Greece was that it was much stricter for white collar than blue collar workers. Moreover, Greece imposed stricter rules on temporary than regular workers (OECD, 2007).

<sup>3</sup> An influential paper in this area has been by Lindbeck and Snower (1986).

<sup>4</sup> See, for instance, EC policy recommendations 2008 for Greece.

<sup>5</sup> The ICTWSS database (2013) of union membership put union density in Greece in 2011 at 25.4%. Trade unions in Greece operate at three levels: company (occupation, regional or craft unions); secondary level federations and local labour centres and the tertiary level confederations (GSEE and the Supreme Administration of Unions of Civil Servants ADEDY, *Ανώτατη Διοίκηση Ενώσεων Δημοσίων Υπαλλήλων*).



industrial relations actors to the national general collective labour agreement (EGSEE) meant that the level of bargaining coverage was significant (Koukiadaki and Kokkinou 2016).

Despite these issues, there was evidence to suggest that the perceived restrictiveness of EPL, especially for temporary employment, decreased during the 1990s and 2000s (see section 2 for an analysis of the main trends in the pre-crisis and crisis periods). This process had its origins in the 1980s developments when Greece became a member of the European Union (as it is now). In this respect, the labour protection offered to dependent employees was progressively extended by legislative intervention to cover cases of specific types of employment relationships (e.g. temporary agency and fixed-term work). Consistent with the promotion of flexicurity at EU level, the declared objective of the domestic reforms during the late 1990s and 2000s was dual: on the one hand, to promote the use of such forms of employment (flexibility) whilst safeguarding certain employment rights on the other hand (security). In this respect, the developments in the Greek system were consistent with developments in other countries and a discourse was created and sustained around individuals developing entrepreneurial skills and an ethos of constant mobility and flexibility to respond to the dominant model of economic development within a capitalist system (Sennett, 2006).

## **2. The regulation of precarious work during the crisis**

### **2.1 Overall responses to the emergence of the crisis**

Between 2001 and 2007, the Greek economy, after the Irish, was the fastest growing Eurozone economy with an average GDP growth of 3.6% during the period 1994–2008 (IMF 2011). Nonetheless, throughout these years of growth, the country's endemic macroeconomic imbalances and structural flaws were exacerbated by weaknesses in the political and economic systems, including clientelist relationships, high levels of undeclared work and widespread symptoms of tax evasion (Koukiadaki and Kretsos 2012). Greece's net national saving rate steeply declined between 1974–2009 by about 32 percentage points fuelling the current account deficit and the build-up of a chronically high foreign debt. The country was not affected initially from the 2008 crisis but went into recession in 2009 with its economy being vulnerable to the pressure of financial markets.

Shortly before the emergence of the sovereign debt crisis, the Greek parliament passed (in 2009) legislation entitled 'Guarantees on Job Security and Other Provisions'.<sup>6</sup> Law 3846/2010 was the result of tripartite consultation with the inter-sectoral social partners and was one of the first legislative acts to be passed by the then recently elected government that was led by the Pan-Hellenic Socialist Party (Πανελλήνιο Σοσιαλιστικό Κίνημα, ΠΑΣΟΚ). The legislation was introduced on the basis of promoting and guaranteeing job security in the labour market. As it will be seen shortly, the legislation covered economically dependent work, part-time and short-time work, temporary agency work, telework as well as other flexible forms of employment. It also outlined provisions on employee layoffs, working time arrangements, the length of the working week and the resolution of workplace disputes. The introduction of these amendments was welcomed at a general level by the Confederation of Trade Unions (GSEE) but was criticised heavily by the Hellenic Federation of Enterprises (Σύνδεσμος Επιχειρήσεων και Βιομηχανιών, ΣΕΒ).

At the onset of the sovereign debt crisis, Greece's budget deficit stood at 13.6% and its external debt at 127% of the Gross Domestic Product (GDP) following upward revisions by Eurostat for 2006-2009 with significant effects on estimates of the 2010 and the 2011 budgets (Eurostat 2011). Following the lowering of its credit rating and the subsequent rapid increase

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<sup>6</sup> Government Gazette A 66/11.5/2010.

of credit default swap spreads on Greek sovereign debt in 2010, Greece was unable to access international bond markets. In order to avert a default on its sovereign debts, the Greek government agreed a loan, to be advanced jointly by Eurozone states and the IMF. The loan agreement stipulated the provision of €80 billion on the part of the Eurozone states and €30 billion on the part of the IMF. In return for this support, it was agreed that the EC, the ECB and the IMF (the ‘Troika’) would prepare and oversee a programme of austerity coupled with liberalisation of the Greek economy. The Greek Ministry of Finance prepared, with the participation of the Troika, a programme for 2010–13, which was set out in a ‘Memorandum of Economic and Financial Policies’ (MEFP, Ministry of Finance 2010a) and a ‘Memorandum on Specific Economic Policy Conditionality’ (MSEPC, Ministry of Finance 2010b) (the Memoranda). The MEFP outlined the fiscal reforms and structural and income policies that had to be undertaken by Greece. The Memoranda were annexed to Law 3845/2010 on ‘Measures for the Implementation of the support mechanism for the Greek economy by the Eurozone member states and the International Monetary Fund’ and enacted into law by the Greek Parliament on 6 May 2010. On the basis of the measures outlined in the MEFP, the MSEPC set out specific time limited commitments on a quarterly basis. With respect to the labour market, the reforms outlined in the Memoranda were aimed at lowering public expenditure and creating a more attractive environment for business by cutting public investment and public sector wages, reforming the pensions system, downsizing the public sector and privatizing a large section of public sector enterprises and utilities as well as reducing labour costs in the private sector and reforming the system of collective bargaining. Since Greece’s membership of the Eurozone did not allow for currency devaluation, the underlying rationale for the introduction of the reforms was the need to initiate a process of ‘internal devaluation’ to restore the competitiveness of the Greek economy (Koukiadaki and Kretsos, 2012).

In line with these commitments, a successive series of extraordinary measures taken by the Greek government to bring its finances under control and activate the European financial support system were taken.<sup>7</sup> Art 2(9) of Law 3845/2010 included provisions that either regulated directly or authorised changes in the regulation of a number of labour and social insurance issues. Following this, extensive legislation was adopted in the context of adjusting the labour market in line with the guidelines of the IMF, the ECB and the European Commission. First of all, Law 3863/2010 targeted the employment of young workers and the operation of the individual and collective dismissal protection rules. Then, Law 3899/2010 stipulated, as we shall see, significant amendments to certain flexible forms of employment, which had been the subject of recent changes under Law 3846/2010, and effectively reversed the latter. Despite the adoption of extensive measures in the context of the first loan agreement, problems associated with the worsening of the Greek public finances, a loss of political momentum on the part of the PASOK-led government and the deepening of the crisis in other parts of the Eurozone led to further changes in the programme of reforms. Following four reviews by the Troika of the implementation of the programme (September 2010, November 2010, March 2011 and June 2011), the Memoranda were revised and updated versions were published by the Greek government. The most important revision of the programme took place on 1 July 2011, when the Parliament adopted Law 3986 on Urgent Measures for the Implementation of the Mid-term Fiscal Strategy Framework.<sup>8</sup> This Mid-

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<sup>7</sup> It is interesting to note here that few days before the passing of Law 3846/2010, the Government Gazette published the announcement of the passing of Law 3845/2010, on the basis of which the Parliament ratified the support measures for the Greek economy that were agreed with the IMF, the ECB and the European Commission acting on behalf of the Euro-zone Member States.

<sup>8</sup> Law 3986/2011 Government Gazette (FEK) 152A/01.07.2011.

term Fiscal Strategy (Ministry of Finance 2011a) introduced new austerity measures with a revised implementation plan and a new time horizon of 2012–15. Among others, modifications were introduced to fixed-term work, apprenticeship contracts and reductions were made to unemployment benefits.<sup>9</sup>

Following the further deterioration of Greek public finances, the Eurozone meeting in June 2011 concluded an agreement in principle for a second loan agreement. In the context of the need to implement the second loan agreement and to ensure the payment of the sixth instalment of the loan, the Memorandum of Understanding (MoU) stated with respect to the labour market situation: ‘During Q4 2011, the government will launch a dialogue with social partners to examine all labour market parameters that affect the competitiveness of companies and the economy as a whole. The goal is to conclude a national tripartite agreement which addresses the macroeconomic challenges facing Greece, in particular the need to support stronger labour market flexibility, competitiveness, growth, and employment’ (Ministry of Finance, 2011b: 17). On the basis that the outcome of the social dialogue to promote employment and competitiveness ‘fell short of expectations’, the 2012 Memorandum of Understanding on Specific Economic Policy Conditionality (Ministry of Finance 2012: 25) stated that the ‘Government will take measures to foster a rapid adjustment of labour costs to fight unemployment and restore cost competitiveness, ensure the effectiveness of recent labour market reforms, align labour conditions in former state-owned enterprises to those in the rest of the private sector and make working hours more flexible’. To that end, Law 4046/2012<sup>10</sup> aimed at accelerating the adoption and implementation of far reaching structural reforms on the basis of a number of commitments undertaken by the Greek government for the disbursement of the second loan. As it will be seen in the next section, some of the modifications targeted primarily the issue of wage determination through collective agreements and affected directly wage levels. Further, Laws 4052/2012 and 4093/2012 introduced amendments to temporary agency work and protection against dismissals. Law 4254/14 introduced further changes to the regime of temporary agency work.

The election of the Syriza-led government in January 2015 signalled initially a change in the direction of domestic policy, including in the area of labour market regulation. In this respect, one of the thorny issues in the negotiations between the government and the Troika or ‘institutions’ (as they were called until the agreement on a third loan was concluded) was Athens’ plan to repeal some of the reforms introduced by previous governments. This included a series of legislation that brought up radical and extensive changes in the regulation of the labour market, including in the area of collective bargaining. Negotiations broke down in June 2015 and were resumed following the 5<sup>th</sup> of July referendum in Greece, leading to an agreement in principle for a third programme of financing. In exchange for a third loan (86 billion Euros), Greece has been compelled to adopt and implement ‘the most intrusive economic supervision programme ever mounted in the EU’ (Wagstyl et al. 2015). With respect to the labour market, the Euro Summit statement on the 13<sup>th</sup> of July 2015 stated that the government should ‘undertake rigorous reviews and modernisation of collective bargaining, industrial action and, in line with the relevant EU directive and best practice, collective dismissals, along the timetable and the approach agreed with the Institutions. On the basis of these reviews, labour market policies should be aligned with international and

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<sup>9</sup> Unemployment benefits were reduced from 450 days every 4-year period to 400 in the period 2012-2015.

<sup>10</sup> Law 4046/2012 included as Annexes the MEFP, the Memorandum of Understanding on Specific Economic Policy Conditionality and the Technical Memorandum of Understanding (Government Gazette (FEK) 28A/14.02.2012). See also Act 6 of 28 February 2012 of the Ministerial Council (Government Gazette (FEK) 38A/28.02.2012) and the 2012 Guidance by the Ministry of Labour and Social Security 4601/304.

European best practices, and should not involve a return to past policy settings which are not compatible with the goals of promoting sustainable and inclusive growth' (European Council, 2015: 3). This is despite the fact that even the Commission itself recognised recently that 'Greece was at the top of the countries in adopting measures that decreased the stringency of labour market regulations' (European Commission 2014: 49).

## 2.2 The (de)regulation of the labour market during the crisis

### 2.2.1 Self-employment

Bogus self-employment has two forms: 'by giving the employment relationship the appearance of a relationship with a different legal (commercial) nature, or by repeatedly renewing contracts in order to avoid giving the employee the rights and benefits of regular employees' (Cremers, 2010). In the study conducted by McKay et al (2012), false/bogus self-employment was defined as a relationship where the work offer is dependent on a relationship with a single 'buyer', rather than a range of clients, and where individuals are engaged for a job only where they are prepared to declare themselves as self-employed. As discussed in section 1, Greece has had traditionally a high proportion of self-employed workers. From a legal perspective and in contrast to some other European labour law systems (e.g. UK) legislation traditionally employed a statutory definition of dependent employment.<sup>11</sup> Under this, work has been characterized by personal and legal dependence, sometimes even only economic dependence (Koukiadis, 2009: 148). The courts traditionally emphasised the importance of a 'qualitative' assessment of the work relationship. In this respect, the central question has been whether the worker's engagement and dependence are such that they 'require providing protection by the rules of labour law'.<sup>12</sup> Hence, if the individuals did not fall within the definition, they would not be entitled to any rights under labour legislation. Self-employed individuals have traditionally been excluded from a number of rights, including maternity/paternity and sickness leave. However, legislation (since 1990) has allowed economically independent persons to bargain collectively; but no such collective agreements have been concluded to date.

Importantly, neither social dialogue mechanisms nor collective bargaining can determine whether an 'employment relationship' or 'employment contract' exists.<sup>13</sup> Nonetheless, the need to protect the rights of independent contractors that were in reality in an employment relationship was identified by GSEE in the negotiation rounds for the conclusion of the national general labour collective agreement (EGSEE). As a result, some of the EGSEE included provisions outlining the commitment of the parties to promote equal treatment. For instance, Article 8 of the EGSEE 1998-1999 stipulated a duty to support activities designed to promote gender equality, training, employment and health and safety for these groups of individuals. Article 20 of the EGSEE 2000-2001 further specified that equal treatment should be provided with respect to health and safety issues, that individuals should be protected from any form of discrimination related to gender, nationality or race, age, maternity, beliefs, that they should have access to training and education and the national social security systems and that their right to collective autonomy and action should be respected. Article 15 of the

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<sup>11</sup> Article 648 of the Greek Civil Code.

<sup>12</sup> See, for instance, Supreme Court 28/2005 (Plenary) and Supreme Court 1688/2007.

<sup>13</sup> Instead, the parties to a collective agreement are actually prevented by law from disposing of the requirements of an 'employment relationship' or 'employment contract'. Only in a minority of countries do collective agreements play a role in defining an 'employment relationship'/'employment contract' (the Netherlands, Sweden and Denmark) (on this see, ILO 2013).

EGSEE 2004-2005 also provided that the parties to the agreement should develop appropriate activities to deal with the issues around bogus self-employment.

Since 2009, a range of measures have been adopted that affected self-employment. First, with the intention of reducing the extent of bogus self-employment, Article 1 of Law 3846/2010 abolished the presumption of self-employment, which existed until then,<sup>14</sup> and introduced the opposite presumption in favour of an employment relationship. As a result, a person is presumed to be performing dependent work if the person works only or mainly for the same employer for a period of at least 9 months, i.e. when he or she is economically dependent (Art 1 of Law 2639/1998 as amended by Art 1 of Law 3846/2010). In a similar vein, Act 4097/2012 implemented Directive 2010/41/EU of the European Parliament and of the Council on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity.

A related issue here concerns the issue of undeclared, under-declared and uninsured work.<sup>15</sup> A range of measures were introduced during the crisis period to limit the extent of such work. Among others, Ministerial Decision 27397/122/19.8.2013 increased significantly the fines applicable in case of employers using such forms of work.<sup>16</sup> Further, Law 4225/2014 provides a) a significant increase in fines in case of work declared only to the Ministry of Labour but not to the competent social security organisation; b) the responsibility of social security authorities to check within 30 days whether the stated social security contributions were in fact paid by the companies; c) the introduction of a special file to register the work hours in the event of any changes to work hours. In the previous scheme, changes in the work hours required the company to submit the revised work schedules to the Labour Inspectorate within 48 hours of the introduced changes. Pursuant to the new provision, the company is no longer required to submit the modified work schedules to the Labour Inspectorate. However, any change in employees' work hours, as well as overtime work shall be immediately recorded in a file which must be kept at the work place at the disposal of the authorities.<sup>17</sup>

### **2.2.2 Part-time and short-time work**

Attempts to provide incentives for the use of part-time work first started in the 1990s (Law 1892/1990 on 'Modernisation and development and other provisions'<sup>18</sup> and Law 2639/1998 on the 'Regulation of employment relations and other provisions'<sup>19</sup>). Article 38 of Law 1892/1990 allowed the parties to an employment relationship to specify that work could be provided on a part-time basis and Article 38(3) introduced the principle of equal pay on a pro-rata basis. It was also recognised that part-time workers have access to all employment rights available to full-time employees, including leave arrangements, whilst they were provided priority rights in respect of full-time posts. It is important to stress here that in the EGSSSE 1993, the social partners included measures for part-time employment for the first time (including, for instance, the right to take part in vocational education and benefit from the employers' voluntary benefits), long before the European collective agreement was

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<sup>14</sup> Two specifically designated groups of persons exist who are legally deemed dependent employees, namely tourist guides and technicians in cinema and broadcasting. The law provides that they are deemed to be employed, irrespective of the given features of the work they perform (see Article 37 of the Greek Act 1545/1985, Article 2(1) of the Greek Act 358/1976 and Article 6(5) of the Greek Act 1597/1986).

<sup>15</sup> This section may be moved somewhere else, as the analysis develops.

<sup>16</sup> FEK 2062/B' 23 August 2013.

<sup>17</sup> In addition, Law 4144/2013 provided that the Financial Police is equally (to the Labour Inspectorate) competent to control undeclared employment of workers.

<sup>18</sup> Government Gazette A 101 /31-7-90.

<sup>19</sup> Government Gazette A 205 /2-9-98

signed and issued as a directive that implements it (Yannakourou, 2004: 36). Law 2639/1998 extended part-time employment to companies and organisations in the broader public sector, which included the public utility organisations and banks, following the abolition of an existing prohibition on this.<sup>20</sup> Then, Law 2874/2000, which was adopted as a complement to Law 2639/1998, introduced further incentives for the use of part-time work. Among others, an increment of 7.5 % was provided for part-time workers who work less than four hours per day and were paid on a minimum wage basis (Article 7). An important legislative development also concerned the adoption of Law 3250/2004 ('Part time employment and social services'), which provided scope for the use of part-time contracts of fixed duration in the area of social services in the cases of public services, local administration and public entities under public law. Importantly, the term 'part-time work' was extended pre-crisis to include any work with reduced working hours (compared to the standard), not only on a daily or weekly basis, as before, but also on a fortnightly or monthly basis. Expanding the meaning of the term meant that 'job in rotation' (εκ περιτροπής εργασία) was also included in this category and, thus, those who work alternately were also safeguarded by the regulations governing part time work (Yannakourou, 2004). Pursuant to Article 13 Law 2961/1954, short-time work could be imposed unilaterally by the employer when an enterprise was experiencing a shortage of business activity; but this was subject to consultation with employee representatives.

Since 2009, a range of measures have affected part-time and short-term work. First, the sort-lived Law 3846/2010 provided for a wage increase of 10 per cent when the part-time worker worked over-time. However, the increase was abolished by Law 3899/2010. Consequently, part-time workers who work more hours than agreed upon in their individual employment contract (up to 40 hours per week) are again entitled to no more than the predetermined hourly rate. With respect to short-time work, previous legislation did not include a limit of duration of short-time work. Law 3846/2010 stipulated that subsidised short-time work could only continue for up to six months in the same calendar year. However, Law 3899/2010 then set the maximum duration of short-term work based on a unilateral decision by the employer at nine months per calendar year, instead of six months under Law 3846/2010.

### **2.2.3 Temporary agency work (TAW)<sup>21</sup>**

Although TAW was a pre-existing (if limited) practice, it was operating until 2001 in the absence of a specific institutional framework and was instead regulated by the general provisions of the Greek Civil Code.<sup>22</sup> Prompted by the rise in contractual flexibility in temporary placements through private intermediaries and by the desire to promote labour market flexibility, the Greek Parliament passed a new law on employment services in October 2001.<sup>23</sup> Law 2956/2001 laid down, for the first time, specific rules on the establishment, operation and obligations of intermediaries and the employment rights of temporary agency workers.<sup>24</sup> When the Temporary Agency Work Directive was adopted in 2008, the parliamentary committee in the European Parliament of the then centre-right

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<sup>20</sup> This measure implemented the agreement between the government and the social partners as stated in the Confidence Pact Between the Government and Social Partners Towards 2000, which was signed in 1997 (Yannakourou, 2004: 36).

<sup>21</sup> This section is an excerpt from the report by Countouris et al. (2015).

<sup>22</sup> Articles (art.) 361, 651 and 648 of the Civil Code.

<sup>23</sup> Articles 20-26 of Law 2956/2001.

<sup>24</sup> Two ministerial decisions (30342/2002 and 30434/2002) by the Ministry of Labour and Social Security (as it was then) focused on the conditions for the creation and the terms of operation of temporary employment intermediaries. Law 3144/2003 referred to the administrative matters related to the operation of temporary employment agencies.

government had stated that Greek legislation in the form of Law 2956/2001 guarantees ‘from the first day of employment, the equal treatment of temporary workers with the employees of the user undertaking’.<sup>25</sup> But subsequently, Law 2956/2001, which until then regulated temporary agency work, was amended by Article 3 of Law 3846/2010<sup>26</sup> and Article 17(4) of Law 3899/2010. Later, Directive 2008/104 was adopted and was transposed in Greek law by Law 4052/2012. More recently, significant amendments were made in 2014 by Law 4254/2014, which was adopted in the context of the financial assistance programme received by Greece.

Importantly, Law 3919/2011 abolished the requirement for an administrative licence to be issued for the operation of temporary work agencies. While previous legislation included some provisions that were informed by the principle of equal treatment, it did not stipulate any general clause establishing the principle of equal treatment. Law 3846/2010 amended Article 22 of Law 2956/2001 and included for the first time specific provisions prohibiting discrimination of temporary agency workers in relation to employment terms, including pay. Now, Article 117(1) of Law 4052/2012 stipulates that the basic terms of employment (including pay) at the time of the assignment should be at least those that would be applicable if the workers had been employed to occupy the same position directly by the indirect employer. The meaning of the basic terms of employment is provided in Article 115 of Law 4052/2012; this is in line with Article 3(1)(f) of the Directive. No use has been made of Article 5(2) of the Directive, which allows for exemptions to be made to the principle of equal treatment, where temporary agency workers who have a permanent contact of employment with a temporary work agency continue to be paid in the time between assignments. This is even though Law 4052/2012 regulates the method of payment of agency workers that are employed on a permanent contract in the time between assignments. Neither does Law 4052/2012 provide, on the basis of Article 5(3) of the Directive, that the social partners be given the option of upholding or concluding collective agreements which, while respecting the overall protection of temporary agency workers, may establish arrangements concerning the working and employment conditions of such workers which may differ from those referred to Article 5(1) of the Directive.

Similar to Article 6(2) of the Directive, Article 118(2) of Law 4052/2012 provides that any provision that hinders the permanent employment of the temporary agency worker is null and void. The same applies in the case of provisions that hinder directly or indirectly the collective rights of workers or affect their insurance rights. In terms of representation rights of temporary agency workers, such workers shall count for the purposes of calculating the thresholds applicable in the case of bodies representing workers at the temporary agency work as well as at the indirect employer. But no specific criteria are defined in Law 4052/2012 concerning the establishment of worker representatives’ bodies and the provisions of the relevant legislation apply. Article 124(1) of Law 4052/2012, as amended by Law 4254/2014, stipulates that the pay of agency workers for the period in between assignments should not be lower than that the national minimum wage. On the basis of this, it is deduced that the employment relationship is active during the time the agency worker is not on assignment and that the worker is on-call. Article 124(5)(a) provides that temporary workers, during their employment availability to the temporary work agency, as well as during their employment by the indirect employer, are covered by the health care and sickness benefits of

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<sup>25</sup> Parliamentary Team of New Democracy in the European Parliament (2008).

<sup>26</sup> Law 3845/2010 also provided scope for the employment, subsidized by the State, of old unemployed workers in the public sector (age group 55-64) via a temporary agency work (Art 2(5)).

the Social Insurance Institute – General Employees’ Insurance Fund (IKA-ETAM), but also by the supplementary pensions’ social institution (ETEAM), with the exclusion of all those covered by another main or supplementary social security institution.

The basis for the relationship in the case of TAW is the employment contract (either fixed-term or open-ended) between the temporary agency and the worker.<sup>27</sup> Article 124(4)(a) of Law 4052/2012 provides that the temporary agency and the indirect employer are jointly and severally responsible for remuneration and social insurance contributions. The Directive limits any restriction or prohibition on the use of agency workers to ‘grounds of general interest relating in particular’ to ‘the protection of agency workers’, ‘health and safety’ ‘or the need to ensure that the labour market functions properly and abuses are prevented’. In the past, the Greek legislative framework in the area of temporary agency work was quite liberal and encouraged in practice the growth of temporary employment, as employers were allowed to have recourse to the use of agency work without the need for any justification. Law 3846/2010 introduced for the first time the requirement that temporary agency work would be generally allowed where it covered temporary, seasonal or extra needs for employment of the indirect employer. However, Law 4052/2012 reverted back to the pre-existing framework of allowing the use of agency work without the need for any justification. Besides this, the use of TAW is prohibited in the following cases: a) when TAW substitute employees on strike; b) when the indirect employer has dismissed employees of the same occupational category for economic reasons during the last 3 months, or has proceeded to collective dismissals of the same occupational categories during the last 6 months; c) when the indirect employer is subject to the provisions of Law 2190/1994 (A’28) or to the provisions of Article 1(3) of Law 2527/1997 (A’206), as applicable, with the reservation of Article 2(5) of Law 3845/2010; d) when the employment by its nature exposes the employees to health and safety risks; e) when the individual is subject to the specific provisions concerning insurance of construction workers, with the exception of workers which are employed in construction projects of 10,000,000.00 euros and above, which are financed or co-financed by national funds and take place following the award of a contract by a public authority in the broader public sector.

Article 117 of Law 4052/2012 provides that the duration of an assignment of a worker with an indirect employer, which includes any renewals made in writing, shall not be greater than 36 months. There is no restriction on the number of renewals of assignments with the indirect employer. Where work for the indirect employer continues following the expiry of the 36-month period, the existing temporary agency work contract is automatically converted to an open-ended contract with the indirect employer and the employment relationship with the temporary agency is terminated. ‘Existing contract’ means the contract between the temporary work agency and the worker. It is irrelevant if the continuation of employment takes place immediately following the end of the previous placement or after a short period of time; the legislation stipulates a period of 23 days for the latter case. However, the conversion of the contract into one of indefinite duration between the worker and the indirect employer is not applicable in the case of workers in the hotel and catering sectors, when they are on assignments for social events that last few days.

