

Forum Discussion

Employment & Working Conditions of Filipinos in Greece & Related Matters

A USEFUL OUTLINE OF THE BASIC RIGHTS & OBLIGATIONS OF FILIPINOS EMPLOYED AND WORKING IN GREECE

Note – Disclaimer: The information and material contained herein is provided for general guidance *only*, should by no means be treated as comprehensive or exhaustive and *do not constitute legal advice*. Although we have used reasonable endeavours to ensure that the information and material contained herein was correct at the time it was created (November 2006), it should not be considered to be completely error free or to include all relevant information, nor should it be used as an exclusive basis for decision-making. Employees and workers who request further information or are facing difficulties or problems with regards to their employment, residence/work permit or any other matter referred to in this handout, *should always contact the Embassy and/or seek independent legal advice*.

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A. The Significance of a Valid Residence Permit – Law No. 3386/2005

- Filipinos and more generally foreigners (third country citizens) possessing a valid residence permit enjoy the same rights and have the same obligations as Greek employees (Law No. 3386/2005, art. 71).
- Filipinos and more generally foreigners who do not possess a valid residence permit, i.e. they are illegally staying and working in Greece, have *practically* very few rights against their employers and cannot enjoy full protection of the Greek Legislation on Employment, i.e.:
 - cannot be insured with IKA (Social Insurance Institute) or any other social security organization, and have thus no social security protection, cannot claim for IKA benefits, fully covered hospitalization and medical treatment in public health institutions, pension etc.
 - cannot claim for rent subsidy,
 - although they can, *according to the law*, claim for minimum wage, over-time payment, holiday and vacation benefits etc., practically, bringing forward such a claim against their employer would in most cases mean that their employer will simultaneously get in touch with the public authorities for their deportation. Therefore, any such claim should only be made if the employee – worker who does not possess a valid residence permit is willing to immediately leave the Country.

A.1. Types of Residence Permits Allowing Employment

- Under Law No. 3386/2005 (the new law on residence permits) foreigners – immigrants may legally work within the Greek territory if they are awarded/posses a valid:
 - residence permit for the purposes of work/employment, which may be awarded for
 - (a) full-time employment through calling-in (an invitation) by a specific employer,
 - (b) seasonal employment/occupation for up to six months per calendar year though calling-in (an invitation) by a specific employer,
 - (c) employment for a Law 89/1967 company.
 - residence permit for the purposes of studying – students may work only as part-timers,
 - residence permit for the purposes of professional / occupational training – trainees may work only as part-timers.

A.2. Change of Employment/Employer & Duration of Employment

- Employees working in Greece on the basis of a residence permit for the purposes of full-time work/employment may change employer so long as:
 - (a) there is not a change in the nature of his/her work,
 - (b) there should not be due to the change of employment a change of the identity of the social security organization that he/she is insured with, and
 - (c) he/she notifies the competent authorities within a period of thirty (30) days after the signature of the new employment contract about the change.

- Employees working in Greece on the basis of a residence permit for the purposes of seasonal employment/occupation:
 - (a) cannot work for another employer other than the one who has called them in, and
 - (b) their residence permit cannot be “renewed”, i.e. they can only work for six months per calendar year.

A.3. Withholding of Passports by Employers

- According to Law No. 3389/2005, article 87, it is a criminal offence to withhold the passport of another person, which effectively means that it is illegal for employers to withhold the passport of their employees.
- However, given that there is no other means for an employer (who has usually paid a guarantee for the lawful entrance of the employee into the country and is responsible to pay the repatriation fees of his/her employee) to ensure that the employee will continue working with him/her and will not abandon him/her and stay illegally in the country thus being liable towards the authorities, in practice most employers withhold the passports of their employees.

A.4. Deportation and its Consequences

- Filipinos and more generally foreigners may be at any time arrested and detained for deportation for a number of reasons, the most common of which are:
 - (a) they do not possess a valid entrance or residence permit, i.e. they have either entered the country without an entrance / residence permit, or their residence permit has expired and their renewal application has been rejected;
 - (b) they are employed and working in Greece, although their entrance or residence permit is not of a type that allows employment;
 - (c) they have been found guilty of a criminal offence;
 - (d) they have violated any of the provisions imposed by Law No. 3386/2005 on residence permits;
 - (e) their presence in the Greek territory creates a danger for the public order and the security of the Country; this provision which gives to the police authorities the power to order the deportation of foreigners (even if they possess a valid residence permit) at their discretion, is in fact over-used by the police; in most cases, whenever a foreigner is merely *accused* of a criminal act by his/her employer or a third person, the police authorities without further investigating the accusation immediately issue a decision for the foreigners deportation on the basis that the arrested foreigner represents a danger for the public order;
 - (f) their presence in the Greek territory creates a danger for public health.
- There are a number of legal procedures through which a foreigner can contest his/her deportation, or make arrangements in order to willfully abandon the Country on their own expenses. These processes usually require that the foreigner is represented by a lawyer. As soon as a Filipino is arrested for deportation he/she should immediately contact the Embassy and/or a lawyer because the deadlines for initiating the relevant procedures are strict and very short.

