



International
Labour
Organization

Assessment report

on necessary amendments of the legal
framework regarding inspections in
agriculture and Recommendations for
reforms in line with ILO Convention
No129.



Project
funded by the
EUROPEAN UNION

Acknowledgements

This report was prepared by M. Pablo Paramo, international consultant of the ILO, under the technical supervision of M. Javier Barbero, from the ILO. Valuable inputs and suggestions were provided by Ms. Athina Malagardi, National Programme Officer. A special thanks to the SEPE staff and his Executive Secretary, M. Panos Korfiatis, for the support and the information provided to develop this report.

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ACHRONYMS

AMKA, Greek Social Security number
APD, Analytical Period Declaration
ASEP, Supreme Council for Civil Personnel Selection
CEACR, Committee of Experts on the Application of Conventions and Recommendations
DISDM, Department for Information Systems and Data Management
EFKA, Social Security Fund
ERGANI, IT System of the Ministry of Labour, Social insurance and Social Solidarity);
EU, European Union
ESDD, National School of Public Administration
ETAA, Social Insurance Fund for Lawyers, Engineers and Doctors
EYPEA, Special Service Control of Insurance, now Regional Insurance Auditing Centres
IAPR, Independent Authority of Public Revenues
IKA-ETAM (Social Insurance Institute, before EFKA)
ILO, International Organization Organisation
IPOADIE, Electronic Crime Unit
KNYAE, Code of Laws on Occupational Safety and Health
MLSSSS, Ministry of Labour, Social Security and Social Solidarity
MRDF, Ministry of Rural development and Food
OAED, Greek Employment Agency.
OAEE, Social Insurance Fund for Self-Employed
OECD, Organisation for Economic Co-operation and Development
OGA, Agricultural Insurance Organization
OPEKEPE, Greek Payment Authority of Common Agricultural Policy
OSH, Occupational Health and Safety
PEKAS, Regional Insurance Inspectorate
PEKEEE, Regional Social Labour Inspection Committee
SDOE, Financial and Economic Crime Unit
SEPE, Greek Labour Inspectorate
SLIC, Senior Labour Inspectors Committee
SKEEE, Council for Social Control of Labour Inspection”

EXECUTIVE SUMMARY

The agriculture sector in Greece is not covered by the labour inspection exception made of occasional investigation of accidents at work or some specific European inspection campaigns. This assessment report, on the one hand, takes stock of the situation as regards labour inspection in agriculture and, on the other hand, sets out recommendations for the ratification of ILO Convention no. 129 and the extension of the coverage of labour inspection to all agriculture holdings and workers. The report, first, describes the gaps found for the effective extension of labour inspection to all agricultural undertakings and groups of workers, and, finally, provides a set of recommendations to overcome difficulties.

The assessment of legislation in force leads to the conclusion that there are no major legal obstacles to ratify Convention No. 129, and no significant legal amendments are needed. Only some formal references to Convention No. 129 in the main Greek labour inspection legal source (Act 3996/2011), or some legislative changes oriented to improve the SEPE's operational capacity, would be required.

As regards the structure of SEPE, staff and number of inspectors, the conclusion is that the setting up of a specific department or body for the inspection of agricultural undertakings is neither necessary nor advisable. The majority of labour inspection systems in the world do not have a specific inspection branch or body, but mainly assign these tasks to specialised inspectors. The current organization and structure of SEPE is adequately staffed and equipped, both at national and regional level, although the reinforcement of certain SEPE's Regional Directorates and local offices, is necessary in order to count on more human resources where the agriculture activity has greater presence. Equally, the high rate of undeclared workers and migrant workers in irregular situation in the agriculture sector, also makes a moderate increase of the number of labour inspectors advisable.

On the other hand, constraints related to the use of cars and/or reimbursement of inspectors' visits expenses have been detected, which is a major concern. An effective inspection of farms (many of them not reachable by public transport), require adequate means of transport and sufficient financial resources for reimbursement of expenses incurred in the inspection visits.

Even if the labour inspection IT information system has adequate tools for labour inspection, there is room enough for making the system more user-friendly and less time consuming. The system provides access to databases (ERGANI), and inspectors are equipped with laptops and/or tablets during their inspection visits. These two facilities alone are not sufficient, but absolutely necessary to undertake labour inspection in the agriculture sector. Nevertheless, the interoperability between the SEPE IT integrated system and other bodies is limited to ERGANI, and could be enhanced in order to get access to other bodies' IT systems (AMKA), or to, at least, have access to specific data within other bodies' IT systems (IAPR, OPEKEPES), which contain valuable information for combating undeclared work.

Labour inspectors in Greece undertake mediation and conciliation tasks devoting part of their working time to settling labour conflicts. These functions actually increase the workload of labour inspectors and draw human resources from the field inspection. Following the Labour Inspection Recommendation in Agriculture No. 133, and the recommendations made by the ILO CEACR, the participation of SEPE in conciliation functions should be downsized, with a view to providing full coverage to all sectors subject to inspection, including the agriculture sector. An effort should be made by the MLSSS in order to discharge labour inspectors of these conciliation tasks by assigning them to other units, offices or bodies.

As far as training of inspectors is concerned, SEPE has adequate training resources in terms of necessary background, institutions, training program, advice from other public institutions and budget availability. However, the coverage of the agriculture sector by the labour inspection requires an effort in the organization of targeted and specific training actions and, in particular, in the area of occupational health and in some aspects related to migrant workers. The basis of a specific training action plan to specialize inspectors is set out in this report, and should cover matters such as trafficking of human beings, legislation on migrant workers, use of fertilizers and pesticides, agricultural machinery, green houses, etc.

SEPE develops an annual inspection plan, and agriculture should be included in it as such. The ratification of Convention No. 129 does not represent a challenge for labour inspection in terms of planning the inspection activity, in so far as a great part of the Greek labour inspection activity is proactive, leaving room enough to plan targeted inspections in a new economic sector such as agriculture.

Safety is one of the main concerns of labour inspectors in relation to the ratification of Convention no. 129. . The presence of mafia groups and the fear of violent obstruction to inspectors represent a setback for extending the coverage of SEPE to agriculture. To overcome these difficulties, the collaboration between SEPE and the Hellenic Police, in order to guarantee the labour inspectors' safety, is crucial.

Another concern is the high rate of undeclared work in agriculture and the propensity to informal economy. The coverage of agriculture will have an impact on labour inspection organization, objectives and resources, since the informality of the agriculture sector will require a greater inspection effort and a well-traced inspection strategy. In this context, a great number of agricultural workers, especially temporal workers, are employed by vouchers ("ergosimo") and are not included in the ERGANI database, which entails additional difficulties for inspectors in order to check whether the workers identified during an inspection, have been previously registered in the social security. This situation represents a restraint for supervising efficiently undeclared work in the agriculture sector. Several options and proposals are pointed out in this report in order to tackle the inspection of voucher workers in an effective way and, at this respect, the use of ERGANI in the agriculture sector should be a priority for the MLSSS. Furthermore, together with the above-mentioned measures, raising awareness and information campaigns for the agriculture sector would provide significant added value.

As regards the collaboration between SEPE and other external bodies and Ministries, SEPE could take advantage of significant potential synergies in order to tackle the inspection of agriculture. Effective channels of collaborations have already been put in place with SDOE and EFKA, although cooperation with the Ministry of Environment and the Ministry of Rural Development and Food should be enhanced, in order to share information and know-how in matters such as accidents at work, machinery licences, pesticides, facilities and farms, etc. Likewise, the exchange of data and information, with IAPR and OPEKEPEs, would provide valuable information resources for planning inspections and detecting areas of fraud, bogus self-employment and undeclared work.

Finally, the investigation by the labour inspection of all accidents at work and occupational diseases requires measures to avoid under-reporting. Legislative changes aimed at establishing an obligation for all employers to declare accidents at work to a single body (EFKA) should be adopted, including a clear legal mandate for EFKA to forward a copy of all accidents and occupational diseases reports to SEPE, in order to avoid the loss of information.

1. INTRODUCTION

In the framework of the European Stability Mechanism support programme for Greece (2015), the ILO adopted, in collaboration with the Greek authorities, a project called “*Supporting the implementation of the roadmap on tackling undeclared work in Greece*”¹. The project, funded by the European Union, assumed that “the Greek stakeholders have a clear overview and understanding of the required changes in the legal framework of inspections in agriculture to ensure compatibility with ILO Convention 129” (outcome No. 3).

After the “*Diagnostic report on undeclared work in Greece*”², the ILO proposed a national roadmap on tackling undeclared work, which obtained tripartite validation in Greece. Consequence of that roadmap³ was the adoption of a new Act No. 4468/2017, on April 28th, establishing the Tripartite Committee, with equal representation under the Supreme Labour Council, for steering and monitoring the implementation of the roadmap⁴.