#### **2.2.4 Fixed-term work**

The obligation to implement Council Directive 99/70/EC became one of the most controversial issues in Greek labour law. The controversy arose as the implementation of the Directive interfered with the widely-spread use of fixed-term contracts in the public sector

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<sup>27</sup> The legislation does not prohibit either the combination of temporary work with part-time employment.



(see above section 1). The adoption of Presidential Decree 81/2003, which transposed the Directive into Greek law,<sup>28</sup> led to the introduction of a set of criteria to limit the use of successive fixed-term contracts along the lines of the Directive (i.e. clarification of objective reasons which justify the continuous renewal of contracts, a delimiting of the longest possible total duration of a fixed term contract, and the establishment of a limit on the number of renewals of such contracts). However, the domestic legislation was not able to provide an effective solution to the abusive use of fixed-term contracts in the public sector, as due to the exceptions introduced, it had limited application not only in the public and broader public sector but also in the private sector (Yannakourou 2004).

When the crisis emerged, legislation specifically targeted the scope for the use of fixed-term work. First, Law 3986/2011 on ‘Urgent Measures for the Implementation of the Mid-term Fiscal Strategy Framework’, which accompanied Law 3985/2011, provided a range of changes to the regulation of fixed-term work. Article 41(1) and (2) first established the possibility for renewal without limits of fixed-term employment contracts, provided there is an objective reason, as included in Article 41(2). Further, the legislation extended from two to three years a) the maximum duration of successive fixed-term employment contracts, and b) the period taken into account to assess whether the number of renewals is more than three. The new limits would apply in cases where there was no objective reason for the renewal of fixed-term contracts. In such cases, where the duration of successive fixed-term employment contracts or relationships exceeds three years in total, it will be presumed that they are aimed at covering the fixed and permanent needs of the undertaking or operation, and shall consequently be converted into employment contracts or relationships of indefinite duration. In the same way, where there are more than three renewals of successive employment contracts or relationships within the space of three years, it will be presumed that they are aimed at covering the fixed and permanent needs of the undertaking or operation, and the contracts concerned shall consequently be converted into employment contracts or relationships of indefinite duration.

In this respect, it is also important to note that Article 17(5) of Law 3899/2010 on ‘Financial and Tax Measures for the Implementation of the Programme’<sup>29</sup> increased the probationary period of employment contracts without limit of time from 2 to 12 months, and as such introduced into the Greek labour market a new form of fixed-term employment contract of one year’s duration. According to the Greek government, the introduction of a 12-month probationary period was reasonable ‘in particular, if the current economic crisis and the instability in Greek enterprises’ activity are taken into account’.<sup>30</sup> Finally, fixed-term work was also restricted in the public sector. Law 3871/2010 reduced by 15% the recruitment of individuals on the basis of fixed-term contracts in comparison to 2010 (Article 3(4)). Law 3896/2011 further reduced by 50% the recruitment of individuals on the basis of fixed-term contracts in the public sector and by 10% in the period 2012-2015 (Article 37(3)). Law 4093/2012 (Article 1) introduced further restrictions in the use of fixed-term contracts in the public sector and Law 4147/2013 regulated aspects of fixed-term work with respect to needs of local authorities that are covered by third parties.

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<sup>28</sup> Presidential Decree 81/2003 (Government Gazette A 77/2.4.2003) ‘Measures for workers with fixed-term contracts’.

<sup>29</sup> FEK 212 A/17-12-2010.

<sup>30</sup> Government’s response (case document no 5) to collective complaint 66/2011 by GENOP-DEI and ADEDY to the European Committee of Social Rights, at 10.

### 2.2.5 Changes affecting wage levels

Separately from the changes in employment protection legislation affecting the rights of atypical workers, a range of measures were also introduced that affected the income levels of workers, especially young ones. The objective behind the measures was the increase of the employment rates of young and unemployed. In this context, Law 3845/2010 introduced a one-year ‘work experience contract’ in the private sector for young unemployed up to 24 years old. Individuals employed on such contracts would receive 80% of the national minimum wage and the employers would be exempt of social security contributions (Art 2(6) of Law 3845/2010). Shortly afterwards, Law 3863/2010 established the so-called ‘special apprenticeship contract’ for young workers between 15-18-years old; the wage levels were set for those at 70% of the national minimum wage.<sup>31</sup> The same legislation stipulated that newly recruited individuals between 18-24 years’ old could receive 84% of the national minimum wage and the employers’ social security contributions in such cases could be covered by OAED (Article 74(8)). Law 3986/2011 further introduced the possibility of recruiting young between 18-25 years old for the acquisition of professional experience and the level of pay was set in such cases at 80% of the national minimum wage for two years (Article 43). Then, Law 4046/2012 directly reduced the wage levels of young workers (up to 25 years-old) by 32% (Ministerial Council Decree Article 1(2)).

A particular situation has emerged with respect to the use of so-called ‘voucher schemes’. These were designed to promote access to the labour market to unemployed individuals. Law 3996/2011 introduced the so-called contract of employment of special purpose for the programmes of community work in the public sector through third parties. In such cases, the duration of the contract should be no more than five months and the rate of pay was set at below the national minimum wage levels, i.e. up to 625 euros per month (Article 89(a)(1-3). Later, Law 4152/2013 (Article 1) reduced the pay rates for such contracts, i.e. up to 490 euros per month and up to 427 euros per month for young up to 25-year old (Article 1(14)(5)). However, the use of such contracts was later expanded to cover the private sector, including importantly tourism. Specific schemes have been available in the case of tourism, different age groups (i.e. 18-24, 25-29, university graduates, 18-24 in so-called vanguard sectors and young people up to 24 that have problems of addiction).

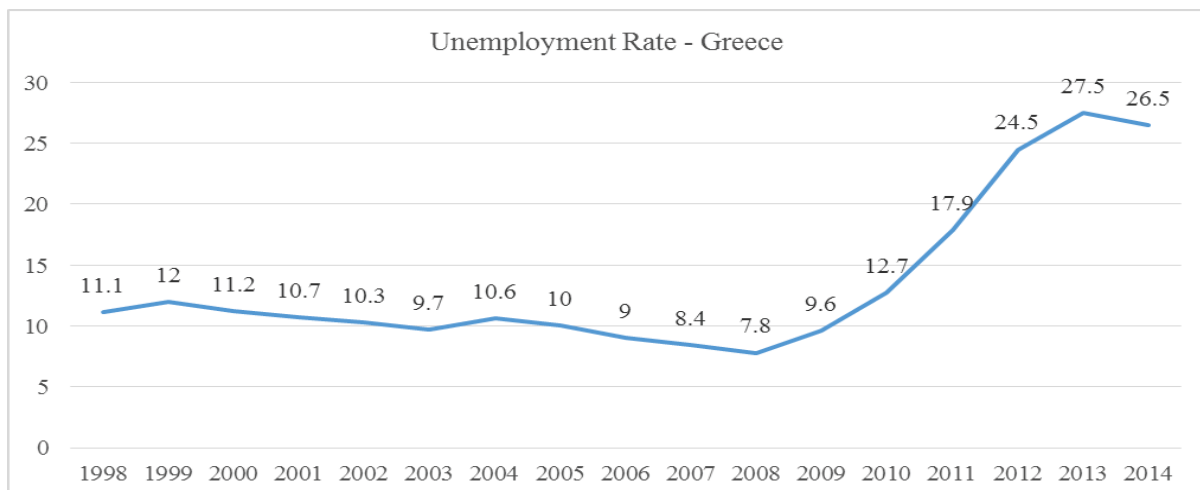
### 3. The incidence of precarious work during the crisis

Preliminary evidence suggests that the relaxation of the EPL rules in conjunction with the structural reforms in the collective bargaining system (for an analysis of the latter see Koukiadaki and Kokkinou 2016) and the deepening of the crisis have substantially affected the incidence and nature of atypical and precarious work in the Greek labour market. It is important to stress first here that overall the increase of atypical forms of work has to be interpreted against the context of sharp increases in the levels of unemployment (see Table 1). The percentages of unemployment have been particularly high for young workers and women (see Tables 2 and 3 respectively).

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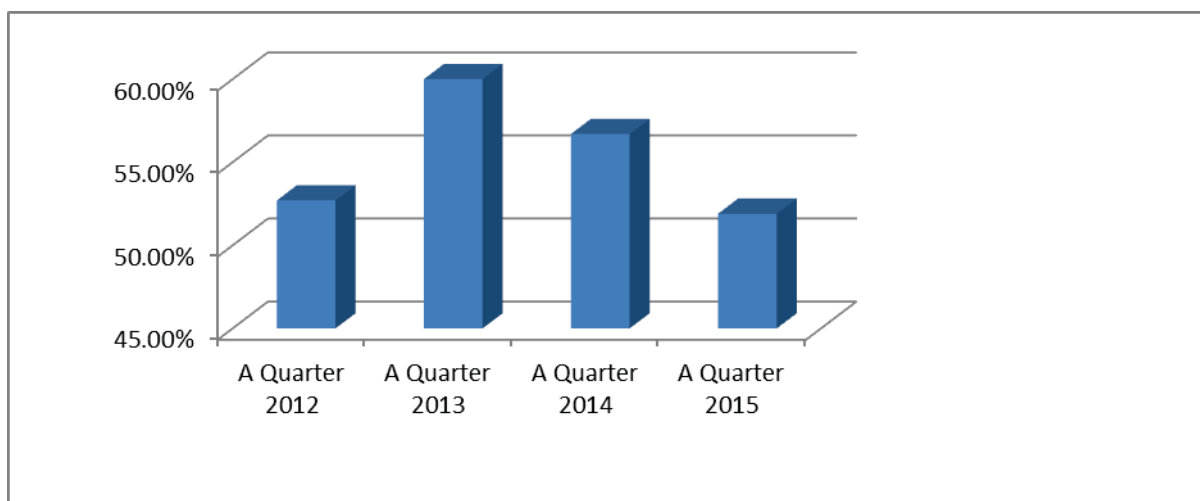
<sup>31</sup> Under Greek labour law, apprentices have been traditionally characterised as employees (Greek Ministerial Decision 40011/1995). They are deemed to be manual workers concerning the provisions on the termination of the contract of employment.

**Table 1 – Unemployment levels**



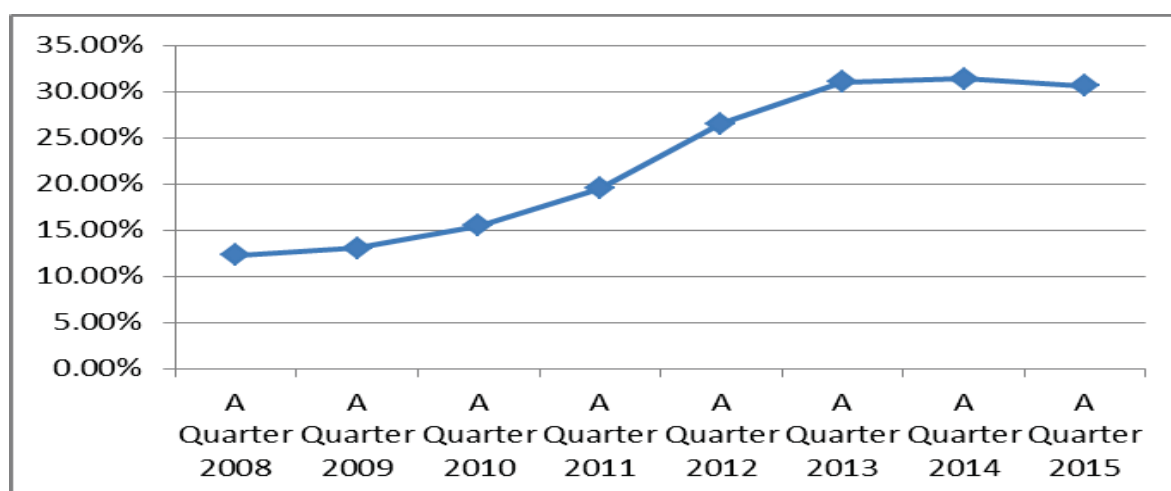
Source: Eurostat

**Table 2 - Youth unemployment levels (15-24 years' old)**



Source: Elstat

**Table 3 – Female unemployment levels**

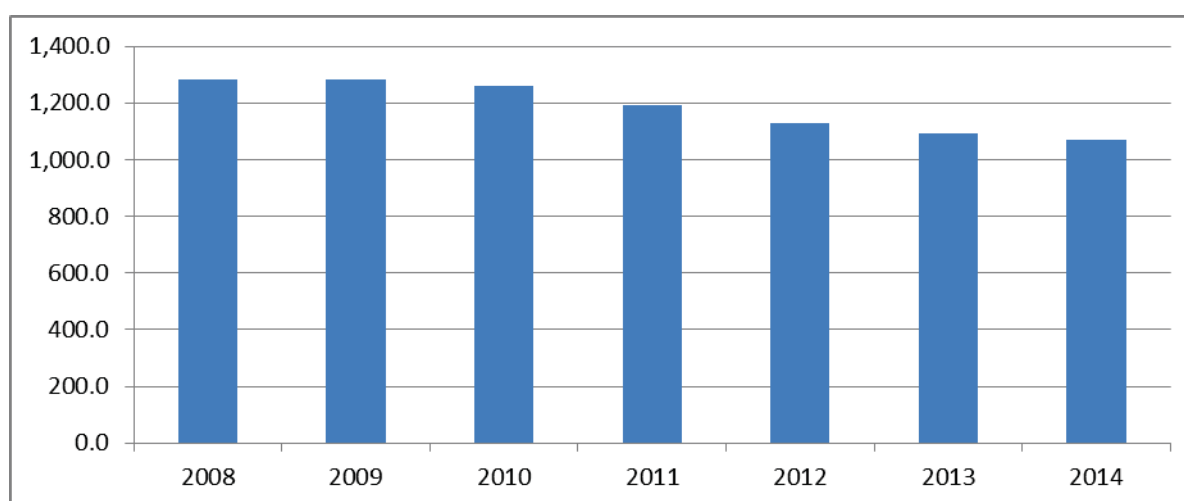


Source: Elstat

### 3.1 Self-employment

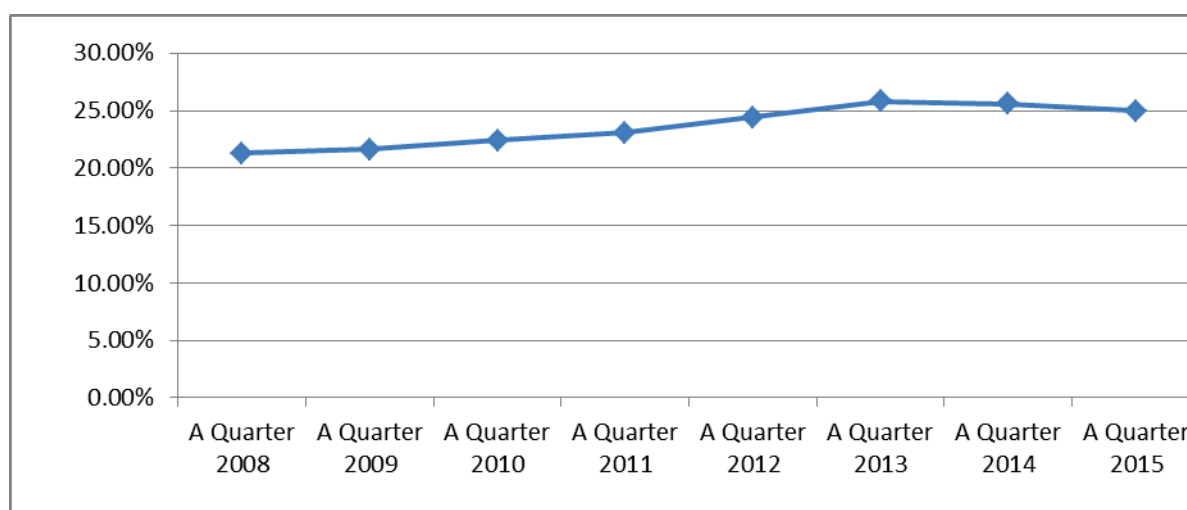
Self-employment continued to represent a significant proportion of economic activity in Greece during the crisis (Table 4). In 2014, self-employment stood at 30,4%, the highest among southern and eastern European countries (IPPR, 2015). Importantly, a study by McKay et al (2012) found that bogus self-employment was considered widespread in Greece. Indirect evidence of this may be provided by the fact that the proportion of self-employed individuals with employees is, according to Eurostat, one of the lowest in Greece; this is because bogus self-employed individuals are very unlikely to hire employees on their own (see Table 5). A reduction in labour inspection was identified recently in Greece as a factor increasing the volume of undeclared work, thus likely also bogus self-employment (Thörnqvist, 2014). Bogus self-employment was perceived as ‘most precarious’ by around four out of five respondents in Greece (Thörnqvist, 2014).

**Table 4 – Self-employment in Greece (in thousands)**



Source: Eurostat

**Table 5 – Self-employed without employees**



Source: Elstat

Another dimension that is worth discussing here is that of genuine self-employment (McKay, 2012) or else ‘self-employed without employees’. In this context, self-employment can represent a route out of unemployment, especially in countries with poor labour market conditions (EEOR 2010). Again here, the rates have been particularly high in Greece. But it is important to stress that since the emergence of the crisis, a large percentage of such self-employed individuals have faced significant financial difficulties but they have been unable to access social and welfare protection on the basis of their status as self-employed. In this respect, the issue of dependent employment in SMEs, mostly family businesses, is relevant here as well. A large number of mostly women are employed as non-paid staff in family businesses in the primary sector, in hotels and in catering. In this case, there is no obligation to pay social security contributions; the crisis has led to increased risk exposure and precarious situation (GSEVEE interview notes). A third dimension here concerns the case of informal, undeclared and under-declared employment. Greece is characterised by limited access to social security benefits. Against this context, individuals may be forced to take on any precarious work for mere survival. Empirical evidence suggests that the rate of informal employment has increased during the crisis period. Data suggests that the rate of undeclared work rose from 29,7% just before 2010 to 40,5% in 2013 and was later reduced to 25% at the end of 2014 (ILO 2014).

### **3.2 Temporary agency work (TAW)**

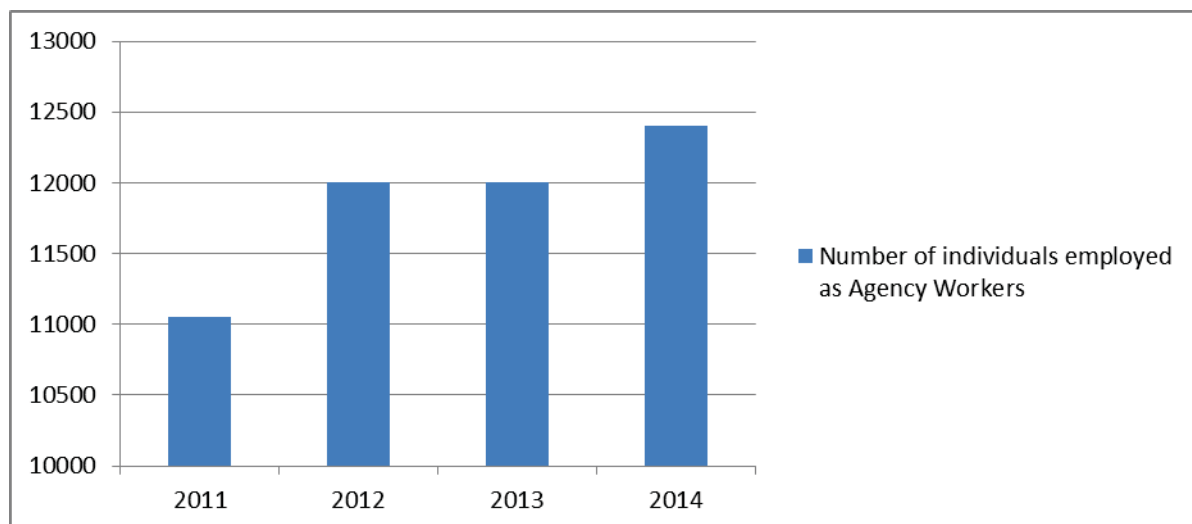
Overall, there has been limited public debate on the subject of temporary agency work in Greece, and collective organisation or trade unionism among temporary agency workers is very limited. Public opinion considers temporary agency work not as a separate sector but as a provider of services in the context of other sectors. TAW is seen not as a regular form of employment, but rather as a transitional stage in a bilateral employment relationship and a measure implemented by employers in order to reduce labour costs and avoid compliance with the law on dismissals.<sup>32</sup> Perhaps indicative of the lack of social legitimacy of TAW is the fact that the legal term used to describe TAW is ‘non-genuine loan’; this is in contrast to the notion of the so-called ‘genuine loan’, which describes the posting of workers within a

<sup>32</sup> On this see, Eurofound (2008).

group of undertakings (on how these affected organisational practices, see section 2 of the report describing the situation in the TWA sector). It is also important to note here that TAW is not treated statistically as a separate sector in Greece, as it is not considered a sector per se.<sup>33</sup>

Since the emergence of the crisis, there is evidence to suggest that there has been an increase in the use of temporary agency work. According to accounts, the number of agency workers in 2013 stood at around 70,000 and it was expected to reach 10% of employment in 2015 (Rizospastis 2013). However, the Ciett report for 2014 puts the figure to 12,000 (Ciett, 2015). The significant divergence in the figures may be attributed to two factors: the first is that the figures by Ciett concern only the companies that are members of ENIDEA; the second is that the figures provided by Rizospastis may include cases of outsourcing, which are often grouped together with cases of TAW. According to the Ciett, there has been some increase of TAW in the recent years (Table 6). In contrast to the past, when agency workers tended to be highly-paid individuals in the wider public sector, agency workers today tend to be women, young people and migrants. Data from 2014 suggests that whilst TAW is prevalent among the 31-45 age group, high numbers are also found in the cases of the 21-25 and 26-30 age groups (Table 7). In terms of the sectoral distribution, greater use is made in the service sector, with manufacturing and other sectors coming second (Table 8). In terms of the size of companies using TAW, the majority are large companies (above 500 employees) (Table 9). Further, there is reportedly an upsurge in employment outsourcing. This development has been attributed directly to the legislation recently adopted concerning temporary agency work (see above section 2). Numerous foreign companies, including global outsourcing giants like Adecco, Manpower and ISS, are reportedly now offering their services to a growing number of firms in Greece that are taking advantage of the national minimum wage, which now stands at less than €600 a month. Exact figures on the number of workers subcontracted in this way are hard to come by, but according to Danousis' estimates, there are over 100,000. According to Danousis, 'it is a direct result of the suppression of collective agreements and the staggering unemployment affecting a quarter of the population' (Bubullima, 2015).

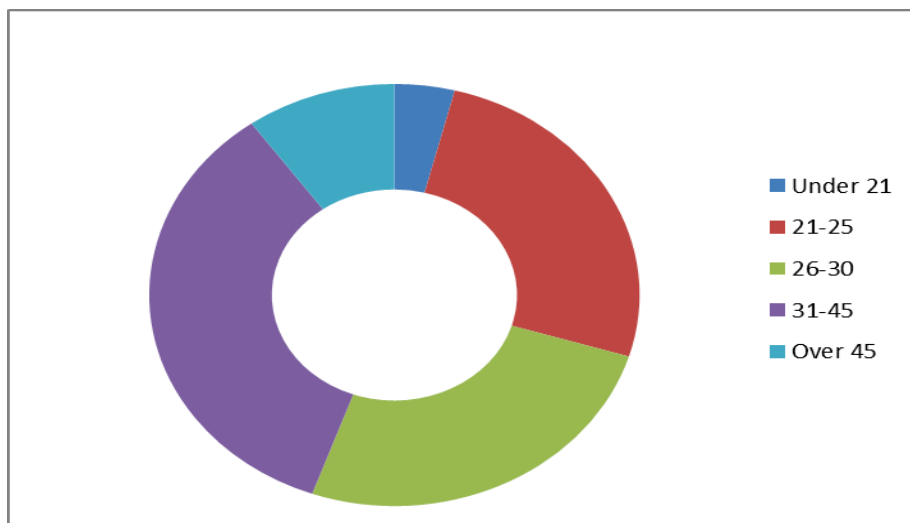
**Table 6 – Number of agency workers**



Source: Ciett

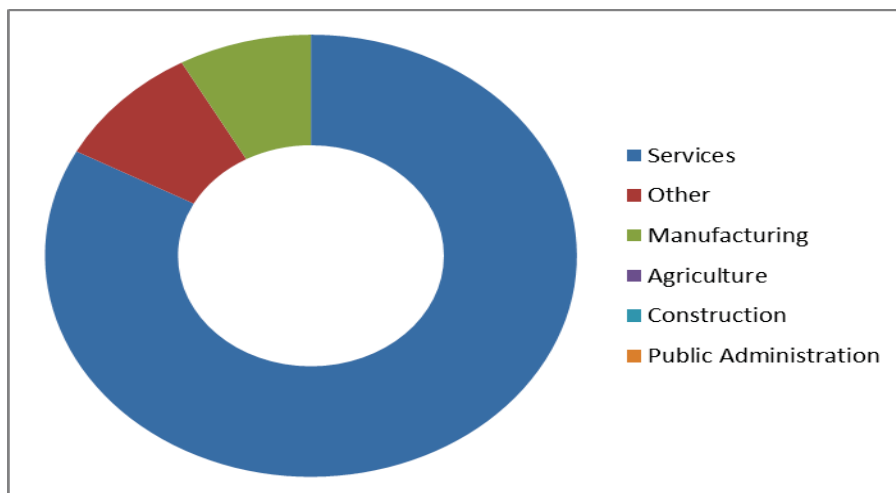
<sup>33</sup> This is attributed to the fact that the economic sectors are defined statistically by Elstat and the latter does not recognise TAW as a separate sector.