- Apart from the obvious problems and the discomfort caused by the process of deportation (a foreigner arrested for one of the above reasons may be detained for up to three months before he is in fact deported to his/her Country), one of the major side effects of deportation is that the foreigner is automatically registered in the Catalogue of Undesirable Aliens usually for a period of up to five years which practically means that until he is erased from the Catalogue he/she will be unable to re-enter Greece for any reason. Again, there is a judicial process requesting the removal of the foreigner's entry from the Catalogue, with uncertain (in most cases) results, which should be followed immediately after arrest through a lawyer.
- As it is apparent from the above, working in Greece without the necessary residence (work) permit constitutes a criminal offence. At the same time, however, it is also a criminal offence for employers to employ persons who do not have a valid residence – work permit. Thus at the time of arrest the employee may simultaneously file a complaint to the police against his/her employer (the employee must have evidence that he/she was in fact employed by the specific employer), who will also bring a charge against the employer. This criminal charge against the employer does not influence in any way neither the legality of the employee's work, nor the process of his/her deportation.

A.5. Repatriation

- As soon as the employee's – worker's residence permit expires, and/or his/her renewal application is rejected, and/or his/her employment contract comes to an end, the employee – worker is obliged to immediately leave the Country.
- The expenses for repatriation of the employee – worker are covered by his/her employer. In cases of deportation, the expenses should be covered by the employee – worker him/herself, but in case he/she is unable to cover the expenses by his/her own means (which is often the case), these expenses are covered by the employer.

A.6. Relevant Legislation

- The full text of Law No. 3386/2005 (in Greek only), and most of the relevant circulars and legislative provisions issued pursuant to Law No. 3386/2005 can be found online at the website of the Greek Ombudsman (Συνήγορος του Πολίτη – Συνήγορος για τον Μετανάστη) at <http://www.synigoros.gr/allodapoi/>.

B. Basic Rights of Employees – Workers in Greece

- Filipinos and more generally all employees (whether Greek or foreign) employed and working in Greece have, *amongst others*, the following rights:
 - to sign a *written contract of employment* and / or to be served with a *written statement of their principal terms and conditions* of employment,
 - *minimum wage* prescribed by the Greek National Collective Agreement or the Collective Agreement applicable to the job type they are performing,
 - *overtime payment* if they are working over the time-limit prescribed by law,
 - *night allowance* and travelling - sustenance allowance if they are working during the night or away from their basis of work, respectively,
 - *Sunday and Public Holiday allowance (extra-payment)*, if they are working on Sundays and/or during Public Holidays;
 - *annual paid leave and leave allowance* from the very first year of their employment,
 - *Christmas and Easter benefit*: Christmas benefit equals to a month's salary, while Easter's benefit to ½ of a month's salary,
 - *maternity leave*,
 - *dismissal compensation* if they are unreasonably dismissed before the end of their fixed-term contract or at any time if they are working under a non fixed-term contract of employment.
- All employees and workers should be aware that all these rights vary according to a number of factors such as the nature of his/her employment (job title etc.), the duration of his/her employment for the specific employer that they are working for, the time of the year that a dismissal takes place etc. Therefore, in order to be certain about their specific rights and entitlements they should always seek independent legal advice.
- There exist *special legal regimes for in-house employees* (see below under "C" for details), and *sea-workers*.
- The majority of the wages, allowances, benefits etc. mentioned above and described in detail below, can be claimed by an employee – worker even if he/she has no legal residence – work permit, but, as already mentioned, if he brings forward such a claim it is almost certain that his/her employer will initiate the process for his/her deportation.

B.1. Minimum Wage & Wage Differences

- Greek Collective Agreements, that have the force of law, provide for the obligatory minimum rates of wages for workers and employees in each category of employment, irrespectively of whether there exists a written contract or not. Collective agreements usually provide for an increase in minimum wages every six (6) months or on an annual basis.
- If there does not exist a specific Collective Agreement for the job title that the employee - worker performs, then the minimum wage is calculated on the basis of the general National Collective Agreement (*in-house employees are excluded*).
- Collective Agreements are usually reviewed/amended on an annual basis and in case there is an increase in wages effective from a date prior to the enforcement of the reviewed Collective Agreement, the wage increase is paid retrospectively to the employee.
- Further to the basic wages, Collective Agreements usually provide for numerous allowances which should be paid on top of the minimum wage, such as marriage allowance, children allowance (depending on the number of dependent children), experience allowance etc.
- The local Labour Inspection Offices (“Σώμα Επιθεώρησης Εργασίας” – ΣΕΠΕ) give free information on the minimum rates applying to each category of employment.
- If an employee – worker is paid less than the respective rates of the Collective Agreement for his category of employment (job title), he/she is entitled to claim for the differences, by filing a complaint with the Labour Inspection Office and/or by filing a lawsuit against the employer before the competent Courts.
- **Note:** There are time bars for filing a claim for wage differences which are considerably short.