The above-mentioned *Diagnostic Report* estimated a high level of seasonal work in the agriculture sector in Greece and mentioned a lack of regulation, despite the launching of a voucher system to improve and increase the regularization of workers, and reported lack of inspections in the agriculture sector and, consequently, absence of legal obligations⁵. In the wave of this deregulation, farmers might find unnecessary to declare workers or to comply with occupational health and safety regulations.

The document *Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204)*⁶ highlighted the importance of “an adequate and appropriate system of inspection” and of extending the “coverage of labour inspection to all workplaces in the informal economy in order to protect workers and provide guidance for enforcement bodies”.

However, the fact is that the informal work persists in the agriculture sector in Greece, what as a matter of fact becomes even more concerning since ILO Convention n°129 on ‘Labour Inspection in agriculture’ has not been ratified by this country, although the Greek Government has made a commitment to ratify it before the end of December 2018⁷.

The present report aims at identifying the main gaps and obstacles of the Greek legislation and practice to ratify and implement the Convention No. 129. The recommendations made take the approach of providing as many as possible alternatives and solutions, proposing short, medium and long-term deadlines for implementation, according to the importance or difficulty of the measures proposed.

¹ Available at http://www.ilo.org/labadmin/news/WCMS_548605/lang--en/index.htm

² Available at http://www.ilo.org/wcmsp5/groups/public/---ed_emp/documents/projectdocumentation/wcms_531548.pdf

³ Available at http://adilotiergasia.org/wp-content/uploads/2017/02/roadmap_EN_27_10.pdf

⁴ Reference in *Policy Brief Series Road Map for Fighting Undeclared Work in Greece (Road Map for Fighting Undeclared Work in Greece)* | No.2 | October 2017, page 1; available at http://www.ilo.org/wcmsp5/groups/public/---ed_emp/documents/publication/wcms_582516.pdf

⁵ See the Diagnostic Report in pages 46 and 86; available at http://www.sev.org.gr/Uploads/Documents/49757/2_Diagnostic_Report_on_undeclared_work_in_Greece_eng.pdf

⁶ Available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R204

⁷ ILO, Policy Brief Series; No.3 | October 2017; *Strengthening labour inspection in combating undeclared work. ILO recommendations and the Greek case*; available at http://www.ilo.org/employment/units/emp-invest/WCMS_582517/lang--en/index.htm

RESEARCH METHODOLOGY

This report draws on two sources of information: first, the information gathered from interviews and meetings with competent authorities; secondly, the desk review with consultation of the existing documents and literatures on the subject.

To prepare this document, the following documents have been especially relevant:

- Supporting the implementation of the roadmap on tackling undeclared work in Greece/ International Labour Organisation/ European Commission
- Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204) / International Labour Office
- Diagnostic report on undeclared work in Greece / International Labour Organisation
- Technical Memorandum; Labour Inspection Needs Assessment/ International Labour Organisation
- Greece-Labour Administration Needs Assessment Report; International Labour Organisation
- Questionnaire drafted by ILO and responded by the Greek Labour Inspectorate
- SLIC Evaluation Report on the Greek Labour Inspectorate.

The information gathered from the interviews was obtained during the study visit carried out in May, 8-11, 2018. By that time, several meetings were held with different authorities and representatives from Ministries and public bodies, as well as with social partners (see Annex I).

1. 1. Background and contextual information.

1.1.1 Agriculture in Greece

In Greece, the economy of the country is basically composed of small and medium-sized enterprises, which constitute a 98.4% of the total number of enterprises⁸. The agricultural sector is a large one⁹ and is mainly integrated by micro holdings and family-based production farms¹⁰. In 2016, the family labour force represented 40.5% of the total

⁸According to the Greek Government report mentioned in Council of Europe; European Committee of Social Rights; 1961 European Social Charter; Conclusions XXI-2 (2017); available at https://www.coe.int/en/web/turin-european-social-charter/overview/-/asset_publisher/8HVWSV7oqjbb/content/the-european-committee-of-social-rights-publishes-its-conclusions-xxi-2-2017-in-respect-of-greece-iceland-and-luxembourg?inheritRedirect=false; page 8

⁹ 4% of total GVA compared with other countries with strong presence of agriculture sector such as Portugal (2,2 %) or Spain (2,9 %), according to EU Commission's sources; available at https://ec.europa.eu/agriculture/sites/agriculture/files/statistics/factsheets/pdf/el_en.pdf, https://ec.europa.eu/agriculture/sites/agriculture/files/statistics/factsheets/pdf/pt_en.pdf https://ec.europa.eu/agriculture/sites/agriculture/files/statistics/factsheets/pdf/es_en.pdf

¹⁰Dimitris Karantinos, National Centre of Social Research; European Employment Observatory, Article on Undeclared Work from SYSDem Correspondent, (Update of EEO Review: Autumn 2004), May 2007, page 3;

Available

at <http://webcache.googleusercontent.com/search?q=cache:ckvCStL1moAJ:ec.europa.eu/social/BlobServlet%3FdocId%3D12214%26langId%3Den+&cd=1&hl=es&ct=clnk&gl=es>

labour force in agriculture and held 82.3% of the total number of work-days¹¹. In parallel, the percentage of unpaid manpower work and household work is higher than in other EU countries¹². This sector, therefore, is relatively important in Greece and is characterized by a predominance of small-sized family farms since around 76.7% of farms have less than 5 hectares and the average size of the farms (6.8 ha) is much smaller than the EU-28 average size (16.1 ha). On the other hand, productivity per unit of work in the agriculture sector in Greece (in terms of Farm Net Value Added) is traditionally lower than the average of the EU countries

Other features characterize agriculture in Greece:

- There is less percentage of owners and holding managers who are women;
- Farmers have a low level of education, frequently work in family business and are often unpaid, which is an obstacle to their access to social security benefits;
- There is existence of discrimination against rural women, based on stereotypes¹³;
- Agriculture in Greece is a diversified sector¹⁴ in terms of variety of products;
- Unfavorable geo-morphological environment;
- Low number of cooperatives¹⁵;

As regards to employment, the agriculture sector represents 13.6% of total employment in Greece compared with 4.7% in EU-28, so the agriculture sector weighs heavily in Greece in terms of employment. There are, according to the Hellenic Statistics Authority (2016), 1,168 K owners and/or household members working in the agriculture sector, 33,826 permanent workers and 891,798 seasonal workers¹⁶.

¹¹Hellenic Statistical Authority; Press release, Farm Survey 2016; Piraeus, April 2018; pages 2,8,9 and 29; available at: <http://www.statistics.gr/en/statistics/-/publication/SPG12/->

¹² Aleksandra Figurek, Apostolos Polymeros "Farm Accounting Data Network; A first approach, 06/2014; available at

http://www.minagric.gr/images/stories/agropol/En/Agro_pol/POLYMEROS/Apostolos_POLYMEROS_.pdf

¹³ FAO, Countries and Regions, Family Farming Knowledge Platform, Greece; data 2009 available at <http://www.fao.org/family-farming/countries/grc/en/>

¹⁴ EU Commission, "Investing in Greek Agriculture 2014-2020"; Greece;; Common Agriculture Policy in your country; page 6.

Available at: https://ec.europa.eu/agriculture/sites/agriculture/files/cap-in-your-country/pdf/el_en.pdf
https://ec.europa.eu/agriculture/sites/agriculture/files/cap-in-your-country/pdf/el_en.pdf

¹⁵ Apostolos G. Papadopoulos & Loukia-Maria Fratsea; "Temporary Migrant Workers in Greek Agriculture"; published by Heinrich Böll Foundation, June 2017; ; page 19; available at: https://www.boell.de/sites/default/files/e-paper_temporary-migrant-workers-in-greek-agriculture_1.pdf?dimension1=division_ip

¹⁶Hellenic Statistical Authority; Press release, Farm Survey 2016; Piraeus, April 2018; pages 2,8,9 and 29; available at: <http://www.statistics.gr/en/statistics/-/publication/SPG12/->

The total number of holdings was in 2016 of 678,702 (with utilized agricultural area)¹⁷. The number of permanent workers has been increasing in the last years (by 35, 2% in 2016 compared with 2013) and the work-days of permanent workers by 43, 5%¹⁸.

As to social security, according to some other sources,¹⁹ the number of insured agricultural labourers is very low and relatively stable along the months of each calendar year. For instance, in the five-year period from 2012 to 2016 there were an average number of insured workers of 48,910 (54,972 in 2016). On the other hand, the Ministry of Rural Development and Food informs that today there are 300,000 farmers registered in the Ministry's Register and around 700,000 farmers who declare their farming activities to OPEKEPE (Greek Payment Authority of Common Agricultural Policy²⁰) for applying to EU financial aids, which is a reliable source of information about the real figure of farmers working in arable land and exploiting farms²¹.

