



FORESEE Project (VS/2021/0054)

Manual

***"The status of social dialogue in the Greek legal order
and its implementation mechanisms in the field of
social services"***

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INTRODUCTION

The social dialogue corresponds to an institutionalised process of collective bargaining and consultation in the field of industrial relations, conducted either between autonomous social partners (employers and workers) or between the partners and the competent public authorities. It includes discussions between the social partners, their joint actions and any negotiations between them, as well as discussions between the social partners and government bodies.

Social dialogue takes place at three levels within the Greek legal order:

- the level of collective bargaining between the social partners (workers and employers)
- the level of the Economic and Social Committee (ESC)
- the level of informal tripartite and bilateral consultations between the government and the social partners¹.

¹ This level has not been particularly developed. The most representative initiative was the dialogue between the Greek Government and the tertiary workers' and employers' organisations in 1997, which, after a six-month consultation period, culminated on 10 September 1997 in the signing of the "*Confidence Pact between the Government and the Social Partners on the road to the year 2000*".

SECTION A. Collective Bargaining

The starting point of social dialogue at the level of collective bargaining is Law 3239/1955 *"How to regulate collective labour disputes, establish a National Advisory Council on Social Policy and amend and supplement provisions of uniform labour laws"*, which defined as a collective labour dispute any dispute between employer organisations and employee organisations regarding the terms or conditions or remuneration of work. Law 3239/1955 was replaced by Law 1876/1990 *"Free collective bargaining and other provisions"*, concerning:

a) all persons working in a dependent employment relationship governed by private law in any national or foreign employer, undertaking, holding or service of the private or public economic sector, including agricultural, livestock and related workers, as well as home workers; b) natural persons which even if they are not connected through a dependent employment relationship, they work under conditions of dependence and require similar protection to that of employees.

Law 1876/1990 standardises the following categories of collective bargaining agreements (CBAs):

- a) national general agreements, concerning workers throughout the country
- b) sectoral agreements, concerning the employees of several similar or related holdings or enterprises of a certain city or region or of the whole country
- c) operational, relating to the employees of a holding or undertaking
- d) national same profession agreements, concerning workers of a particular profession and the skills associated with that profession throughout the country
- e) local same profession agreements, concerning workers of a particular profession and/or the relevant specialties of a particular city or region.

1. The ability to enter into collective bargaining agreements

The ability to enter into a CBA shall have:

- a. Trade unions² and employers' organisations of all levels in their field of activity, as well as associations of persons as long as they are registered in the relevant registers
- b. Every employer for the workers he employs in his undertaking.

2. The categories of CBAs

The national general CBAs are concluded by the tertiary workers' organisations and the employers' or panhellenic organisations recognised as being more widely represented.

Sectoral CBAs are concluded by primary or secondary trade unions covering workers regardless of their profession or specialisation, like or similar enterprises in the same sector, and by employers' organisations.

National same profession CBAs are concluded on the part of the employees by national secondary or primary same profession trade unions, while on the part of the employers they are concluded by employers' organisations of national or wider representation.

Local and professional CBAs are concluded by same profession trade unions, primary or secondary, and employers' organisations.

Operational CBAs are concluded by trade unions of the enterprise covering workers, regardless of their category, position or specialisation and, and in the absence of these, by the respective primary sectoral organisations and by the employer (regardless of the number of employees in the enterprise).

² In accordance with Articles 83 and 96 of Law 4808/2021, an additional condition a) for the existence of the ability to conclude an CBA and b) for participation in collective bargaining is now the registration of the workers' union in the General Register of Workers' Unions (GEMISOE).

3. The content of CBAs

The collective bargaining agreement may regulate:

1. Issues relating to the conclusion, operating conditions and termination of individual employment contracts falling within its scope.
2. Issues relating to the exercise of the right of association in the undertaking, the granting of trade union concessions and the way in which trade union contributions are deducted and paid to the beneficiary organisations
3. Social security issues other than pensions, provided that they do not contradict the constitutional order and policy of public social security institutions
4. Issues relating to the conduct of business policy insofar as it directly affects employment relationships
5. Issues relating to the interpretation of the statutory terms of the collective bargaining agreement
6. Issues provided for in Article 12 of Law 1767/1988 (Government Gazette A' 63) without prejudice to the powers of works councils
7. Rights and obligations of the contracting parties
8. Issues concerning collective bargaining procedures and conditions.

4. Mechanisms for resolving collective disputes

In the event of failure of collective bargaining, the Greek system of industrial relations provides for the possibility of using mechanisms for resolving collective disputes through the Organisation for Mediation and Arbitration (OMED), established by Law 1876/1990 as an independent and self-governed legal entity.

