

Platform Reps

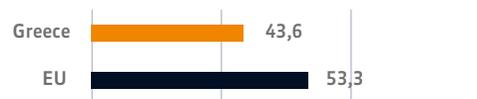
# GREECE: Country report 2022



# 1. Context: Social dialogue and work in platforms

According to Eurofound, social dialogue in Greece is of lower quality than the EU average (see **Figure 1** below).<sup>1</sup>

**Figure 1: Industrial Relations Index (2013-2017)<sup>2</sup>**



Source: [Eurofound Industrial Relations Index](#)

At the same time, roughly the same share of the Greek adult population worked in digital

labour platforms (hereafter referred to as “platforms”) in Greece as in the EU (**Figure 2**).

**Figure 2: The share of workers in platforms in the adult population (2021)<sup>3</sup>**



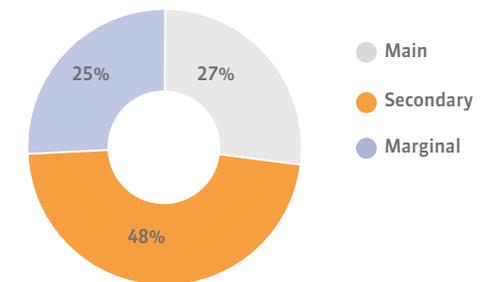
Source: EC (2021); Eurostat.

According to 2021 estimates, up to around 626,000 people might have engaged in work

in platforms more than sporadically, i.e., at least 10 hours a week or contributing to more than 25% of their income (**Figure 3**).

**Figure 3: Number and categories of workers in platforms (2021)<sup>4</sup>**

Number of workers in platforms: 626k



Source: EC (2021)

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1. The status of institutional tripartite social dialogue in Greece is also reflected in the recent ILO report. See ILO (2022). [Peak-level social dialogue and COVID-19: The European experience](#).

2. The index measures the overall quality of the “collective and individual governance of work and employment” across four categories, based on 47 indicators. See: Eurofound (2018). *Measuring varieties of industrial relations in Europe: A quantitative analysis*. Publications Office of the European Union, Luxembourg, p. 1.

3. The numbers cited are an upper-bound estimation based on 2021 survey results. They cover all types of work in platforms from low- to high-skill and from on-location (e.g., transport, delivery) to online work (e.g., ICT, data entry, creative work). See: EC (2021). [Study to support the impact assessment of an EU initiative to improve the working conditions in platform work](#)

4. Main workers work through platforms for at least 20 hours a week or receive at least 50% of their income therein. Secondary workers spend between 10 and 19 hours per week or receive between 25% and 50% of their income from work in platforms. Marginal workers spend less than 10 hours a week working via platforms and get less than 25% of their income via platforms.

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## 2. Current legal framework

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### 2.1. LABOUR LAW

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Greece does not have a unified labour code. The Constitution, the Civil Code, laws and decrees, and case law are the main sources of employment law. No legal act provides an ad hoc statutory definition of employment or self-employment, even though important national legal acts, such as the law on trade unions 1264/1982 and on free collective bargaining 1876/1990, contain references to dependent employment.<sup>5</sup> The determination of the employment status can be also reached through the implementation of the transposed EU law on workers' rights (i.e., on fixed-term work, working time, non-discrimination, etc.). In practice though, the definition of employee status relies on case law.

In Greek courts, **lawful subordination (dependence) is the key criterion for determining the employment relationship.** Lawful subordination is manifested in the employer's right to exercise control and supervision as regards the place, the time and the manner in which work is provided, and to issue orders and instructions that are binding on the worker regarding the correct performance of the work. The right to

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5. Law 1264/1982 (OJ A' 79/1-7-1982) on the "Democratisation of the trade union movement and the protection of workers' trade union freedoms" and Law 1876/1990 (OJ A' 27/8-3-1990) on "Free collective bargaining and other provisions"

6. Eurofound (2009). [Greece: Self-employed workers](#).

7. ILO (2019). [Diagnostic report on bogus self-employment in Greece and recommendations for reforms](#).

8. A presumption of self-employment was replaced with the opposite presumption in 2010 to tackle the problem of bogus self-employment.