Nevertheless, it should be noted that in the agriculture sector the number of workers in irregular situation coming from third countries is very significant. A high number of workers in irregular situation mainly come from Albania, Bulgaria, Pakistan, among other countries. Furthermore, the sector has recently been strained by the arrival of migrants and refugees coming from the troubled area of Syria²². This movement of workers and migrants from abroad has been particularly intense between 2015 and 2017, so it is difficult to reach a definitive conclusion about the real number of workers and the ratio of undeclared or illegal employment.

The increasing rate of migrant workers has been accompanied with the gradually decreasing of the Greek rural population due to exodus to cities and aging of rural population²³. But undeclared work in the agriculture sector in Greece is still common and habitually linked to seasonal and migrant workers who in general enjoy less protection of their rights, earn lower wages, suffer poor working and environmental conditions and are employed in certain activities that entail high risks for their health and safety. Besides these precarious working conditions of migrant workers as described above, most estimations point towards other shortcomings such as inequality and discrimination, bullying, low living standards, undeclared work and illegal employment, child labour or difficult access to social benefits. Moreover, there is a greater dependence of workers on their employer as far as the latter owns not only the means of production but also the

¹⁷ Hellenic Statistical Authority; Press release, Farm Survey 2016; Piraeus, April 2018; pages 2,8,9 and 29; available at: <http://www.statistics.gr/en/statistics/-/publication/SPG12/->

¹⁸ Hellenic Statistical Authority; Press release, Farm Survey 2016; Piraeus, April 2018; pages 2,8,9 and 29; available at: <http://www.statistics.gr/en/statistics/-/publication/SPG12/->

¹⁹ According to information obtained in the interview carried out to the National Rapporteur on Trafficking in Human Beings during the study visit to Greece on 10th May.

²⁰ Information available at <http://www.opekepe.gr/english/>

²¹ According to information provided by the representatives of the Ministry of Rural Development in the interviews carried out during the study visit to Greece the week 7th- 11th May

²² The number of apprehensions of irregular migrants in Greece (at the borders and within the Country) show that the 5 main nationality groups in the period 2011-2016 were Syria (79,471), Afghanistan (41,222), Irak (25,781), Pakistan (9,311) and Albania (6,129), according to Anna Triandafyllidou and Regina Mantanika; Global Governance Programme; European University Institute ; Migration in Greece: Recent Developments in 2016; Report prepared for the OECD Network of International Migration Experts (according to authors information, data for 2016 refer to the first 9 months and data on Syria refer to voluntary returns not expulsions/involuntary returns), page 12; available at: <http://www.eliamep.gr/wp-content/uploads/2014/10/2016.pdf>

²³ Only 5.2% Greek farmers are younger than 35 years old, according to the report of EU Commission "Investing in Greek Agriculture 2014-2020"; Greece;; Common Agriculture Policy in your country Available at: https://ec.europa.eu/agriculture/sites/agriculture/files/cap-in-your-country/pdf/el_en.pdf https://ec.europa.eu/agriculture/sites/agriculture/files/cap-in-your-country/pdf/el_en.pdf

facilities where workers live or need to live (lodgement, water, etc.). Lower level of Unions membership and lower presence of Unions in the countryside close the loop of lack of protection.

On the other hand, the agriculture sector has also been indirectly affected by the general increase of non-standard forms of work (part-time and reduced time rotation work contracts), the widespread precariousness in the labour market and a significant volume of undeclared work, in part due to the economic crisis and in part to changes from 2010 to 2014 produced in the industrial relations framework, employment and labour legislation.

1.1.2 Labour inspection approach

All these factors, and in particular the type of seasonal or temporary work, represent a significant challenge for labour inspection in Greece and require new approaches for organizing labour inspection actions. Actually, the inspection activity must be adapted to and/or be concentrated in certain periods of the year (e.g. January to April) and be carried out in coordination with the so-called “*metaklisi*” recruitment, a system where the authorities set up a maximum quota of migrant workers accepted to work in a given sector and region, being agriculture a sector that consumes a great deal of this work force. So the inspection activity needs to be arranged in a two-tier approach: on the one hand, inspectors must check whether employers comply with regulations relating to accommodation, payment, wages, safety and health, etc.; and on the other hand, labour inspectors should as well verify whether the inspected farms have declared all workers. In fact, this last task turns out even more urgent and imperative since the ratio of undeclared work is high in the agriculture sector. For this latter task, it would be necessary to work in collaboration with other competent bodies and take advantage of synergies from other involved Administration bodies and stakeholders.

Labour inspection should also take stock of how the system for declaring workers to social security known as “*ergosimo*” works and examine how to inspect and tackle undeclared work in an efficient way. This system was extended to agriculture sector in 2016 (Act Amendment No. 4251/2014) and also allows the employers to recruit irregular migrants purchasing the so-called “vouchers” that enclose the payment of wage and social insurance. Labour inspection should be capable of detecting inconsistencies and fraud in the use of these employment vouchers, for which vouchers should be restructured in order labour inspection to be capable of inspecting.

Finally, the characteristic and specific risks for the health and safety of agriculture workers may become a challenge for the SEPE when implementing Convention No. 129 and when covering this sector by the labour inspection. In the agriculture sector labour inspectors need to inspect the risks derived from natural or organic materials, soil, organic dust (e.g., flour), substances of animal origin, food, wastewater, etc. Some of these risks can be found in other sectors (biotechnology industry, health care, etc.) but some others are exclusive of the agriculture sector²⁴ and require a specific inspection approach.

²⁴Carmela Romana Natalina, Adele MAZZOTTA, Giuseppe LA TORRE and Maria DE GIUSTI; “*Biological Risk and Occupational Health*”; Department of Public Health and Infectious Diseases, “Sapienza” University of Rome, Italy; 2012, ©2012 National Institute of Occupational Safety and Health Industrial; page 327; available at https://www.jniosh.go.jp/en/indu_hel/doc/IH_50_4_326.pdf

1.2. Legal and administrative framework, including Labour Inspection and other relevant ILO Conventions.

1.2.1 National legislation

In Greece, Act No. 2639/1998 was the main body of legislation on labour inspection before the approval of Act No. 3996/2011, the current core regulation in force. Act No. 3996/2011 established a new structure of labour inspection and newly regulated the conventional functions and powers of labour inspectors. In general, these functions correspond with those included in the Conventions No. 81 and No. 129. For instance, article 2 of the Act (paras.1 and 2) includes a broad range of matters in which the Greek Labour Inspectorate is competent, such as labour legislation, working time, remuneration and other benefits, safety and health of workers, specific terms and conditions of vulnerable groups of workers, among others. Nevertheless, the Greek legal system on labour inspection keeps additional functions such as the participation in the settlement of labour disputes of any kind between workers and employers arising from the employment relationship. In fact, article 2 (1) of Act No. 3996/2011 refers to conciliation and mediation as part of the functions of labour inspectors. Furthermore, the Presidential Decree No. 113/2014 entrusted different administrative departments with the management and monitoring of the labour dispute resolution system in cooperation with the Labour Inspection. Recently, the Presidential Decree No. 134/2017²⁵ has once more entrusted labour inspectors with function of conciliation between employers and workers.

The Act has also assigned to labour inspectors monitoring competences in the observance of the principle of equal opportunities and equal treatment of men and women in employment. To this end, the Act envisages information and cooperation channels between the SEPE and other institutions such as the Department of Gender Equality-Directorate Working Conditions (Ministry of Labour and Social Security and Social Solidarity -MLSSSS from now on-) and the Ombudsman, although cooperation with the Ombudsman (established by Act No. 3488/2006) has not been developed so far by specific regulations.

The Act No. 3996/2011 (in connection with Act No. 3655/2010) also entrusted the SEPE with further functions such as the inspection of undeclared work and illegal employment of foreign workers coming from non-EU countries (third countries). After the entry into force of Act No. 3996/2011, Greece took some further relevant legislative steps against undeclared work²⁶ and oother legislatives initiatives have focused on different aspects that directly or indirectly affect the Greek labour inspection. A summary table follows below:

Legislation	Legal provisions
Act No. 3863/2010	Regulates the labour stamp and the obligation to pay wages electronically through a bank account. This measure helps payment of wages and social security contributions and contributes to reduce undeclared work and illegal employment.

²⁵This regulation replaces Presidential Decree No 113/2014.