B.2. Overtime Payment

- The regular working limit for employees who work under the *five-working-days employment system*, i.e. they work five (5) days per week, is forty (40) hours per week.
 - The employer has the discretion to demand from the employee to work for up to five (5) extra hours per week, for which the employee must be paid with the regular hourly rate (calculated on the basis of his monthly salary) increased by 25%.
 - Work over forty-five (45) hours per week and up to 120 hours per calendar month is considered as over-time work and is paid with the regular hourly rate increased by 50%.
 - Over-time work over 120 hours per calendar month is paid with the regular hourly rate increased by 50%.
- The regular working limit for employees who work under the *six-working-days employment system*, i.e. they work six (6) days per week, is forty (40) hours per week.
 - The employer has the discretion to demand from the employee to work for up to eight (8) extra hours per week, for which the employee must be paid with the regular hourly rate (calculated on the basis of his monthly salary) increased by 25%.

- Work over forty-eight (48) hours per week and up to 120 hours per calendar month is considered as over-time work and is paid with the regular hourly rate increased by 50%.
 - Over-time work over 120 hours per calendar month is paid with the regular hourly rate increased by 50%.
- Over-time work (i.e. over 45 hour per week for the employees working under the five-working-days system, and over 48 hours per week for the employees who are working under the six-working-days system) requires that the employer notifies the competent authorities (usually the Labour Inspection Office) and gets a special permit for the over-time work of his/her employees. If the legal procedure for the over-time work is not followed, then the over-time work provided by the employee is regarded by the law as “over-time work by exception” (i.e. effectively illegal) and the employee is entitled for each time of such over-time work the regular hourly rate increased by 100%.

B.3. Night Work and Work on Sundays & Public Holidays

- **Sunday and Public Holiday allowance (extra-payment):** For work during Sundays and Public Holidays (25th March, Easter Monday, 1st May, 15th August, Christmas) all employees are entitled to the regular hourly rate increased by 75%.
- **Night Allowance:** For work during the night (10 p.m. – 6 a.m.) all employees are entitled to the regular hourly rate increased by 25%.

B.4. Annual Paid Leave

- Every employee is entitled to paid annual leave from his/her very first year of employment. During the leave the employee is entitled to his/her regular salary, as well as, to a *leave allowance*.
- The length of the annual paid leave of an employee depends on the length of his/her working relationship with the same employer (see table below).
- The leave allowance is equal to the employee’s daily wage multiplied by the number of the days of paid leave that he/she is entitled to. However, *the maximum amount that an employee can receive as leave allowance within a year may not exceed ½ of his/her monthly salary*.

Duration of Employment Relationship (Same Employer)	Annual Paid Leave Entitlement	Leave Pay	Leave Allowance
... - 10 months	2 working days ¹ for every month	daily wage × days of leave	daily wage × days of leave (maximum ½ salary)
10 months – 21 months	20 working days	1 salary	½ salary
22 months – 33 months	21 working days	1 salary	½ salary
34 months – ...	22 working days	1 salary	½ salary

¹ i.e. weekends are not taken into account for the calculation of the paid leave entitlement.

10 years (or 10 months same employer + 12 years to various employers)	25 working days	1 salary + as many 1/25 of the salary as the days the employee is on leave the extra month	½ salary
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Table B.1.: Annual Paid Leave Entitlement & Leave Allowance

- Therefore, after completion of seven consecutive months of employment with the same employer, the leave allowance that an employee is entitled to is equal to ½ of his/her monthly salary.

B.5. Maternity Leave & Related Rights

- Pregnant employees are entitled to a seventeen (17) weeks maternity leave which may be taken either as a whole immediately after birth (upon agreement with the employer) or alternatively 8 weeks may be taken prior to accouchement and the remainder (9 weeks) after the birth of the baby. Maternity leave is not paid leave. The employer is obliged to pay only one month's salary and the respective contributions to the social security fund (IKA). For the remaining period the employee may apply to IKA in order to get an accouchement benefit and a childbed (lochia) benefit.
- The father of the baby is entitled to a two (2) days leave upon birth of the baby.
- After the end of the maternity leave and the return of the employee to her work, the employee is entitled to work for one (1) hour less on a daily basis (i.e. 7 instead of 8 hours per day) for a period of thirty (30) weeks. Alternatively, upon agreement with the employer, the employee may either agree to be working for two (2) hours less on a daily basis for a period of 15 weeks or get paid the extra leave. During this period of "reduced" work, the employee is entitled to her full monthly salary.
- It is illegal for the employer to dismiss an employee during her pregnancy (unless the dismissal is due to a reason completely unrelated to the pregnancy), neither during her maternity leave, nor within a year from the date of the accouchement.