9. Eurofound (2022). [Greek Law no. 4530/2018](#).

exercise control is the determining factor, irrespective of whether the employer exercises this *right* in practice or leaves the worker leeway to take the initiative.<sup>6</sup>

Furthermore, the Greek legal system provides some rules for the determination of employment status, including:<sup>7</sup>

- The principle of the primacy of facts (rather than contractual agreements)
- A legal presumption of a dependent employment relationship in cases where work is provided personally, solely or primarily for the same employer for nine consecutive months (guaranteed in Article 1 of Law 3846/2010)<sup>8</sup>
- A reversed burden of proof (lying on the employer) in the rebuttal process when the provisions on invalid termination of the contract specified by law are invoked
- The stipulation that in case of doubt about whether the relationship is dependent or independent, a dependent employment relationship is assumed

The Greek labour inspectorate (SEPE) is tasked with ensuring the labour law is respected con-

cerning salaried employees but, in principle, has no power to investigate, on its own initiative, the (bogus) self-employed, or to reclassify the employment status. Instead, **the power to determine whether or not an employment relationship exists resides mainly with the courts.** Bogus self-employed workers can also turn to the social security inspection system by filing a complaint on social security contributions payable by the employer.

### 2.2. PLATFORM-SPECIFIC LEGISLATION

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Several legislative developments have addressed the platform economy in Greece recently. In the area of transportation law, a new law was passed in Greece in 2018, which determined that **platforms offering taxi services should operate as transport companies**, requiring them to enter three-year contracts with licensed taxi drivers. The legislation's main aim was to address potential tax evasion by platforms.<sup>9</sup> Furthermore, in the tax policy area, Greece introduced a "digital nomad tax", aiming to attract remote workers from abroad. The Law offers

a 50% income tax reduction for the first seven years of residency.<sup>10</sup>

Most crucially, in the aftermath of the COVID pandemic and the national measures on work conditions, a new comprehensive employment law came into force in 2021. It addresses many contemporary issues in the workplace, including

remote work, flexible work schedules and work-life balance, and reforms several aspects of labour relations, including collective representation, labour inspections, health and safety, and more. **The Law also includes four articles pertinent specifically to work in platforms.**

According to the Greek trade unions, **the provisions of the new Law are not in the spirit of the proposal for a Directive of the EC and broader trends leaning towards reclassifying workers in platforms as employees.**<sup>11</sup> Most crucially, it introduces a “negative presumption” of employment and legitimises the use of precarious contracts by platforms. Doing so, it goes against the previous guidelines from the Ministry of Labour (expressed in [Circular 45628/414/2020](#)) that clarified that food delivery couriers should be seen as dependent employees, and the burden of proof should lie with the employer. Even though the Law does provide a minimum level of rights for workers, including union representation and health and safety provisions, it leaves some important terms of work to be specified by Presidential Decree (procedure not concluded at the time of writing this report). Looking at the broader impact of the new Law, trade unions have expressed strong concerns about provisions that split from the Ministry of Labour and Social Affairs the basic administrative, organisational and operational institutional framework of the Labour Inspectorate, and establish SEPE as an independent authority with no oversight from the Ministry or social partners, posing questions about its accountability.<sup>12</sup>

#### Articles 68-72 of Law no. 4808/2021

The Law establishes a legal framework for workers in platforms. Specifically, it:

- Defines digital platforms as “businesses that operate either directly or as intermediaries by connecting, through an online platform, service providers or businesses or third parties with users or customers or consumers to either facilitate transactions between them or to directly trade with them”.
- Recognises two forms of employment for digital platforms:
  - A contract of independent services or works
  - A contract of dependent employment
- Introduces a negative presumption of employment (i.e., “the contract between a digital platform and a service provider is presumed not to be dependent work”) based on the following cumulative criteria:
  - The right to use subcontractors or substitutes to provide the services
  - The right to choose projects that the digital

platform proposes to them or to set unilaterally the maximum number of such projects that they will undertake at any given time

- The right to provide services to any third party, including competitors of the digital platform
- The right to determine the time of providing their services, not based on the interests of the digital platform
- Extends trade union rights to “providers of independent services”.
- Extends the welfare, hygiene and safety obligations of platforms to all workers regardless of the contract type (equal to obligations under a dependent employment contract).
- Obliges platforms to provide all workers with contracts that stipulate all workers’ statutory rights (including trade union rights), the nature of the duties to be carried out, and the health and safety obligation of the platform.