²⁶ EU Commission, DG Employment, Social Affaires & Inclusion, "Member State Factsheets and synthesis report"; *Factsheet on Undeclared Work – GREECE*; available at <http://ec.europa.eu/social/search.jsp?mainCat=0&subCat=0&policyArea=0&policyAreaSub=0&year=0&country=0&city=0&refNo=&advSearchKey=factsheet+undeclared+work+greece&mode=advancedSubmit&langId=en&searchType=&order=>

Act No. 4052/2012 (Gov. Gazette A 41, 1-03-2012 on “Sanctions and Measures against Employers of Illegally Staying Third Country Nationals in order to Combat Illegal Immigration	- Harmonizes Greek legislation with EU Directive 2009/52/EC. It regulates criminal liability and sanctions (minimum of five months' imprisonment or minimum of six months if the victims are children) to employers who are found guilty of persistent infringements when they simultaneously employ a significant number of illegally staying third country nationals or in the event of particularly exploitative working conditions, including minors (sections 87 and 88)²⁷. - A residence permit for humanitarian reasons may be issued to the victims of such practices (section 89). - Provides for regular and extraordinary inspections organised by sector of activity and based on a risk assessment; - Bans employment of illegally staying third country nationals and assigns to labour inspectors the following functions: - o Keeping records of employers who have been sanctioned for infringing the prohibition of employing illegally staying third country nationals, recording also judicial decisions and issuing certificates; - o Carrying out regular and extraordinary inspections by sector of activity based on a risk assessment, with a view to controlling the employment of illegally staying third country nationals; - o Notifying the MLSSSS (Ministry of Labour, Social security and Social Solidarity) the inspections conducted during the previous years and also the results achieved both in terms of absolute figures and percentage of the employers for each sector (sections 79(1) and 90).
Ministerial Decision 27397/122/19.8.2013	- Lays down that labour inspectors are obliged to impose a fine without previous invitation to comply with in cases of undeclared work.
Ministerial Decision no 29502/85/01-09-2014	Regulates the electronic forms to be submitted to SEPE and OAED and procedure of transitional manual submission to those entities and the different forms and electronic acts to be submitted;
Act No. 4144/2013 (Gov. Gazette A 88 18.04.2013)	- Provides for further measures addressed to combat delinquency in social security and the labour market; - Penalties of up to €3,000 for each worker who is employed while receiving unemployment benefits (article 19)-higher fine (€5,000) in case the employer has previously reported to the competent authorities the termination of the contract; - Collaboration between the Financial and Economic Crime Unit (SDOE), the Electronic Crime Unit (IPOADIE), the SEPE and the Special Agency of Control on Insurance (EYPEA, now Regional Insurance Auditing Centres) -article 14-; - Documents, books and certificates in companies must be at disposal of inspectors from IKA-ETAM (IPOADIE in Social Insurance Institute, now EFKA), SEPE inspectors and inspectors from the SDOE during their inspections.
Act No. 4144/2013 (article23) amends	- Reduction of the minimum amount of administrative sanctions from € 500 to € 300;

²⁷ The Law No. 3846/2010 laid down that, when the SEPE inspectors find evidence of illegal employment of foreign nationals from third countries, they themselves may impose fines on employers.

article 24 of Law No. 3996/2011	- Exclusion of awarding of public contracts in case of two or more fines for violations of labour legislation defined as of “high” or “very high” significance and imposed within the 3 years before the submission deadline of the offer. - Register (kept by the SEPE) for violations of labour legislation by service providers (specifically cleaning and security services) - SEPE’s certification of fines imposed on the service providers for the Contracting Authorities competent for the tender; - The Act provides for two types of conciliation procedure before the SEPE (Act amends article 3 of Act No. 3996/2011): - o Either conducted at national o local level for disputes or disagreements in relation to the employment relationship, which starts following an application presented by the employee or employer Unions or by the employer individually; - o Conducted for disagreements between one or more employees in respect of the observance of labour legislation. - Both parties (employer and employee/s) apply for the mediation of a labour relations inspector, who arranges a hearing in which both parties must be present, imposing the inspector a fine in case any party is absent; - New categories of workers and stricter conditions for the use of the labour voucher (“ergosimo”)²⁸; - Other aspects related to staff and organization (the possibility to suspend labour inspection departments, reimbursement of travel cost to labour inspectors –together with a Joint Ministerial Decision published in 2014-). Currently regulated in Act No. 4336/2015 (GG 94/A) on “Domestic and international travel expenses”.
Ministerial Decision No. 27397/122 of August 2013	- Provides for severe penalties for undeclared work and violations of the labour code; - Labour inspectors may impose on the spot fines for undeclared work²⁹.
Act No. 4225/2014 (Govt Gazette 2/A/31.12.13)	- Increase of fines (€10,500 -about 18 times the minimum wage-); - Fines imposed by the Special Service Control of Insurance (EYPEA, now Regional Insurance Auditing Centres) -independent of those imposed by the SEPE inspectors- for employers who do not declare workers to the Analytical Period Declaration (APD) or through “<i>ERGANI information system</i>”

²⁸ Summary available at:

http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=es&p_isn=100435&p_count=86&p_classification=15; further information in Bahas, Gramatidis & Partners, *Labour Law Combating Delinquency in social Security and the Labour Market*; available at https://www.soulier-avocats.com/upload/documents/Bahas_Newsletter_April_2013_Labour_Law.pdf

²⁹ Observation (CEACR) - adopted 2013, published 103rd ILC session (2014), Labour Inspection Convention, 1947 (No. 81) - Greece (Ratification: 1955; available at

http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3150657

	- Every employer who employs private employees must submit data electronically through ERGANI (IT System of the Ministry of Labour, Social insurance and Social Solidarity); - Control of payment of social security contributions; - Reduction of social security contributions; - The employer is no longer required to submit the modified work schedules to the Labour Inspectorate - Registration of changes in employees' working hours through "ERGANI Information System" -the very same day in which takes place the change-. - New possibility of the employer to register in real time through "ERGANI" new hired workers, dismissals or voluntary departures of workers, etc. - in connection with Ministerial Decision 5072/6/25-2-2013-; - Reinforcement of SEPE (new regional divisions, new Directorate in the Aegean area to better tackle undeclared work in the tourism sector); re-establishment of the Support Directorate in SEPE (support on legal and I&T systems); adoption of countrywide campaigns in specific sectors (especially for combating under-declared work, fake part-time work, etc.³⁰).
Presidential Decree 134/2017	- Strengthens the Labour Inspectorate body and sets out a new structure of SEPE
Act No. 4488/2017 (G.G. 13.09.2017)	- Reinforces labour inspectors' powers (closure of the workplace for employers who have committed infringements in different inspections carried out in subsequent time periods (especially as regards OSH); - Criminal liability of the employer who fails in the compliance with the sanction and exclusion of public contracts if serious or reiterated infringements. - New tools³¹ for making inspections more effective: ✓ The notification to ERGANI of overtime/overwork on the very date of or before the change (though its entry into force is left to a Ministerial Decision);

³⁰Aristea Koukiadaki and Chara Kokkinou: *PRECARIR: The rise of the dual labour market: Fighting precarious employment in the new member states through industrial relations*, project no. VS/2014/0534; page 10, available at https://www.dcu.ie/sites/default/files/dcubs/greece_national_report_precarir.pdf; also information available at http://www.labourlawnetwork.eu/national_labour_law/national_legislation/legislative_developments/prm/109/v__detail/id__3984/category__14/index.html

³¹ Information available at Deloitte tax@hand; security laws, at <https://www.taxathand.com/article/7507/Greece/2017/Recent-changes-to-labour-and-social-security-laws>

	✓ The obligation of workers identified during an inspection of presenting to the inspectors their ID card or any other identification document; ✓ Administrative fines for employers or third persons who obstruct the access of labour inspectors to the workplaces or provides inaccurate information; ✓ An obligation of the employer to provide workers with a copy of the official personnel list in case of work outside the permanent workplace; ✓ The possibility for SEPE, following a visit by officials from the Financial Police and Cyber Crime Agency finding undeclared workers, to fine the company without necessity of a second on the spot inspection by SEPE; ✓ Provisions to expedite proceedings of labour disputes.
Ministerial Decree of June 11th 2018 (32143/D1.11288)	- Further regulates the terms and deadlines of electronic submission in ERGANI of forms³² that employers must present to SEPE and OAED; - Regulates the access and management of ERGANI by SEPE, EFKA and OAED - States that interoperability of ERGANI can be linked to other ICT systems in the broader public sector, by applying the Framework of the Provision of E-government Services; - Sets up a working group in the Ministry integrated by representatives from the Ministry, SEPE, EFKA and OAED for monitoring the correct functioning and the needs analysis of ERGANI and supporting groups for administrative and technical support; - Regulates the use of statistics from records (e.g. penalties for employers, etc.);
Act No. 4554/2018 (G.G. 18/07/2018) lays down new provisions, such as:	- Lays down three years duration several and joint liability for principal employers in respect obligations of contractors and subcontractors, in particular obligations related to wages, social security contributions, severance indemnity - Updates sanctions (some entering into force pending of a Ministerial Decision); - Regulates a discount for 10,500 € fine (per each undeclared worker found in an inspection) if the employer legally hires the workers for at least 3 months and maintains the number of workers;