B.6. Termination of Employment – Dismissal

B.6.1. Difference Between Fixed Term Contracts & Contracts for an Indefinite Period of Time

- *Fixed-term employment contracts* are usually signed when the employer needs an employee for a limited period only (e.g. in order to substitute an employee who is on a long leave). In this kind of contract the employment relationship ends automatically on the date agreed between the parties and stipulated in the contract of employment, without any further obligations on behalf of the employer towards the employee. The employer may dismiss the employee before the end of the fixed-term period, only if there has been a serious breach of the contract on behalf of the employee, or only if the employer pays all the salaries and other amounts owed to the employee till the end of the fixed-term period.

- In case the employee continues working for the employer after expiration of the fixed-term period, the contract of employment is in most cases treated by law as having been converted to a contract of employment for an indefinite period of time, and accordingly the employee enjoys the protection of this type of contract of employment (see below).
- As a general rule, an employee working under *a contract of employment for an indefinite period* (i.e. not a fixed-term contract) may be dismissed at any time *without prior notice* so long as a certain procedure is followed and a termination benefit (dismissal compensation - the longer the working relationship has lasted, the higher the compensation) prescribed by law, plus all other amounts that the employee is entitled to, are immediately paid to him upon dismissal. Alternatively, an employee may be dismissed after being *given a notice of termination in advance* (the period of notice depends on the length of his employment relationship and for this period the employee is to work for the employer as usual), in which case he is entitled to ½ of the abovementioned termination benefit.
- In both cases, however, *a written notification of dismissal* (i.e. either with previous notice or of immediate dismissal) *should be served to, and should be signed by, the employee*. Unless the dismissal is made in writing, the dismissal is treated by the law as null.

B.6.2. Termination Benefit – Dismissal Compensation

- As said, the dismissal compensation that an employee is entitled to upon dismissal depends on the length of his/her employment relationship with the specific employer, as follows:

LENGTH OF EMPLOYMENT RELATIONSHIP ²	TERMINATION BENEFIT WITHOUT NOTICE OF TERMINATION	TERMINATION WITH PREVIOUS NOTICE OF TERMINATION	
		PERIOD OF NOTICE	TERMINATION BENEFIT
2 months – 1 year	1 month's regular pay ³	1 month	½ month's reg. pay
1 year – 4 years	2 months' regular pay	2 months	1 month's reg. pay
4 years – 6 years	3 months' regular pay	3 months	1½ months' reg. pay
6 years – 8 years	4 months' regular pay	4 months	2 months' reg. pay
8 years – 10 years	5 months' regular pay	5 months	2½ months' reg. pay
10 years	6 months' regular pay	6 months	3 months' reg. pay
11 years	7 months' regular pay	7 months	3½ months' reg. pay
12 years	8 months' regular pay	8 months	4 months' reg. pay
13 years	9 months' regular pay	9 months	4½ months' reg. pay
14 years	10 months' regular pay	10 months	5 months' reg. pay
...
more than 28 years	24 months' regular pay	24 months	12 months' reg. pay

Table B.2.: Termination Benefit (Dismissal Compensation) upon Dismissal

² Same employer only.

³ Regular pay is calculated on the basis of all the benefits and pays that the employee receives on a regular basis, i.e. including holiday pay, Christmas allowance. It is usually calculated on the following basis: monthly salary × 14 : 12 = regular pay, e.g. if the employee is paid €600 per month his/her regular pay for the purposes of termination benefit is €600 × 14 : 12 = €700.

- Unless the dismissal compensation is paid to the employee upon dismissal (i.e. on the date that he/she is dismissed), the dismissal is treated by law as null, and, subject to a number of conditions, the employee may claim all his/her salaries until the date the dismissal compensation is in fact paid.