Source: Visionary Analytics, based on Eurofound (2022). [Greek Law no. 4808/2021](#); and ΦΕΚ (2021). [ΝΟΜΟΣ 4808/2021](#).

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10. FES (2022). [Online platforms and platform work: Greece](#).

11. Interview results

12. Interview results

### 3. State-of-play of workers' rights

Workers enjoy different access to labour rights depending on their status, as summarised in **Table 1** below.

**Table 1: Worker statuses and corresponding labour rights**

Worker status	Legal basis	Social security	Union representation	Collective bargaining
Employee	Labour law	✓	✓	✓
Independent contractor (based on a contract of independent services or works)	Civil law	✓ (self-paid)	✓*	✓*

Source: Visionary Analytics.

Note: \*Applicable only to independent contractors working in platforms.

The Greek government has attempted to improve the rights coverage for the self-employed. The most recent 2017 reform established that employees and the self-employed should be covered by common rules for contribution requirements (a single rate of 20%) and benefits. Furthermore, if a self-employed worker has no more than two clients per year, social insurance contributions should be paid as if they were an

“employee” (i.e., one-third by the self-employed person and two-thirds by the employer).<sup>13</sup> Nevertheless, discrepancies in labour rights persist, and **the misclassification of worker status remains by far the biggest obstacle for workers to access employment rights.**<sup>14</sup> Given no reliable data (due to the fact that self-employment is not registered on a national employment platform<sup>15</sup> and the lack of institutional or social

control of SEPE data), it is unclear what share of workers in platforms are employed or self-employed. However, it is presumed that most work under independent service contracts (self-employment). Additionally, undeclared work is likely relatively prevalent as well.<sup>16</sup>

Another pressing issue is **the insufficient capacity of the Greek labour inspectorate (SEPE).**<sup>17</sup> SEPE has a limited legal power that does not enable it to investigate bogus self-employment.<sup>18</sup> Nor does SEPE (or another body) have established criteria or tools that might help determine whether or not an employment relationship exists. Furthermore, even though the judicial path is currently the only way to reclassify the worker status, no court cases are known in the area of work in platforms. The court procedure is too timely and costly for individual workers, and trade union support in this matter has been, so far, limited.

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13. Heyes, J., & Hastings, T. (2017). [The practices of enforcement bodies in detecting and preventing bogus self-employment](#); EC (2021). [Study to support the impact assessment of an EU initiative to improve the working conditions in platform work](#).

14. Interview results

15. Employers are obliged to register all employees on a centralised platform (but self-employed are not included). See: gov.gr (2002). [Disclose the recruitment of an employee \(Ergani-E3\)](#).

16. Interview results

17. Interview results

18. ILO (2019). [Diagnostic report on bogus self-employment in Greece and recommendations for reforms](#).

## 4. State-of-play of union action

Union action on behalf of workers in platforms in Greece can be analysed at three levels, as summarised in **Table 2** below.

**Table 2: Action taken on behalf of workers in platforms**

Level	Actions
<b>Established trade unions</b>	The established trade unions are beginning to engage in policy debates.
<b>Emerging movements</b>	New entities are being formed, which try to facilitate grass-roots organisation and collective action.

Source: Visionary Analytics, based on interview results.

Despite the new trade union rights embedded in the new legislation, few workers in platforms are union members at the enterprise level. On the contrary, trade unions observe that teleworkers and/or workers in platforms seem more willing to unionise at the sectoral level.<sup>19</sup> At the national confederation level, trade unionists in Greece are gradually more involved in the organising efforts of workers in platforms.<sup>20</sup> For instance, the Trade Union of Workers in Tourism, Hotel, and Catering of Athens has been active at

the policy level. In 2021, the union requested a three-party meeting (between employers, employees, and the Ministry of Labour and Social Affairs) to clarify the employment status of persons working through platforms in the delivery sector (regarding Circular 45628/414/2020 provisions). It also requested the classification of delivery workers in the “arduous and unhealthy” category of occupations, entitled to extra pension benefits and earlier retirement.<sup>21</sup> The first step to the inclusion of the collective demands

of workers in the delivery sector was also made by the Federation of Hotel and Food Workers in the 2019 sectoral collective agreement of the food sector.<sup>22</sup> Another line of action involves research: the Labour Institute of the Greek General Confederation of Labour (INE/GSEE) has commissioned a study on platform work to raise awareness among unionists about the issue, identify key issues, and collect good practices from other countries.<sup>23</sup> Finally, the Base Union for Bike and Motorcycle Workers (SVEOD), established in the spring of 2007, organises on-the-ground collective actions (strikes) and engages in negotiations with platforms, often in collaboration with other unions. Nevertheless, SVEOD has not been yet fully incorporated with the trade union confederation structures, even though informal relations are maintained (including legal support from GSEE, exchange of information, etc.).<sup>24</sup>

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19. Interview results

20. Interview results

21. EC (2021). [Study to support the impact assessment of an EU initiative to improve the working conditions in platform work](#).