**Table 7 – Age distribution in TAW**



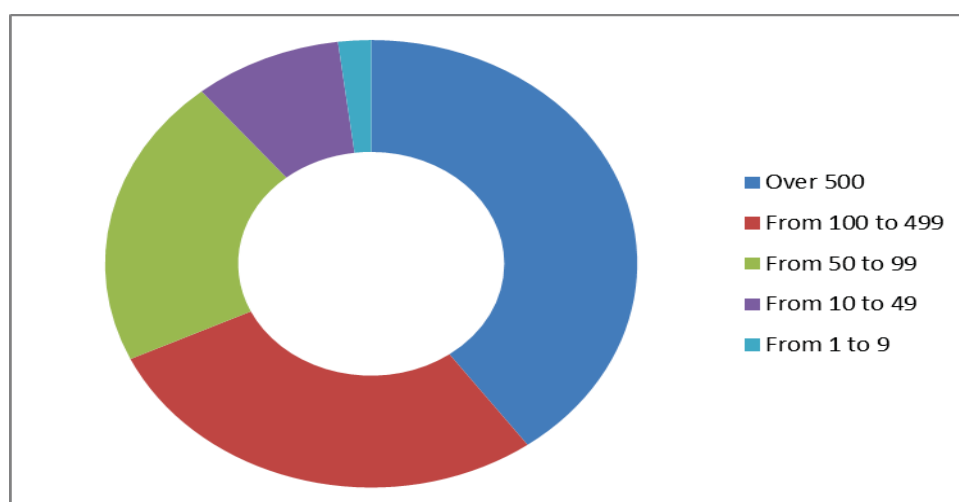
Source: ENIDEA, 2014

**Table 8 – Sectors using TAW**



Source: ENIDEA, 2014

**Table 9 – Size of companies using TAW**



Source: ENIDEA, 2014

### 3.3 Part-time and short-term work

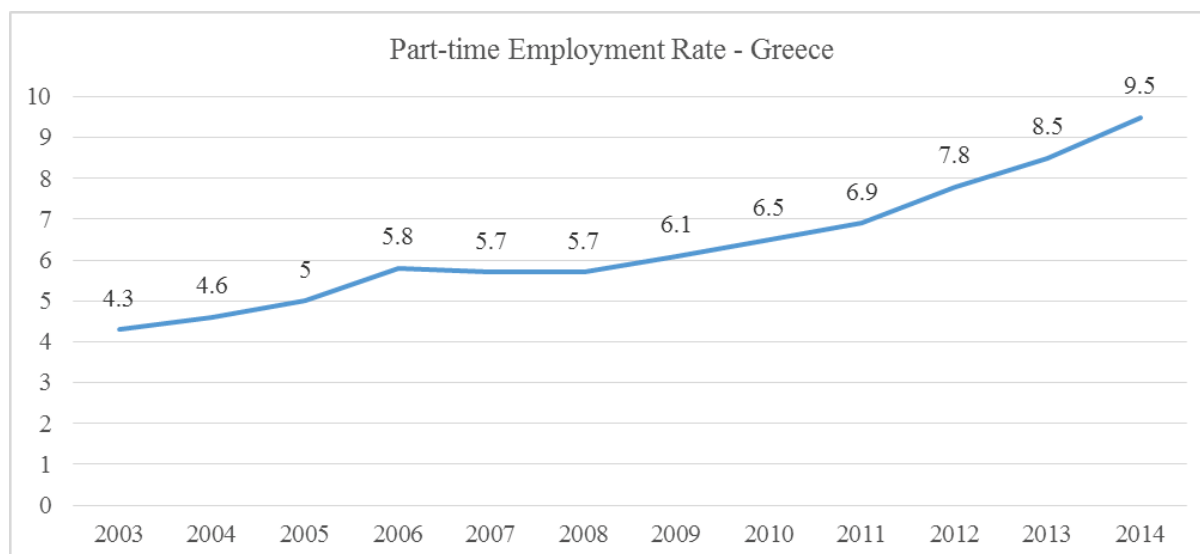
Significant changes have taken place in terms of the use of part-time and short-term work. Whilst in the pre-crisis periods, the use of such forms of work was in low numbers, empirical evidence suggests a rapid increase during the last 5 years (Table 10). Data from the Hellenic Labour Inspectorate SEPE (Ministry of Labour 2012) indicated significant changes in the nature of employment contracts and consequently in wage levels. In terms of new contracts, the 2012 data suggested that there was 18.42% reduction of fulltime contracts, an increase of 3.61% in part time contracts and a decrease of 3,93% in short-time contracts.<sup>34</sup> Overall, the percentage of part time and short-time contracts was 45% of the total new contracts. Importantly, there was a 53,12% increase of fulltime contracts being converted to other forms of atypical employment in 2012 (from 2011). There was a 12,29% increase in the conversion of full time contracts to short-time contracts on the basis of an agreement with the employees and a 80,36% increase of such conversions on the basis of unilateral decisions by management (see also Table 11).

A more recent report by INE-GSEE noted further changes in the patterns of employment, including further reduction of full-time work and increase of part-time and short-term work. According to the 2014 report, the rate of short-time work has been further increased since September 2013 (INE-GSEE 2014, 223-224). 36% of the recruitments between March 2013 and April 2014 consisted of part-time work and 10% of short-time work. On top of this, around 42,000 full-time contracts were converted in the period between July 2013 and April 2014 to atypical work, i.e. 52,8% to part-time work and 45% to short-time work without the consent of the employer. Even though short-time work may be imposed unilaterally by the employer, there is evidence that employers have used the scope for short-term work predominantly as a means to drive down the wages and not as a means to respond to the crisis *per se*. The rapid increase of atypical forms of employment has as a result that 1 in 5 employees (20,55%) in the private sector is employed on a part-time contract (277,532 employees on part-time and short-time work in a total of 1,371,450 employees in the private sector of the economy (INE-GSEE 2014).

<sup>34</sup> But the decrease of short-time working contracts was on the basis of the figures of 2011.

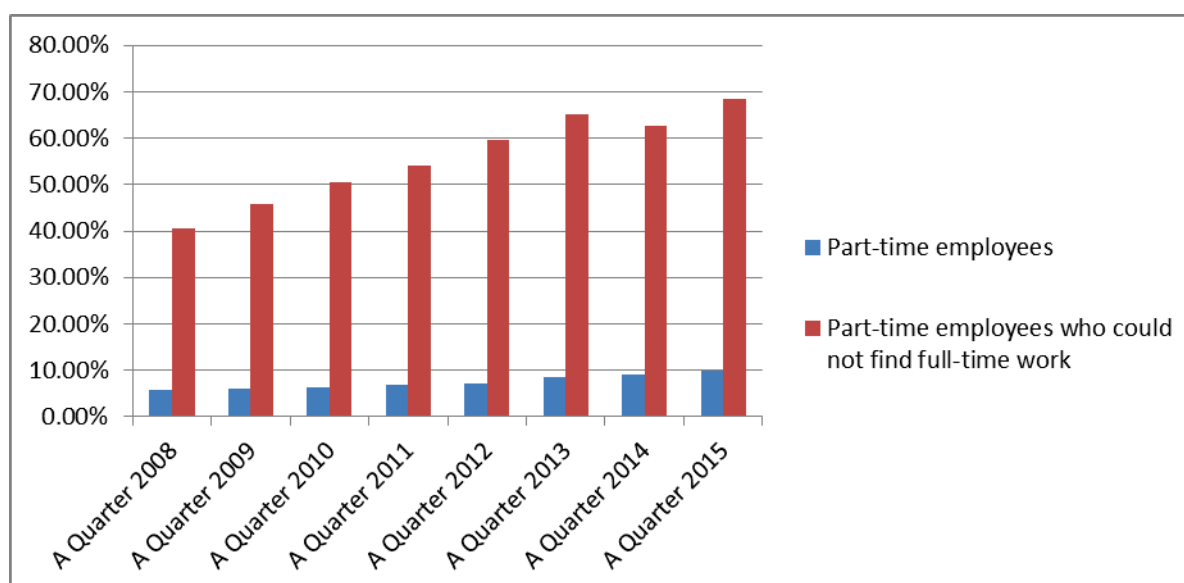


**Table 10 – Part-time employment<sup>35</sup>**



Source: Eurostat

**Table 11 – Involuntary part-time work**



Source: Elstat

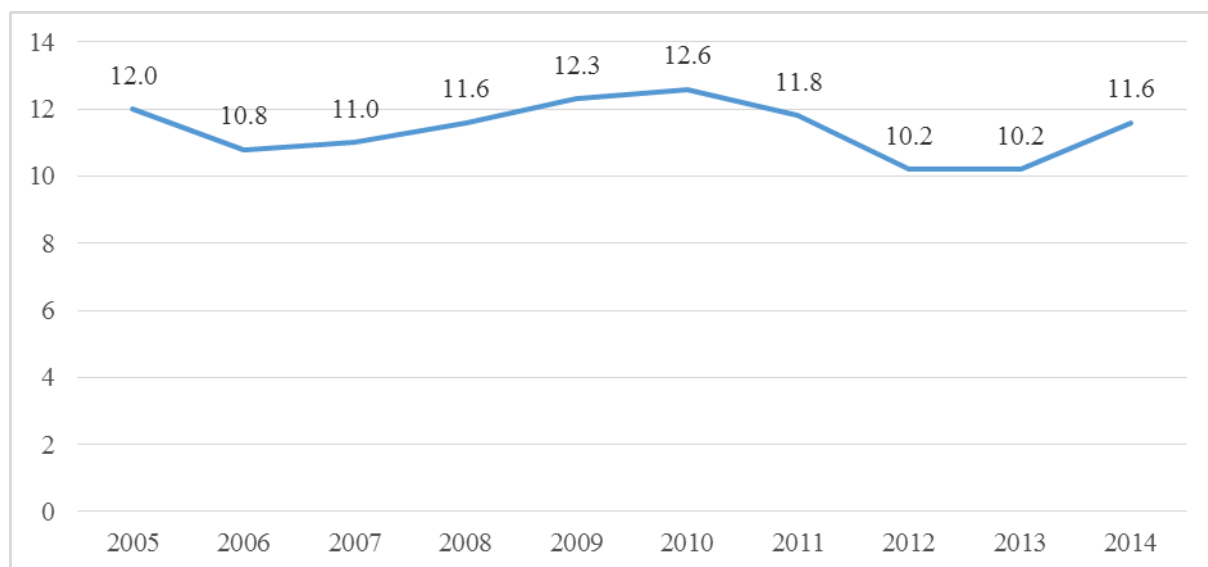
### 3.4 Fixed-term and seasonal work

As analysed in section 1, fixed-term work has traditionally been one of the main forms of flexibility in the Greek labour market. As the data from Eurostat suggests, there has been some significant fluctuation in temporary employment in the recent years (Table 12). At the

<sup>35</sup> Persons in part-time employment are those who, during the reference week, did any work for pay or profit for at least one hour, or were not working but had jobs from which they were temporarily absent. Family workers are included here.

onset of the crisis, temporary work stood at around 12% (in 2009 and 2010). However, the following years (2011-2013) saw a decline by around 2%. Most recent data from 2014 suggests that temporary work is picking up again, coming close to 12% (Table 12). It is important though to add here that in Eurostat, an employee is considered as having a temporary job if employer and employee agree that its end is determined by objective conditions, such as a specific date, the completion of an assignment, or the return of an employee who is temporarily replaced. Typical cases include: people in seasonal employment; people engaged by an agency or employment exchange and hired to a third party to perform a specific task (unless there is a written work contract of unlimited duration); people with specific training contracts.

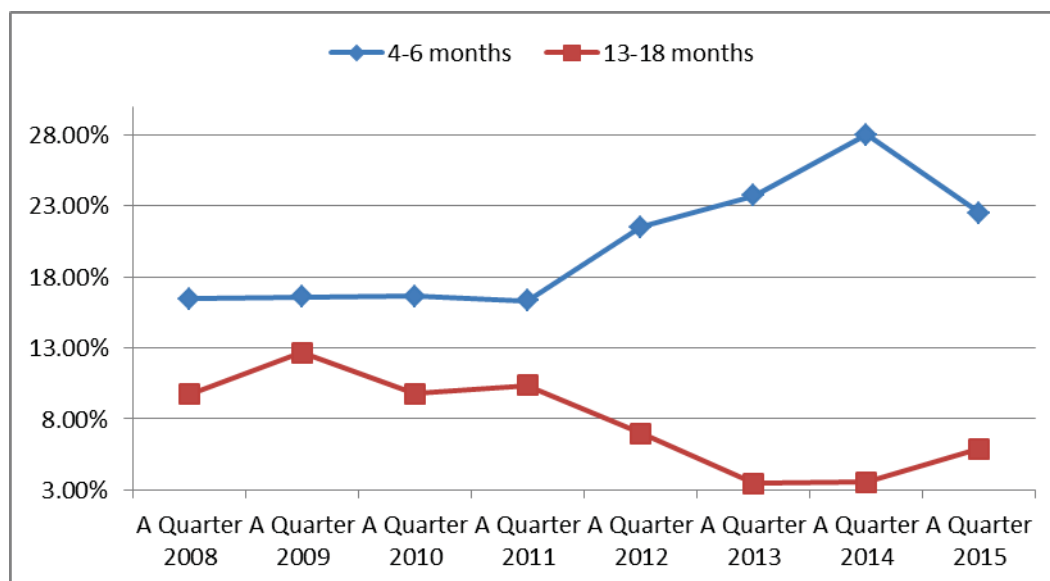
**Table 12 – Temporary employment**



Source: Eurostat

Aside from the changes in the rates of temporary employment, changes have also taken place in respect of the duration of such work. As illustrated in Table 13, temporary work lasting between 4-6 months increased substantially during the period 2011-2014, whilst the opposite was true in the case of longer temporary contracts (i.e. these lasting between 13-18 months).

**Table 13 – Duration of temporary work**



Source: Elstat.

#### 4. Preliminary conclusion

Empirical evidence on the incidence of atypical forms of employment suggests a sharp increase during the crisis period. The greatest rise was seen in short-time work (with the consent or without of the employee), which was increased by 127% in the period 2009-2013. At present, the rate of atypical forms of employment has stabilised at around 46% (INE-GSEE 2014). Another effect of the crisis and the labour market reforms has been the expansion of precarious forms of work (from informal and unregulated sectors of the economy) to sectors that were not characterised by such practices in the pre-crisis period (Kambouri, 2013). Qualitative research further confirms that the recent regulatory reforms directed towards increasing labour market flexibility have deteriorated labour and devalued atypical employment (Gialis et al. 2015) and increased the risk of precariousness. As it currently stands, the labour market is characterised by precariousness at two levels. The first concerns the nature of the employment relationship: this relates to cases of atypical forms of employment, including most notably fixed-term work, seasonal work, part-time work and short-time work, which have increased substantially since the start of the crisis, and employment on the basis of stage contracts and vouchers. But precariousness is also illustrated with respect to income levels: in this case, the low levels of wages, the wage inequalities and the low level of social protection especially in respect of unemployment (i.e. levels of unemployment benefits, duration and eligibility criteria) but also the low public spending in social policy (including childcare) increase the scope for the development of precarious work. Significant challenges in terms of enforcement of labour rights are also present. On the one hand, low union density and employee representation acts as a hindrance to the monitoring and enforcement of rights. On the other hand, the cuts in the funding of state enforcement authorities have resulted in a reduction of inspections and challenges in mediation.<sup>36</sup>

<sup>36</sup> The Labour inspectorate in Greece can perform a mediator role in case of a dispute. That procedure is used for establishing whether there is an employment relationship (between the employer and the employee). The procedure is rather informal and there are not particular rules. The employee may request the mediation of the

Employing the 2006 Eurobarometer survey-data in combination with national data from a various sources, Fullerton et al. (2011) found that insecurity is higher in countries with low union density, low levels of part-time and temporary employment, and little social spending on unemployment benefits. The characteristics referred to in the study fit well the ones that characterise the Greek labour market. As indicated above, trade union membership has been traditionally low; in conjunction with this, atypical employment has not been substantial and social spending in the form of unemployment benefits has been also limited. Against this context, the role of social dialogue and collective bargaining has been rather minimal. As Yannakourou (2004: 20) reports, ‘with the exception of part time work, some aspects of which were regulated by EGSSEs, other new forms of employment such as telework, temporary agency work, or even widespread fixed term contracts have never been subject to any collective agreement at any level.’ Against this context, there has been a growing trend of social movement unionism since the emergence of the crisis (Kretsos, 2011a). In this respect, the Greek precariat exhibits some of the elements identified by Standing regarding the modern precariat, i.e. not being dependent on unions/political parties nor feeling a commitment to a particular employer. However, as Kretsos (2011a) argues, there is quite limited direct involvement of radicalised trade unions in the problems of precarious workers in Greece. Instead, unions tend to focus on developing forms of political mobilisation and not mobilisation at the level of the firm. Nonetheless, there is still evidence of indirect involvement: such movements put pressure on big unions to radicalise their demands and break the traditions of partnership with the Socialist Party through the development and support of street politics and social media.

In a recent review article on the role of the institutional framework in dealing with precariousness, Adams and Deakin argued that ‘the two strategies that have been widely adopted – seeking to extend the legal category of the SER to cover non-standard and precarious forms of work on the one hand, and enacting a limited right to equal treatment between non-standard work and the SER on the other – are restricted in what they can achieve. The most successful and enduring policies are those that shift the focus of reform away from the deregulation of employment protection law (EPL) to the use of a range of complementary regulatory mechanisms, including collective bargaining, to normalise and protect non-standard and precarious forms of work’ (Adams and Deakin, 2014: 781). Against this context, the case of Greece represents a rather particular situation. On the one hand, the crisis-related measures have led to a significant erosion of the SER. On the other hand, they have also limited excessively the extent to which complementary regulatory mechanisms, including importantly collective bargaining, can play a role in the mutualisation of the risks associated with the employment relationship. The empirical part of the study (Part 2) will seek to assess whether these are borne out in reality.

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Inspectorate which has the duty to call the employer in order to try to settle the dispute. Arbitration is not allowed as a tool for settling individual labour disputes

## Part 2: Facing Precarious Work in Selected Sectors

Having explored the recent policy/regulatory developments related to precarious work and the changes in the incidence and nature of precarious work in Greece since the start of the crisis, we will now move to consider the situation at cross-sectoral level and at the level of the five selected sectors, i.e. construction, retail, temporary agency work, metal manufacturing and healthcare public (hospitals). In line with the PRECARIR project analytical framework, particular attention is paid on the changes in wage levels, working time, employment security, social insurance and employee representation. The intention was to analyze evidence on sector-specific case studies of precarious work, focusing especially on strategies and actions that employers' associations (or individual employers that set trends in the particular sector) and trade unions have undertaken to address the rise of the dual labour market, and especially the growth of precarious work, to protect, represent and improve through collective bargaining and social dialogue the social rights of vulnerable employee groups in precarious employment and to adjust industrial relations structures and bargaining procedures to better reflect the character of the dual labour market. To that end, semi-structured interviews took place with the relevant actors from trade unions, employers' associations and state authorities (for details see Table 14).

**Table 14 Details of interviews with national and sectoral level industrial actions**

<b>NATIONAL LEVEL</b>			
Social Partner	Employees	GSEE	General Confederation of Greek Workers
Social Partner	Employees	ADEDY	Supreme Administration of Unions of Civil Servants
Social Partner	Employers	GSEVEE	Hellenic Confederation of Professionals, Craftsmen and Merchants
Social Partner	Employers	ESEE	National Confederation of Commerce and Entrepreneurship
State		SEPE	Labour Inspectorate
State		EIEAD	National Institute of Employment and Manpower
<b>SECTORAL LEVEL</b>			
Metal Sector	Employees	POEM	Hellenic Federation of Metalworkers and Clerical Staff
Metal Sector	Employers	POVAS	Panhellenic Federation of Craftmen of Aluminium
Retail Sector	Employees	OIYE	Federation of Private Sector Employees
Retail Sector	Employers	ESEE	National Confederation of Commerce and Entrepreneurship

Retail Sector	Employers	SELPE	Hellenic Retail Business Association
Construction Sector	Employees		Federation of Construction Workers and Related Occupations
Construction Sector	Employers	STEAT	Association of the Technical Companies of the Highest Classes
Health Sector	Employees	POEDIN	Pan-Hellenic Federation of Public Hospital Workers
Health Sector	Employees	OENGE	Union Federation for Hospital Doctors of Greece
Health Sector	Employers		Ministry of Health
Taw Sector	Employees	ENIDEA	Association of Temporary Employment Agencies
Taw Sector	Employers	SYDAPTT	Trade union representing indirectly employed workers in the banking sectors
<b>OTHER</b>			
	Employees	Vi For Voucherades	Precarious Workers Network and Voucher Workers Representation

## 5. Social partners responses to precarious employment at the national level

Parallel to the radical transformation of the Greek labour market during the crisis (see Part 1), wide-ranging changes can be observed in respect of the status, involvement and effectiveness of the social partners in influencing labour market developments at national level. In respect, firstly, of the trends regarding precarious forms of work, the increase of such forms of work was attributed by the unions to the increase in unemployment and the crisis-related changes in social insurance: in reducing radically the expected returns in terms of pension rights, the state (it was argued) forced the individuals to opt themselves for such forms of atypical work as a means to secure employment but also gain in the short-term (in terms of reduced social security contributions and tax) (GSEE, interview notes). In the private sector, the greater extent of precarious work was considered to be in the tourism sector as a result of abuses in the practice of apprenticeships. In the public sector, the greatest risk of precariousness was considered to be in the healthcare sector, as a result of the excessive cuts in the public budget and the continuing high levels of demand for such services on the part of the citizens.

Against the context of a radical transformation of the labour market as well as the institutional framework affecting the regulation of employment relations, the need for regaining social legitimacy was expressed by both the trade union confederations (GSEE and ADEDY). The problem of union legitimacy was raised by employers' federations as well and it was noted that 'GSEE is falling apart' (ESEE, interview notes). On the part of GSEE, additional considerations were important, including not only efficiency and equality but also

survival (GSEE, interview notes). Whilst arguing for the elimination of precarious work more broadly, it was recognised that certain sectors (including more notably tourism) required a certain level of labour market flexibility (GSEE, interview notes). In terms of the specific approach adopted vis-à-vis precarious work, informal attempts were made on the part of GSEE to address the problems of precarious workers, including, for instance, setting up a unit dealing with unemployed within the trade union confederation and providing support to unemployed through the Centre for Information of Employees and Unemployed of GSEE (KEPEA). However, the union confederation formally refused to accept as members those that did not receive social insurance coverage such as those employed in the context of the voucher schemes. The rationale behind this was reportedly the need to limit the risk of legitimising such practices, especially in light of the enforcement problems experienced by the Labour Inspectorate during the crisis (GSEE, interview notes).

On the part of the trade union confederation representing employees in the public sector, ADEDY, similar objectives to that of GSEE, i.e. elimination of precarious forms of work, were also articulated. In this context, it was recognised that the union federations did not accept as members individuals on fixed-term contracts in the local government (even though those on fixed-term contracts in the education system were accepted as members) (ADEDY, interview notes). The lack of acceptance of employees in local government was criticised by PAME, the Communist-led union, leading to its withdrawal from the annual conference of the unions in local government. The representative of ADEDY recognised that despite the rise of procurement of services in the public sector (especially in cleaning, catering and security), no substantial work had been done on the part of the confederation regarding its approach to these issues (ADEDY, interview notes). Mobilisation attempts were made, including 42 general strikes since the start of the crisis. Whilst the strikes were widely supported at the start of the crisis, there were less participation more recently as a result of the lack of influence of such forms of mobilisation but also as a result of the financial concerns of workers (GSEE, interview notes).

In terms of employer organisation, significant changes were reported there as well in respect of their associational capacity and institutional role in the regulation of the labour market during the crisis. First of all, a number of employers' associations were facing the risk of losing members during the crisis. Secondly, similar to the trade unions, the institutional role of the employers' associations had been reduced as a result of the regulatory changes in the collective bargaining framework. Against this context, some differences existed in respect of the considerations and approach of the associations vis-à-vis labour market flexibility. The approach of GSEVEE with respect to labour market flexibility was that the latter was 'the means of transferring the crisis to the real economy' (GSEVEE, interview notes). The dismantlement, in this context, of the framework for collective bargaining, acted as a catalyst for an unregulated recourse to flexibility, leading to precariousness. In light of this, GSEVEE was in favour of re-instating a supportive regulatory framework for collective bargaining. Crucially, this would involve abolishing the wage differentials between workers on the basis of age (i.e. lower NMW for those under 25-years old) and setting a common NMW through negotiations and not through unilateral state action. In a similar vein, ESEE argued for the re-introduction of a regulatory framework promoting collective bargaining (with no recourse though to arbitration on a unilateral basis, as it was before), the abolition of wage differentials between workers on the basis of age and the gradual increase of the NMW to 751 Euros. In respect to labour market flexibility, an approach that recognised the need to maintain the status quo and increase flexibility in certain areas (e.g. in respect of the labour ticket) whilst ensuring that a protective framework operates to limit the extent of worker exploitation was adopted by ESEE (ESEE, interview notes).

In the absence of involvement of the social partners in the policy-making process and the changes in the regulatory framework affecting collective bargaining, unilateral initiatives were developed by both GSEVEE and ESEE. According to the GSEVEE interview, 'visionary policies, if they existed, have been abandoned. We operate on an ad hoc basis and in reaction to decisions where we are asked to intervene' (interview notes). Both associations made use of their respective research institutes for the purpose of collecting and disseminating information regarding the labour market situation in the sectors covered by the associations. Joint actions were developed between ESEE and GSEVEE in respect of the amendments to Sunday opening rules, where the associations opposed the liberalisation of the opening hours, promoting the so-called 'labour ticket' and cooperating with the Labour Inspectorate to counter the rise of undeclared work. Cooperation was also sought and arranged between GSEVEE and SETE in respect of the catering sector, but it was acknowledged that the collaboration was for pragmatic reasons and there were differences in terms of the tactics and objectives pursued (GSEVEE, interview notes). A successful attempt to persuade the government to set up a contributory unemployment fund for self-employed was reported by GSEVEE, covering around 5-6.000 self-employed individuals.

Despite the significant challenges facing both employer and union associations, joint initiatives were recently supported by the inter-sectoral social partners; these were often supported by the ILO in the context of the technical expertise offered to Greece. It was deemed that the consequences of the crisis rendered particularly necessary the reinforcement of national social partners' role in social and economic decisions and policies. In the framework of the technical assistance provided by the ILO with respect to social dialogue issues, the national social partners developed a range of projects designed to re-start the social dialogue process, dealing, among others, with the effectiveness of social dialogue and sectoral-level bargaining, social dialogue on issues of vocational education and training (affecting particularly young people) and discrimination at the workplace. Other joint initiatives that were sector-specific included the conclusion of an agreement between GSEE and the Technical Chamber of Greece (TEE) against the significant increases of social security contributions of those employed in the construction sector. Whilst employer-union collaboration was secured in a number of areas, significant differences existed in respect of the introduction of the labour ticket. Whilst GSEVEE argued for its introduction as a means to counter undeclared labour, GSEE contended that its use would reinforce the use of undeclared labour.