B.6.3. Other Rights & Amounts due to the Employee upon Dismissal

- The employee is, on top of the termination benefit *depending on the period of the year that his/her contract of employment is being terminated*, entitled to the following:
 - (a) part of the Christmas OR Easter vacation allowance,
 - (b) vacation allowance + full pay leave (vacation salary), if he has not taken the full pay leave that he is entitled to during the calendar year that the termination of employment takes place.
- The employer, amongst other things, is obliged by law to notify OAEΔ (Greek Manpower Employment Organisation) in writing about the dismissal of each specific employee within a period of eight (8) days after the dismissal (or the service of the prior notice of dismissal). Strictly speaking, unless OAEΔ is notified within the prescribed period of time, the dismissal is treated by the law as null.
- The importance of the notification of OAEΔ about the dismissal by the employer (or the employee), consists on the fact that if the dismissed employee meets a number of conditions, he/she may be entitled to unemployment benefit paid by OAEΔ (see under “G” below).

C. In - house Employees

- In-house employees, due to the very nature of their work, are treated by the law as a “special category” of employees who enjoy much less rights and have much less protection than other employees. Particularly, in-house employees:
 - are not covered by the National Collective Agreements, and there is thus no applicable minimum wage,
 - there is not a specified time regulation for their work, and are thus not entitled to overtime payment, night allowance, Sunday and Public Holiday allowance.
- In-house employees, however, enjoy the following rights under the same terms and conditions as the other employees:
 - Social security insurance with IKA,
 - Annual paid leave,
 - Christmas & Easter benefit,
 - Dismissal compensation.

D. Foreign Seamen

- Foreign seamen working onboard a ship that is either Greek-flagged or Greek-owned or often even just beneficially owned by a Greek citizen/entity (even if the registered (formal) owner is a foreign company) are, *as a general rule*, entitled to the wages, allowances, bonuses etc. that have to be paid to Greek seamen of the same rank according the respective Greek Collective Agreements.
- If by force of any written contract effected in their country of origin or for any other reason they are not paid the above Greek Collective Agreement minimum amounts, they can claim for the differences before Greek Courts (note that there are very short time-bars for these claims).
- It should be stressed, however, that on a number of occasions foreign seamen may be employed on a Greek-flagged or a Greek-owned vessel pursuant to a Ministerial Decision (the employer makes a special application to the Ministry of Mercantile Marine) which specifically give the right to the employer to employ seamen with minimum wages below the ones prescribed by the Greek Collective Agreements. In these cases the seamen do not have the claim for wages differences described above.

E. Labour & Other Accidents Suffered by Foreign Employees – Workers

- Foreign citizens suffering an accident in Greece, have in most cases a right for compensation for their injury/disability for work/mental anguish, pain and suffering, *independently of whether the foreign citizen is legally residing and/or working in Greece*.
- If the accident results to the death of the victim, it is his/her next of kin/family who have such rights for compensation.
- However, if the victim has been partially liable for the accident, he/she (or his/her next of kin) will be entitled to a respective part of the compensation.
- The main categories of accidents that foreigners suffer whilst being in Greece are:
 - (a) Labour accidents,
 - (b) Road traffic accidents,
 - (c) Other accidents that result to personal injury of the victim (such as hospital/doctor malpractice, criminal or negligent actions of third parties etc).

E.1.1. Labour Accidents (Ashore)

- Labour accidents are the accidents that take place during the performance of a foreign employee's – worker's employment duties or on the employee's – worker's way to or from the place of his/her work.

- In case of a labour accident the victim and/or his/her family have the following rights:
 - (a) If the employee – worker was insured with IKA for the employment where he/she sustained the accident, he/she and/or his/her family may claim:
 - from IKA either a life-long pension, if he/she was permanently disabled for work or a temporary allowance if he/she was temporarily disabled due to the accident (for other benefits and allowances provided by IKA see under “F” below), and additionally
 - from the employer compensation for his/her mental anguish, pain and suffering, moral damages, under the condition that the accident occurred due to violation of safety rules/negligence on the part of the employer or his other employees.
 - (b) If the worker was *not* insured with IKA for the employment where he sustained the accident, he/she can claim the same compensation as above directly from the employer but he/she shall not be entitled to pension from IKA.
- It is very important that the victim and/or his/her family act quickly in hiring a lawyer to follow up and represent them before the public authorities and officials, as the first stages of official investigation and processes etc. are crucial for protection and effective assertion of the aforementioned rights.

E.1.2. Labour Accidents of Seamen

- A seaman who suffers an accident resulting to his personal injury and temporary or permanent disability of any degree while serving onboard a ship that is either Greek-flagged or Greek-owned or even just beneficially owned by a Greek citizen/entity (even if it is “formally” owned by a foreign company) is entitled to full compensation for such disability, including lost wages, future loss of earnings, expenses, moral anguish and pain and suffering etc.. The seaman and/or his/her family may claim such compensation before the Greek Courts.
- Similar provisions apply to those enlisted onboard yachts.
- The P.O.E.A. standard provisions are applied by Greek Courts only if they do not contravene to Greek public policy laws, and if they do not provide for less protection than the minimum protection provided for by Greek law.

