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**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX**

28 March 2012

Case No. 7

**General Federation of employees of the national electric power corporation
(GENOP-DEI) and
Confederation of Greek Civil Servants' Trade Unions (ADEDY) v. Greece
Complaint No 66/2011**

**ADDITIONNAL SUBMISSIONS OF THE GOVERNMENT
ON THE MERITS**

Registered at the Secretariat on 26 March 2012

**ADDITIONAL OBSERVATIONS OF THE GREEK GOVERNMENT ON THE
MERITS OF COLLECTIVE COMPLAINT No66/2011**

In reply to the letter of the Executive Secretary of the European Committee on Social Rights, dated 6th February 2012, which requested that the Hellenic Government make further observations on collective complaint 66/2011 and, more specifically, on the provisions of Law No3863/2010, we would like to inform you of the following;

Primarily, it has to be made clear that the apprenticeship contract provided for by article 74§9 of Law No3863/2010 aims exclusively at acquiring work experience through employment and irrespective of whether or not the persons concerned attend some educational programme. Given the high unemployment rate in Greece, as this is described in detail in the observations of the Hellenic Government on Collective Complaint 66/2011, the apprenticeship contracts **were established in order to create the preconditions for young persons aged 15 to 18 to be integrated into the labour market, without necessarily constituting the beginning of stable employment with the employer who hired them.**

Secondly, article 74§9 of Law No3863/2010 stipulates that young persons aged 15 to 18 that conclude apprenticeship contracts **do not come under the provisions of labour law, with the exception of the provisions on the health and safety of workers.** However, we would like to repeat that **all protective provisions governing the employment of minors also apply to apprenticeship contracts** as follows:

a) Law No1837/1989 on “Protection of minors in employment and other provisions” (Official Gazette 85/A),

b) Presidential Decree No62/1998 on “Measures to protect young persons at work, in compliance with Directive 94/33/EC” (Official Gazette 67/A),

c) Ministerial Decision No1390/1989 on “Employment Books of minors” (Official Gazette 766/B/09-10-1989),

d) Law No2918/2001 on “Ratification of ILC182 concerning the prohibition of and immediate action for the elimination of the worst forms of child labour” (Official Gazette 119/A/15-06-2001),

e) Law No3144/2003 on “Social dialogue for the promotion of employment and social protection and other provisions” (Official Gazette 111/A), article 4 of which provides for the protection of health, safety and morals of working persons under the age of 18, in compliance with ILC182,

f) Ministerial Decision No130621/2003 on “Tasks, projects and activities, in which it is prohibited to employ minors” (Official Gazette 875/B/02/07/2003), which defines the tasks, projects and activities, in which it is prohibited to employ minors, since it is considered that, due to their nature and the conditions under which these

are carried out, they are likely to harm the minors' health and safety or to be a danger to their morals. The said Ministerial decision applies to all persons under the age of 18 that are bound by any type of employment contract or working relationship (including the special apprenticeship contracts provided for by article 74§9 of Law No3863/2010) or by a task-specific contract or by a contract for the rendering of independent services or are self-employed.

Thirdly, it must be made clear that, by virtue of article 74§9 of Law No3683/2010, the special apprenticeship contracts have maximum duration of up to one year. Furthermore, the period of apprenticeship for persons who have reached the age of 16 cannot exceed 8 hours a day and 40 hours a week. For those who are under the age of 16, as well as those who are students of the first 3 classes of the secondary school, of all types of Lycea or of public or private technical/professional schools, recognized by the state, the period of apprenticeship cannot exceed 6 hours a day and 30 hours a week. Finally, the apprenticeship is not allowed to take place between 22.00 and 06.00 of the following day.

It is evident from all the above that the said provision safeguards the minimum age limit for persons who can conclude apprenticeship contracts, the maximum daily and weekly working hours, as well as the prohibition of night works for minors. Moreover, the apprentices are not entitled to a three-week leave within the one year of their special apprenticeship contract; given that the labour law does not apply – excluding the provisions concerning health and safety at work.

As far as the submission to periodic medical examinations is concerned, we would like to inform you that, in accordance with the provisions of the “Code of laws on the health and safety of workers”, which was ratified with article 1 of Law No3850/2010 (O.G.A'85) and applies to all undertakings, establishments, business undertakings and works of both the private and the public sectors (as well as to Public Bodies Corporate and Local Self-Government Organisations), and to all workers employed in any type of working relationship (including the special apprenticeship contracts provided for by article 74§9 of Law No3863/2010), the employer is obliged to safeguard the health and safety of workers in all aspects of work, to take measures that safeguard the health and safety of third persons, as well as to make use of the services of a safety technician and (where provided for) of a labour physician. Within this framework, it is provided for, on a case by case basis, that the employer is obliged to submit the workers to periodic medical examinations when they are exposed to factors (natural, chemical and biological), face musculoskeletal problems (in the manual handling of loads) and are under the age of 18.

In addition, the lack of work experience of young persons justifies their remuneration at 70% of the minimum wage or daily wage. More analytically and as regards both article 74§8 of Law No3863/2010 and the question of the European

Committee on Social Rights concerning the level of minimum income, we would like to inform you of the following:

By virtue of the National General Labour Collective Agreement of 15-7-2011, it was determined by the social partners that the minimum wage and daily wage of the workers of the country, as defined on 31-5-2011 on the basis of the National General Labour Collective Agreement for the years 2008-2009, are increased, as from July 1st 2011, by a rate equal to the rate of the annual change in the European inflation for the year 2010. This rate was set at 1,6%; hence, the minimum wage set as of 1-7-2011 amounts to 33, 57Euro (for a worker that is not married and has no previous service).

Furthermore, by virtue of the Ministerial Council Act "Act 6 of 26-2-2012, Regulation of issues concerning the application of article 1§6 of Law No4046/2012", article 1§1 stipulates that "from 14-2-2012 onwards, the minimum wage and daily wage set by the National General Labour Collective Agreement in force since 15-7-2010, as they were provided for and applied on 1-1-2012, are decreased by 22%. From 14-2-2012 onwards, the minimum wage and daily wage for young persons under the age of 25 set by the National General Labour Collective Agreement in force since 15-7-2010, as they were provided for and applied on 1-1-2012, are decreased by 31%. The minimum wage and daily wage mentioned above that are decreased by 32% also apply to the apprentices referred to in article 74§9 of Law No3863/2010. Article 74§8 of Law No3863/2010, article 43 of Law No3986/2011, as well as any other regulation that are contrary to the provisions of this paragraph are abolished."