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Αθήνα...22.3.2026

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To
Council of Europe
European Committee of Social Rights
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Subject: Observations submitted by the Greek General Confederation of Labour –GSEE on the 2nd national Report on the non accepted by Greece provisions of the rev. European Social Charter (article 3 para 4, article 19 para 12).

The Greek General Confederation of Labour (GSEE), as the third-level trade union and the foremost representative central organization in Greece representing workers with a dependent employment contract or an employment relationship, hereby submits its Observations on the 2nd national Report on the non accepted by Greece (article No 3 of Law 4359/2016, OJ A' 5) provisions of the rev. European Social Charter (article 3 para 4, article 19 para 12).

I. GENERAL OBSERVATIONS

1. According to national legislation and practice, GSEE is the "national social partner" on behalf of workers' side and member of the European Trade Union Confederation (ETUC), whose action it actively supports. Before commenting on the 2nd national Report on the non accepted provisions of the art. 3 para 4 and 19 para 12 of the rev. ESC and as it concerns the start of the new reporting system introduced by the decision of the Council of Europe's Committee of Ministers of 27 September 2022, GSEE would like to state that associates itself with the 'Legal Opinion' elaborated by the ETUC¹ on the question whether new reporting system is in conformity with Article 21 European Social Charter (ESC) 1961 in general and in particular the consequences this has for other ESC supervision systems, including the reformed reporting process on non-accepted provisions. It expresses the sincere hope that this will contribute to make the supervisory reporting system in legal and factual terms efficient.

2. GSEE has been informed on the content of the State's report through the CoE's ESC Country profile page. We strongly appreciate the interest of the ETUC in notifying all affiliates on the upload and accessibility of the national Reports, so as our right to submit observations can be

¹ ETUC Observations and Legal Opinion on the Reporting Cycle 2025 on the "1st Group of European Social Charter provisions" July 6, 2025 <https://etuclex.etuc.org/etuc-observations-and-legal-opinion-reporting-cycle-2025-1st-group-european-social-charter>

exercised. GSEE would like to note that a timely and genuinely informative and consultative tripartite procedure with the competent State Authorities on this important reporting process would have been welcomed. Such a procedure would enhance transparency regarding the process and content of the 2nd national Report on the non accepted provisions of the rev. ESC and assessment of the country's progress on the substantive implementation of the protected rights.

II. SPECIFIC OBSERVATIONS

1. GSEE would like to note that until the submission of the present Observations on the 2nd national Report on the non accepted provisions of the rev. ESC, which follows the submission in June 30, 2026 of the Confederation's Observations to the 7th national Report on the rev.ESC's 1st Group of provisions, the envisaged Presidential Decrees for the ratification of the provisions of article 3 par.4 and 19 par.12 have not been yet issued, nor has their preparation procedure been known.

2. As for the required information regarding the provisions of the rev. ESC which are not accepted by Greece, GSEE observes that the national Report does not contain the required clarity and completeness regarding the reasons that maintain its refusal to proceed with their acceptance and ratification, without however neutralizing the core of the protection of the relevant rights. Indicatively, the GSEE would like to point out:

3.1. As it concerns the evolution and the current status of the national law and its implementation in practice: GSEE observes that despite the positive presentation by the national report of the legislation in force on OSH issues, along with implemented programs that seem to have brought national standards closer to the rev.ESC's requirements since the last review, it is not explained why Greece insists on not accepting and ratifying the provisions of art. 3 para 4 of the rev. ESC. GSEE makes the same comment as it concerns the national Report's positive references on the national framework related to the application on the non accepted provision of art. 19 para 12 of the rev.ESC.

Given the importance of the State's obligation to report every five (5) years on the non accepted provisions, it should be mentioned:

- i) as it concerns art. 3 para.4 of the rev. ESC, that the presentation of the national legislative framework on health and safety at work (OSH) is not sufficient, especially when it is not accompanied by adequate data showing the current domestic situation regarding the non accepted right. GSEE would like to refer to its submitted Observations on the 7th national Report on the non adequacy, as it concerns the due presentation of the evolution of the legislation in force, of the referrals to the Labour Code - Presidential Decree 62/2025 (KED, OJ A'121) on the codification of labour legislation. We would like to give special emphasis to our observations on the institutional downgrading, through its inclusion in the administrative codification of KED, of the Code of Laws on Health and Safety (KNYAE, Law 3850/2010), which has been adopted according to the Greek Constitution, after a precise parliamentary process;
- ii) as it concerns art. 19 para 12 of the rev. ESC, the national report doesn't make any reference to the critical legislative amendments as it concerns the Country's policy related to third country nationals under the status of migrants, refugees and asylum seekers, which is characterized by lack of stable integration policies. Fragmentary references to actions of funded programs, especially when they are not related to the implementation of national legislation, can't be considered as

national policy and in any case, can't be fully assessed, if they are not accompanied by the adequate data i.e. on their educational (type of educational structures), geographical (regions of implementation) and personal scope (status of third country nationals).