E.2. Road Traffic Accidents

- The victim of a road traffic accident or the family in case of death of the victim, whether he/she was the driver of a car or a motorbike or a passenger in a vehicle involved in the accident or a pedestrian, are entitled to compensation from:
 - the insurance company of the liable vehicle, and/or
 - the driver of the liable vehicle, and/or
 - the owner of the liable vehicle, and/or
 - eventually the insurance company of the vehicle where the victim was a passenger, and/or
 - in some cases third parties.

- Even if the liable car/motorbike that caused the victim's injury is unknown (because they run away immediately after the accident) or if the liable vehicle was not insured with an insurance company, the victim and/or his/her family are entitled to compensation from a special Insurance Fund covering such cases.
- The compensation that can be claimed by the victim and/or his/her family comprises of the financial loss he/she/they suffered (expenses, lost wages, future earnings, lost maintenance of family members etc.) plus moral damages for pain and suffering.
- It is of great importance that the victim/family act quickly after the accident by hiring a lawyer to represent them and protect their rights before the police and public authorities during the initial investigations and first procedures. If they leave such investigations and procedures unattended, official reports may be issued that will not be in their favor and which shall be very difficult to reverse afterwards. Such unfavorable reports will adversely affect their rights for compensation.

E.3. Other Accidents

- Since each one of these cases may fall under different laws and rules, the interested persons should specifically ask for the advice of a lawyer.

General note: *Usually cases falling under the above categories are being undertaken by lawyers on a no-cure-no pay basis, i.e. a percentage on the total amount recovered by the client as compensation is agreed as fees that will be retained by the lawyer if and when the compensation is paid to the client.*

F. Social Security – IKA

- Every employer employing Greek or foreign employees – workers (who are getting paid either by monthly or daily wages) is obliged to insure these employees – workers with IKA (Social Insurance Institute)⁴.
- It is for the employee's benefit to regularly check and follow up that he/she is being duly insured with IKA and that the employer pays his/her contributions in accordance with the employee's actual wages.
- The insurance contributions to IKA are born both by the employer and the employee (approx. 26% on the wages by the employer and 13% by the employee – the exact percentage of contributions depends on the "class" of social security insurance). The percentage corresponding to the employee is withheld by the employer from the employee's wages and is paid directly by the employer to IKA.

⁴ Seamen are not insured with IKA, with the exception of seamen working on board fishing vessels.

- In case the employer does not duly pay the contributions to IKA, the employee is entitled to file a written complaint with IKA, within twelve (12) months from the termination of his/her employment, and thus force his/her ex-employer to pay the respective IKA contributions.

F.1. Social Security (IKA) ID

- Immediately upon the commencement of his/her employment the employee must visit the local IKA office of his/her place of residence and file an application form (along with a number of supporting documents such as the declaration of his/her employer) for his/her registration with IKA and the issuance of a Social Security identity card.
- The Social Security ID which nowadays has usually the form of a certificate issued by IKA certifying that the employee has been insured by IKA, is either sent by post to the place of residence that the employee declared in his/her application, or is given directly to the employee by the IKA officers after his/her registration.
- Until 2002, employees were given a Social Security Booklet instead of a Social Security ID, where stickers proving the payment of his contribution were fixed. Nowadays, in replacement of these stickers, an abstract of the employee's insurance records is issued proving the insurance of the employee and the payment of the respective social security contributions and is sent every six months (until recently every three months) either to the employer who must give it immediately to the employee, or directly to the employee at his/her home address. These abstracts must be kept by the employee for future reference and proof of work and insurance. It is advisable to keep photocopies as well.

F.2. Health Services & Health Insurance Booklet

- The Health Booklet is a personal or family booklet, by which the insured employee – worker (and his/her protected family members) enjoy a number of health services and benefits from IKA (e.g. medical examinations, hospitalization, medicaments etc.) as well as allowances (e.g. illness allowance, disability allowance in case of labour accident etc.).
- The employee, who has performed at least fifty (50) insured working days during the previous twelve (12) months, has the right to request from IKA the issuing of a Personal Health Booklet and/or a Family Health Booklet in case he/she has protected family members who reside in Greece. The employee must visit the local IKA office producing proof of his/her insured working days and ask for the issuing of the Health Booklet.
- The Health Booklet is being renewed every year if the same above conditions are fulfilled. For this reason a special sticker is sent on a yearly basis between September and December either to the employer who must directly hand it over to the employee or directly to the employee at his/her home address. The employee must take care for the timely renewal of his Health Booklet, because it cannot be used after expiration.