## **6. Precarious work in the healthcare sector**

### **6.1 Trends, forms and factors affecting precarious work in the healthcare sector**

The healthcare sector in Greece has experienced significant change in the recent decades. Factors associated with these changes include the strong growth of the private sector, which was attributed to the provision of inadequate and low quality public health services, the improved standards of living as well as the rapid growth of private insurance. In the pre-crisis period, the Greek National Health System had experienced already serious structural problems regarding financing, organization and delivery of services. These problems have now been intensified due to the severe current economic conditions and the sector is radically affected by the crisis and the austerity measures. Greece's hospital budget has been slashed by nearly 50% since the country entered into the economic crisis. Spending on hospitals has fallen from 6.3% to 3.9% between 2008-2015. This has far outpaced the rate of economic contraction, where output has shrunk by 25%. The majority of the austerity measures has been borne by the provision of medical services and supplies. Greece's 140 state hospitals



saw a 94% fall in their budget in the first four months of 2015 (for a review, see Economou et al 2015).

The significant reductions in the budget in conjunction with the pre-existing issue of understaffing have impacted considerably upon terms and conditions of employment in the sector, including an increase of precarious work (see Table 14). There is evidence that the crisis accelerated some of the pre-existing trends in employment conditions but also created new challenges. According to the ministry official, three forms of precarious work exist presently in the public healthcare sector. The first concerns the use of auxiliary doctors and other healthcare personnel, who are employed on the basis of fixed-term contracts. The use of such forms of work was intended to cover urgent needs in the sector. Whilst the practice existed during the previous years, the current administration accepted that such contracts were still used by the present administration, as they were considered a necessary solution, which was to be used until the system achieves a stage of stability (Ministry of Health, interview notes). It was estimated that at the time of the research (January 2016) the total number of auxiliary staff in the sector stood at 1,600 (1,100 were doctors and 500 other healthcare staff). Importantly, no previous attempts had been made by previous administrations to estimate the numbers of auxiliary staff. The second concerns the use of voucher schemes that used to offer until recently work for a period of 5 months. The use of such schemes was introduced by previous governments during the economic crisis (for an analysis, see part 1 of the national report). According to recent estimates, around 3,000 posts were covered by such schemes. Whilst it was recognised that these schemes were characterised by precariousness, especially as a result of the absence of recognition of pension entitlements, the present administration admitted that they were used in order to cover existing needs in the sector. In order to limit the extent of precariousness, the government extended the duration of such schemes, i.e. from 5 to 8 months, and introduced additional benefits such as leave rights.

The third concerns the use of quasi-dependent workers. Recourse to this form of work was made under the previous administration. Whilst it was emphasised that this category was one of the most extreme forms of precarious work in the sector (together with the voucher schemes), it was accepted that it was still being used, albeit to a more limited extent (Ministry of Health, interview notes). No data was collected by the Ministry of Health concerning the use of such contracts in the sector. It was recognised that cases where use was made of such contracts included the periphery of Greece, where no doctors were available and where all other available means were exhausted. Importantly, despite the fact that a formal administrative process involving the Supreme Council for Civil Personnel Selection (ASEP) was required originally for the registration of such contracts, this was not complied with and no records were kept of the number of such contracts in the sector. The present administration proceeded to change the process (reportedly to limit existing delays in the registration) and in the place of the requirement to inform the Supreme Council for Civil Personnel Selection, a requirement of notification to the Ministry of Health was introduced so as to enable the monitoring of the use of such forms of contracts. According to the state official, only limited use of such forms of contracts was made recently, including, for instance, where it is impossible to find alternative means for covering the posts (Ministry of Health, interview notes). Whilst it was recognised that use of all three means was made, i.e. auxiliary workforce, voucher schemes and economically dependent workers, it was emphasised that no use should be made of TAW (however, see below for the case of the exclusive nurses, who are often on temporary agency contracts). The fourth category concerned the use of subcontracting in the case of support staff. No data was collected by the Ministry of Health concerning the use of such contracts in the sector. However, union interviewees noted the significant expansion of such practices during the last 15 years, i.e. well before the start of the

crisis. It was estimated that around 25% of individuals employed in the sector were subcontracted. This had a knock-on effect on union rates, as very few of those (mostly in catering, security and cleaning) were members of the unions representing employees in the public sector (POEDIN, interview notes).

According to the representative of the Ministry of Health, the use of labour market flexibility in the sector was not the result of the crisis. The use of such forms of work had already started before the crisis. It was noted that the rise in precarious forms of work was not related to trade union resistance against such forms but was related to the dominant ideology in the pre-crisis period, which tended to promote the interests of the private sector (Ministry of Health, interview notes). When the recruitment freeze was introduced in the sector during the crisis, recourse to such forms of work was then facilitated even further. The Ministry of Health interviewee stressed: 'But we have choices even in such cases. And now we face extreme challenges but we still find ways to deal with them. It is only a matter of different perception on the issues we are dealing with' (Ministry of Health, interview notes).

Important challenges in specific areas of employment were identified by union representatives. Similar to other countries, abuses in terms of working time were reported: lack of compliance with the EU Directive on working time was reported in respect specifically of shift work, time off, night work and specific rights in respect of mothers (e.g. time off for breastfeeding etc.) (POEDIN, interview notes). Aside from issues related to working time, there were problems regarding significant pay reductions introduced in the context of the adjustment programmes (Law 4024/2011 on the unified pay scheme in the public sector). On top of this, problems in respect of delays in overtime and leave pay were also reported (POEDIN, interview notes). Importantly, these issues affected equally all workers directly employed by the state or other public sector organisations and irrespective of their status as regular or irregular workers. However, considerable differences were reported in the employment conditions between those directly employed by the state and those employed by dependent subcontracting firms and the economically dependent workers. In the case of subcontracted workers, the employment conditions were described as 'medieval' by the union representative (POEDIN, interview notes). In terms of wage levels, these were lower than the ones in the public sector by 60-70%; delays in payment were also reported. Variable work schedules and working time abuses were also experienced by workers. Equally importantly, there were problems in terms of undeclared work and subcontracted workers were prohibited from organising to represent their interests (there was though informal organisation) (POEDIN, interview notes). In the case of economically dependent workers, wage payment delays and significant differences in pay levels (30% lower than those directly employed) were reported. Similar to the case of subcontracted labour, workers did not have formal access to structures of representation (albeit there was informal organisation of their interests) and were themselves responsible for their social insurance. Aside from these cases, there was also evidence to suggest that the practice of exclusive nurses offered significant scope for precariousness. Temporary work agencies have been supplying exclusive nurses to Greek hospitals even though they are legally prohibited to do so. It was reported that agency nurses end up being paid 10-20 Euros or less for 12-hour shifts. It was argued that the adoption of Ministerial Decision 1944/B/8-8-2013, according to which nurses may register in the national list without the need to provide evidence of a nursing degree run the risk that hospital administrations no longer have any control over their supply of ad hoc nurse labour (Maroukis 2015).

**Table 14 Precarious work in the healthcare sector**

Quality of Working Conditions Dimensions						
		Wages	Working Time	Job Security	Social Security	Representation
Regulation by the Labour Code	Civil servants	Unified wage legislation regarding civil servants (Law 4024/2011) Debts regarding bank holiday pay, night and shift work	Lack of compliance with the EU Directive on working time (including duration of breaks between shift work, abuse of night work limits)	Compliance with the legislation on public servants. Recruitment freeze Significant problems in terms of health and safety Same issues as in the case of employees of private legal entities in open-ended contracts Recruitment on the basis of the ASEP process but with no right of contract renewal	Normal	Representation by trade unions but absence of collective bargaining (with the exception of a single collective accord in the case of OENGE))
	Employees of private legal entities in open-ended contracts Employees of private legal entities on fixed-term contracts Auxiliary doctors					
	Subcontracting	Wages lower from those applicable in the public sector employees by 60-70% Delays in wage payment	Lack of compliance with working time legislation	Lack of compensation in dismissal	Significant levels of undeclared labour	Lack of union representation (due to the lack of such provisions in the union constitutions)
Non Labour Code	Self Employed (doctors)	On the basis of the agreement with the hospital	On the basis of the agreement with the hospital	Special treatment (no compensation upon termination and lack of access	Individuals responsible for social security	Lack of union representation (due to the lack of such

The formal employment status dimension



## 6.2 Social partners' responses to precarious work in the healthcare sector

In the public healthcare sector, POEDIN, i.e. the Pan-Hellenic Federation of Public Hospital Workers, is the main trade union organisation and until recently, the only one. POEDIN is formed by 250 primary hospitals, care institutions and health centre workers' unions and represents 80,000 public health care professionals (Eurofound 2011). It is also the only federation which falls under the Confederation of Civil Servants (ADEDY), entering into the respective collective employment agreements, which also regard nurses. In more recent years, two more Federations have been established: PASONOP, i.e. the Pan-Hellenic Federation of Nursing Staff Unions, which includes several company level trade unions formed by nurses of all ranks, and PASYNO-ESY, i.e. the Pan-Hellenic Association of the National Health System Nurses, which represents unions formed exclusively by nurses of a University and Technological education. According to Eurofound (2011), there is no precise information available concerning the number of nurses that are covered by the federations or are members of the first-degree trade unions. The sectoral federations PASONOP and PASYNO-ESY are differentiated from POEDIN as per their professionally limited scope of action (only nursing staff) and their ideological-political identity, following a conservative political line (Eurofound 2011). Aside from these trade union federations, the Union Federation for Hospital Doctors of Greece (Ομοσπονδία Ενώσεων Νοσοκομειακών Γιατρών Ελλάδας, OENGE) is responsible for representing doctors in the public healthcare sector. On the side of the employers, the employer of salaried nurses and doctors in public healthcare is the State (i.e. the Ministry of Health).

The broad approach of POEDIN is one of inclusion of atypical workers (including those employed by service provision companies), the objective being here the elimination of such forms of work in the sector. Priority was specifically given to subcontracted and auxiliary doctors. In the case of subcontracted labour, the objective was to eliminate the scope for subcontracting and convert the employment contracts in such cases into regular employment contracts directly with the state. To that end, some (but not all) unions-members of POEDIN accept as members outsourced workers and all represent the interests and rights of atypical workers (POEDIN, interview notes). In a similar vein, OENGE aims also at the elimination of atypical forms of work. In the case of auxiliary doctors, the objective was to convert their fixed-term employment contracts into open-ended (OENGE, interview notes). To that end, a policy of inclusion has been adopted. However, self-employed doctors were not accepted as trade unions members and it was held that the ultimate objective was the eradication of this form of work in the sector (OENGE, interview notes). Importantly, ADEDY (the public sector confederation) did not accept as members individuals on fixed-term contracts (with the exception of teachers) nor temporary agency work (the latter can be though members of the first-level unions). The different, to some extent, level of exposure to precarious work between OENGE and POEDIN was reflected in the extent and nature of activities adopted to deal with the phenomenon of precarious work. Whilst both union federations strove for equal treatment and efficiency, POEDIN was also concerned about the impact of the sectoral developments on the union itself and its capacity to survive in the new context.

Broadly speaking, union organisation was relatively strong in the sector in the recent decades. However, the movement experienced considerable change during the crisis. In the pre-crisis period, there was some apathy on the part of union members. At the onset of the crisis, there was evidence of consolidation and mobilisation; however, the trend was later reversed with evidence of weakening of the union movement in the most recent years, including lower participation rates in general strikes etc. Unilateral initiatives were undertaken by POEDIN that were aimed at collecting data regarding the employment situation at hospitals and disseminating information regarding labour standards to their members. But in the absence of

substantial financial resources, the extent for the development of such activities was limited. On the part of OENGE, attempts to disseminate information to their members concerning changes in the legal framework, the approach of the federation and mobilisation events were made. Service-oriented instruments, including providing legal advice, were also provided by POEDIN. The use of media was recognised as an important tool in the campaigns of POEDIN and OENGE, as publicity about problems in the public healthcare system was seen as particularly detrimental for the administration. However, the role of media was dubious at the same time, as it was recognised that support was offered only in cases where the intention was to criticise the incumbent public administration (POEDIN, interview notes). Communication with the public was also developed in an attempt to shape benchmarks on employment standards. In line with the broad strategies of the union, the objective here was to influence the conceptualisation of employment relations in the sector away from subcontracting work to private providers primarily and reducing the extent of fixed-term employment contracts afterwards.

Aside from unilateral action, joint efforts were made in the area of identity politics, with POEDIN collaborating with other healthcare organisations to argue in favour of free healthcare provision. In this respect, certain challenges were identified, including a refusal by the Institute of Social Insurance (IKA) to join the mobilisation (POEDIN, interview notes). On top of the development of activities in the healthcare sector per se, initiatives that were broader, i.e. outside the healthcare sector, were undertaken: these included the organisation of public events and mobilisation in support, for instance, to cleaners in the ministry offices, school security officers and employees of the public broadcaster, when the latter was shut down by the government. Importantly, the use of litigation was not considered appropriate for reasons of costs and on the basis that it weakened the unions (OENGE). A 2011 Eurofound report stated that the social partner organizations (trade unions and employer organizations) showed no interest in getting involved in the process regarding changes in the healthcare sector. The example mentioned in the Eurofound report (2011) concerned the adoption of legislation to reform the social security system in order to regulate, among others, the working status in the home care sector. In this case, none of the main social partner had submitted any proposals in the policy process. However, examples of policy intervention during the crisis were provided by the union interviewees: these included intervening in support of abolishing the use of subcontracting in the sector, the recognition of certain occupations as 'hazardous' and the payment of overdue wages (POEDIN, interview notes).

The position of the Ministry, in its capacity as the employer in the sector, in respect of the forms of precarious work available at present is the opposition in principle of the use of such forms of work in the sector (Ministry of Health, interview notes). At the same time, their use was justified on the basis of the dire situation the public healthcare sector was following the recruitment freezes during most part of the economic crisis. Despite the lifting of these restrictions in some cases, it was argued that such forms of atypical work were used to cover the needs of the system as a first step. It was envisaged though that the next step from this would include efforts to bring closer such forms of work to the standard model of employment that included regular contracts of employment. In this respect, it was recognised that at present this would be utopian. Two reasons accounted for this difficulty: the first concerned the significant challenges that the system was experiencing and the second concerned the large extent of retirement that took place in the sector.

A number of measures were introduced recently (Law 5325/15) to deal with issues related to the use of auxiliary staff in the public healthcare sector. These included the following: 1. Simplification of the recruitment process in order to reduce the time needed; 2. Extension of

the duration of the employment contracts, in some cases reaching up to 3 years (primarily in special units in the periphery of Greece so as to promote tenure until it becomes possible to provide open-ended contracts); 3. Extension of other fixed-term contracts to go beyond the 2-year rule introduced by the previous government. In the latter case, it meant that those employed under such contracts acquired the right to convert their contracts to open-ended ones. The ministry official explained: ‘We took a political decision that since these individuals cover permanent needs and have already worked to provide significant services in the sector, we should not be interested in limiting the extent to which they could acquire rights to open-ended contracts. We do not want to comply to this legislation (which limited such employment to 2 years) because if we were to abide by it, it would delay us further in covering the workforce needs of the sector and because in doing this, we recognise that these employees contribute as much as those employed on open-ended contracts’ (Ministry of Health, interview notes).

Specific initiatives were undertaken by the Ministry of Labour in respect of the use of outsourcing in the sector. Law 4368/2015 stipulated plans for the conversion of all outsourcing contracts (in respect of cleaning, surveillance and catering) into individual contracts of service provision directly with the hospitals. In this respect, the wage levels should be determined on the basis of the unitary pay system introduced in the public sector since the start of the crisis, recognising at the same time the entitlements of such workers to allowances and any existing job tenure. The underlying rationale behind this was the eradication of this form of work in the healthcare system. Importantly, economic considerations were at play in respect of these developments: assessments were made of the use of outsourcing in the sector and it was considered that the economic costs in such cases exceeded the costs of individual contracting directly with the workers in such cases. Benefits for the workers were also recognised in cases where they were directly employed, as they would receive higher wages (Ministry of Health, interview notes). Following the adoption of the legislation, a ministry circular was issued providing guidelines to the management of hospitals regarding the conversion of the contracts. The circular stipulated a number of conditions for the application of the legislation. A first pre-condition concerned the previous employment of the contractor by the hospital, even though other individuals employed in cleaning in other authorities could also apply. A tender procedure should be adopted and the tender notice should provide information on the place for the provision of cleaning services, the level of remuneration as well as working time details. Priority should be given to the individuals that had the most years of work experience in the specific organisation. The circular also stipulated that the service provision contracts should not exceed the maximum duration set down by the legislation (until 31/12/2017) and that the cost of the service should be determined on a monthly basis on the basis of the gross income that a directly employed individual would receive in similar conditions (Mpouloutza 2016). However, problems were identified in respect of the implementation of Law 4368/2015 by public hospitals. Among others, the trade union representing cleaners in the region of Heraklion criticised the terms and conditions of the new contracts issued by the hospitals as such contracts prohibited the conversion from service provision ones into employment contracts and stipulated that wage levels should not exceed the ones set out by the service provision companies used until hitherto (Cretaliva 2016).

In this respect, collective bargaining was under-developed in the sector during the pre-crisis period. Law 2738/1999 recognised for the first time the right to collective bargaining in the public sector; until that time, the state had the unilateral right to set out the terms and conditions of employment of public servants. Certain categories were excluded from the legislation, including doctors employed in the National Health System; provision was though

made allowing for the extension of the application of the legislation to these categories, provided the agreement of the most representative trade union. While the right to collective bargaining was recognised, the legislation provided for two types of end-results: the first was collective agreements and the second was the so-called 'collective accords'. Collective agreements could cover a variety of institutional issues while collective accords could cover wage issues, pension issues and the organisational structure of public sector bodies. The former were concluded via voluntary collective bargaining between the state and representative organisations of public sector employees. The latter were to be concluded by the same parties and would include either an undertaking that the state would have to issue an administrative decision or to promote legislation with specific content so as to comply with the provisions in the collective accord. Despite the existence of the legislative framework, very limited use was made of it in the context of developing collective bargaining in the sector. POEDIN argued that it made attempts for the start of negotiations but all governments refused to participate. In the case of doctors, the only collective accord was concluded in 2009, which was then implemented into legislation (Law 3754/2009). Attempts to renew the accord were made later but these were unsuccessful, as the state authorities did not participate in the negotiations (OENGE, interview notes). Even though the current administration had expressed support for the role of collective bargaining in the broad economy in its election manifesto, no consideration was yet provided by the Ministry of Health in respect of promoting collective bargaining in the sector per se; the main rationale advanced was that it was more important to deal with the eradication of precarious forms of employment (Ministry of Health, interview notes). The tradition of setting down wages and other terms and conditions of employment via legislation continued during the crisis period, limiting significantly the scope for the development of joint initiatives with the participation of unions.

### **6.3 Concluding remarks**

The healthcare sector in Greece has faced significant challenges in the area of employment conditions during the crisis. Faced with unprecedented reductions in the public sector budget, as a result of the commitments undertaken in the loan agreements, staffing levels for doctors, nurses and other healthcare workers worsened substantially during the crisis, accelerating further the already existing intensification of labour and the use of atypical forms of employment. Wage cuts were also important here: three types of salary cut actually took place: horizontal cuts from tax increases and a special solidarity levy, cuts through the introduction of a new unified salary system for all public sector employees and cuts through reductions in the "special salary system" for doctors (Economou et al. 2015). Against this context, trade unions developed a range of 'defensive' strategies to counter the implications of the cuts and limit the extent of dualisation in the labour market in the sector. Recent initiatives implemented by the current administration seem to halt some of these developments, albeit much rests upon the way these initiatives are implemented by hospitals (e.g. in the case of subcontracting) and upon the extent to which joint initiatives between the actors are promoted.



## 7. Precarious work in the metal manufacturing sector<sup>37</sup>

### 7.1 Trends, forms and factors affecting precarious work in the metal manufacturing sector

The manufacturing sector in Greece is relatively small in comparison with the other European countries. In terms of gross value added production, the sector (including metal but also food and drinks and chemicals) developed during the 2000-2010 period at an average annual rate that was lower compared with the corresponding rate of change of the total domestic economic activity (+0.1% versus +2.2%).<sup>38</sup> However, since 2008, the sector has registered a significant decline in the share of GDP and at the early stages of the crisis in 2010 it was configured at 8.7% (reference). One of the first sectors to be affected by the crisis was metal manufacturing: this was because the sector had traditionally international exposure through exports but at the same time was sensitive of changes in the construction industry at domestic level (Kathimerini 2009). Six years since the start of the crisis, the demand from construction metal-using sector remains subdued and the outlook for the Greek metal sector is unclear. The negative economic climate was confirmed by the employer representative, who suggested that the sector he represented, i.e. aluminium production for construction projects, had experienced significant damage with a decline of over 75% regarding income levels and a respective 60% decline in employment levels (POVAS, interview notes). At broad level, manufacturing was one of the sectors with the greatest reduction in employment rates during the crisis (see Table 15). This development was part of the long process of de-industrialization of the Greek economy that started in the 1980s and resulted in an employment share of about 10.7% in 2010. However, the economic crisis accelerated further the process of de-industrialisation, with significant implications, as we shall see below, for terms and employment conditions as well.

**Table 15 – Employment rates per sector**

	<b>Primary Sector</b>	<b>Secondary Sector</b>	<b>Tertiary Sector</b>
A 2008	11,50%	22,60%	65,90%
A 2009	11,60%	21,60%	66,80%
A 2010	12,70%	20,20%	67,10%
A 2011	12,40%	18,40%	69,20%
A 2012	12,70%	17,10%	70,20%
A 2013	13,60%	16,00%	70,40%
A 2014	13,80%	15,10%	71,10%
A 2015	13,60%	15,10%	71,30%

Source: ELSTAT

<sup>37</sup> The analysis here draws partly on Koukiadaki and Kokkinou (2016)

<sup>38</sup> For an analysis of the developments in the sector before and during the crisis, see Argitis and Nikolaidi (2014).

Differences in terms of the degree of precariousness were reported between different sub-sectors in metal. In the case of car repairs, the extent of precariousness was limited to some extent: due to the paternalistic ethos of the employers, nominal wage reductions took place but in reality wages remained the same. Silver and goldsmith artisan firms became almost extinct and relied predominantly on self-employment and family members. The greatest extent of precariousness was reported in the case of traditional metal manufacturing (POEM, interview notes). In response to the crisis, a number of large steel companies reduced the number of production days and initiated significant restructuring activities, involving initially temporary lay-offs but resorting to collective redundancies when the crisis deepened. Indicative of the extent of restructuring in the sector is the fact that it was a collective redundancies decision in a metal firm, i.e. Chalyvourgia, which was the first to be subjected to the amended review process by the Supreme Labour Council (SLC). The latter approved by majority the management decision to proceed to 45 collective redundancies (out of a total of 74 employees) on the basis that the site where the redundancies would take place had in practice closed down since 2011 following lack of demand and export activity due to the high energy prices and the economic crisis. According to the management plans, the employees who would be made redundant would receive full dismissal compensation and a clause of re-deployment was inserted in case the site restarts operation and employees with these set of skills are required. In addition, the company reportedly committed itself to additional compensation in the case of employees who would receive low compensation due to shorter length of employment in the company (Kopsini 2014). Redundancies were not only found in large firms but also in smaller firms as well. The POVAS representative noted: 'I (as an employer) now have 6 employees. Before the crisis, I used to have 12-16 employees. Most of our members now have between 1-3 employees but they had double that number 5 years ago' (POVAS, interview notes).

Aside from an increase in restructuring and collective redundancies across different sizes of firms that affect job security, other significant changes have taken place that affect income and working conditions security in particular (see Table 17 and 18, the latter based on a selection of company case studies in Koukiadaki and Kokkinou 2016). First of all, in terms of income security, the changes in the regulatory framework on collective bargaining, which led to a near collapse of sectoral bargaining (see analysis below on the actions of the social partners) initiated a process of downward pressures on wages. Even in cases where wages were frozen at the pre-crisis level, there was evidence in some cases of maintaining wages for existing workers and applying the lower minimum wage level – with a preference for young workers – when recruiting, as stipulated in the legislation (Koukiadaki and Kokkinou 2016). Similar to the situation in the retail sector, there were a number of cases of non-payment or underpayment for a number of months. Further, use was made of individual negotiations at small firms to lower nominal wages and make up the difference without declaring it to the tax authorities.

In terms of the nature of employment, significance increases in short-time work, seasonal, fixed-term and part-time work were reported by both employer and union representatives (POVAS and POEM, interview notes). Importantly, no such forms of work were used in the pre-crisis period, indicating thus a considerable shift in employment practices during the crisis period. Women, young workers and immigrants were particularly affected by these developments; the union estimate for female unemployment in the sector was at around 50% (see Table 16). Around 10% of the metal manufacturing workers were immigrants and almost all of them were considered to be in precarious work, predominantly working in undeclared work and in subcontracting chains (POEM, interview notes). There was reportedly a reduction of the rates of immigrants since the start of the crisis (POVAS, interview notes).

**Table 16 – Male and Female employment rates in manufacturing (per thousands)**

	Men	Women
2010	719.7	140.1
2011	592(-17.74%)	125.2(-10.63%)
2012	497.7 (-15.90%)	113.6 (-9.26%)
2013	437.7 (-12.05%)	108.9 (-4.13%)
2014	418.2 (-4.45%)	111.5 (2.38%)

Source: ELSTAT

In this respect, the practice of concluding bogus part-time/short-time working contracts, under which employees receive pro-rata payments but work full-time in practice, providing them with wages of around 300 euros (gross), was also found. In terms of working time flexibility and especially use of annualised working hours, there was no such use of the new possibilities provided by the legislation (Koukiadaki and Kokkinou 2016). Interestingly, there was no consideration at all concerning the introduction of such schemes on the part of management, indicating arguably a management approach that does not tend to rely on such forms of firm flexibility. Despite the fact that there was no use of annualisation of working hours, there were changes in working time practices in some case studies, including, for instance, changing the start and end time of the evening shift albeit in collaboration with worker representatives, and management abolishing demarcation rules so as to use employees in areas other than those of their expertise (POEM, interview notes). Whilst overtime pay above the statutory rates was in some cases retained, there was a reduction in the quantity of overtime in a number of cases due to the economic downturn.

