



European  
Social  
Charter

Charte  
sociale  
européenne



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

06 October 2021

**FIRST REPORT  
ON THE NON-ACCEPTED PROVISIONS OF THE EUROPEAN  
SOCIAL CHARTER**

**GREECE**

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## I. SUMMARY

With respect to the procedure provided by Article 22 of the 1961 Charter – examination of non-accepted provisions - the Committee of Ministers in December 2002 decided that "states having ratified the revised European Social Charter should report on the non-accepted provisions every five years after the date of ratification" and "invited the European Committee of Social Rights to arrange the practical presentation and examination of reports with the states concerned" (Decision of the Committee of Ministers of 11 December 2002).

Following this decision, the European Committee of Social Rights examines - in a meeting or by written procedure - the actual legal situation and the situation in practice in the countries concerned from the point of view of the degree of conformity of the situation with non-accepted provisions. This review is done for the first time five years after the ratification of the revised European Social Charter, and every five years thereafter, to assess the situation on an ongoing basis and to encourage States to accept new provisions. Indeed, experience has shown that States tend to overlook that the selective acceptance of the provisions of the Charter should be only a temporary phenomenon and not a rule.

Greece ratified the Charter on 18 March 2016, accepting 96 of the 98 paragraphs. The following provisions are not yet accepted: Articles 3§4 (the right to safe and healthy working conditions: occupational health services) and 19§12 (the right of migrant workers and their families to protection and assistance: teaching mother tongue of migrant).

Greece accepted the Additional Protocol providing for a system of collective complaints on 18 June 1998, but has not yet made a declaration enabling national NGOs to submit collective complaints.

With a view to carrying out the procedure for the first time in 2021, the Greek authorities were invited to provide written information on the two non-accepted provisions of the Charter.

Having examined the written information provided by the Government of Greece on 3 June 2021, the European Committee of Social Rights noted that it has received no information, or insufficient information, to assess the situation in Greece with regard to Articles 3§4 and 19§12 of the Charter. Consequently, it reserves its opinion on Greece's capacity to accept these provisions.

The European Committee of Social Rights remains at the disposal of the authorities of Greece for continued dialogue on the two non-accepted provisions.

The next examination of the provisions not accepted by Greece will take place in 2026.

## II. EXAMINATION OF THE NON-ACCEPTED PROVISIONS

### **Article 3 § 4 – The right to safe and healthy working conditions: Occupational health services**

#### **Situation in Greece**

The legal framework for occupational safety and health consists of the following elements:

- 'general' legislation (for example Code of laws related to occupational safety and health) that applies to all private and public sector companies and to any worker employed by an employer in any employment relationship, including trainees and apprentices, and
- 'special' legislation that regulates occupational health and safety issues in more specific cases.

It contains general principles on the prevention of occupational risks and the protection of safety and health, the elimination of risk factors for occupational accidents and diseases, information, consultation, balanced participation, training of workers and their representatives as well as the rules for the application of these general principles.

The legal concept of employer responsibility is the main pillar of this framework. The employer is under an obligation to ensure the health and safety of workers in all aspects of their work and to take measures to ensure the health and safety of third parties.

The legislation stipulates that in all enterprises employers are obliged to use the services of the safety technician, and that they are also obliged to employ an occupational physician in enterprises with more than 50 employees, as well as in special cases of enterprises with a high-risk working environment.

According to the law, all workers may have recourse to the enterprise's occupational physician or to a competent unit of the national Health National System (ESY) or to the insurance organisation to which they belong. If the insurance organisation unit or the ESY unit identifies a health problem that could be related to the working environment, the competent labour inspectorate and the occupational physician of the enterprise are notified.

#### **Opinion of the Committee**

The Committee recalls that Article 3§4 requires to promote, in consultation with employers' and workers' organisations, the progressive development of occupational health services that are accessible to all workers, in all branches of economic activity and for all enterprises. If those services are not established within all enterprises, public authorities must develop a strategy, in consultation with employers' and workers' organisations, for that purpose<sup>1</sup>.

Article 3§4 belongs to the provisions which include complex and onerous obligations to be implemented progressively. Any strategy to promote the progressive development of occupational health services must include the full national territory, cover nationals of other States Parties, and not only some branches of activity, major enterprises or especially severe risks, but all types of workers<sup>2</sup>.

Occupational health services have essentially preventive and advisory functions, which are specialised in occupational medicine<sup>3</sup>, beyond mere safety at work. They contribute to conducting workplace-related risk assessment and prevention, to worker health supervision, to training in

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<sup>1</sup> Conclusions 2003, Bulgaria

<sup>2</sup> Conclusions 2013, Ukraine

<sup>3</sup> Conclusions 2009, Ukraine

matters of occupational safety and health, as well as to assessing working conditions impact on worker health<sup>4</sup>. They must be trained, endowed and staffed to identify, measure and prevent work-related stress, aggression and violence<sup>5</sup>.