³² Articles 2 and following further regulate the forms to be submitted by the employers relating to workers such as E3 (standard Form for Reporting of employment, to be sent the same day of recruitment, and in any event prior to the withdrawal of service by the employee; new employers who engage in hiring for the first time, and employers who establish annexes with new hires of employees, may submit the form E3 within three (3) working days to the competent Service of the EFKA);

Other forms are E3.1 (announcement of start / change of employment of the applicant by programs of a charitable nature), E3-2-3 (notification by employer or training provider of start or changes of employment training or practices program and contracts of apprenticeship); E4 (Board staff), E5 (announcement of voluntary retirement and the employee), E6 (communication of end of labour contract of indefinite duration), E7 (Affidavit - Declaration of employer for short-term contracts), E8 (announcement of legal overtime), E9 (contract of employment part-time employment), E10 (Collective Labour Agreement or similar Arbitration Decision), E11 (disclosure of an annual license); Article 3 regulates procedure and deadlines for the submission of forms (articles 4 and 5) within ERGANI only for employers who are registered in AMKA; the Decree also envisages that forms E4 form and E8 (additional hours) may be submitted by mobile phone by sending a message (article 4) (although there are different deadlines for effective application).

	- Establishes a presumption of three months labour contract duration in case of undeclared work; - Regulates notification of internships via ERGANI - Establishes a communication of SEPE's administrative acts to employers via electronic means (through www.sepenet.gr);
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1.2.2 ILO international standards

Greece has ratified 71 ILO Conventions and one Protocol, including Convention No. 81 on Labour inspection (ratified in 1955) and Convention No. 150 on labour administration (ratified in 1985), both considered as a governance Conventions. Greece has also ratified the Tripartite Consultation Convention No. 144 and the Right of Association (Agriculture) Convention No. 11.

However, it has not yet ratified Convention No.155 on Occupational Safety and Health, Convention No. 184 on Safety and Health in Agriculture and Convention No. 129 on labour inspection in agriculture.

In the area of labour inspection, the Committee of Experts on the Application of Conventions and Recommendations (CEACR) has provided comments on the application of several standards, in particular Convention No.81 on Labour Inspection. The Committee has requested the Greek Government information about the number of labour inspectors and inspections and their distribution throughout the territorial structures and has asked whether OSH inspections are being used to combat illegal work, which might have a negative impact on the protection of the safety and health of workers. The Committee has raised concern about the role of labour inspectors in relation to irregular foreign workers and the degree in which the inspection action helps migrant workers to fill in complaints and to receive information about their rights, among other issues³³.

The CEACR has also requested the Greek Government information about other issues concerning labour inspection such as:

- ✓ Limits of reimbursement of travel for labour inspector (5 inspection visits per month and €20 per inspection visit, whereas the objective for every inspector is at least 24 inspection visits per month³⁴);
- ✓ Budget of the SEPE³⁵;
- ✓ Provision of personal protective equipment to labour inspectors³⁶;

³³Observation (CEACR) - adopted 2015, published 105th ILC session (2016); Labour Inspection Convention, 1947 (No. 81) - Greece (Ratification: 1955; available at http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3255320

³⁴Observation (CEACR) - adopted 2015, published 105th ILC session (2016); Labour Inspection Convention, 1947 (No. 81) - Greece (Ratification: 1955; available at http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3255320

³⁵Observation (CEACR) - adopted 2015, published 105th ILC session (2016); Labour Inspection Convention, 1947 (No. 81) - Greece (Ratification: 1955; available at http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3255320

³⁶Observation (CEACR) - adopted 2015, published 105th ILC session (2016); Labour Inspection Convention, 1947 (No. 81) - Greece (Ratification: 1955; available at http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3255320

- ✓ In previous years (2013³⁷ and 2012³⁸) the CEACR has reviewed or requested information and provided feedback to the Greek Government on several matters:
- ✓ The Special Action Plan (SPA) -2013- for the strengthening of the Greek Labour Inspectorate, as recommended in the ILO “*Labour Inspection Needs Evaluation*” of 2012;
- ✓ The establishment of the Financial and Economic Crime Unit (SDOE) for the control of serious cases of undeclared work;
- ✓ The establishment of joint inspections teams integrated by the SEPE, the Social Insurance Institute (IKA, now EFKA), and the newly created SDOE and the police;
- ✓ The severity of sanctions;
- ✓ Targeted inspections in sectors with high rates of undeclared employment³⁹;
- ✓ The creation of the “ERGANI” Information System⁴⁰;
- ✓ Consideration that the inspection on irregular employment should have as its corollary the reinstatement of the statutory rights of workers⁴¹
- ✓ The imbalance between inspections in different areas and the human and material resources that the control of migrant workers in irregular situation may require – to the detriment of labour inspection primary duties-;
- ✓ The association of the labour inspectorate with the police and immigration authorities does not help the climate of confidence that is essential to the cooperation of employers and workers with labour inspectors.

It should be noted that the Committee has recommended the progressive dissociation between enforcing immigration law (illegal employment of third country nationals) and supervising the protection of rights at work (wages, etc.⁴²).

Finally, in relation to the IT infrastructure, the Committee reported (in relation to Convention No. 150) on the IT project launched by the Ministry in order to electronically link SEPE’s database with the Manpower Employment Organization (OAED) and the Social Insurance Institute (IKA, now EFKA), but regretted the budgetary adjustments

³⁷ Observation (CEACR) - adopted 2013, published 103rd ILC session (2014), Labour Inspection Convention, 1947 (No. 81) - Greece (Ratification: 1955; available at http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3150657

³⁸ Observation (CEACR) - adopted 2012, published 102nd ILC session (2013); Labour Inspection Convention, 1947 (No. 81) - Greece (Ratification: 1955; available at: http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3086753

³⁹ Observation (CEACR) - adopted 2013, published 103rd ILC session (2014), Labour Inspection Convention, 1947 (No. 81) - Greece (Ratification: 1955; available at http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3150657

⁴⁰ The European Committee of Social Rights (Council of Europe) highlighted in its conclusions (2017) on Greece the administrative restructuring of the SEPE operated by the Presidential Decree No. 113/2014, with the introduction of the ERGANI; see *Information System and the development of the SEPE Integrated Information System* Council of Europe; European Committee of Social Rights; 1961 European Social Charter; Conclusions XXI-2 (2017); available at https://www.coe.int/en/web/turin-european-social-charter/overview/-/asset_publisher/8HVWSV7ojqbb/content/the-european-committee-of-social-rights-publishes-its-conclusions-xxi-2-2017-in-respect-of-greece-iceland-and-luxembourg?inheritRedirect=false; page 8

⁴¹ Observation (CEACR) - adopted 2013, published 103rd ILC session (2014), Labour Inspection Convention, 1947 (No. 81) - Greece (Ratification: 1955; available at http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3150657

⁴² Observation (CEACR) - adopted 2012, published 102nd ILC session (2013); Labour Inspection Convention, 1947 (No. 81) - Greece (Ratification: 1955; available at: http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3086753

suffered by the SEPE⁴³. It is recommended to create joint electronic platforms for, on the one hand ensuring communication with businesses, managing and recording information and data, and on the other hand facilitating data exchange between SEPE offices, the OAED and the IKA-ETAM (now EFKA), thus improving cooperation between these bodies on know-how, methods and inspection tools. However, this recommendation is not further necessary since SEPE, EFKA and OAED have an electronic platform of each own and ERGANI is operated by the above-mentioned agencies as a new joint electronic platform.

All these comments and recommendations of the CEACR provide a general picture of the Greek labour inspection and its current backdrops and challenges, and at the same time are brought up here to put the different issues into context.

1.2.3 Institutional framework

The MLSSSS covers the four big branches of the social policy: labour relations, employment, working conditions, social security and social protection, apart from the common services. The structure of the Ministry is regulated in the Presidential Decree 134/2017, according to which the Ministry is integrated by a General Secretary for Labour, Social Security and Social Solidarity. This Secretary General comprises several Directorates (Administrative Services and e-Government, Financial Services, Labour Relations, Health and Safety at Work and Integration, Parliamentary Control Department, Legislative Initiative Department, Internal Audit Department, Emergency Political Planning and International Relations). A second General Secretary is for Social Solidarity and comprises a Directorate General for Social Solidarity; a third General Secretary of Social Security comprises a General Directorate for Social Security; and there is a forth General Secretary for the Management of Community and Other Resources and three Executive Secretaries: an Executive Secretariat for the Labour Inspectorate, an Executive Secretariat for Social and Solidarity Economy and an Executive Secretariat for the inclusion of Roma.