Evidence of increased use of subcontracting tasks and processes during the crisis was also provided in some, only large though, companies (Koukiadaki and Kokkinou 2016). In such cases, problems in terms of social security coverage (coverage was only provided to 30% of the cases), absence of union coverage and working time abuses were reported especially in cases of second-level subcontracting (POEM, interview notes). Even though the use of TAW was expanding in other sectors, it was still limited in the manufacturing sector. Further, reports were provided of temporary work agencies posting Greece-based workers in other EU and non-EU countries to perform work on lower salaries than those of the host-based employees (POEM, interview notes). Specific problems related to social security were identified with respect to engineers, where a large number of individuals are considered self-employed. More than 40,000 do not have access to healthcare and are threatened with repossession due to social security debts. Finally, there were reports of nominal changes of employers so as to benefit from the different regime (i.e. lack of coverage by collective agreements) applicable to those employers that were not members of SEV, the main employer confederation.

**Table 17 – Precarious work in metal manufacturing**

<b>Quality of Working Conditions Dimensions</b>						
Regulation by	Wages	Working Time	Job Security	Social Security	Representation	
Labour Code	Full Time (FT) Open Ended Contracts	Reduction or elimination of overtime work	Use of new dismissal legislation with reduced compensation rights  Significant numbers of dismissals and use of lay-offs in large companies	Nominal wage reductions at the levels of the NMW but maintenance of higher real wages (in small companies)	Trade union representation  Existence of collective agreement only in one sub-sector	
	Part Time Contracts	Significant use of short-time work  Use of overtime		Lack of social insurance (in small companies)		
	Fixed Term Contracts	Lower remuneration in the case of subcontracted employees	Lack of dismissal protection and access to unemployment benefits		Partial representation	
Non Labour Code	Remuneration according to specialisation	No working time limits		Αυτασφάλιση	Lack of union representation	
<b>The formal employment status dimension</b>						

**Table 18 – Examples of changes in terms and conditions of employment in specific companies (Koukiadaki and Kokkinou 2016)**

<b>Case studies</b>	<b>Wage issues</b>	<b>Working time issues</b>	<b>Workforce issues</b>	<b>Other issues</b>
<b>Large metal manufacturer</b>	<ul style="list-style-type: none"> <li>- Delays in salary payment of 2-3 months</li> <li>- Reduction of salary in the case of (70) senior managers</li> </ul>	<ul style="list-style-type: none"> <li>- Reduction of overtime during shift work by 30 minutes</li> <li>- Stricter monitoring of employment so as to reduce the recourse to overtime work</li> </ul>	<ul style="list-style-type: none"> <li>- Absence of replacement of 356 posts that became vacant due to retirement</li> </ul>	<ul style="list-style-type: none"> <li>- Application to be subject to Article 99 of the pre-insolvency proceedings</li> <li>- Abolition of benefits related to social activities, e.g. theatre tickets</li> <li>- Abolition of policy of supporting the social security contributions of employees</li> </ul>
<b>Medium metal manufacturer</b>	<ul style="list-style-type: none"> <li>- Application of pay freezes to existing employees</li> <li>- Recruitment of new employees on the basis of the National Minimum Wage (NMW) (586 Euros)</li> <li>- Recruitment of new young employees on the basis of the NMW for workers under 24 (511 Euros)</li> </ul>	<ul style="list-style-type: none"> <li>No change</li> </ul>	<ul style="list-style-type: none"> <li>- Outsourcing of cleaning and security services</li> </ul>	<ul style="list-style-type: none"> <li>- Lack of security personnel</li> </ul>
<b>Small metal manufacturer 1 (silversmith)</b>	<ul style="list-style-type: none"> <li>- Pay freeze</li> <li>- Nominal decrease to the NMW</li> </ul>	<ul style="list-style-type: none"> <li>- Introduction of intermittent working time instead of continuous</li> </ul>	<ul style="list-style-type: none"> <li>- Recruitment of two employees</li> <li>- Bogus dismissals instead of resignations</li> </ul>	<ul style="list-style-type: none"> <li>No change</li> </ul>
<b>Small metal manufacturer 2 (silversmith)</b>	<ul style="list-style-type: none"> <li>- Pay freeze</li> <li>- Nominal decrease to the NMW</li> </ul>	<ul style="list-style-type: none"> <li>No change</li> </ul>	<ul style="list-style-type: none"> <li>- Dismissal of three employees (from 4 to 1)</li> </ul>	<ul style="list-style-type: none"> <li>- Undeclared and informal employment by family members (2 pensioners)</li> </ul>

<b>Case studies</b>	<b>Wage issues</b>	<b>Working time issues</b>	<b>Workforce issues</b>	<b>Other issues</b>
<b>Small metal manufacturer 3 (silversmith)</b>	- Pay freeze - Nominal decrease to the NMW	No change	No change	No change
<b>Small metal manufacturer 4 (car repairing)</b>	No change	No change	- Dismissal of two employees (from 3 to 1)	- Undeclared and informal employment by one pensioner on a daily basis

## 7.2 Social partners' actions to deal with precarious work in metal manufacturing

In terms of the industrial relations framework, the predominant level of collective agreement pre-crisis was the sector, with the wage levels stipulated by the national general collective labour agreement though affecting the level of wages. A sectoral agreement was traditionally concluded between the Hellenic Federation of Metalworkers and Clerical Staff (POEM) and SEV in collaboration with the Association of Metal Processing Companies (ENEPEM). A separate agreement was concluded between POEM, SEV and the Federation for the Manufacturing of Car Frames and Bodywork. Data from 2008 suggests that POEM had around 30,000 members (25% of all employees) and ENEPEM had around 65 members.<sup>39</sup> Separate sectoral collective agreements were concluded between POEM and the employers' federations representing SMEs in different manufacturing subsectors. In this context, GSEVEE (the cross-sectoral employers' federation) participated and acted as signatory to the sectoral agreements along the sectoral employers' associations Panhellenic Federation of Silver and Goldsmiths, Jewellers and Watchmakers (POVAKO) and the Single Federation of Automobile, Machine and Motorcycle Repair Craftsmen (EOVEAMM) and the Panhellenic Federation of Craftmen of Aluminium (POVAS). As a result of the participation of GSEVEE in these agreements, a basis was provided for extending the agreement to regions where there was no employer representation at sectoral level (GSEVEE, interview notes). In the case of silver and goldsmith manufacturers, a sectoral agreement was concluded between GSEVEE and POVAKO on the side of the employers and POEM on the union side.<sup>40</sup> A separate agreement was concluded covering skilled metal workers and clerical staff of all metal enterprises as well as production, processing, assembly, packaging, repair etc., departments of other companies that covered the whole country. Despite the long tradition of sectoral bargaining, the agreements that were concluded in this context did not address the issue of labour market flexibility per se. The agreement was concluded between GSEVEE, POVAS, EOVEAMM, and POEM. Importantly, there was a tradition of enterprise-level collective agreements pre-crisis, most notably in large firms, which were used to improve significantly upon the salary levels stipulated in the higher-level agreements.

Worker organisation in the sector is centred around representation by POEM. POEM does not represent in effect precarious workers, those employed in atypical contracts, since these do not tend to be union members. The union representative explained: 'Trade unions do not protect as much as should be those on precarious work. Such workers are not union members and unions tend predominantly to represent only those that are registered. I do not approve of this but this is the de facto situation. Even though we support any worker (even non-union member) in many cases, including employment litigation, in general terms the trade union movement does not unfortunately support precarious workers' (POEM, interview notes). Despite this, the trade union reportedly adopted an inclusive approach towards the treatment of precarious workers on the basis that precariousness was seen as a 'necessary stage' providing an opportunity to unemployed to re-enter the labour market in a period of crisis (POEM, interview notes). While it was emphasised that the declared objective of the union was to limit certain forms of atypical work that are linked to precariousness, it was also

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<sup>39</sup> At the same time, there were another 85 active companies that were not members of ENEPEM.

<sup>40</sup> At the time of the research, POVAKO had around 1,200 in Athens and around 30-40% of silver and goldsmith manufacturers in Greece were members in 2014 (POVAKO, interview notes). The benefits of membership were questioned by some employers: 'We do not belong to any employers' association, we consider them irrelevant and we do not believe that they have a productive input on employment issues' (micro metal 2, interview notes).

recognised that it would be impossible to eliminate such forms of work. Similar to other unions, POEM relied on statistics and data analysis conducted by INE-GSEE, i.e. the research institute of GSEE. Information was also gathered from its members and individual workers. But concerns were expressed regarding the inability of workers to increase their awareness around employment issues due to job insecurity and the lack of financial support for the dissemination of information regarding developments in the area (POEM, interview notes). Further, no specific personnel were assigned to deal with the particular issue of precarious work.

The greatest challenge identified by the trade union concerned the lack of protest of undeclared work: ‘Workers do not declare their work, because they are concerned about maintaining their jobs and not about social security. And many times, workers do not declare their work do this under the order of their employer’ (POEM, interview notes). This phenomenon can only be contained by more robust enforcement mechanisms. However, it was stressed that the inadequate organisation and resources of the Labour Inspectorate together with a lack of legal expertise on its part limited substantially the effectiveness of its actions in this area (POEM, interview notes). In terms of organising activities of precarious workers, the union conceded that it lacked the ‘robust arguments’ they had in the pre-crisis period: ‘To organise them in order to protect them from what? Since we cannot protect regular employment, as we do not conclude collective agreements and unemployment rates have rocketed. We lack both arguments and resources’ (POEM, interview notes). These challenges were amplified in the case of subcontracting, where the scope for such organisation was limited due to the worker concerns that they would lose their jobs if they unionised. Mobilisation efforts, in the form of strikes and other protests, were recognised as ineffective as a result of the political situation. However, POEM participated in all the strikes organised by GSEE and the demands in such cases did not differentiate between different categories of employees, the rationale for this being the existence of precarious conditions in all cases.

There was division regarding the position of unions vis-à-vis mobilisation via industrial action: PAME-affiliated unions consider the tool indispensable, more moderate unions in the sector (i.e. POEM) perceive them as ineffective in some cases (Koukiadaki and Kokkinou 2016). Joint efforts for action were reported between POEM and GSEE, the main objective being promoting better labour standards. Importantly, emphasis was placed on the responsibility of the state for the crisis-related reforms and it was deemed that it was the duty of the state to intervene to correct the imbalance in the labour market, including re-instating the pre-crisis collective bargaining framework was stressed. However, it was recognised that such joint efforts were so far ineffective (POEM, interview notes). Whilst litigation was used as a means to address some of the issues, it was deemed that its effectiveness had been reduced significantly due to the withdrawal of labour protective measures in the legislation and the problem of under-staffing in the Labour Inspectorate but also lack on the part of the Labour Inspectorate in the past to protect adequately the interests of workers (POEM, interview notes). In cases where litigation was involved, this was mostly initiated by employers in an attempt to challenge industrial action organised by workers; the challenges by the employers were successful in a number of cases.<sup>41</sup>

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<sup>41</sup> See, among others, the industrial dispute in Arcelor Mittal Hellas (E-Thessalia.gr 2012).



On the part of the employers, there was evidence of disintegration of the employers' federation concerning large manufacturers since the introduction of the measures concerning collective bargaining. According to anecdotal evidence gathered in a previous study (Koukiadaki and Kokkinou 2016), the association had around 38 members in 2014, almost half since 2008.<sup>42</sup> With respect to smaller employers, no specific changes in membership levels were reported by POVAS; however, changes in attitudes were observed, with members showing increasing lack of interest (POVAS, interview notes). On its part, POVAS had not formulated yet a specific strategy on labour market flexibility and had not adopted any such decisions in this area during the crisis. It was argued that if they decided to develop such strategies, they would necessarily do this following consultation with their trade union counterparts, i.e. POEM (POVAS, interview notes). Having said that, the POVAS representative expressed support for the promotion of flexible forms of employment, including dependent self-employment and apprenticeship schemes, on the basis that such work would support employment rates in the economy (POVAS, interview notes). Whilst POVAS was in favour of flexible work, attention was paid to the importance of the legal/institutional framework that would support such forms of work. In this respect, it was recognised that the growth of atypical forms of employment in the sector had allowed for the development of unfair competition among employers, as it had led to increased rates of undeclared labour. Against this context, POVAS laid emphasis on the need to counter such developments.

In more specific areas, formal and informal coordination attempts were made at both domestic and supranational level. At domestic level, collaboration was established with GSEVEE, including research projects targeting the issue of unemployment. At European level, POVAS participated in a number of projects related to the impact of energy developments on employment conditions. The association also collaborated with the Federation of the European Window and Curtain Wall Manufacturer Associations with a view to promote support for apprenticeship schemes, which were considered vital for the development of the Greek economy. In terms of policy issues at domestic level, interaction with state officials and departments largely targeted issues of taxation and economic developments and not labour market issues. Whilst both parties (i.e. POEM and POVAS) agreed that there was good cooperation between the two, evidence of joint initiatives was limited. The only example provided by the interviewees concerned the cooperation between POEM and the employers' association of the Schistos manufacturing park: cooperation was limited to the provision of information by the parties and did not extend to the conclusion of collective agreements (POEM, interview notes). Consideration was given to create a bilateral committee with POEM to discuss labour market issues, but no concrete proposals were developed at the time of the research. No mobilisation or other organising activities were other employers were made relating to issues of labour market flexibility. Outside the immediate area of labour markets, there was some evidence of joint initiatives to promote training to assist craft and industrial firms and to promote new forms of business development.

Importantly, POVAS and its members continue to support the conclusion of collective agreements at sectoral level. Similar to other sectors, the developments in this area illustrate the divide between large and smaller firms. In contrast to the retail sector, where collective

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<sup>42</sup> The association declined to provide an interview.

bargaining continued for some time during the crisis, albeit with significant wage cuts, unions in metal manufacturing focused their efforts on preventing job losses and wage cuts (POEM, interview notes). Following the legislative changes and once it became clear that the unions in the sector would not agree to significant (22%) wage reductions demanded by the employers' association representing large employers (ENEPEM), the latter withdrew from the process of bargaining. Against this context, there was evidence of unions (Union of Metal Workers of Attica and Shipbuilding Employees of Greece) coordinating their strategies at local level to conclude collective agreements with similar terms and conditions of employment in the region. Similar developments were reported in the case of the sectoral agreement covering employees in silver and goldsmith manufacturing: the employers' association POVAKO withdrew there its support for the conclusion of the 2012 agreement once the union refused to wage cuts of 15%. In both cases, there had been pre-crisis demands by the members of the employers' associations (ENEPEM and POVAKO) for greater flexibility in wage determination. An exception to this pattern was provided in the case of bargaining in other metal manufacturing (i.e. metal production, processing, repair, assembly and packaging in automotive, machine and motorcycle repair). A sectoral collective agreement was concluded in 2013 between the employer federations representing SMEs (GSEVEE, EOVEAMM and POVAS) and POEM. Importantly, the agreement stipulated that the allowance of unhealthy work (12%) should only be provided to those that are employed on a permanent basis (and not those employed on temporary contracts). The conclusion of the agreement, which stipulated wage freezes to those of the 2010 agreement, was justified on the basis that it as providing a much needed framework in the absence of trade unions in such companies (e.g. SMEs) and in the context of significant dependence on trust relations with individual employees (EOVEAMM and POEM, interview notes). The agreement was extended (up to 2015) but without the participation of EOVEAMM. A further agreement was concluded in 2015 between GSEVEE, POVAS and POEM that maintained the same terms and conditions of employment, but again without the participation of EOVEAMM (Koukiadaki and Kokkinou 2016). Importantly, all members within POVAS supported the preservation of sectoral bargaining (POVAS, interview notes).

### **7.3 Concluding remarks**

The landscape of employment conditions in the metal manufacturing sector has changed dramatically in the last years. First all, changes can be observed in the range of employment forms being used during the crisis: in this respect, a move is evident away from regular full-time employment towards atypical forms, including short-time and part-time work. Further, job security has been affected greatly, accelerating even further the degree of de-industrialisation of the Greek economy. Main reasons accounting for these developments include the economic crisis, but also the austerity measures affecting businesses per se, especially regarding taxation, but also the changes in the legislative framework affecting workers, i.e. employment protection legislation and collective labour law. Against this context, trade unions and employers' organisations seem unable and/or unwilling to develop specific strategies to respond to the new landscape. On the one hand, unions have recognised the limitations of their approach but feel unable to develop new strategies and approaches against the further erosion of labour standards. On other hand, employers' associations and their firms have in their majority been quick to make use of the new institutional framework to define the basic parameters of employment relations in the sector. Similar to other sectors,

a divide seems to have emerged between those federations representing large and those representing smaller firms.

## 8. Precarious work in the retail sector

### 8.1. Trends, forms and factors affecting precarious work in the retail sector

Retail is an important sector for the Greek economy. A 2014 report by ESEE noted that 31,6% of the overall number of employers and 16,3% of the overall number of employees are concentrated in the retail sector (ESEE 2014). Research conducted at the start of the crisis (in 2009) reported that the retail sector was the worst affected in terms of sales (when compared with the service and manufacturing sectors) (Aulonitis, 2009). Retail firms, especially SMEs, experienced an even greater crisis in the following years, especially between 2010 and 2013 (see Tables 19 and 20).

**Table 19 – Changes in retail firms with more than 10 employees**

Year	Number of firms	Number of employees (full-time contracts)
Apr 2008	2,567	104,536
Apr 2009	2,501	104,681
Apr 2010	2,474	101,042
Apr 2011	2,198	92,421
Apr 2012	1,976	82,406
Apr 2013	1,883	77,006
Apr 2014	2,243	79,947
Apr 2015	2,601	85,274

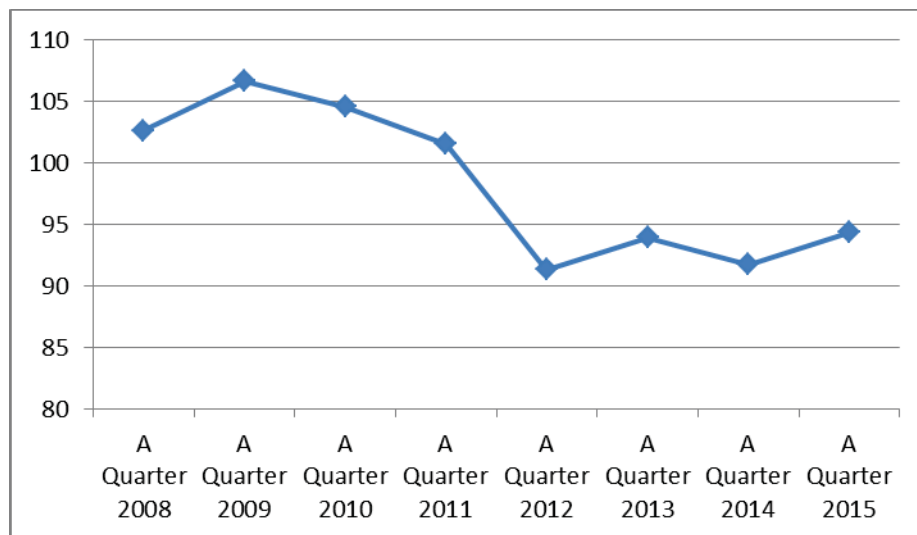
**Table 20 – Changes in retail firms with less than 10 employees**

Year	Number of firms	Number of employees (full-time contracts)
Apr 2008	37,942	56,491
Apr 2009	38,014	57,074
Apr 2010	37,716	55,614
Apr 2011	33,957	48,068
Apr 2012	29,772	40,181
Apr 2013	28,551	35,614
Apr 2014	33,690	39,502
Apr 2015	36,044	42,965

As seen above, while the number of firms grew in the recent years, this did not take in respect of the number of individual employed full-time in the sector. The detrimental effect of the economic crisis on retail is reflected in greater detail when we examine the employment rates

in the sector. Employment in the sector in Greece has experienced radical changes over the last 5 years. As seen in Table 21, employment rates plummeted in the beginning of 2012 and in the first quarter of 2015 stood at 95,000.

**Table 21 – Employment in the retail sector<sup>43</sup>**



Source: Elstat

When compared to other sectors, retail was the third most affected sector in terms of job losses in the period 2009-2013 (table 22). In the period 2013-2014, retail was the first sector in terms of job losses (18% in comparison with 13,9% in the case of construction and 11,2% in the case of manufacturing) (ESEE 2014). Interestingly, a 5.3% increase in employment rates was later reported (in the period 2014-2015); however, 52% of these new jobs were part-time ones (ESEE, 2015).

**Table 22 – Job losses per sector in 2009-2013**

Total	953.874
Construction	232.262
Manufacturing	206.493
Retail	179.610
Restaurants	37.148
Tourism	15.637

Source: ESEE, 2014.

Aside from the impact of the crisis on employment rates, significant changes have taken place during the crisis in employment conditions in the sector (see Table 23 for a summary).

<sup>43</sup>Base year 2005=100.

Empirical evidence suggests that the rate of flexible employment increased significantly during the crisis. Two main developments can be observed here. The first concerned the increase of flexibility in relation to the so-called economically dependent – quasi-dependent workers. In this case, the policy framework, as framed by the Regional Operational Programs (ROP) of the National Strategic Reference Framework (NSRF) that are co-funded by the European Union, within the framework of the European Structural Fund, promoted the spread of such forms of flexible employment in an effort to strengthen the competitiveness of the Greek economy. In conjunction with the economic crisis and the adoption of crisis-driven austerity measures, there has been a re-allocation of risk and costs away from the state and the employer towards the individuals (ESEE, interview notes).

The second development concerns the increase in labour market flexibility affecting patterns of regular employment as well. Broadly speaking, there has been significant increase in the conversion of full-time employment contracts to part-time and short-term work, resulting consequently to reduction in real wages. In a number of cases of part-time work, the individuals continue working full-time in reality, i.e. there is a problem of bogus part-time work. According to the 2015 report by ESEE, while during the second quarter of 2008, the share of part-time was 4.5%, in the second quarter 2015 it had reached 10.6%. The change was due to the increase in the number of part-time workers by about 31,429 people. Importantly, in the period between the second quarter of 2014 and the second quarter of 2015, part-time work increased by 17,133 people, while the number of full-time workers grew less in absolute numbers (15,692 people) (ESEE 2015). On top of the changes in the employment contracts, a recent report by INE-GSEE (2015: 148) indicated that there has been an increase in the percentage of workers being paid late (in many cases, they are not paid for a time period that may exceed 6 months), the scope of short-time work (2-3 days per week) has increased significantly with a respective wage decline and newly-recruited individuals are employed on a 4-hour employment contracts and they are paid around 250€. The development of such practices is set against their growing acceptance by workers. A number of factors account for this: the first concerns the reduction of labour standards protection and especially the reduction of rights in the case of dismissal (i.e. the reduction of dismissal costs); the second concerns the significant increase of unemployment in the labour market (ESEE, interview notes).

Whilst these developments characterise the broad employment relations landscape in the sector during the crisis, there is significant differentiation in terms of the use of atypical forms of employment depending on the firm size. As we shall see below, these differences are then reflected in the approaches developed by the respective employers' associations. In the case of the large firms, a wide range of flexible forms of employment, including part-time work and short-time work, has been used during the crisis. The preference for such forms of labour market flexibility was set against the continuing application of the sectoral agreement in the sector, which had expired, and the need of the firms to reinforce the peak business times without proceeding to dismissals. It was argued that this was only a temporary change until the situation improved (SELPE, interview notes). In the case of the SMEs, there has been an increase in under-declared, undeclared work and other types of informal work. Significant changes in wage developments have taken place particularly in the SMEs, which are prevalent in the retail sector. Following the legislative changes in the area of collective bargaining, there was significant increase of individual negotiations with many employers agreeing nominal wage cuts down to the NMW levels but maintaining the pre-crisis wage

levels informally. The extent of the crisis has now meant that real wage reductions have started to take place as well (GSEVEE, interview notes). The rate of undeclared work has also increased: the increase was attributed on the level of bureaucracy involved even in cases of short-term work and the level of labour market insecurity experienced by the individuals (ESEE, interview notes).

A particular challenge affecting SMEs concerns the social insurance coverage of family members that work in such firms. Under legislation (Law 1759/1988), those working for an employer who is also ‘head of their family’ are to be insured by IKA-ETAM, provided they are affiliated in a compulsory or voluntary way to other social security institutions. However, while social security coverage for those employees is compulsory it only takes effect once the employer or employee registers the employment relationship to IKA-ETAM. In effect, this means that IKA-ETAM cannot oblige the employer in such cases to request social security coverage for the family members employed in the firm. Correspondingly, the state authority cannot impose fines in cases where upon inspection family members are not insured. In the majority of cases, these provisions were interpreted as allowing employers in SMEs to not provide social security insurance in the case of family members. As a result, a large number of employees in such cases remained uninsured and were in effect dependent on the social security insurance of their family members that were insured, i.e. their employer, who in many cases provided additional contributions to the insurance fund so as to increase the level of pension. The implementation of pension reforms during the crisis has meant that the pensions available for employers and their family members effectively have been reduced extensively, increasing the social security gap in the SMEs.

As discussed in part 1 of the report, the so-called voucher scheme was designed to promote access to the labour market to unemployed. SETE (the federation representing employers in tourism) was one of the employers’ associations that promoted the use of such schemes in the sector. The union representative noted that extensive use of such schemes was made by employers in retail. Importantly, it was reported that a number of individuals employed on the basis of these schemes had work experience already and used the schemes as a stepping-stone towards regular employment (OIYE, interview notes). The ESEE representative noted: ‘The idea of vouchers is good and we use them a lot. They provide the scope for education in a short period of time and then the employee is placed on a training post. This then means that the employee acquires work experience, the employer becomes familiar with the employee and there is a chance of recruitment’ (ESEE, interview notes). ESEE was one of the institutions that became responsible for the administration of the scheme in the sector in 2014. The wide use of the scheme was disputed by SELPE: the representative noted that whilst SELPE attempted to help its members to make use of the scheme, their members did not finally use it as it entailed significant bureaucracy (SELPE, interview notes).