The Institution of Reconciliation

Reconciliation is the attempt to settle an individual or collective labour dispute and the coordination of consultation with a view to facilitating convergence of views between one or more workers and an employer or an employers' organisation.

The Institution of Mediation

Mediation is the conduct of collective bargaining with the assistance of a Mediator and with the aim of facilitating the Parties to sign a Collective Bargaining Agreement

The Institution of Arbitration

Arbitration is the procedure for resolving collective labour disputes by decision of either an Arbitrator, or a Three-member Arbitration Committee, or finally, if an appeal is lodged, a Five-Member Arbitration Committee (Article 16 of Law 1876/1990, as amended by Article 4 of Law 4303/2014), provided that the Parties have not concluded a Collective Bargaining Agreement (CBA), at the level of Mediation.

SECTION B. The development of Collective Bargaining in the field of social services

Analysis of the available data leads to the conclusion that the social partners of the social services sector use the institution of collective bargaining to regulate critical areas (other than salary) of their labour relations through **National Sectoral, Local Sectoral and Operational CBAs**. At the same time, in case of failure of collective bargaining, the social partners use the network of collective dispute resolution mechanisms through the Organisation for Mediation and Arbitration (OMED).

1. Social partners in the social services sector

Representative organisations of workers in the field of social care who have participated in collective bargaining

[Federation of Unions of Hospital Institutions of Greece \(O.S.N.I.E.\)](#)

[Federation of Private Educational Officers of Greece \(OIELE\)](#)

[Greek Social Workers Association](#)

[Association of Employees at the Private Kindergartens of Athens, Piraeus and surrounding areas](#)

[Association of Employees in Private Kindergartens and Nurseries of Western Crete](#)

Employers' representative organisations in the field of social care involved in collective bargaining

[Panhellenic Association of Elderly Care Units \(PEMFI\)](#)

[Association of Greek Rehabilitation Centres](#)

[Panhellenic Association of Private Kindergartens \(PASIPS\)](#)

[Association of Private Kindergartens of Greece \(New SISPNE\)](#)

2. Agreements between the social partners in the social services sector

National Sectoral Collective Bargaining Agreements in the field of social care (<https://www.omed.gr/el/sylogikes-rythmiseis>)

CBAs (8.10.2009) on the conditions of remuneration and work of Social Workers in Private Kindergartens throughout the country

Deed: P.K. Ministry of Employment 55/22.10.2009

Contract text:  [Text](#)

Remuneration tables:  [Table](#)

Contracting Parties - Workers' organisations:

[Greek Social Workers Association](#)

Contracting Parties - Employers organisations:

[Panhellenic Association of Private Kindergartens \(PASIPPS\)](#)

Local Sectoral Collective Labour Agreements in the field of social care (<https://www.omed.gr/el/sylogikes-rythmiseis>)

CBAs (9.2.2009) on the conditions of remuneration and work of workers in private nurseries and kindergartens in Western Crete

Deed: (P.K. Ministry of Employment: 8/26-2-2009)

Contract text:  [Text](#)

Contracting Parties - Workers' organisations:

[Association of Employees in Private Kindergartens and Nurseries of Western Crete](#)

Contracting Parties - Employers organisations:

[Panhellenic Association of Private Kindergartens \(PASIPS\)](#)

Operational Collective Bargaining Agreements in the field of social care (https://www.omed.gr/el/epix_symbaseis)

National CBA. of the FOUNDATION FOR CARE OF CHRONIC SUFFERERS - 2017

National CBA of the ASYLO TOU PAIDIOU - 2018

National CBA of the company G. MOROS - PHYSIOTHERAPY AND REHABILITATION CENTRE S.A. - 2012

National CBA of the company ZOSIMADON IOANNINA nursing home - 2012

National CBA of the Xanthi nursing home "O MEGAS VASILEIOS" - 2016

National CBA of the company DIMOU G. AIKATERINI - (AGKALITSES KINDERGARTEN) - 2015

National CBA of the company ELEIMON ETAIREIA ATHINON - GIROKOMEIO PTOHOKOMEIO - 2009

National CBA of the company HELLENIC RED CROSS - 2018

National CBA of the company IASO - STYLIANOS PRALLIKAS & Co. (Elderly Care Unit) - 2012

National CBA of the FOUNDATION FOR SOCIAL WORK (IKE) - 2016

National CBA of the FOUNDATION FOR the care OF persons with special needs or AGIA Paraskevi" Molas Holy Metropolis OF Monemvasia AND Sparta - 2012