Within the structure of the Ministry, the SEPE is the Corps of Labour Inspectors and hierarchically depends directly on the Minister, keeping quite an independent position within the organizational chart of the Ministry. SEPE is represented by an Executive Secretary of Labour Inspection, who is the head of the service at national level. SEPE also provides and receives feedback to and from other Ministry's directorates such as, for instance, the Directorate for Occupational Safety and Health on issues related to legislation enforcement or OSH national strategy. SEPE also cooperates with the General Directorate for Administrative Services and E-Governance, which provides support to all departmental units and with General Directorate for Finance.

The area of social security is managed by the General Directorate for Social Security, in collaboration with the Unified Social Security Institution (EFKA), which is the result of the merging of all Greek main pension funds. The old IKA-ETAM (Social Insurance Institute-General Employees' Insurance Fund), which managed pensions, unemployment illness and maternity benefits, has been integrated into the new EFKA. In agriculture, the OGA (Agricultural Insurance Organization) was the fund that managed social insurance of agricultural workers, and today it has been integrated in EFKA.

⁴³Observation (CEACR) - adopted 2012, published 102nd ILC session (2013); Labour Inspection Convention, 1947 (No. 81) - Greece (Ratification: 1955; available at: http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3086753

Before and up to now, EYPEA (Special Social Insurance Auditing Service, now called Regional Insurance Auditing Centres) is the social security inspection service, with only 40 inspectors. These inspectors, however, do not inspect agriculture holdings due to lack of staff. Now EFKA plans to have the Regional Insurance Inspectorate –PEKAS- with a view to increasing significantly the number of inspectors (500 inspectors). With this staff they could extend inspection to agriculture⁴⁴ and this fact would raise not a few questions as regards the cooperation with SEPE.

Finally, the area of employment falls under the scope of the Manpower Employment Organization (OAED) an agency responsible for implementing governmental employment policies, employment promotion, management of job-matching, unemployment benefits, in collaboration with the Directorate of Integration to Employment.

2. Analysis of the national situation in law and practice with regard to Convention No. 129

The ILO Convention No. 129 in general follows the provisions of Convention No. 91 in Industry and Commerce, but adds some specific regulations related to the agriculture sector. With a view to the ratification of the Convention No. 129, the assessment of the situation in Greece should focus on both legislation in force and practice. It is thus necessary to analyse the compatibility between both and the feasibility of applying in Greece the provisions contained in the Convention, in particular those specifically related to agriculture sector.

2.1 Scope and coverage of labour inspection in agriculture (arts 3, 4 and 5 of Convention No. 129

Convention No. 129

*(*in bold specific provisions for agriculture)*

Article 3

Each Member of the International Labour Organisation for which this Convention is in force shall maintain a system of labour inspection in agriculture.

Article 4

The system of labour inspection in agriculture shall apply to agricultural undertakings in which work employees or apprentices, however they may be remunerated and whatever the type, form or duration of their contract.

Article 5

1. Any Member ratifying this Convention may, in a declaration accompanying its ratification, undertake also to cover by labour inspection in agriculture one or more of the following categories of persons working in agricultural undertakings: (a) tenants who do not engage outside help, sharecroppers and similar categories of agricultural workers; (b) persons participating in a collective economic enterprise, such as members of a co-operative; (c) members of the family of the operator of the undertaking, as defined by national laws or regulations.

⁴⁴ According to information obtained in the interviews carried out during the study visit to Greece the week 7th- 11th May

2. Any Member which has ratified this Convention may subsequently communicate to the Director-General of the International Labour Office a declaration undertaking to cover one or more of the categories of persons referred to in the preceding paragraph which are not already covered in virtue of a previous declaration.

3. Each Member which has ratified this Convention shall indicate in its reports under article 22 of the Constitution of the International Labour Organisation to what extent effect has been given or is proposed to be given to the provisions of the Convention in respect of such of the categories of persons referred to in paragraph 1 of this Article as are not covered in virtue of a declaration.

According to article 2 of the Act No. 3996/2011, SEPE oversees and monitors the implementation of labour legislation, but also the legal provisions related to social insurance coverage and illegal employment of workers, as explained above in the legal framework. SEPE also plays a leading role in the conciliation and resolution of disputes proceedings between workers and employers.

As to the scope of workplaces, article 2 (para. 2) of the Act states that labour inspectors are responsible for the inspection and control of workplaces in the **primary**, secondary and tertiary sector. This statement clearly means that labour inspectors are also responsible for inspection in the agriculture sector.

The Code of Laws on Occupational Safety and Health (KNYAE) –ratified by Act No. 3850/2010 (GG A 84-) entrusts labour inspection (sec. articles 1 and 69) with competence in all undertakings, operations and activities of the private and public sectors. Article 3 defines undertaking as any business, operation, establishment and activity of the private and public sectors, regardless of economic activity sector.

As regards to labour legislation subject to the supervision of labour inspection, the Act No. 1876/90 extended the scope of the terms of the National General Collective Bargaining Agreement to workers employed in agriculture and, according to case-law, agricultural activities include production of livestock products, farming, animal husbandry, farmland supervision, stock of products and harvests. Agricultural workers are entitled to the minimum legal wages (National General Collective Bargaining Agreement – sec. Minister of Labour No. 11770/20/20.2.1984 (GG B, 81)⁴⁵, - unless they have the right to earn the minimum wage set out in the Collective Bargaining Agreements (those employed by employers belonging to the contracted employers' organisations). To agricultural workers also apply the legal provisions (or those fixed in collective agreements) on time limits, night work surcharges, overwork, etc. The law sets out particularities for agricultural workers, such as wage surcharges if the agricultural workers work on Sundays and public holidays (Royal Decree No. 748/66). Agricultural workers are, in principle, excluded from the regulations on annual leave –Act No. 539/1945- except employees employed for at least 12 months continuously, who shall be entitled to at least a four weeks' paid leave, (pursuant to Presidential Decree No. 88/1999 and Presidential Decree No. 76/2005). The provisions on protection of minors at work (law 1837/1989 -GG 85 A-, PD 62/1998 -GG 67 A-) also apply to persons employed in agricultural work⁴⁶.

⁴⁵Though following the calculation rules of minimum wage established by Act No. 4093/2012 (GG 222/12-11)-,

⁴⁶**Questionnaire on Labour Inspection (Agriculture) Convention, 1969 (No. 129)** ; final answers (translated into English June, 7th)

Therefore, according to these provisions, agricultural undertakings are not excluded from the labour inspection competence. However, some doubts arise in relation to the real practice of labour inspection in Greece. For instance, a great part of agricultural workers are self-employees and are traditionally insured in the social insurance fund as employers (old OGA). Self-employed persons are included in the scope of the provisions of Law 3850/2010 (pursuant Article 2 of Law 3850/2010), although those engaged in primary production process (cultivation, animal husbandry, etc.) have not been, in practice, subject to inspections or included in the labour inspection annual plans.

While the Act No. 3996/2011 entrusts labour inspectors to inspect all economic sectors (and a broad range of matters⁴⁷), the action of the labour inspection in the agriculture sector presents some challenges. Apart from the fact that the agriculture in Greece has high rates of undeclared work and migrant workers in irregular situation earning very low wages, it continues to be an activity where children are engaged to family-operated work, often exposed to hazardous work. In this respect, article 2 of Act No. 3996/2011 provides that labour inspection is responsible for the safety and health of workers, the specific terms and conditions of vulnerable groups of workers such as young people, women or children. The Act also states that labour inspection supervises undeclared work and illegal employment.

However, SEPE in practice does not oversee farm dependant workers' conditions, save in cases of accidents at work and occupational diseases. In these cases, labour inspectors carry out an investigation, draft a report and, where appropriate, take enforcement measures. But, in general, working conditions in the agriculture sector are not inspected at all, despite the fact that the Greek law allows the inspection action in the agriculture sector and, furthermore, it does not exclude any category of worker in this specific sector.

No legislative changes are thus needed, though the ratification of Convention No. 129 might be accompanied by some provisions in relation to certain types of employers and workers who are inherent to agriculture (tenants, sharecroppers or family workers). It would be advisable that the Greek Government amended the current legislation in order to define in detail the agricultural undertakings that fall under the scope of labour inspection and differentiate owners of lands or holdings, agriculture workers who pay a rent and/or are remunerated by a share of the produce, self-employees, family workers and those who are covered by national regulations on wage earners (in accordance to *ILO Recommendation No. 132 on Tenants and Share-croppers*⁴⁸).