22. POEET (2019). [Sectoral collective agreement for the food sector](#).

23. Interview results

24. Interview results

### E-food riders' protests

E-food is a subsidiary of Delivery Hero and the largest food delivery platform in Greece. In September 2021, it refused to renew workers' contracts unless they accepted to work on a freelance basis. In response, about 1,000-1,500 riders joined a four-hour protest – the largest mobilisation in the sector in Greece to date. The action was organised and supported by the Attica Food and Tourism Trade Union, the Base Union for Bike and Motorcycle Workers, and the Panhellenic Federation of Food and Tourism Workers (POETT, affiliated with GSEE).

The strike and protest were accompanied by a viral “#cancel\_efood” campaign on social media,

which led thousands of customers to delete the app, while the company's rating on Google fell from 4.5 to 1 star.

As a result, the company not only backed down from forcing its riders into self-employment but also agreed to open-ended employment contracts, whereas previously riders were hired for just a three-month fixed-term basis, creating insecurity and fear that the company could decide not to renew at any time.

Source: Visionary Analytics, based on Eurofound (2022). [E-food grants riders contracts](#); FES (2022). [Online platforms and platform work: Greece](#); and Brave New Europe (2021). [Gig Economy Project – Greece: E-food concedes to riders' demands in "huge victory"](#).

### Potential application of the proposals for a Directive of the EC and/or the ETUC policy proposal

Although the Directive as initially proposed by the EC has some drawbacks, it is welcomed by the Greek trade unions. Given the poor and deteriorating legal framework for workers in platforms (and the general trend in Greece towards liberalisation and dismantling the social dialogue institutions), the Directive could improve the situation of some workers. A more ambitious Directive proposal, put forward by the ETUC, would have an even greater impact and provide less legal uncertainty.

In either case, the Directive's provision ensuring the presumption of employment would be in conflict with paragraph 69 of Law no. 4808/202 (which establishes a “negative” presumption). Therefore, the Greek legislation should be modified accordingly. Additional obstacles would likely arise in the enforcement of the Directive, given the limited power and capacity of the Greek labour inspectorate, and the unfeasibility of resolving all issues via the judicial process.

Source: Visionary Analytics, based on interview results and a GSEE position paper (unpublished).

The key obstacles to more effective unionisation of workers in platforms are presented in **Table 3** below.

**Table 2: Worker statuses and corresponding labour rights**

Legal	Related to platforms' business model
<ul style="list-style-type: none"><li>- Unfavourable and poorly enforced legal framework</li><li>- Lack of administrative data on platforms and their employees</li></ul>	<ul style="list-style-type: none"><li>- The way work is organised, including the dispersion and isolation of the workforce</li><li>- No access to information by workers or worker representatives (including contact information, data about the number of workers, etc.)</li></ul>

Source: Visionary Analytics, based on interview results.

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## 5. Action checklist

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Preliminary suggestions for actions are summarised in **Table 4** below. Furthermore, GSEE, the Confederation of Greek Workers, published in

March 2021 its comprehensive proposal on telework and work in platforms.<sup>25</sup>

**Table 4: Action checklist in two main areas**

Policy	On-the-ground action
<ul style="list-style-type: none"><li>- Lobby for a good implementation of the EU Directive that would reverse some of the negative provisions of the current Law (including the presumption of employment and the reversed burden of proof).</li><li>- Advocate for improving the capacity and ensuring the accountability of the labour inspectorate, including in dealing with reclassification cases.</li></ul>	<ul style="list-style-type: none"><li>- Work on raising awareness among unionists and activists about the working conditions in platforms.</li><li>- Collaborate with emerging movements and organisations that have an on-the-ground presence.</li><li>- Consider public campaigns as a means to influence platforms' behaviour (considering the success of the E-food protest).</li></ul>

Source: Visionary Analytics.