- The insured and his/her protected family members can visit IKA doctors, ask for the doctor to examine them at their home in serious cases, visit IKA Emergency Stations, buy medicaments that have been prescribed by the IKA doctors and are inscribed in the Health Booklet from any pharmacy by paying only a % of their value (the contribution percentage depends on the type of medicine), be hospitalized in IKA hospitals and Public Hospitals free at C' Class and by paying some contribution at higher Classes, have dental treatment at the IKA dentists, obtain treatment accessories (such as respirators, spectacles, bandages etc.) by usually paying as contribution 25% of their value.

F.3. Allowances by IKA

- An employee who is insured with IKA has, under the condition of having performed a certain amount of insured working days, the following rights:
 - (a) Allowance for pregnancy and birth,
 - (b) Sickness allowance for illness over four (4) days and under the condition that the temporary disability for work is confirmed by the Health Service of IKA or the Health Committees of IKA if the disability lasts for more than fifteen (15) days. If the disability is pronounced permanent by the IKA Health Committee, the employee may be awarded a disability pension instead of the sickness allowance.
 - (c) Accident allowance for an accident that occurred during the performance of the work or on the way to or from the work by the usual transportation means that resulted to the disability of the employee for work. *Accident allowance is, under the above conditions, given even if the employee had been insured for only one (1) day (the day that the accident took place).* If the disability is pronounced permanent by the IKA Health Committee, the employee may be awarded a disability pension instead of the sickness allowance.

F.4. Disability Pension in case of a Labour Accident

- For the award of a disability pension in case of a labour accident there exists no requirement for a number of insured working days. It is sufficient that the employee was insured on the day that the accident took place, even if this was his/her first day of insurance with IKA.
- The eligibility for a disability pension depends primarily to the extent/degree of the disability which is assessed by IKA special medical committees.
- The amount of the disability pension depends on the insured class of the employee, i.e. on the height of his/her wages, as well as the degree of his/her disability.
- In case a labour accident resulted to the death of the employee, under certain conditions, his/her widow and/or his/her minor children are entitled to pension. For employees who were insured with IKA before the year 1993, under certain conditions, this right for pension due to the death of the employee may be exercised by the parents of the deceased employee.

F.5. Retirement Pension

- Filipinos are entitled to a retirement pension under the same terms and conditions as Greek employees – workers.
- Given that there does not yet exist a Bilateral Agreement between Greece and Philippines on Social Security, social security insurance for former employment back in the Philippines cannot be taken into account (added) in the calculation of the days of insured work in Greece for the purposes of grounding a retirement pension right in Greece, and vice versa.
- The amount that shall be awarded to the employee as a retirement pension depends on the total number of the insured working days he/she has performed in Greece, on the age of the employee and on the insurance class under which he/she was insured (the higher the insurance class and the contributions paid, the higher is the amount of pension awarded).

- The general framework for the grounding of a retirement pension right is as follows:

I. Eligibility for full retirement pension:

a) Men:

- 11.100 days OR 37 years of compulsory insurance irrespectively of age, or
- 62+ years old AND 10.000 days of insurance, or
- 65+ years old AND 4.500 days of insurance.

b) Women:

- 11.100 days OR 37 years of compulsory insurance irrespectively of age, or
- 60+ years old AND 4.500 days of insurance, or
- 57+ years old AND 10.000 days of insurance.

II. Eligibility for reduced retirement pension:

a) Men:

- 60+ years old AND 4.500 days of insurance, or
- 60+ years old AND 10.000 days of insurance, or
- 65+ years old AND 3.500 days of insurance (if 65 y.o. before 31/12/2007).

b) Women:

- 55+ years old AND 4.500 days of insurance, or
- 55+ years old AND 10.00 days of insurance, or
- 65+ years old AND 3.500 days of insurance (if 65 y.o. before 31/12/2007).

Note: As a general guide, for each year of full work an employee is insured for approximately 300 days, e.g. 15 years of work = approximately 4.500 days of insurance.

- In a number of cases of specified by the law heavy and unhealthy employment the above conditions may vary and less working days or lower age may suffice for the grounding of a retirement pension right.
- It is not a precondition for the payment of the retirement pension for Filipinos to continue residing in Greece. That is, in case a Filipino has been awarded a pension by IKA, there is no need for him/her to permanently stay in Greece; he/she may well return back to his/her Country and have his/her retirement pension paid into a bank account. The money is usually paid into a bank account of the National Bank of Greece and forwarded to the Philippines (or other third Country) every six months.