Finally, the Greek labour inspection is a generalist labour inspection, with a wide range of functions and competences in different areas, opposite to the so-called specialist systems, in which labour inspectors only or mainly deal with OSH related matters. This specific profile of the Greek labour inspection eases dealing with the heterogeneous matters subject to inspection in the agriculture sector.

2.2 Mandate and functions of labour inspection in agriculture.

Convention No. 129

Article 6

⁴⁷Source: International Labour Office; *Diagnostic report on undeclared work in Greece*; Employment Department, Informal Economy Unit. - Geneva: ILO, 2016; page 45

⁴⁸Available at

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R132

*1. The functions of the system of labour inspection in agriculture shall be-- (a) to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work, such as provisions relating to hours, wages, **weekly rest and holidays**, safety, health and welfare, **the employment of women**, children and young persons, and other connected matters, in so far as such provisions are enforceable by labour inspectors;*

2.2.1 General functions

As mentioned above, the Greek labour inspectors are responsible for the enforcement of a wide range of matters, including working time, wages or labour contract. Inspectors may also supervise undeclared work and illegal employment, safety and health of workers and terms and conditions of employment of vulnerable groups of workers (minors, women in pregnancy or in maternity) and specific categories of workers (article 2 of Law No. 3996/2011). Within the area of health and safety at work, Greek labour inspectors are also competent to supervise the implementation of the existing legislation on prohibition of smoking.

Article 2 of Act No. 3996/2011 provides for other functions (dealt with in other sections of this report) such as: a) the preparation of reports to ILO (under the ILO Convention No. 81); b) the investigation of the causes and circumstances of serious and fatal accidents at work and occupational diseases; c) the proposal of measures to prevent them; d) reporting and identifying infringements of labour legislation involved in those; e) carrying out the systematic collection and processing of statistics on accidents at work and occupational diseases; f) cooperation and exchange of data and information with the relevant departments of the Ministry.

The labour inspection also monitors compliance of employers with legislation on equal treatment related to disabled persons and their access and stability in the enterprise, collaborating in the implementation of e-Government projects for modernising their work.

The Act No. 4144/2013 assigned to labour inspectors monitoring competences in the observance of the principle of equal opportunities and equal treatment of men and women in employment (or irrespective of racial or ethnic origin, religion or belief, disability, age or sexual orientation, etc.). To this end the Act envisages information and cooperation channels between the SEPE and different institutions such as the Department of Gender Equality (Directorate Working Conditions of the MLSSSS) and the Ombudsman, including the recording of relevant statistics, although cooperation with the Ombudsman (established by Act No. 3488/2006) has not been developed so far by specific regulations.

2.2.2 Gaps in relation to functions of labour inspection in the area of undeclared work

The functions related to irregular or non-declared employment deserves a separate mention since one of the main concerns in the inspection of agriculture sector is the supervision of undeclared work. The Law No. 3996/2011 entrusted labour inspectors the inspection of undeclared work (article 2). This function is of particular relevance considering the difficulties related to the field inspection in this sector. It is true that the ratification of Convention No. 129 would place the Greek labour inspectorate in a challenging position in so far the agriculture sector has a high incidence of undeclared work, particularly the one referred to third-countries nationals in irregular situation. However, the Greek Government has taken steps to ease the action of labour inspection

through new measures such as those included in Act No. 4488/2017 (obligation of workers to provide their ID during an inspection, sanctions in case of obstruction to inspectors, list of personnel for workers posted to other workplace, etc.). With a view to reinforcing the fight against undeclared work, a Department for Combating Undeclared Work has been set up (Act No. 4468/2017) with the participation of Ministry and SEPE officials, as well as representatives from employers and employees. The Department, inter alia, assumes tasks such as presenting to the MLSSS proposals for tackling undeclared work, for the exchange of data and IT interoperability between the competent services and for the effective implementation of the Roadmap for Undeclared work 2017-2019⁴⁹. Before the above-mentioned law, other legislative measures were adopted in the same direction⁵⁰.

Article 26 of Law No. 3996/2011 foresees the daily and in real time information of the working time (arrival and departure of employees) through swiping the so-called work card in an electronic attendance clock in the enterprise. The information is transmitted electronically to the social insurance services. The use of the electronic card system is narrowed down by sectors, type of enterprises and geographical area in a decision of the Minister. The companies which are obliged to install the work card system receive a discount of up to ten per cent (10%) of the corresponding insurance contributions. However, this card has not been implemented as the Presidential Decree that will regulate it has not yet been adopted. A New Ministerial Decision was published on the electronic declaration of the Overtime. The Ministerial Decision, published on 11th of June 2018 (Protocol Number 32143/Δ1.11288 / 11-6-2018), provides a form E8 for overtime working time notifications to be submitted by the employer before the start of overtime, although the information contained in this notification may be changed by a new notification.

Therefore, it could be said that the Greek legislation provides, in general, sufficient resources to fight undeclared work, but employment and social insurance in agriculture have certain peculiarities, in particular the high incidence of seasonal and temporal workers. In this respect, the employers may hire seasonal or temporal workers in two different ways:

- a) The employer may make use of the “*ergosimo*” system (labour vouchers). This system is in general used for land workers, both national and migrant workers. It also helps the regularization of workers and migrants in the rural areas where the agriculture sector is more predominant. Approximately, no more than 23,000 (on average throughout the 2012-2017 period) workers are being paid in Greece by voucher each year⁵¹. Actually, if the migrant worker proves that he has been paid by vouchers for 150 days, then he/she gets a residence permit. The vouchers are cashed in banks and departments of ELTA, a part of which remunerates the

⁴⁹ Article 15 of Act 3996/2011 and information provided in the **Questionnaire on Labour Inspection (Agriculture) Convention, 1969 (No. 129)** ; final answers (translated into English June, 7th)

⁵⁰ Act No. 4052/2012, providing for residence permit for humanitarian reasons for victims of labour exploitation; Act No. 4251/2014, improving the management of recruitment of third-country nationals in the agricultural economy, etc.; Act No. 4225/2014 regulating registration of new hired workers, dismissal or voluntary departures of workers, changes in working time through “ERGANI”).

⁵¹ Information provided by the representative from EFKA in the interviews carried out during the study visit to Greece the week 7th- 11th May. As a reference, in 2012 the number of workers employed with the voucher system in September 2012 was around 27,000 for IKA and 8,800 for OGA, according to EUROFOUND in “*New forms of employment; Voucher-based work, Greece, Case study 54: Policy analysis*”; available at https://www.eurofound.europa.eu/sites/default/files/page/field_ef_documents/54-_ef1461_-_final_-_el_-_service_vouchers_-_service_vouchers_-_final.pdf

salary of the worker and another part is levied as social insurance contribution (sec. Act 4387/16⁵²). Nonetheless, the Act No. 4144/2013 established stricter conditions (increase of social security contribution, 25 days insurance per calendar month) in the use of the so-called labour voucher ("*ergosimo*")⁵³.

- b) The employer may employ "invited" migrant workers through the so-called "*metaklisi*" system. The Act No. 4251/2014 provides that employers may employ foreign workers from third countries in certain regions where seasonal work is significant, after approval of working positions by the administrative authorities. The employment offer is issued by the Decentralised Authority Administration and workers are invited to work in agriculture only for six months. Within this system, the employer is requested to present a declaration through APD (Analytical Periodical Declaration), which is a monthly declaration of workers (presented every 10th day of next month to EFKA). In this system, the employers must keep a "log book" (Book of Daily Bulletins employed personnel in farming and fishing) for registering third-country temporal workers who are invited by employers in agricultural works (insured in EFKA), and fishermen under an employment contract (article 109 of Act No. 4485/2017 (GG 114 A')). This "log book" is the equivalent of the Staff Employment Hours Table used for ERGANI and must be kept in the workplace and made available to competent inspectors. The book must be filled-in before the start of employment of workers and, if not, the employer is in breach. A detailed regulation of this book, and consequently its use, is still pending of a future decision of the Minister of Labour, Social Security and Social Solidarity. The introduction of this provision was deemed necessary due to the difficulties in such activities of maintaining a Staff Employment Hours Table on the ERGANI system.⁵⁴

The above described system is different to "*ergosimo*" since the workers are considered dependant workers and have a contract in accordance with labour law. The workers were before declared to OGA (the agriculture insurance fund that registered mainly self-employment workers), which has now merged with EFKA. The estimation is that there are between 50,000 and 60,000 workers contracted through "*metaklisi*"⁵⁵ each year.