2. As it concerns the obligation to explain the obstacles to acceptance. The national report doesn't make any reference to the legal or administrative reasons why it continues not to bind itself by the articles 3 para 4 and 19 para 12 of the rev. ESC and/or the financial and economic constraints, that justify the possible lack of fiscal capacity or resources required to meet the high threshold of compliance demanded by that specific provisions. Furthermore, the national Report despite the substantial importance of this process, doesn't provide any evaluation of whether it will be able to accept the provision in the foreseeable future, outlining the expected timelines for formally notifying the Council of Europe of its updated acceptance.

3. GSEE would like to invite the European Committee of Social Rights (ECSR) to examine the accuracy and completeness of the 2nd National Report on the non accepted provisions of the rev.ESC under the light of the Confederation's **Observations on the 7th National Report on the implementation of the 1st Group of the rev. ESC's provisions**. We hope that our Observations can contribute to the consideration and assessment by the ECSR of the essential reasons why Greece does not proceed with the acceptance of a) paragraph 4 of article 3 of the rev. ESC, as we refer to the problems of the effective implementation of the legislation, but also to the control of compliance with the required level of substantial protection of the health and safety of workers, noting the under-recording of occupational accidents and the non-recording of occupational diseases² and b) paragraph 12 of article 19 of the rev. ESC, as it relates to the political integration deficit with stability and equality in work and society of third-country nationals, regardless of the profile under which they are residing in Greece³.

² Please see further relevant information on the situation in Greece:

ILO CEACR on the application of C187 by Greece

https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4435555,102658

CEACR on the application of C19, C42, 102 by Greece

https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4436303,102658

CEACR on the application of C81 by Greece

https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4435555,102658

EU OSHA First findings of the Fourth European Survey of Enterprises on New and Emerging Risks (ESENER 2024)

https://osha.europa.eu/sites/default/files/documents/first-findings-esener-2024_EN.pdf

EurComm Infringement package, January 2026, Letter of formal notice to Greece on the due transposition of Directive (EU) 2023/2668 on the protection of workers from asbestos

https://ec.europa.eu/commission/presscorner/detail/en/inf_26_115

³ Please see further relevant information on the situation in Greece:

UN Committee on the Elimination of Racial Discrimination (CERD) Concluding observations on the combined twenty-third and twenty-fourth periodic reports of Greece

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2F2023-24&Lang=en

Greek National Commission for Human Rights Reports and Decisions on Migrants and Refugees

<https://www.nchr.gr/en/decisions-positions/94-refugees-migrants.html> especially the reports related to the legislative initiatives of the years 2021-2026.

AIDA Country Report - Greece: <https://asylumineurope.org/reports/country/greece/>

Migrant Integration Policy Index <https://www.mipex.eu/greece>

FRA Promoting migrant integration – Strengthening EU law on long-term residence 2023

<https://fra.europa.eu/en/publication/2023/long-term-residents>

OECD Indicators of Immigrant Integration (Settling In) <https://www.oecd.org/en/topics/policy-issues/migration.html>

Thanking in advance for the time and attention accorded to our Observations, we remain at your disposal should any additional information or explanation be needed.

On Behalf of GSEE

Yannis Panagopoulos
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ILO CEACR on the application of C29 by Greece

https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:13100:0::NO:13100:P13100 COMMENT ID,P13100 COUNTRY ID:436956 0,102658

CEACR on the application of C81 by Greece

https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:13100:0::NO:13100:P13100 COMMENT ID,P13100 COUNTRY ID:443555 9,102658

Also <https://www.ilo.org/publications/greece-country-baseline-under-ilo-declaration-annual-review-2017-2019-p029>

https://www.ilo.org/sites/default/files/2024-07/Greece_P29%202023.pdf