National CBA. of the company CARE UNIT FOR ELDERLY PEOPLE AND PEOPLE WITH SPECIAL NEEDS "AGIOS ATHANASIOS" of the Holy Metropolis OF Monemvasia and Sparta - 2012

National CBA of the foundation of the Holy Metropolis of Monemvasia and Sparta "IDRIMA PERITHALPSEOS CHRONIOS PASCHONTON O AGIOA PANTELEIMON" - 2013

National CBA for the THERAPY CENTRE FOR DEPENDENT INDIVIDUALS (KETHEA) - 2016

National CBA of the ELDERLY CARE UNIT E.P. KALLIRI - 2012

National CBA of the business OIKOS PRONOIAS LEFKADOS NURSING HOME) - 2012

National CBA of the company PROTYPOS MONADA FRONTIDAS ILIKIOMENON O AGIOS CHARALAMPOS S.A. - 2012

National CBA of the Charity Association SKEPI PRONOIAS - 2012

National CBA of the CHARITY FOUNDATION / NURSING HOME OF SPARTA AGIOI ANARGYROI - 2014

National CBA for the Legal Entity "CHRISTIANIKI ESTIA - ANAMORFOTIKI ORGANOSIS PATRON" - 2015 (concerns all employees in the Legal Entity and its branch, the Elderly Accommodation Unit "AGIA SKEPI")

3. The Arbitral Awards in the Social Services Sector

National Sectoral Collective Bargaining Agreements

A.A. 31/2010 on the pay and working conditions of private primary and secondary general education teachers throughout the country

Deed: P.K. Ministry of Labour 18/7.7.2010

Declaration of Obligation: YA 11331/677/2011 (Government Gazette B 1448/17.6.2011 - Mandatory from: 7.7.2010)

Contract text:  [Text](#)

Contracting Parties - Workers' organisations: [Federation of Private Educational Officers of Greece \(OIELE\)](#)

Contracting Parties - Employers organisations:

[Association of Founders of Greek Private Schools](#)

[Panhellenic Association of Private Kindergartens \(PASIPS\)](#)

[Association of Professionals of Private Kindergartens & Kindergartens of Thessaloniki & Macedonia of Thrace](#)

[Association of Private Kindergartens of Greece \(New SISPNE\)](#)

DA 27/2011 on the conditions of remuneration of staff working in Rehabilitation Centres throughout the country

Deed: (PK. Ministry of Labour:4.1.2012)

Contract text:  [Text](#)

Contracting Parties - Workers' organisations: [Federation of Unions of Hospital Institutions of Greece \(O.S.N.I.E.\)](#)

Contracting Parties - Employers organisations: [Association of Greek Rehabilitation Centres](#)

A.A. (2nd grade) 5/2017 on the conditions of remuneration and work of employees in the elderly care units

Deed: P.K. Ministry of Labour 2/12.5.2017

Contract text:  [Text of Arbitral Award](#)

Remuneration tables:  [Table of arrangements](#)

Contracting Parties - Workers' organisations: Secondary [Federation of Unions of Hospital Institutions of Greece \(O.S.N.I.E.\)](#)

Contracting Parties - Employers organisations: [Panhellenic Association of Elderly Care Units \(PEMFI\)](#)

Local Sectoral Collective Bargaining Agreements

A.A. 16/2010 regulating the pay and working conditions of employees in private kindergartens and kindergartens in Athens, Piraeus and surrounding areas, operating as private undertakings, holdings, institutions or associations

Deed: P.K. Ministry of Labour 7/4.5.2010

Contract text:  [Text](#)/Remuneration tables:  [Table](#)

Contracting Parties - Workers' organisations: [Association of Employees at the Private Kindergartens of Athens, Piraeus and surrounding areas](#)

Contracting Parties - Employers organisations: [Association of Private Kindergartens of Greece \(New SISPNE\)](#), [Panhellenic Association of Private Kindergartens \(PASIPS\)](#)

Operational Collective Bargaining Agreements

A.A. FIVE-MEMBER 6/2016 in the Legal Entity of Private Law I PAIDIKI STEGI

A.A. FIVE-MEMBER 3/2019 on the conditions of remuneration and work of employees at the Eugenides Hospital - AGIA TRIAS S.A.

A.A. (THREE MEMBER) 9/26.10.2020 for the Therapy Centre of Dependent Individuals

A.A. (THREE MEMBER) 8/16.10.2020 Working Regulation at the Therapy Centre of Dependent Individuals