Further, services that used to be provided internally within the sector, e.g. cleaning and security, have been progressively outsourced to external firms. The main reasons for the changes include the crisis, the pressure from large companies and the changes in labour law. However, concerns were expressed regarding the use of outsourcing, including by employer associations: ‘This [outsourcing] is the worst type of employment both for employees, for employers but also ultimately for the public interest. Why? Because it raises questions about who bears the responsibility for the outcome but also because it involves significant costs, which exceed those in the case of direct salaried employment. On top of this, the institutions

lose gradually the ability to control and organise such activities, the scope for corruption expands and firms lose their know-how' (ESEE, interview notes). Cases of outsourcing of support services (mainly cleaning and security) increased but the use of TAW was reportedly non-existent due to the particularities of the sector (SELPE and ESEE, interview notes). The limited use of TAW was confirmed by the 2015 ESEE report: in the period between 2008-2014, there were around 640 temporary agency workers employed in the retail sector; the figure rose to 841 in 2015 (31,40% increase) but still the figure is not significant (ESEE, 2015). Further, no significant use was made of fixed-term work and where this was used, it concerned mostly young workers (ESEE, interview notes).

**Table 23 – Precarious work in the retail sector**

<b>Quality of Working Conditions Dimensions</b>					
	<b>Wages</b>	<b>Working Time</b>	<b>Job Security</b>	<b>Social Security</b>	<b>Representation</b>
<b>The formal employment status dimension</b>	Full Time Open Ended Contracts	Coverage of overtime needs via the use of part-time work and voucher schemes Abuses in terms of leave rights	Use of new dismissal legislation to limit dismissal compensation	No declaration of difference between nominal NMW and real wage levels (or declaration of the difference as company benefit)	Union representation but absence of coverage by sectoral agreement
	Part Time Contracts	Bogus part time work and use of annualised hours to cover overtime work	Use of one-year probationary period in open-ended contracts and dismissal within the first year	Social insurance on the basis of the nominal part-time job (whilst in reality they work full-time)	
	Fixed Term Contracts (including voucher schemes)	Wages according to voucher schemes Recruitment of workers up to 25 years old (lower NMW)	Five month schemes On high season periods Most new fixed term are	Lack of dismissal compensation and access to unemployment benefits	Lack of pension contributions



	applies)	part time	Common transfers between employers so as to evade obligation of dismissal compensation	actually worked)	period
Outsourcing (in the case of large employers)	Real wages lower than the NMW (method of returning part of the wages to the employer)	Work intensification		Taxation on nominal wages received (despite the fact that they return part of that to the employer) <sup>44</sup>	Regular union representation but lack of applicable sectoral agreement

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<sup>44</sup> See wage column.

## 8.2 Social partners' actions to deal with precarious work in retail

From an industrial relations perspective, OIYE (Federation of Private Sector Employees) is the largest federation of workers in the retail sector: its membership includes 200 first-level unions and represents nationwide workers mainly in the sectors of trade (shops, department stores, supermarkets), the service sector (clerical and ancillary office staff, cleaning, storage, etc.) and shipping and tourism (maritime and tourist offices). It is estimated that its membership is around 400,000 workers (OIYE, 2015). As a second-level organisation, the federation concludes a number of collective agreements in the sectors where it is active. In broad terms, the federation strives for efficiency and equality.

The federation has largely adopted an approach of inclusion with respect to precarious workers on the basis of efficiency and equality considerations. In this context, OIYE recently called for the re-establishment of labour protective measures with the intention of eliminating precarious forms of work, i.e. short-term work, voucher schemes, outsourcing and agency work (OIYE, 2015). In brief, the union called for the following: 'Elimination of flexible forms of work; re-introduction of probation of two months, reduction of the legal period of temporary employment and measures against the phenomenon of pseudo-self-employment ('invoices' and independent services contracts which conceal salaried employment relationship); full elimination of the 'degrading' phenomenon of hiring workers from outsourcing companies and strengthening of the institutional framework for the recruitment of employees that meet established and permanent needs in enterprises throughout the economy (private, public and broader public sector); introduction of legislation to drastically reduce the phenomenon of short-term or intermittent work and other flexible forms of work stress by limiting uncontrolled managerial prerogative for coercive enforcement to the detriment of the employee; introduction of legislation to implement equal pay and treatment within any business in the public or private sector; introduction of requirement to apply the respective sectoral, occupational or enterprise collective agreement in the case of agency and outsourced workers in the between assignments period.

The federation exhibited strong organisational capacity in terms of information dissemination. This was despite the lack of financial resources and manpower (it was argued that it was practically impossible for union representatives to take leave for union duties (OIYE, interview notes)). In detail, the federation has developed significant activities with the intention of informing and empowering its members, including regular communication with primary unions and collection and publication of statistical data on the labour market. Specific initiatives have been developed concerning the treatment of women in the sector. In this context, the formation of ad hoc or more stable coalitions has been promoted in cases where there is consensus in terms of approach and strategies (OIYE, interview notes). It is important to point out here that concerns were expressed about the lack of action by the main trade union confederation, i.e. GSEE, and that this undermined the interests of the workers (OIYE, interview notes). Tensions also existed in the relationship between OIYE and the Union of Retail Workers of Athens, which is a member of PAME, the federation associated with the Communist Party. Alliances with broader social movements, including the so-called 'Square movements' were built to protest against the crisis-related austerity measures and the memoranda linked to the loan agreements provided to Greece.

Use of media was also made to inform the wider public of the positions of the federation: for instance, media campaigns were developed against the introduction of changes on Sunday

trading. In the pre-crisis period, the basic framework for the opening hours was the result of a joint agreement between the employers and trade unions in 1996; the agreement provided the basis for the Ministerial Decision 1162/97 and was then confirmed by the 2001 sectoral collective agreement in retail. The recent changes, which were adopted by the Conservative-led government (Law 4177/2013), allowed, among others, trading for 7 Sundays (an additional one bringing the total to 8 weeks was added later) per year. Against this context, the federation developed ‘social coalitions’ with other workers’ unions at country and supranational level (e.g. European Sunday Alliance). The slogan ‘never work on Sunday’, which was developed, was widely used in all demonstrations and other actions related to Sunday trading. Mobilisation in the form of industrial action was also evident and strike days were organised at national level to protest against the Sunday trading measures. The issue illustrated also the interaction of the trade union with the government and the employers’ associations. In respect of the former, the trade union federation submitted a series of memoranda to the Ministry of Development and Competitiveness in support of repealing the recent Sunday trading legislation. Whilst referring to studies confirming the negative economic effects on firms, the memoranda emphasised the negative consequences of such legislation on employment rates but also on employment relations and enforcement of labour standards. The latter would be the consequence of abolishing in effect the 6-day working week and the related wage increase by 75% for work outside the 6-day period. It was also argued that it would lead to the conclusion of individual collective agreements worsening the rates of undeclared work to the benefit of big commercial groups. Aside from the use of litigation concerning the Sunday trading rules, litigation strategies were also developed to challenge the unilateral imposition of wage cuts, payment delays and dismissals. However, problems were reported in respect of court delays and weakening of the Labour Inspectorate to monitor compliance with labour standards (OIYE, interview notes).

At the employer side, there is some fragmentation in terms of organisation. Three federations represent the interests of firms in the retail sector. The first is the National Confederation of Commerce and Entrepreneurship (ESEE), which represents the interests of a variety of firms in terms of size (i.e. small, medium and large) in the sector. The association has been making efforts in the recent years to organise employers in other services as well. The second is the Hellenic Retail Business Association (Σύνδεσμος Επιχειρήσεων Λιανικής Πωλήσεως Ελλάδος (ΣΕΛΠΕ)). The association represents the organised retail trade, chain stores, malls and companies; the conditions for membership include more than 3 retail outlets and more than 1.5 million Euros income. At present, its members employ more than 39.000 workers.<sup>45</sup> Finally, the Greek Confederation of Small and Medium Enterprises (GSEVEE) includes in its membership such firms from the retail sector.

Since the start of the crisis, changes were reported regarding the membership levels of the employers’ associations. The SELPE representative reported that whilst business closures led to loss of existing members, there was an increase of new members during the crisis. In the

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<sup>45</sup> A different organisation, the Association of Super-market Companies of Greece (Σύνδεσμος Επιχειρήσεων Σούπερ Μάρκετ Ελλάδος, ΣΕΣΜΕ) used to represent the interests of big supermarket chains, including Carrefour, Lidl, Sklaventis, Vassilopoulos and Masoutis. However, the association was dissolved following the imposition of fines by the Competition Committee amounting to 18 million euros to SESME and 7 other super-markets in 2005. The association remained active for some time afterwards in order to challenge the imposition of the fines, which were then reduced, but was then dissolved. Following the dissolution of the association, these firms are not members of any other employer federation.

ESEE case, there was some reduction but this was attributed solely to the business closures during the crisis (ESEE, interview notes). Similar developments, i.e. reduction in membership levels, was also reported by GSEVEE; but in this case, these were interpreted as being the result not only of the closure of businesses but also of the regulatory changes in collective bargaining that provided an incentive for individual firms to leave their employer federations (GSEVEE, interview notes). Importantly, no personnel are allocated to deal with issues of labour market flexibility internally in the employers' associations; rather the issue is considered a matter of the general policy of the associations. However, ESEE has set up INEMY, a research institute focused on the study of retail and services, includes in its research the issue of employment relations.

In terms of their broad approaches to labour market flexibility, significant differences existed between the two associations. On the one hand, ESEE generally supported an **inclusive** approach. Broadly speaking, employees are conceptualised by ESEE as a source of capital for SMEs: 'ESEE supports a model that views the employee as a coalition partner. First, the enterprise should close down and only then the employee should be dismissed. SMEs consider the employees as a source of capital for the firm. They have not adopted the extreme model of neo-liberalism. Of course, in the recent period and because of the crisis, they would like to see an increase of flexibility but this concerns mostly issues of formality, including social security contributions and the role of the state' (ESEE, interview notes). On this basis, it was argued that there should be support for 'a system of just and regulated labour market flexibility that would not turn workers to slaves because they are needed as consumers as well' (ESEE, interview notes). In this context, an approach towards recalibrating the status quo was adopted on the basis of a range of economic, institutional, social legitimacy and organisational considerations: this included support for maintaining labour market flexibility in certain areas (e.g. promotion of labour ticket (see below) and reduction of bureaucracy) and in respect of certain categories of individuals that would benefit from easier access to the labour market (e.g. mothers, students) but within the context of a clear legal/institutional framework that would be supportive of labour rights. In terms of wage rates, it was held: 'We were against the reduction of the national minimum wage levels; of course, we were also opposed to the huge increases we used to give [in the pre-crisis period]' (ESEE, interview notes).

The approach by ESEE can be contrasted with that of SELPE. Whilst SELPE also adopts an inclusive approach that aims to maintain the status quo, significant emphasis is placed on increasing labour market flexibility within the context of economic, institutional and organisational considerations. This would entail the following: deregulation of dismissals and redundancies, no return to the pre-crisis model of industrial relations (i.e. multi-level bargaining system) and the pre-crisis national minimum wage levels and avoidance of prescriptive regulation in favour of framework rules. The rationale for the adoption of this approach rested on the argument that labour market flexibility would promote firm performance and development (SELPE, interview notes). Against the context of increasing precariousness, voluntary social responsibility measures were instead developed at firm and associational level to deal with the implications of these developments. These included providing support to homeless people in Athens on the part of SELPE and providing children benefits, public transport tickets and food vouchers for atypical workers on the part of large retail firms (SELPE, interview notes).

In terms of information provision, service-oriented instruments, including call centre and help desk support regarding legal, tax and insurance issues, were developed by ESEE. Various communication channels were used to distribute on regular basis information to their members on issues such as legislative changes, economic developments and policy approaches (ESEE, interview notes). Use was made by ESEE and SELPE of media in order to promote views of the organisation and its members. The scope for policy-level influence seemed to vary depending the association. In the case of ESEE, it was argued that due to the lack of political links, access to policy-makers was always provided but there were differences in terms of the outcome of the process (ESEE, interview notes).

Aside from the range of activities were developed by different employers' federations themselves (i.e. GSEVEE and ESEE), joint employer action was sometimes evident. There was an attempt by ESEE and GSEVEE to persuade the Labour Ministry to introduce the so-called 'labour ticket' (εργόσημο), i.e. a means of payment and insurance for individuals who are not employed in regular employment, in all sectors, including, among others, restaurants. The ESEE representative explained: 'We started working with the Labour Inspectorate to reduce the scope for undeclared work. In this context, we proposed the expansion of the application of the labour ticket system in all workplaces. The state would benefit from increased revenues; we would have a clearer picture about the labour market and the employment relations between the employers and employees would improve' (ESEE, interview notes). However, the support for the labour ticket system runs counter to GSEE and the latter maintains that any expansion of the scheme will legitimise informal types of work. In this respect, criticisms were levelled by both ESEE and GSEVEE against the apathetic stance of the main trade union confederation (GSEE) during the last five years.

Besides the development of unilateral action and initiatives in this area, there was evidence of joint efforts to influence labour market developments in the sector. Joint efforts between some of the partners (ESEE, GSEVEE and OIYE) were also developed against the Sunday trading rules. On the other hand, SELPE, SEV and SETE coordinated their actions in favour of the liberalisation of the Sunday trading rules. In this context, an application for judicial review was submitted before the Council of State against Ministerial Decision K1-1119/7.7.2014 that provided the basis for a pilot scheme of Sunday trading jointly by ESEE, GSEVEE and OIYE. In its interim decision, the Council of State suspended temporarily the legislation. The decision on the merits is still pending but it is expected that the Council of State would declare the Ministerial Decision void. The current government has expressed an interest in reducing state interference in the matter and providing instead scope for decision-making at regional level (Manifava 2015).

It is important to stress here that both GSEVEE and ESEE support the institution of bargaining. This entails crucially support for multi-level bargaining structures, including the national general and the sectoral and occupational agreements. The rationale behind the support for this stems from the need to reduce the scope for unfair competition between firms, especially between large and smaller firms (ESEE and GSEVEE, interview notes). Interestingly, the support for bargaining was against a context of lack of member support for trade unionism: 'businesses hate trade unionism. Besides, GSEE has played a good role in this respect' (ESEE, interview notes). In contrast to the GSEVEE and ESEE approach to collective bargaining, SELPE maintains that there should be no change in the current legislative framework at present, that any reform should be considered once the economy is

stabilised and that the broad framework in any case should allow for company-level decentralisation (SELPE, interview notes).

In the pre-crisis period, terms and conditions of employment were set by sectoral bargaining. Owing to the legal/institutional framework that involved extension mechanisms, the agreement used to cover all employees in the sector (whole sale and retail). The practice of company-level agreements was almost non-existent and the sectoral agreement was applied by all firms in the sector. Wage levels in the sectoral agreement followed those of the national general agreement (SELPE, interview notes). The agreement was concluded between ESEE, GSEVEE, SELPE and SESME on the side of employers and OIYE on the side of workers. However, the landscape of collective bargaining altered significantly since the emergence of the crisis and the adoption of crisis-related austerity measures (Koukiadaki and Kokkinou 2016). The last agreement, which was concluded in 2012 and expired in 2013, was only concluded by ESEE and GSEVEE and OIYE and stipulated wage reductions of 6.7% (the entry wages were set at 860 euros). On its part, SELPE concluded a separate agreement in January 2012 but it denounced it shortly afterwards (in April 2012) in order to allow its members to define the salary scales differently and respond to the economic pressures (SELPE, interview notes). Since then, no other sectoral agreement has been concluded. In the views of the ESEE representative, the main development that affected the regulatory capacity of the multi-level bargaining system was the suspension of the extension mechanisms (ESEE, interview notes). The economic crisis and the resulting business closures provided further incentives for the lack of agreement (GSEVEE, interviews). More recently, the changes in the political context together with the efforts made to restore the bargaining system have further impeded negotiations. These operated in conjunction with trade union resistance against wage cuts to blockade the conclusion of sectoral agreements. But, according to SELPE, big employers still apply the wage provisions stipulated in the old sectoral agreement; the rationale for this was to secure employee commitment and maintain employee skills. However, flexibility was sought via changes in employment contracts, e.g. from full-time to short-time and part-time work and from the introduction of variable work schedules (see above). In medium retail firms, individual agreements were concluded in some cases, reducing wages by around 15% (SELPE, interview notes).

Both employer associations (and SELPE) object though the pre-crisis institutional framework on labour disputes arbitration. The ESEE interviewee explained: ‘In the pre-crisis period, negotiations used to take place under the pressure and threat of arbitration. The best negotiations with OIYE took place during the two collective agreements concluded during the Memoranda, where we discussed issues of substance. No such agreements will be concluded again in the absence of extension mechanisms’ (ESEE, interview notes). At present, joint efforts are made by ESEE, GSEVEE and OIYE with the assistance of the International Labour Organisation (ILO) to re-establish the multi-level system of collective bargaining. Importantly, it was argued that labour market flexibility issues should be the subject-matter of collective bargaining between the two sides; in this respect, collective agreements were seen as providing a basis then for legislative reforms in this area as well (ESEE, interview notes). However, it is important to point out here that discussion of labour market flexibility issues was absent from the content of collective agreement in the pre-crisis period.

### 8.3 Concluding remarks

The retail sector in Greece has experienced significant changes during the crisis. As in the case of the construction sector, there is evidence here of changes both with respect to the extent and nature of precarious work. With respect to the extent of precarious work, increases in the proportion of atypical work, including part-time work, outsourcing, short-time work and voucher schemes, were reported. With respect to changes in the nature of precarious work, the greatest degree of precariousness was found concerning wage and working time issues, e.g. wage cuts, delays in payment of wages and unpaid overtime work. Both employers' associations and trade unions responded to these developments. However, significant cleavages existed between employers' associations representing large firms and those representing SMEs. In the case of the former, i.e. associations representing large firms, the increase of flexibility and precariousness in the labour market was compensated by voluntary initiatives designed to resolve some of the issues at firm level. In the case of the latter, i.e. associations representing SMEs, initiatives were developed jointly by the employers' associations themselves (i.e. GSEVEE and ESEE) but also in collaboration with trade unions (i.e. GSEE and OIYE), indicating congruence between these and highlighting even more the differences with large firms in the sector.

## 9. Precarious work in the construction sector

### 9.1 Trends, forms and factors affecting precarious work in the construction sector

The construction sector has traditionally played a significant role in the development of the Greek economy. During the early 2000s, the influx of EU funds in conjunction with the preparations for the Olympic Games that took place in Athens in 2004 led to a significant expansion of construction activities and to an accompanying increase of employment rates in the sector. Despite these positive economic indicators, problems persisted with respect to employment relations, including most notably the limited effectiveness of the enforcement regime. At the same time, a number of individuals (mostly engineers and architects) were employed as freelancers or independent contractors (issuing receipts for services rendered) whilst in reality, they were economically dependent on a single employer (Kretsos 2005; Kretsos 2011b). From an industrial relations perspective, there is significant fragmentation in terms of worker organisation. A number of construction workers have been organised by the Federation of Construction Workers and Related Occupations (Ομοσπονδία Οικοδόμων και Συναφών Επαγγελματιών Ελλάδος). The federation is affiliated to PAME (Πανεργατικό Αγωνιστικό Μέτωπο), the Communist-led confederation of workers, and is a member of the GSEE, General Confederation of Workers of Greece (Γενική Συνομοσπονδία Εργατών Ελλάδος). The Federation has 156 first-level union members across Greece and covers all workers in construction (involved in public and private construction projects). Other federations that are also members of GSEE are the following: Federation of Construction and Wood Workers of Greece (Ομοσπονδία Οικοδόμων και Ξύλου Ελλάδος), Trade Union Federation of Employees of Technical Firms in Greece (Ομοσπονδία Συλλόγων Εργαζομένων Τεχνικών Επιχειρήσεων Ελλάδος, ΟΣΕΤΕΕ), Federation of Electro-Technicians of Greece (Ομοσπονδία Ηλεκτροτεχνιτών Ελλάδος ΟΗΛΕ) and the Federation of Engine Drivers and Drillers of Greece (Ομοσπονδία Χειριστών Μηχανοδηγών και γεωτρπανιστών Ελλάδος ΟΧΜΓΕ). Individuals that are university graduates (e.g. architects, engineers) have formed separate associations and these include: Union of Architects-

Graduates of Higher Education Institutions and Panhellenic Union of Architects (Σύλλογος Αρχιτεκτόνων Διπλωματούχων Ανωτάτων Σχολών κ Πανελλήνια Ένωση Αρχιτεκτόνων, ΣΑΔΑΣ-ΠΕΑ), the Union of Civil Engineers of Greece (Σύλλογος Πολιτικών Μηχανικών Ελλάδος, ΣΠΜΕ), the Panhellenic Union of Graduate Electrical Engineers (Πανελλήνιος Σύλλογος Διπλωματούχων Μηχανολόγων Ηλεκτρολόγων) and the Union of Greek Mechanics of Urban Planning and Regional Development (Σύλλογος Ελλήνων Μηχανικών Πολεοδομίας Χωροταξίας και Περιφερειακής Ανάπτυξης, ΣΕΜΠΧΠΙΑ). Finally, there are the Union of Employed Technicians (Σωματείο Μισθωτών Τεχνικών), member of the Labour Center of Athens, which covers employed technicians, and the Technical Chamber of Greece (Τεχνικό Επιμελητήριο Ελλάδος, ΤΕΕ).

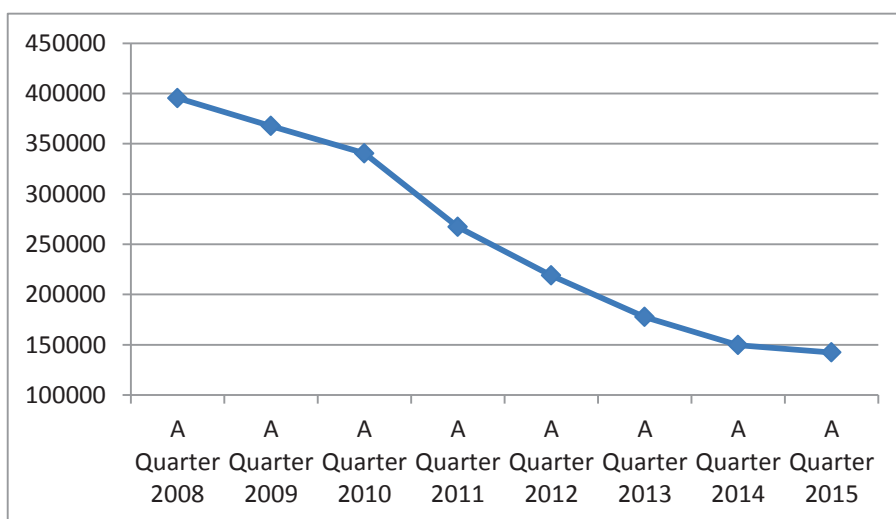
The fragmentation in terms of worker organisation is also reflected in that of employers. The most important employer association is STEAT, the Association of the Technical Companies of the Highest Classes (Σύνδεσμος Τεχνικών Εταιριών Ανωτέρων Τάξεων). STEAT was set up in 2003 consisting of 36 major construction companies of Greece, holders of certificate grade 7th and 6th. STEAT is the contracting party to a number of sectoral and occupational agreements covering archaeologists (the trade union party is SEKA, Σύλλογος Εκτάκτων Αρχαιολόγων), construction workers (the trade union is the Federation of Construction Workers), machine operators (the trade union is OXMGE, Ομοσπονδία Χειριστών Μηχανοδηγών και Γεωτρυπανιστών Ελλάδος) and employees in technical firms (the trade union is the OSETEE). Other employers' include SATE, the Association of Greek Contracting Companies (Πανελλήνιος Σύνδεσμος Τεχνικών Εταιριών), PEDMEDE, the Panhellenic Association of Engineers Contractors of Public Works (Πανελλήνια Ένωση Διπλωματούχων Μηχανικών Εργοληπτών Δημοσίων Έργων), PESEDE, the Panhellenic Union of Public Works Constructors Associations (Πανελλήνια Ένωση Συνδέσμων Εργοληπτών Δημοσίων Έργων) and PEDMHEDE, the Panhellenic Association of Electrotechnical Engineers Contractors of Public Works (Πανελλήνια Ένωση Διπλωματούχων Μηχανολόγων Ηλεκτρολόγων Εργοληπτών Δημοσίων Έργων). In terms of membership levels, STEAT has today 32 members, SATE has 849 and PESEDE has 7,126. From a market perspective, the sector has traditionally been dominated by a few large employers that are located in Athens but there is a large number of small firms as well. While STEAT has the smallest number of members, its members account for the 70% of big construction projects (STEAT, interview notes).

Following the peak in construction activity that took place with the preparation for the Olympic Games in 2004, the sector experienced subsequently a mild decline in terms of intensity of economic activities. When the crisis hit the Greek economy, construction became one of the sectors mostly affected. In 2013, the added value of the wider construction sector was 8.1 bn Euros, i.e. around 4% of the GDP, substantially reduced from 22.5 billion or 11% of the GDP in 2006 (IOVE 2015). As a result of the limited availability of credit in the private sector and the reduction of the public sector budget that would fund construction projects in the public sector, there was significant contraction of economic activities. It thus comes as no surprise that employment in the sector fell dramatically during this period. As Table 24 illustrates, the rate of employment between 2008 and 2015 was reduced by 64%. Data from IKA, the Social Security Organisation (Ιδρυμα Κοινωνικών Ασφαλίσεων) also suggests an extensive contraction of the number of individuals that were insured in the same



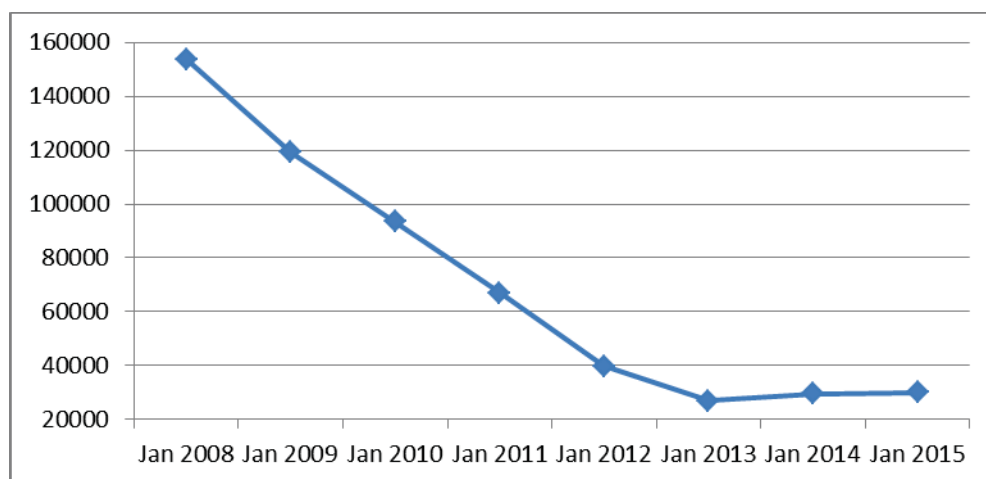
period (Table 25).<sup>46</sup> From an organisational perspective, the reduction in employment is significant: as construction regulations require that firms employ a certain percentage of scientific staff (e.g. engineers) in order to bid for certain projects, the loss of jobs due to the slump in demand results then to the downgrading of the firms creating hence a vicious circle (STEAT interview notes).