In view of the information provided by the Greek authorities, the Committee does not have sufficient data to assess the situation in the country in terms of the requirements of Article 3§4 of the Charter. The Committee would need more information, including on an existing strategy for making occupational health services accessible to all workers in all enterprises, consultation with employers' and workers' organisations on this issue, involvement of occupational health services in the assessment and prevention of risks at the workplace, supervision of workers' health and training in occupational safety and health. Consequently, the Committee reserves its opinion on Greece's capacity to accept this provision.

***Article 19 § 12 – The right of migrant workers and their families to protection and assistance: Teaching mother tongue of migrant***

**Situation in Greece**

No information is provided on the teaching of the migrant's mother tongue.

**Opinion of the Committee**

The Committee recalls that under Article 19§12 States Parties undertake to promote and facilitate the teaching, in schools or other structures, such as voluntary associations, of those languages that are most represented among the migrants present on their territories<sup>6 7</sup>.

As no information was provided, the Committee reserves its opinion on Greece's capacity to accept Article 19§12 of the Charter.

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<sup>4</sup> Conclusions 2003, Bulgaria

<sup>5</sup> Conclusions 2013, Statement of Interpretation on Article 3§4

<sup>6</sup> Conclusions 2002, Italy

<sup>7</sup> Conclusions 2011, Armenia

## — Greece and the European Social Charter —

### Signatures, ratifications and accepted provisions

Greece ratified the European Social Charter on 06/06/1984 and the Additional Protocol to the European Social Charter on 18/06/1998.

It ratified the Revised Social Charter on 18 March 2016, accepting 96 of the 98 paragraphs.

It accepted the Additional Protocol providing for a system of collective complaints on 18/06/1998, but has not yet made a declaration enabling national NGOs to submit collective complaints.

### The Charter in domestic law

Under Article 28(1) of the Constitution: "International conventions as of the time they are sanctioned by statute and become operative according to their respective conditions, shall be an integral part of domestic Greek law and shall prevail over any contrary provision of the law. The rules of international law and of international conventions shall be applicable to aliens only under the condition of reciprocity."

### Table of accepted provisions

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1
3.2	3.3	3.4	4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3
6.4	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1
8.2	8.3	8.4	8.5	9	10.1	10.2	10.3	10.4	10.5	11.1	11.2
11.3	12.1	12.2	12.3	12.4	13.1	13.2	13.3	13.4	14.1	14.2	15.1
15.2	15.3	16	17.1	17.2	18.1	18.2	18.3	18.4	19.1	19.2	19.3
19.4	19.5	19.6	19.7	19.8	19.9	19.10	19.11	19.12	20	21	22
23	24	25	26.1	26.2	27.1	27.2	27.3	28	29	30	31.1
31.2	31.3						Grey = accepted provisions				

### Reports on non-accepted provisions

The European Committee of Social Rights ("the Committee") examines the situation of non-accepted provisions of the Revised Charter every 5 years after the ratification.

Further information on the reports on non-accepted provisions is available on the [relevant webpage](#).

## APPENDIX II

### **Declaration of the Committee of Ministers on the 50th anniversary of the European Social Charter**

*(Adopted by the Committee of Ministers on 12 October 2011 at the 1123rd meeting of the Ministers' Deputies)*

The Committee of Ministers of the Council of Europe,

Considering the European Social Charter opened for signature in Turin on 18 October 1961 and revised in Strasbourg on 3 May 1996 (“the Charter”);

Reaffirming that all human rights are universal, indivisible and interdependent and interrelated;

Stressing its attachment to human dignity and the protection of all human rights;

Emphasizing that human rights must be enjoyed without discrimination;

Reiterating its determination to build cohesive societies by ensuring fair access to social rights, fighting exclusion and protecting vulnerable groups;

Underlining the particular relevance of social rights and their guarantee in times of economic difficulties, in particular for individuals belonging to vulnerable groups;

On the occasion of the 50th anniversary of the Charter,

1. Solemnly reaffirms the paramount role of the Charter in guaranteeing and promoting social rights on our continent;
2. Welcomes the great number of ratifications since the Second Summit of Heads of States and Governments where it was decided to promote and make full use of the Charter, and calls on all those member states that have not yet ratified the Revised European Social Charter to consider doing so;
3. Recognizes the contribution of the collective complaints mechanism in furthering the implementation of social rights, and calls on those members states not having done so to consider accepting the system of collective complaints;
4. Expresses its resolve to secure the effectiveness of the Social Charter through an appropriate and efficient reporting system and, where applicable, the collective complaints procedure;
5. Welcomes the numerous examples of measures taken by States Parties to implement and respect the Charter, and calls on governments to take account, in an appropriate manner, of all the various observations made in the conclusions of the European Committee of Social Rights and in the reports of the Governmental Committee;
6. Affirms its determination to support States Parties in bringing their domestic situation into conformity with the Charter and to ensure the expertise and independence of the European Committee of Social Rights;

7. Invites member states and the relevant bodies of the Council of Europe to increase their effort to raise awareness of the Charter at national level amongst legal practitioners, academics and social partners as well as to inform the public at large of their rights.