G. Unemployment Benefit – ΟΑΕΔ

- An unemployment benefit is awarded by “Οργανισμός Απασχόλησης Εργατικού Δυναμικού – ΟΑΕΔ” (Greek Manpower Employment Organization) for a limited period of time, to employees and workers who have been dismissed from their employment and meet a number of conditions (eligibility criteria).
- Conditions for the award of the unemployment benefit for the *first time*⁵:
 - The dismissed employee – worker must have worked for at least (a) eighty (80) days per year within the last two (2) years prior to the dismissal, AND (b) one hundred twenty five (125) days within the last fourteen (14) months prior to the dismissal (the last two months of employment are not taken into account).
OR
 - The dismissed employee – worker must have worked for at least (a) two hundred (200) days within the last two (2) years prior to the dismissal (the last two months of employment are not taken into account), AND (b) eighty (80) days of work must have been performed within each calendar year.
- Conditions for the award of the unemployment benefit for the *second time*:
 - The dismissed employee – worker must have worked for at least one hundred twenty five (125) days within the previous fourteen (14) months prior to the dismissal (the last two months of employment are not taken into account).
 - For a number of special categories of employees it is sufficient for them to prove that they have worked for one hundred (100) days within the previous fourteen (14) months prior to the dismissal.
- For the award of the unemployment benefit, eligible employees – workers must submit an application form to ΟΑΕΔ within a period of sixty (60) days following their dismissal, along with the following supporting documents:
 1. Dismissal form (in case of employment contracts for an indefinite period of time) or proof that the fixed term contract has ended.
 2. Proof of social security insurance during the last two years.
 3. Personal or family health insurance booklet.
 4. Latest Taxation Slip or Income Declaration to the tax authorities in case there is no taxation slip.
 5. ID / Passport.
 6. A declaration of Law No. 1599/86 which the applicant fills in under the instructions of ΟΑΕΔ.
- Both the duration and height of the unemployment benefit depend on the number of days that the dismissed employee has worked within the last two (2) years prior to the dismissal. The duration varies from 5 to 12 months and its height approximately between €310 to €330 per calendar month.
- Other benefits awarded from ΟΑΕΔ:
 - Family allowance.
 - Supplementary maternity allowance.
 - Allowance due to the insolvency of the employer.
- Further information available at: www.oaed.gr (website in Greek & English).

⁵ The days of work of the dismissed employee – worker are proven on the basis of his insurance with a social security fund (usually ΙΚΑ).

H. Rent Subsidy – OEK

- A rent subsidy is awarded by “Οργανισμός Εργατικής Κατοικίας – OEK” (Labour Housing Organisation) on an annual basis, to employees and workers who reside in Greece and meet a number of conditions (eligibility criteria).
- For the award of the subsidy, eligible employees – workers must submit an application form to OEK *by 15/12/2006 the latest* (Rent Subsidy Program 2006). Employees residing in Attica, Thessaloniki and Achaia may submit applications *only* to the Κέντρα Εξυπηρέτησης Πολιτών – ΚΕΠ (Citizen Service Centers).
- Conditions for the award of subsidy under the Rent Subsidy Program 2006:
 - Employee – worker must possess a valid residence permit.
 - Employee – worker must be working and residing in Greece.
 - Employee – worker must have been insured with a public social security organization (IKA, ΟΓΑ etc.) for a certain number of days (see table below). The number of days of insurance required depends on the marital status of the employee - worker, the number of dependent children and other factors such as disability, employment near the frontiers of the country etc.
 - Employee’s – worker’s family net yearly income should not exceed the amount of 11.000€. This maximum yearly income barrier of 11.000€ increases by 2.000€ for every dependent child (see table below).

Marital Status of Employee - Worker	No. of Dependent Children	Minimum Days of Insurance ⁶	Maximum Income (for the award of the subsidy in full)	Amount of Subsidy per Calendar Month	Amount of Yearly Subsidy
Single	0	2200	11.000€	115€	1.380€
Married	0	2000			
Unmarried / Widow	1	700	13.000€	140€	1.680€
Married	1	1800			
Unmarried / Widow	2	700	15.000€	165€	1.980€
Married	2	1600			
Unmarried / Widow	3	700	17.000€	215€	2.580€
Married	3	1400			

Table H.1.: Eligibility Conditions and Amount of Rent Subsidy Awarded – OEK’s Rent Subsidy Program 2006

- Other subsidy programs from OEK:
 - Housing loans (for buying, building or renovating property) under advantageous conditions for employees – workers who reside in Greece and meet a number of conditions.
 - Concession of apartments to employees and workers with extremely low income on the basis of a ballot (draw) system.
- Further information & application forms available at: www.oek.gr (website in Greek only).

⁶ At least 120 days of work (insurance) must have been during the last three (3) years.



M. PAVLAKIS – C. MOSCHOS & ASSOCIATES

Filonos 66 & II Merarchias Street, 185 35 Piraeus, Greece
Tel: +30 210 4180700, Fax: +30 210 4180770, e-mail: lawoffice@pavlakis-moschos.gr