**Table 24 – Employment in construction (in thousands)**



Source: ELSTAT.

**Table 25 – Number of insured individuals in the construction sector (in thousands)**



Source: IKA (on the basis of detailed regular statements provided by employers).

<sup>46</sup> In the same period, the rate of foreign workers engaged in the construction sector fell from 47% to 41% (source: IKA, authors' analysis).

Aside from the impact of the crisis on the employment rate in the sector, significant changes have also taken place with respect to a range of terms and conditions of employment (for a summary see Table 26). Firstly, extensive reductions in wage levels have been reported (Table 27). Empirical evidence from the interviews suggested that wage reductions up to 70% were implemented in some cases. Migrants have been particularly affected in this respect (Federation of Construction Workers, interview notes). The regulatory developments affecting collective bargaining and the resulting developments in the negotiations between the industrial relations actors in the sector were instrumental in this respect (see below for a discussion on collective bargaining in the sector). The requirement for new individual employment contracts in construction projects has allowed employers to rely on individual negotiations to bring down wages following the collapse of sectoral agreements. On top of wage reductions, significant delays in the payment of wages and the implementation of temporary lay-offs were also reported by the union interviewees (Federation of Construction Workers, interview notes). A development affecting real wages here concerned also the reduction in the number of days worked (see Table 27).

**Table 26 – Precarious work in the construction sector**

Quality of Working Conditions Dimensions						
Regulation by	Wages	Working Time	Job Security	Social Security	Representation	
Labour Code	Open ended Contracts	Work intensification Compulsory unpaid leave	Lack of compensation in the case of subcontracting	Significant extent of undeclared labour	Regular union representation but lack of coverage by collective agreement	The formal employment status dimension
	Fixed term Contracts	Application of the unified wage system in respect of archaeologists Similar conditions to those on open-ended contracts in the case of seasonal maintenance personnel	5-month and 6-month employment contracts No difference with open-ended contracts	No dismissal compensation Contract renewal dependent on the needs of the project/employer	Social security either public/private sector Significant extent of undeclared work	

	Non Labour Code	Self Employed and Bogus Self Employed	Private construction workers: very low wage rates Technical staff/economically dependent workers: agreed wage	Working time depending upon project and upon agreement Application of working time concerning employed personnel	No dismissal compensation and no access to unemployment benefits	Social security contributions limited to actual days worked Self-coverage	Regular union representation Lack of union representation (not stipulated in the union constitutions)
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**Table 27 – Wage levels**

<b>Year</b>	<b>Average Wage</b>	<b>Average days per month</b>
<b>Jan 2008</b>	61.34	13.78
<b>Jan 2009</b>	66.87	12.41
<b>Jan 2010</b>	69.66	11.83
<b>Jan 2011</b>	69.45	11.16
<b>Jan 2012</b>	67.93	10.41
<b>Jan 2013</b>	53.95	11.53
<b>Jan 2014</b>	44.31	12.24
<b>Jan 2015</b>	42.43	12.13

Source: IKA, on the basis of detailed regular reports submitted by employers).

As in other countries, subcontracting in the construction sector was a practice that pre-existed the crisis. According to STEAT, the crisis has not affected the terms and conditions of employees that are subcontracted in public sector projects: the reason for this is that the state in its capacity as a client in many cases safeguarded the preservation of wages and terms and conditions of employment (STEAT, interview notes). However, the account provided by the trade unions is different and it was suggested that the extent of exploitation in subcontracting grew significantly during the crisis. The increased level of competition in the sector in conjunction with the need to maintain the profit margins have prompted employers to use labour costs as a means of responding to the changed circumstances in the market (Union of Employed Technicians, interview notes). Practices of unpaid leave and absence of social insurance coverage for part of the work were reported as means to adjust wage costs in such cases (Federation of Construction Workers, interview notes). Other practices reported included significant delays in the payment of wages and non-compliance with the collective agreements that were used as the basis for the calculation of the labour costs in the procurement process.

Aside from cases of subcontracting in construction projects, examples were provided by the unions regarding company practices that led to a deterioration of wages and terms and conditions of employment. These include the unilateral imposition by the management of the main contractor of temporary unpaid leave in one of the Athens Metro projects and significant delays in payment of wages in certain road construction projects. It was also reported that while contractors were in some cases able to re-negotiate their payment in large construction projects with the government, they maintained very low levels of pay for the workers. The trade union representative noted: ‘On the one hand, the employers use unemployment to discipline and manage the employees and on the other use they use employees to promote their interests vis-à-vis the client in construction projects’ (Federation

of Construction Workers, interview notes). The use of temporary agency work in the construction sector was liberalised in 2013 following amendments to the legislation permitting the use of TAW in the sector (see the analysis in part 1 of the report). However, the present rates of temporary agency work are not significant, according to union interviewees (Federation of Construction Workers, interview notes). It will be interesting to explore here whether this is due to intrinsic issues with respect to the sector that do not allow great use of temporary agency work or whether this is simply an issue related to the limited life-span of the legislation. However, part-time work (below 15 hours per week) is rather frequent in private/small construction projects. In terms of working time, there is significant increase in working time hours with daily working time up to 12 hours. Significant problems were reported with respect to social security. In a number of cases, work is being under-declared so as to reduce the social security contributions of the employers (Federation of Construction Workers, interview notes). Such practices were observed in all types of employment, including regular and atypical forms. The interviewee from the employers' association (STEAT) reported that whilst the association had no knowledge of the situation with respect to the use of voucher or other schemes designed to reduce unemployment, it was possible that employers in the sector were using these (STEAT, interview notes). According to the union interviewee, there was evidence of such practices in the sector:

‘The state legislates in favour of the strong party: freeze of collective agreements and wage reductions, dominance of individual agreements, the 2013 legislation extended the use of temporary agency work/’slave work’ in construction. Moreover, unemployment programmes, employer subsidy and social work programmes are based on a daily wage of 20 euros. As a result of these, the unemployment situation looks superficially better and the wage levels set in such instances are then used to drive the rest of the wages in the sector down’ (Federation of Industry Workers, interview notes).

Finally, it was reported that rates of quasi-subordinate/economically dependent workers have increased during the crisis. Quasi-subordinate employment was a key characteristic of the sector in the pre-crisis period: significant numbers of civil and mechanical engineers were paid as service providers and were treated by the state as self-employed but were economically dependent on a single employer. According to a study by the National Technical University of Athens, the labour market in respect of young graduates changed radically in the last 30 years, with the most significant changes observed since the early years of 2000s (2015). Since the early 2000s, more than 50% of graduate engineers started their work in the sector on the basis of flexible terms and conditions of employment and principally as economically dependent workers (on average 41,6% in the 2002-2010 period) (see also Papayiannakis 2006).

## **9.2 Social partners' actions to deal with precarious work in construction**

The activities of the Federation of Construction Workers are primarily driven by equality and survival rationales. On the one hand, the sharp decline and the increase in precarious forms of employment in the economic sector in conjunction with the radical regulatory changes affecting collective bargaining have re-oriented the union activities towards maintaining its organisational capacity to influence terms and conditions of employment. But informed, on the other hand, by a proletariat approach, the actions developed by the union are largely driven by equality norms; in this context, the survival of the union is seen in a rather instrumental way, i.e. as a means to promote the interests of the workers. In line with such

considerations, the Federation has adopted a largely inclusive approach when dealing with precarious work in the sector. For instance, the Federation accepts in its membership migrant workers and unemployed as well as casual workers. The adoption of such an approach is deemed consistent with the overall strategy of elimination of all forms of precarious work in the sector; concerns were especially raised concerning the implications of the use voucher and other related employment schemes for wage levels and employment security. In this respect, the adoption of exclusion strategies by unions in other economic sectors is considered unacceptable (Federation of Construction Workers, interview notes). In terms of employee representation, both regular and atypical workers were represented by company trade unions and the union federation. However, it was recognised that trade union membership has declined substantially (due to the crisis but also general problems of union renewal strategies) (Federation of Construction Workers). In a similar vein, the Union of Employed Technicians aims at the elimination of bogus self-employment and at the conversion of all such contracts to open and full-time contracts.

On the part of the employers' association, the broad rationales behind the adoption of specific strategies/actions on the part of the employers/associations regarding precarious work consist of a combination of economic, institutional and organisational considerations. In terms of economic considerations, the increased use of flexible forms of employment is attributed to the need to reduce costs in the face of a prolonged economic crisis that has led to a massive reduction of construction projects. In terms of institutional considerations, the changes in the legal framework were interpreted as prompting a reconsideration of the options available within the context of the organisation of employment; the take-up of the new possibilities for flexible employment was equated in this case with compliance with the new legal framework (STEAT, interview notes). Importantly, employers' associations themselves have been affected significantly by the crisis: the membership of STEAT was reduced during the crisis from 60 to 32 firms, affecting the regulatory capacity of the association. In the majority, it is firms with international presence that have survived during the crisis (STEAT interview notes).

With respect to organisational considerations, a tension was reported here between the need, on the one hand, to increase labour market flexibility due to the reduced volume of economic activities and the requirements, on the other hand, to employ a certain number of skilled individuals in order to qualify for projects of a certain size. But according to our interview data, no formal position was adopted on the part of STEAT with respect to advising its members concerning labour market flexibility issues. Despite the formal lack of engagement with employment issues, it was recognised that labour market flexibility is needed during a period of crisis and that the use of flexible forms of employment takes place in cases of employers that face significant economic problems (STEAT, interview notes). As such, the approach adopted could be characterised as one of maintaining the status quo. The STEAT interviewee explained: 'Labour market flexibility helps employers in cases where there is lack of projects but a lot of issues depend on the specialisms of the employees. If legislation allows it [flexibility] and it is of benefit to the employer, he will implement forms of flexibility...Employers have implemented as much as possible the labour market flexibility measures as the crisis called for this' (STEAT, interview notes). Before considering the range of actions developed by the industrial relations actors, it is important to note that no independent sources of data collection regarding labour market issues are collected by the union or the employer's association. Hence, from an informational basis point of view,

reliance is made on the data provided by the state agencies, albeit concerns were expressed by the union regarding the reliability of the data (Federation of Construction Workers, interview data).

With respect to union responses to precarious work in the sector, the main strategies developed tend to concern the development of unilateral actions designed to safeguard the interests of workers. With respect to instruments designed to mobilise and organise precarious workers, including service-oriented instruments and identity politics, the mechanisms used tend to be the ones designed to address the broad objectives of the union movement; as such, no separate mechanisms exist with respect to precarious work. Broadly speaking, information provision and exchange of views takes place through the main channels of union meetings, newsletters and other events (e.g. symposia and participation in international union meetings) organised to exchange information and views on the developments in the labour market. Evidence of separate, specific attempts to deal with precarious employment was found in the networks of solidarity with individuals affected by the changes in the labour market; these have been translated into concrete activities such as, for instance, the provision of food baskets to unemployed and the provision of legal advice and advocacy services to those in precarious jobs. In terms of identity politics, attempts are made to consolidate the workers in the sector but also beyond: in this context, the Federation accepts as members unions that do not only represent construction workers. Whilst reliance is made on state agencies for labour market data, use of such data is made in the rhetoric of the union. For the purpose of building and disseminating benchmarks on employment standards, attempts to disseminate information on media are made, albeit criticisms were reported concerning the lack of coverage of such topics by the mainstream media (Federation of Construction Workers, interview notes). The Union of Employed Technicians has also oriented its activities towards organisation and mobilisation of workers in the sector: in the 2015 elections and despite increased levels of immigration and change of occupation, participation rates were increased by 17,9% in comparison with 2013.

On top of these activities, there is greater collaboration between unions that belong to PAME, the communist-led union movement, even between different sectors. The rationale behind joint action is the fact that the nature of the challenges is the same (e.g. in the touristic sector). In this respect, greater effort is made to organise individuals on precarious work. While there was no intention to work with NGOs as these are perceived negatively, cooperation has been sought with organisations that represent the interests of self-employed. Whilst the employment rates in the sector have been reduced drastically affecting the significance of the sector in the Greek economy, this development is interpreted by the Federation of Construction Workers as allowing the consolidation of organising and mobilising activities at the workplace level with the objective of counter-acting the strategies of the employers (Federation of Construction Workers, General Council 2015). Changes in the patterns of employment law litigation were also reported: whilst recourse to litigation was frequent in the past and the Federation had an active role in the developments in this area (examples of successful litigation include here the case of dismissal of trade union representatives and challenges against public procurement processes), this has not been the case during the crisis: the drop in the use of litigation as a means to enforce labour rights was seen as the direct result of the changes in the regulatory landscape that reduction the scope for employment protection (Federation of Construction Workers, interview notes).



On the part of the employers' associations, there is considerable fragmentation: there are currently 5 associations, hindering, as it seems, the development of coordinated strategies in the sector. What is more, the crisis has acted as a catalyst to the dissolution of even the basic coalition strategies on the part of employers with respect to employment and other matters (STEAT, interview notes). This is evident in the problems concerning SEEO, the Coordination Committee of Procurement Organisations (Συντονιστική Επιτροπή Εργοληπτικών Οργανώσεων). The committee used to provide a forum for the development of common strategies by five employers' federations in the sector. Discussions were held for the creation of a National Confederation of the Construction Sector. However, an adversarial climate was reported during 2014, including claims that SATE was not an authorised employers' federation. Two reasons were reported for the growing divergence of views between the federations: the first was that some employers preferred associating with those of similar size; the second was that division helped in some instances the promotion of self-interest (STEAT interview notes). In this respect, disagreements exist regarding the regulatory capacity of the associations: despite the reduction of membership in the case of STEAT, the association still argues that it is representative due to the proportion of construction projects (i.e. 70 of projects belong to its members) and PESEDE argues that it has a high membership rate (i.e. 6,000 members).

Against the context of limited cooperation between employers' federations, some lobbying activities have been developed, albeit these are usually limited to formal letters addressed to government officials. In respect of public policy, the implementation by the state of the new set of EU Directives on public procurement,<sup>47</sup> which provides some scope for the incorporation of social clauses in procurement became the subject of consultation in 2015. The consultation attracted responses by 52 organisations and the amended proposals were then submitted to the Parliament for consultation. A number of employers' associations (including STEAT, SATE, PEDMEDE, PESEDE and PEDMIEDE) submitted their views on the issues but there was no evidence of trade union involvement in the consultation. The result of the consultation exercise states that one of the proposals by one of the associations was that the client should reach before the tendering an executive decision regulating exclusively all environmental and employment issues (Single Independent Authority of Public Contracts 2015: 21). With respect to the timing of the incorporation of social clauses in procurement, it was suggested by one of the associations that this should take place at the time of the performance of the contract through contractual means. The approach by the Ministry of Labour was here that this should take place at both the stage of tendering and the stage of the performance of the contract.

Importantly, with respect to the basis for the award of the contract, contractor firms argued that the adoption of the most economically advantageous tender (MEAT) approach would allow for the incorporation of a criterion on past compliance with social considerations by the tendering firm (but this was rejected by one of the employers' associations, who argued that social/environmental considerations should not be taken into account at the award stage). The Ministry of Labour suggested in this context the incorporation of the following issues: promotion of employment, promotion of equality of opportunity, consideration of fair trade issues; no mention was made to the issue of collective agreements (Single Independent Authority of Public Contracts 2015: 24). Similar views were expressed with respect to the

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<sup>47</sup> Directive 2014/23/EU, Directive 2014/24/EU, Directive 2014/25/EU.

requirement to take into account any measures designed to promote employment among long-term unemployed and disabled persons; both the Ministry of Labour and contractor firms were in favour of such measures but the employers' associations that provided an answer to this was against the measure ((Single Independent Authority of Public Contracts 2015: 25). Importantly, part of the consultation also focused on whether similar obligations should be borne out by the subcontractors: most organisations that responded to this question agreed that the subcontractors should be also liable; among those that suggested that this should not be the case was an employers' association. Aside from the issue of procurement and the specific approach adopted by the employers in the sector vis-à-vis collective bargaining, there was some evidence of litigation strategies being used by employers to maintain labour market flexibility in respect of economically dependent workers in the sector. In 2007, litigation was developed against an arbitration decision by OMED, the Organisation for Mediation and Arbitration, regarding the application of a collective agreement covering technicians in the sector.

With respect to joint efforts by the social partners, it is first important to note here that with the exception of a sectoral agreement concluded in 2012 between PEDMIEDE (on the employers' side) and OSETEE and STYE (on the employees side), no other higher-level (sectoral or occupational) agreement has been recently concluded in construction.<sup>48</sup> Importantly, the agreement included the following: reduction of wage levels by 18%; it was specifically provided that young workers would not be subject to the new subminima wage levels for young workers that were recently introduced (i.e. 550 euros per month) but would instead be subject to the wage levels set out by the 2008 collective agreement and the 2011 arbitration decision; and preservation of the 13<sup>th</sup> and 14<sup>th</sup> wage and of all benefits for employees in technical firms. The STEAT interviewee commented on the collapse of sectoral and occupational bargaining in the sector:

'Now, employers' associations do not conclude collective agreements, because these have been abolished (sic) by the legislation. It is no longer necessary. PEDMIEDE concluded one. They wanted to do so, the chairman of the federation was leftist, and their members were also freelance employers, who would not want to conclude an agreement in such a case? This is because you do not conclude a collective agreement that is binding. At present, the crisis presents an opportunity for the contractor to manage the issue appropriately and void the constant monitoring. A collective agreement safeguards the interests of the employees. Why should an employer be interested in concluding such an agreement if there are ways to avoid this?' (STEAT, interview notes).

Despite the situation in terms of the collapse of sectoral and occupational bargaining, STEAT's approach was held not to be against trade union organisation: 'I believe that trade unionism is necessary but the unions did not act accordingly...They all operated for their profit' (STEAT, interview notes). In the beginning of 2015, meetings were held between OSETEE and STEAT for the conclusion of a new agreement covering employees of technical firms. In this context, the union emphasised the problem of 'the abolition of labour law' following the austerity measures and the high incidence of the use of these measures by employers in the sector. On its part, STEAT asked for a delay in the process in order to take

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<sup>48</sup> Arbitration provided the basis for the application of collective agreements during 2009. Since then, most of them have expired.

into account any changes that would be introduced in the legal/institutional framework following the January elections.

### **9.3 Concluding remarks**

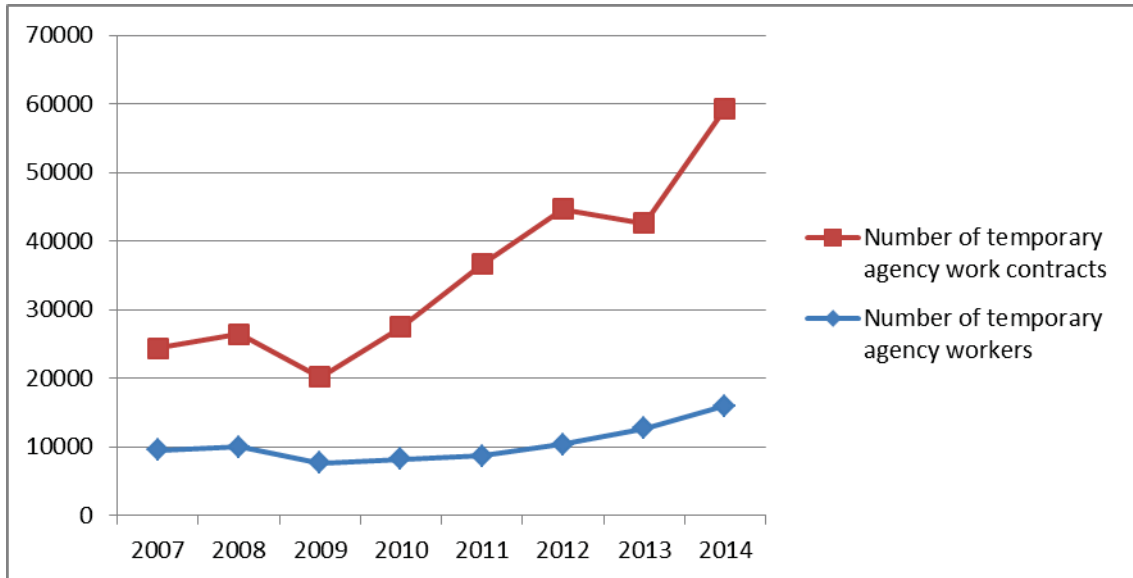
As in the case of other countries, construction was (and still is) one of the most affected sectors in Greece during the crisis. As a result of the of the crisis but also the regulatory changes in the area of labour market regulation, there is evidence of changes with respect both the extent and nature of precarious work in the sector. With respect to the extent of precarious work, increases in the proportion of atypical work, including economically dependent work, were reported. With respect to changes in the nature of precarious work, the greatest degree of precariousness was found concerning wage and working time issues, e.g. wage cuts, delays in payment of wages and use of unpaid leave. Against this context, no joint efforts between employers and trade unions were found regarding countering the increase in precariousness. Instead, there was evidence of a breakdown in sectoral and occupational bargaining (with exceptions) that was prompted primarily by the regulatory changes, including most notably the interventions in the system of collective bargaining. In conjunction with the extent of the economic crisis, the scope for the development of joint initiatives has been substantially reduced. In this respect, the industrial relations actors have developed action independently but significant differences in terms of the intensity of the use of mechanisms and focus were found between unions and employers' federation.

## **10. Precarious work in the temporary agency work (TAW) sector**

### **10.1 Trends, forms and factors affecting precarious work in the TAW sector**

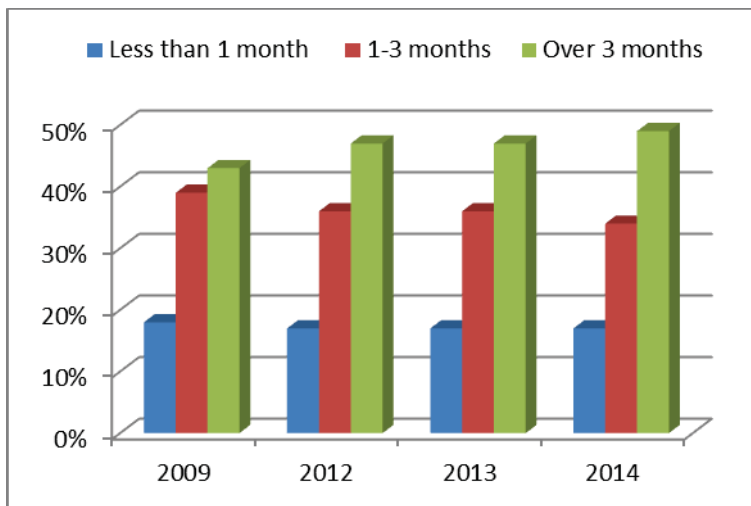
As discussed in part 1 of the national report, significant changes have taken place during the crisis affecting the regulation of temporary agency work; the intended objective was to promote the use of such forms of employment in the Greek labour market, which hitherto were only rarely used. Empirical evidence suggests that there has been a rise in the use of TAW, albeit not significant, at least within the membership of ENIDEA. This has to be read against the context of the recent introduction (i.e. 2014) of the majority of the regulatory changes and as such more time will be needed to assess the development of TAW. Despite the limited use of TAW in the Greek economy, it was recognised that the legislation has had already a symbolic effect, as it assisted in an increase of the social legitimacy of TAW in the Greek labour market (ENIDEA, interview notes).

### **Table 28 – Number of temporary agency workers and contracts**



Source: Ministry of Labour, Directorate for Employment.

**Table 29 – Average length of agency work assignments**



Source: Ministry of Labour, Directorate for Employment.

Whilst the rate of penetration of TAW in the Greek economy is low, a range of practices were developed to either bypass certain limits within the legislative framework on TAW or to provide greater labour market flexibility, increasing thus the scope for the dualisation of the labour market. These practices included first bypassing the issue of the 36-month limit on the total duration of TAW through the use of service provision of companies. According to the union interviewee: ‘What happens is that once a worker completes 35 months in the temporary work agency, he gets a transfer to a so-called service provision company and I can cite a lot of examples where the temporary work agencies and these service provision

companies go together. In other words, a group of companies will have both a temporary work agency and a service provision company, ICAP Outsourcing – ICAP Employment, Adecco – Atlas etc...it is a rule in the market. So, once someone completes 35 months, the temporary work agency tells the worker ‘You will be here again, sign the contract with another company’. The TAW legislation is then no longer applicable. In effect, the worker becomes an outsourced temporary agency worker.’ On top of this, service provision companies constituted a separate mechanism itself of providing labour market flexibility to firms;

An additional means by which a two-tier workforce was created was the case of companies in the banking sector establishing subsidiaries that post then workers to the main company. This is the case of the so-called ‘genuine loan’, in contrast to the case of ‘non-genuine loan’, the term used to describe the case of TAW. According to the union interviewee, ‘These include Ethnodata that provides workforce to the National Bank of Greece, FBS that provides workforce to Eurobank, Business Services for the Piraeus Bank, they have various names. These companies do not engage in any other activity. In other words, Ethnodata was supposed to be set up as an IT company but it did not develop any such activities’ (SYDAPTT, interview notes). In such cases, the workers were predominantly on open-ended contracts with the subsidiary and the latter contracted with the parent company to provide services. The main advantage of this set-up is that employees in the subsidiaries are not covered by the sectoral agreement in the banking sector concluded between OTOE, the trade union in the banking sector and the main banks, but were used to be covered instead by the sectoral agreement between OIYE and employers in the service sector, which provided for lower wages and less generous terms and conditions of employment. The agreement used to cover all the workers in the service provision companies (described above).

Importantly, the above practices were widespread well before the crisis. Differences in terms of the incidence of these practices and their implications for employment conditions during the crisis were reported. Firstly, far greater use was made of service provision (subcontracting) companies than TAW (SYDAPTT, interview notes). Further, around 10% of workers in the banking sector were employed on the basis of genuine loan arrangements, i.e. subsidiaries of banks. Only limited use was made of TAW, as defined in the legislation. These differences were then reflected in the union membership: the great majority of union members of SYDAPTT were workers employed in these service provision companies and subsidiaries of banks (see below) (SYDAPTT, interview notes). Differences in terms of employment conditions and the quality of work were reported between temporary work agencies and service provision companies, with the former providing a better working environment. The difference was attributed predominantly to the regulatory framework that set certain entitlements and limits (see part 1 for a discussion of the TAW legislation). A second reason for the difference in the equality of work related to the organisational rationale for having recourse to flexible work. In the case of TAW, use was made mostly in case of firms requiring specific, usually high-level, skills. This was not the case in service provision companies and bank subsidiaries, where in many cases low-skilled workers were required (SYDAPTT, interview notes).

During the crisis, the regulatory developments in collective bargaining impacted significantly upon terms and conditions of employment. Following the lack of renewal of the sectoral agreement covering service workers (see below), it became possible to reduce wage levels,

via a company agreement or individual negotiations, down to the NMW levels in the case of bank subsidiaries and service provision companies. These included, for instance, company agreements to reduce the number of working hours and to change work classification schemes, both leading to wage reductions even by 50% (SYDAPTT, interview notes). In the case of TAW, the increase in dualisation within the user undertakings provided scope there as well for the reduction of wages of temporary agency workers; the latter were employed in many cases on the basis of the NMW (ENIDEA, interview notes). In contrast to the case of regular employees, no additional marriage/education allowances were provided in such cases following the expiry of the collective agreement covering employees in the service sector. Aside from the issue of wages, significant differences in terms of institutional framework provided under each agreement existed, with discrepancies in terms of dismissal compensation, healthcare benefits and social insurance.

Aside from this, the low quality of working conditions in certain workplaces, most notably call-centres, was emphasised by the union interviewee (see Table 30). In such workplaces, i.e. call-centres, greater use was also made of part-time contracts, e.g. 4-hour or 6-hour ones. Challenges were further identified including management pressure to reduce wrap time, i.e. the post-call work time an agent spends on a call, and to constraint breaks (SYDAPTT, interview notes). Further, in the specific case of TAW, despite the fact the legislation allows for open-ended contracts between the agency and the worker, the majority of work offered by temporary work agencies was in the form of fixed-term (full-time, part-time or short-time work). The primary reasons for fixed-term contracts were economic and organisational, as the agencies, predominantly subsidiaries of multinational companies, were instructed by headquarters not to increase their headcount (ENIDEA, interview notes).

**Table 30 – Precarious work in the TAW sector**

		<b>Quality of Working Conditions Dimension</b>				
		<b>Wages</b>	<b>Working Time</b>	<b>Job Security</b>	<b>Social Security</b>	<b>Representation</b>
<b>The formal employment status dimension</b>	TAW	Wages in accordance with article 5 of the EU TAW Directive (but application of lower rates (usually NMW level), if the user company applies different rates to its employees)	Mostly full-time work but use of part-time and short-time work in call centres	Fixed-term contracts No dismissal compensation and unemployment benefits	Coverage but differences with directly employed staff Differentiation depending on benefits stipulated in collective agreements covering directly employed staff at the user undertaking	Lack of union organisation at sectoral level Existence of legal right of representation at company level but TAW workers are not accepted as members by company unions
	Subcontracting	Application (until its expiry) of the sectoral agreement applicable in the case of service sector workers	Differences in working time weekly limits (40 hours for indirectly employed workers and 37.5 for directly employed workers)		Problems in terms of social security coverage	Lack of representation by the union of the user undertaking
	Genuine loan arrangements (through subsidiary companies)	Since the expiry of the agreement: use of individual agreements to reduce wage levels New recruitments on the basis of the NMW	Conversion of full-time contracts to part-time ones	Differences in terms of the nominal and real occupational category assigned to workers	Social security coverage but differences in benefits with directly employed staff Differentiation in case of provisions being stipulated by agreement with the sectoral union federation	Union representation at company level But lack of acceptance of company union by the sectoral union federation

## 10.2 Social partners' actions to deal with precarious work in the TAW sector

Importantly, TAW is not considered a separate economic sector by the statistical authority, ELSTAT. Owing to the fact that no such sector is recognised, workers have experienced significant challenges establishing sectoral trade unions. The lack of recognition of the particularities of the sector can explain to some extent the lack of continuity when it comes to the representation of temporary agency workers via unions. The Pan-Hellenic Union of Employees Providing Labour to Third Parties (*Πανελλήνιος Σύνδεσμος Υπαλλήλων με Παραχώρηση Εργασίας σε Τρίτους*, PASYPET) was set up to represent temporary agency workers. The union was established by workers working for a subsidiary of the National Bank of Greece, which was set up to supply workers to the parent company. The longer-term objective of the union was to extend its representational basis to include temporary agency workers in other sectors as well. But following unsuccessful litigation against the National Bank of Greece aimed at the conversion of the employment contracts, it was alleged by the union that a number of worker representatives, including the chair, the secretary, the vice-chair and the bursar of the union, were transferred in other departments in order to reduce the strength of the union in the bank (SYDAPTT, interview notes). Following these developments, the union was dissolved shortly afterwards.

In January 2013, a separate union, (*Σύνδεσμος Δανειζομένου Προσωπικού Τραπεζικού Τομέα*, SYDAPTT) was established. Similar to PASYPET, the union was oriented towards representing workers provided to indirect employers (in the form of TAW, subcontracted and genuine loan arrangements) in the banking sector. Whilst arguing for the elimination of such forms of work and driven by considerations related to human dignity, the union recognised the importance of achieving equal treatment between these workers and those on regular employment. In this context, the inequality of treatment was partially attributed to the different collective agreements applicable to the two groups. In the case of the former, i.e. TAW, workers subcontracted and in genuine loan arrangements, these were traditionally covered by the collective agreement applicable to employees in the service sector. In the case of the latter, i.e. regular employees, terms and conditions of employment were set down by the sectoral collective agreement in the banking sector, stipulating a number of additional benefits for the employees in the sector. The acknowledgement that there were significant limitations with respect to the approach of other trade unions but also employers in the sectors where agency workers were found also meant an increasing emphasis on acquiring social legitimacy within the broader employment relations framework.

Examples of exclusion of workers from unions and refusal by employers to engage into social dialogue in such cases were reported (SYDAPTT, interview notes). In the case of unions, OTOE, the union representing employees in the banking sector, refused an application for membership by the union in Ethnodata, a subsidiary of the National Bank of Greece; this was despite the fact OTOE accepts only enterprise-level unions. However, the Ethnodata union together with SYDAPTT were accepted as a member of OIYE, the union representing workers in the service sector. Further, criticisms were raised concerning the lack of reaction of OTOE about the implications of outsourcing for employment conditions in the banking sector. The adoption of this approach was attributed to the short-termism views of OTOE, its clientelist approach towards its members as well as its accommodation to employers' interests so as to ensure the preservation of terms and conditions of employment for its members (SYDAPTT, interview notes). Against this context, SYDAPTT expressed eagerness to develop action to counter these limitations and acquire greater legitimisation so as to



promote better the interests of those workers providing work to indirect employers. As a result of these considerations, it was deemed necessary to represent all such workers irrespective of sector. To that end, the union constitution allowed for the registration of all categories of such workers (i.e. TAW, subcontracted and genuine loan arrangements) temporary agency workers from sectors other than banking, provided the direct employer, i.e. temporary work agency, supplied agency workers to companies that were engaged in banking activities (SYDAPTT, interview notes).

With respect to other unilateral initiatives directed at its members, the union was active in organising and actively participating in events about the developments in the labour market, including workshops and roundtable discussions. Regular service-oriented instruments, aiming at providing information on legal and institutional matters, were developed to inform their members about developments affecting their terms and conditions of employment. The primary means for dissemination were the internet website but also face-to-face meetings with their constituents. Ad hoc mechanisms included the provision of advice regarding specific issues, including, for instance, annual leave rights. Attempts were also made to secure medical coverage for indirectly employed workers but these were unsuccessful due to the strict application of such coverage to regular employees. In this context, it was recognised that more accurate information regarding the numbers and categories of temporary agency workers was needed; to that direction, requests were submitted to the user undertakings regarding the provision of such information.

Still in the context of organising precarious workers, the domain of identity politics was considered vital by the union in its effort to organise and mobilise indirectly employed workers. The relatively recent history of the sector in conjunction with the absence of unions representing indirectly employed workers and the apprehensive approach adopted by trade unions representing regular employees and by employers meant the absence of collective identity on the part of indirectly employed workers. In light of these issues, the union used different means to build solidarity among its potential constituents; these included, among others, recommending to workers to report any workplace issues to the union and not the employers, as used to be the case in the past, and to ask for the advice of the union before agreeing to any changes in terms and conditions of employment. Attempts to promote the interests of indirectly employed workers were also made via media channels. In this context, efforts were made to shape the public benchmarks on employment by emphasising the extent of inequality between indirectly employed workers and those on regular employment. However, concerns were expressed regarding informal interventions by employers/political parties to limit the use of media by the union (SYDAPTT, interview notes).

Aside from action developed towards addressing precarious workers per se, collaboration with unions based in other countries was also sought in order to exchange information on strategies and actions aimed at dealing with precarious work; however, such attempts for collaboration were reduced in the more recent period as a result of challenges in terms of time, resources and organisation (SYDAPTT, interview notes). At domestic level, there was some evidence of broader alliances being developed with local community movements, including, for instance, the organisation of food banks for precarious workers. Attempts to build broader coalitions with trade unions in other sectors were also made; these included, among others, the provision of picketing support in industrial action and the use of other union sites for meetings with their constituents. More ad hoc means for the exchange of

information and development of joint initiatives were also developed, including with groups representing workers on the so-called ‘voucher schemes’. Despite the existence of cleavages between SYDAPTT and the other unions representing regular employees in the banking sector, informal support was offered by some union representatives of the latter for the establishment of SYDAPTT. In this context, it was argued that the existence of strong union organisation representing regular employees, with the union though adopting a policy of exclusion towards indirectly employed workers, had a Janus Bifrons effect on the organisation of such workers. On the one hand, it meant that SYDAPTT could not rely on these unions for support but on the other hand, it galvanised support for SYDAPTT, as indirectly employed workers understood the benefits of union representation (SYDAPTT, interview notes).

The scope for interaction with state agencies and government departments seemed to be dependent on the political orientation of the government: whilst no support was offered by the PASOK and New Democracy-led governments, political intervention was sometimes successfully sought by political parties at the left of the spectrum. The union sought the political intervention of members of Parliament to put forward employment issues to the management of banks; this included, for instance, the successful intervention of Syriza members of Parliament to argue against the transfer of the SYDAPTT chair to another building that was seen by the union as an attempt by the bank to weaken the internal organisation of the union (SYDAPTT, interview notes). Still in the context of the relationship between the union and state agencies, some use was made of litigation in order to promote further the interests of indirectly employed workers. However, it was recognised that the usefulness of such means was limited; reasons for the limited effectiveness included the limited protection afforded by legislation and the time-consuming nature of such strategies (SYDAPTT, interview notes). Emphasis was also paid on the lack of effectiveness of the Labour Inspectorate as a result of cuts in resources and staff. The problem of monitoring and enforcement was further aggravated by the lack of willingness of workers to have recourse to the Labour Inspectorate in the case of employer non-compliance as well as the denial of responsibility for employment matters by both the direct and indirect employer.

In light of the limited success record of the union attempts outlined above, greater efforts were made at organising and mobilising indirectly employed workers (see below also for an analysis of the developments regarding negotiation of collective agreements). In this respect, the importance of raising awareness among non-members and organising workers in sectors outside banking were considered vital (see above on the inclusive approach of SYDAPTT). However, equal weight was given to the development of mobilisation strategies targeting indirectly employed workers. The union was engaged in mobilisation activities, including industrial action and demonstrations, designed to challenge, among others, dismissals of pregnant workers as well as wage reductions. In a number of these cases, the outcome of these activities was successful with the rate of success being dependent on the extent to which the union activities disturbed the business activities of the client (SYDAPTT, interview notes). A successful attempt to eliminate the scope for employer reliance on indirectly employed workers was reported by SYDAPTT. The case concerned the indirectly employed workers that used to work for Ethnodata, a subsidiary of the National Bank of Greece. The subsidiary was set up by the National Bank of Greece to provide labour to the company. Another example of successful mobilisation concerned the conversion of fixed-term contracts to open-ended contracts in a service provision company, Mellon Technologies,

which provided services to the National Bank of Greece. Following the initial insistence by management that there was no duty of consultation, the union referred the matter to the Ministry of Labour and the Labour Inspectorate requesting the application of legislation on fixed-term work. Subsequently, the company agreed in March 2016 to convert the fixed-terms contracts to permanent ones.

On the employers' side, the Association of Temporary Employment Agencies (*Ένωση Ιδιωτικών Εταιρειών Απασχόλησης*, ENIDEA, previously ENEPASE) was founded in 2002. It presently has 9 company-members, including the following: Adecco, ICAP, In Group, ISS Human Resources, Kluh Human Resources, Manpower, Optimal Business Action, Randstad, Trenkwalder Job Centers. ENIDEA is member of CIETT (CIETT-International Confederation of Private Employment Agencies) and EUROCIETT (the European branch of CIETT). At present, there are in total 13 temporary work agencies operating in Greece;<sup>49</sup> ENIDEA's membership covered 70% of the market, including a number of multinational companies but excluding companies that were Greek and/or small. Importantly, the employer representative noted that ENIDEA is not considered an employer organisation but an association whose objective is to inform public opinion and promote temporary agency work in Greece (ENIDEA, interview notes).

The broad considerations behind the approach of ENIDEA towards atypical employment, and in particular TAW, are a combination of economic, institutional, social legitimacy and organisational factors. From an economic perspective, labour cost efficiency arguments were developed at micro-economic level to support the provision of such forms of work in the market. According to a 2014 report on the use of TAW in Greece, the greatest benefits of TAW was labour costs' control (69%), increase in labour market flexibility (54%) and attraction of talent (23%) (ICAP Group 2014: 127), confirming also the existence of organisational reasons behind the use of TAW, i.e. in order to attract specific skills and expertise. At macro-economic level as well, the position of ENIDEA was that TAW creates and covers employment that would not have been created in the crisis period, since companies are reluctant to proceed to the recruitment of regular and permanent staff due to the economic uncertainty.<sup>50</sup> In this respect, TAW was seen as operating as a stepping stone in securing a permanent employment contract; according to ENIDEA, around 30% of the TAW contracts were converted to open-ended contracts between the agency worker and the user-undertaking (see also Ciett 2015). From an institutional and social legitimacy perspective, the association was keen for the practice of TAW to be legitimised, as this would promote the role of association in the industrial relations system as well (ENIDEA, interview notes). Informed by these considerations, the implicit approach that seems to have been adopted is one of separation, as this enables organisational fragmentation reducing the risk for firms but also the scope for worker organisation. In this respect, the view of the union was that the main rationales for the adoption of such practices by the employers were economic (in terms of reducing labour costs) and institutional (in terms of reducing trade union power) (SYDAPTT, interview notes).

In terms of its specific strategies towards TAW, the association had developed a range of activities towards existing and potential member-companies. These included, among others,

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<sup>49</sup> As reported by the Directorate of Employment, Ministry of Labour.

<sup>50</sup> <http://www.voria.gr/article/stin-prosorini-apasxolisi-strefontai-etaireies-kai-ergazomenoi>

the provision of information to companies regarding the benefits of TAW, the situation in other European countries; use was made here of the Eurociett economic reports and original research was commissioned. Collaboration with similar organisations abroad was also sought but also with other employers' federations at domestic level, most notably SEV (Confederation of Hellenic Enterprises) and the Federation of Banks. The joint efforts with SEV were directed, among others, at the liberalisation the legislative framework on TAW. In respect of shaping benchmarks on employment standards, ENIDEA was particularly interested in developing such arguments before government agencies; the perceived effect of the growth of TAW on unemployment was advanced in particular as a means to increase employment rates and assist firms. In respect of the latter, a code of practice addressed to its member-companies was developed by ENIDEA. The code included the following principles: respect of the rules on professional conduct, respect of law, respect of the principle of transparency as to the employment terms, respect of the provision of free services to all job-seekers, respect of health and safety at work, respect of diversity, respect of the rights of workers, respect of privacy, respect of professional knowledge and quality for services and respect of fair competition.

With respect to previous administrations during the crisis, attempts to lobby to change the direction of public policy in order to promote more widely the use of TAW were made; these were not deemed successful, the reason being that all the crisis-related measures were introduced unilaterally by the government. In this respect, the government approach towards TAW during the crisis was criticised, as it was felt that the labour market flexibility was seen as a taboo issue. However, broad satisfaction was reported with respect to the status quo in the regulatory framework affecting TAW, especially since the 2014 changes but some emphasis was still placed on the need for the national legislation to be in full compliance with the EU Directive on TAW and to liberalise the use of TAW in the public sector (ENIDEA, interview notes). Events targeted at a wider audience were organised in the past but in light of aggressive criticisms against such initiatives these were no longer pursued. Other initiatives with state agencies included the collaboration with OAED (Manpower Employment Organisation) in the framework of the Partnership between Employment Services.

The fact that the institutionalisation of the TAW sector in Greece took place only recently was reflected significantly in the reduced scope for the development of joint initiatives, including social dialogue, between the industrial relations actors. With respect to the scope for consultation and negotiation with employers, one of the biggest challenges that was identified on the part of the union concerned the perception of a lack of clear boundaries regarding the allocation of liability between the temporary work agency and the user undertaking with respect to employment issues. It was reported that this was used in a number of occasions by both employers (i.e. temporary work agencies and user undertakings) to justify lack of responsibility and frustrating ultimately union attempts towards resolving employment disputes and other workplace issues (SYDAPTT, interview notes). Further, some employers engaging in service provision refused reportedly to enter into discussions with SYDAPTT on the basis that the union represented only indirectly employed workers and they did not hence have mandate for representing outsourced workers, who are considered service provision workers (and not TAW). Concerns were also expressed by employers regarding the limited scope for social dialogue at national level: the limited range of actors involved was particularly problematic and emphasis was placed on the need for a role for ENIDEA but also for the Federation of Greek Banks (ENIDEA, interview notes).

With respect specifically to the conclusion of collective agreements regulating aspects of temporary agency work per se, no such collective agreements were reported in the period up to 2008. There was no evidence of collective agreements in this area either in the period between 2009 and present (i.e. 2016). On the part of the union, this was attributed to the lack of recognition of the union as a partner by the employers. Attempts to develop collective bargaining were made both in respect of the conclusion of sectoral (with ENIDEA) as well as company agreements. However, none of the employers or the employer association responded, with the exception of Manpower that stated that no such agreement was necessary since the company complied with the legislation. Later, mobilisation attempts were made by the union with a view to open negotiations; in response to this, ICAP accepted to start discussions about certain issues (e.g. presence records) but not with a view to conclude collective agreements. In this context, the biggest challenge identified by the union concerned the divergence in the principal positions of the union and the employers with respect to TAW: whilst the latter aimed at the further institutionalisation of TAW in the Greek economy, the former aimed at the elimination of all such work (SYDAPTT, interview notes). As a result of these issues, no sectoral agreement covered per se the TAW sector. However, in the pre-crisis period, a number of temporary agency workers were covered by the multi-employer agreement that used to be concluded between OIYE and employers in the service sector. But this agreement was not renewed during the crisis (see below for a discussion of the joint initiatives in the sector).

### **10.3 Concluding remarks**

As discussed in Part 1 of the report, the regulatory framework regarding TAW has been subjected to a range of significant reforms during the crisis. The 2012 and 2014 amendments were partly driven by the need to comply with Directive 2008/104, but also aimed at the further liberalisation of the provision of TAW. In this respect, Greece is similar to some other EU Member States that have understood the spirit of the Directive as amounting to a *quid pro quo* between the improvement of the working conditions of TAW and the progressive liberalisation of the provision of TAW. Against this context, the industrial relations context in the TAW sector is importantly characterised by the lack of established actors in the sector at present. On the one hand, the lack of recognition of TAW as a separate economic sector by ELSTAT has negated the possibility for the conclusion of sectoral collective agreements, affecting thus significantly the regulatory capacity of the industrial relations actors. On the other hand, the limited social legitimacy of the practice of TAW in the Greek labour market has meant that temporary work agencies and their association (ENIDEA) struggle for their recognition in the industrial relations system. These limitations in conjunction with the severity of the economic crisis and the different objectives of the industrial relations actors, i.e. elimination of TAW on the part of unions and legitimisation of TAW on the part of ENIDEA, have meant that the scope for joint initiatives to deal with the implications of TAW for the labour market are often limited. In light of this, unilateral attempts to deal with these issues have been developed by the parties, albeit with mixed results so far.

## **11. Conclusion**

In line with the framework of the PRECARIR project, the focus of the analysis was on the dynamics of precarious work during the crisis in Greece as well as the social partners' approaches to respond to these dynamics on a unilateral but also on a joint basis. In respect of

the developments in the incidence and nature of precarious work, we can identify two significant drivers behind the changes in this area. The first concerned the economic crisis itself: whilst Greece was not one of the countries affected in the early stages of the crisis (2007-2008), its exposure to the crisis was far more critical following the transformation of a financial crisis to a sovereign debt crisis in Europe. The second driver concerned the changes in the legal/institutional environment regulating atypical forms of work. Against the context of a deepening economic crisis, a range of extensive and radical labour market measures were adopted by successive governments of the recent years to liberalise the labour market. The measures, which were in line with the commitments of the governments undertaken in the loan agreements concluded with Greece's creditors, were in line with neo-classical assumptions with respect to the role of labour market regulation in competitiveness and labour market performance. In this context, the promotion of atypical forms of employment and the reduction simultaneously of the role of social actors in regulating the labour market via collective bargaining constituted institutional tools for the reduction of labour costs.

In light of these developments, the labour market in Greece has undergone radical transformations both in terms of the nature and extent of precarious work. In terms of the nature of precarious work, the empirical evidence from the national and sectoral levels suggests that on the one hand there has been an acceleration of the use of pre-crisis instruments designed to increase labour market flexibility. The most prominent example was here that of subcontracting, which although developed in the pre-crisis period, increased significantly during the crisis and it was used in the majority of the sector studied. At the same time, there has been a rapid development of new forms of atypical employment, which were until hitherto used rarely by the labour market actors. The most prominent examples here included the cases of part-time and short-time work, whose use became generalised across all sectors during the crisis. This was not the case in respect though of temporary agency work: whilst there was an increase in the rate of TAW this was not as sharp as in the case of part-time and short-time work, suggesting that the latter forms of atypical work were perhaps more compatible with the structure and organisation of firms (largely SMEs). The rise of atypical work in the Greek labour market since the start of the crisis has been combined with a significant increase of precarious conditions in the standard employment relationship, i.e. open-ended and direct employment. Evidence, among others, of significant delays in the payment of wages and salaries, intensification of work, working time abuses and reduced job security was found in all sectors that we examined in the study. These findings confirm the all-pervasive effect of the crisis and the structural labour market measures that have altered the landscape of employment since the start of the crisis.

Against this context, empirical evidence suggests that the scope for social dialogue and the development of joint initiatives to deal with the changes in the labour market were constrained. Two main factors account for the absence of such efforts on the part of the industrial relations actors. The first relates to the absence, to some extent, of a social dialogue tradition in respect of issues that go beyond the narrow focus of collective agreements to encompass a wider bargaining agenda dealing with inequalities in the labour market. In this respect, the crisis foreclosed even further the scope, albeit limited, for the development of a wider negotiating agenda, as during the negotiations the parties prioritised wage issues and the preservation of institutional benefits. The second factor accounting for the limited development of joint efforts to deal with precarious work relates to the changes in the legal/institutional framework regulating collective bargaining. Following the restructuring of

the collective bargaining framework, which included, among others, decentralising collective bargaining and reducing the regulatory capacity of higher-level agreements, the industrial relations actors at national but more importantly sectoral level have been unable to conclude collective agreements in the absence of legal/institutional incentives that used to persuade them in the past to do so. Not only have the changes in collective bargaining affected the relationship between the parties but they have also affected each of the parties individually with implications for their role in the new landscape of industrial relations. On the one hand, employers' associations have lost in some sectors a significant part of their membership and on the other hand, trade unions are facing a crisis of social legitimacy.

Faced with a reduced scope for developing joint initiatives, the industrial relations actors have developed unilateral attempts to deal with the implications of the recent shifts in the Greek labour market. A number of observations can be made in this respect. First of all, while it could be expected that there would be significant divergence in terms of the objectives between employers' associations and trade unions, evidence suggests that in some sectors, including in retail and healthcare, there was congruence between employers and trade unions in terms of regulating the conditions for accessing atypical forms of work and limiting the risk of precariousness. In this respect, there is evidence of significant cleavages between employers' associations representing large firms and those representing SMEs, with the former emphasising still the need to increase labour market flexibility (e.g. in the TAW sector) and the latter drawing attention to the negative implications of the labour market developments for domestic demand. Secondly, in the absence of institutional forms of interaction, the industrial relations actors have used a variety of means to influence developments in the labour market. While these include mechanisms ranging from developing service-oriented instruments for their members, engaging with media in an attempt to shape benchmarks on employment standards and mobilising their constituents for the purpose of defending their interests, there is a tendency to generalise these efforts to address a variety of situations. This in conjunction with the absence of strategic orientation and piecemeal attempts in some cases to deal with the implications of precarious work per se, (especially on the part of unions) have meant that the effectiveness of such activities is somewhat limited (for an exception, see the attempts by the union in the TAW sector).

The role of the state in this respect has become even more important. In the absence of successful attempts by employers' associations and unions to contain the implications of the crisis and the austerity measures through collective bargaining, the onus has fallen on the state to provide appropriate shock absorbers to deal with the externalities, including increasing problems of non-compliance with labour standards and rise of under-declared and undeclared labour. However, the capability of the state to do so has been substantially compromised as a result of the financial and operational constraints experienced in the Labour Inspectorate and courts, among others. This in conjunction with the fact that the responsibility for the substance of policy-decision has been effectively transferred abroad (through the requirement to proceed to policy reforms only where these have been approved by the lenders) has meant that the state has been largely unable to deal effectively with the negative implications of the crisis and the austerity measures and act ultimately as a safety net preventing the precarisation of its citizens.

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