There are other salaried agricultural workers to whom the "*ergosimo*" vouchers are not applied and conversely are registered in the general social insurance fund EFKA through ERGANI: a) workers in animal production (ox-stalls, pig production facilities, poultry houses, conservatories of fur animals, exploitation of sheep and goats, etc.); b) worker in vegetal production (mushrooms, see weeds etc.), fishery and fish farming labourers;

⁵² According to information obtained in the interviews carried out during the study visit to Greece the week 7th- 11th May.

⁵³ Summary available at:

http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=es&p_isn=100435&p_count=86&p_classification=15; further information in Bahas, Gramatidis & Partners, *Labour Law Combating Delinquency in social Security and the Labour Market*; available at https://www.soulier-avocats.com/upload/documents/Bahas_Newsletter_April_2013_Labour_Law.pdf

⁵⁴ **Questionnaire on Labour Inspection (Agriculture) Convention, 1969 (No. 129)** ; final answers (translated into English June, 7th)

⁵⁵ Information provided by the representative from EFKA in the interviews carried out during the study visit to Greece the week 7th- 11th May.

c) divers of the primary agricultural sector as defined by the provisions of article 52 of Act No.3518/2006.

There are also other categories of workers such as self-employed workers who work in cooperatives of farmers, in particular in forestry exploitation (also declared to OGA – now EFKA). The estimation is that there are around 1,000 cooperatives with 10,000 workers⁵⁶. The Ministry of Environment itself employs workers from these cooperatives for forestry works in public forests.

In the latter two systems, the declaration of workers is carried out through *ERGANI*, an electronic platform that works on line and it is also applied to all workers employed in the secondary sector (for instance, packaging enterprises, livestock processing, etc.), although to have access to *ERGANI* employers need an ID employer number.

However, most of the temporal workers in agriculture are hired using vouchers. The system entails some advantages for the employer as, for instance, when the weather suddenly turns rainy, the workers cannot work in the crop and the employer has flexibility to employ them or not. It thus is a very practical and easy system for hiring and paying workers. However, this system represents a severe difficulty for labour inspectors in so far the voucher is bought before the work starts and filled in only after the work has finished. Some of the interviewees during the study visit said that in practice many workers are paid under the counter and the vouchers are issued by the employer in December, when he has to justify expenses in the yearly tax declaration. Some interviewees also said that a usual fraud is to issue a voucher for 1 hour and work more hours. At any event, the voucher system impairs or, in clear words, prevents the inspectors from duly checking whether the workers are registered in social security in so far the registration is not prior to the start of the work.

This is not a minor issue because the inspection capacity may be placed in jeopardy. The representatives of SEPE, the Ratification Committee and other interviewees pointed out that a solution would be a hand writing book in which the employer writes the name of the worker and the working time. This system would allow inspectors the checking of workers, but it only makes sense on a provisional basis until an electronic system is implemented.

Therefore, there is a need to tackle this issue in so far the ratification of Convention No. 129 will require a more intensive control action by the labour inspection and the organization of inspection campaigns. At any rate, no legislative amendments would be necessary as regards to the functions of Labour inspection in Greece, for according to the law its competencies cover a broad scope of subjects and all issues referred to in article 6 of Convention. Actually, the array of tasks and functions that the Greek labour inspectors may exercise is as broad as could be in other labour inspection systems of developed countries.

Convention No. 129

Article 6

3. Any further duties which may be entrusted to labour inspectors in agriculture shall not be such as to interfere with the effective discharge of their primary duties or to prejudice in any way the authority and impartiality which are necessary to inspectors in their relations with employers and workers.

⁵⁶ Information provided by the representative from the Ministry of Rural Development in the interviews carried out during the study visit to Greece the week 7th- 11th May.

2.2.3 Other functions that might impair labour inspection primary duties

Article 2 of the Law No. 3996/2011 entrusted labour inspectors with tasks consisting of conciliation of labour disputes. This conciliation process is addressed to the application of labour law, conditions of collective agreements or labour regulations, conditions of employment contracts, discrepancies relating to wages, duration and type of labour contract, working hours, equality and equal treatment, etc. This is a key function of the Greek labour inspection in order to promote labour peace at workplaces.

As shown in the table above, the law (Act No. 4144/2013) sets out two types of conciliation procedures: a) for disputes or disagreements derived from the employment relationship and started by an employee or a Union; b) for disputes originated from a disagreement between one or more employees in respect of the observance of labour legislation. Both parties (employer and employee/s) may apply for the mediation of a labour inspector, who calls them for a mediation and may impose a fine if a party is absent.

It sharply calls our attention these conciliation tasks, as well as other functions of labour inspectors such as the approval or ratification of internal business regulations, and to some extent also the way to provide advice to workers and employers on subjects related to collective bargaining and most effective measures to comply with the existing provisions. The strong involvement of Greek labour inspectors in these tasks requires not only considerable time but also effort, as well as plenty of human resources, and might impact on the inspection activity of the SEPE in general and, in particular, in the agricultural sector. There is no doubt that the involvement of the Greek labour inspectorate in the agriculture sector will consume more inspectors and human resources.

In this respect, it should be noted that in 2013 and 2015 the CEACR requested information on the labour dispute resolution process managed by SEPE and asked about the number of labour inspectors entrusted with conciliation functions⁵⁷. The Committee also asked the Greek Government to consider the possibility of separation of the functions of conciliation from those of inspection⁵⁸. The conciliation of labour inspectors in Greece is a task of considerable relevance and, for instance, only in 2012 SEPE dealt with 21,520 labour disputes⁵⁹. During the study visit carried out in the week May, 8-11, the SEPE estimated 68 full time equivalent inspectors carrying out these conciliation functions. This is a significant part of the labour inspection operational staff. Therefore, SEPE should assess the time and staff, in terms of FTE (Full Time Equivalent Employment)⁶⁰ that the following tasks involve:

- a) Conciliation procedures.
- b) Ratification, approval or rejection of internal business labour regulations or the extension of the obligation to ratify work regulations in businesses with more than forty workers.

⁵⁷ Direct Request (CEACR) - adopted 2015, published 105th ILC session (2016) Labour Inspection Convention, 1947 (No. 81) - Greece (Ratification: 1955)

⁵⁸ Observation (CEACR) - adopted 2013, published 103rd ILC session (2014), Labour Inspection Convention, 1947 (No. 81) - Greece (Ratification: 1955; available at http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3150657

⁵⁹ Observation (CEACR) - adopted 2013, published 103rd ILC session (2014), Labour Inspection Convention, 1947 (No. 81) - Greece (Ratification: 1955; available at http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3150657

⁶⁰ Total hours worked divided by the average annual number of hours worked in full-time jobs within the economic territory.

There can be no doubt that the SEPE should use this opportunity (tackling the coverage of the agriculture sector) to design a strategy for combining efforts and curbing non-traditional tasks. Moreover, these tasks could be progressively deviated to other bodies (for instance, functions of general information to the public could be undertaken by general information offices within the Ministry or by the Decentralised Administrations at territorial level) and the conciliation applications by workers should be handled by inspectors in the course of field inspection or be left to specific mediators (picked up from national or local lists), in particular those referred to class action disputes.

2.3 Structure of the labour inspection system.

Convention No. 129

Article 7

1. So far as is compatible with the administrative practice of the Member, labour inspection in agriculture shall be placed under the supervision and control of a central body.

2. In the case of a federal State, the term central body may mean either one at federal level or one at the level of a federated unit.

3. **Labour inspection in agriculture might be carried out for example-- (a) by a single labour inspection department responsible for all sectors of economic activity;**

(b) by a single labour inspection department, which would arrange for internal functional specialisation through the appropriate training of inspectors called upon to exercise their functions in agriculture;

(c) by a single labour inspection department, which would arrange for internal institutional specialisation by creating a technically qualified service, the officers of which would perform their functions in agriculture; or

(d) by a specialised agricultural inspection service, the activity of which would be supervised by a central body vested with the same prerogatives in respect of labour inspection in other fields, such as industry, transport and commerce.

The structure of SEPE was first established by Presidential Decree No. 136/99, although Law No. 3996/2011 provided a new organization. Today, the organization and structure of the Greek labour inspection has been further implemented by the Presidential Decree 134/2017. The Act No. 4225/2014 also reinforced SEPE with new regional divisions and a new Directorate in the Aegean area to better tackle undeclared work in the tourism sector. This Act also re-established the Support Directorate within SEPE (support on legal and I&T systems).

The current structure of SEPE unfolds a central and a regional level, as so many labour inspection systems in the world. The head of SEPE is the Executive Secretary, who directly depends on the Ministry. SEPE has its own budget within the Ministry and cash advance facilities for operational expenses (article 13 Law 3996/2011). SEPE is configured as a special entity (line item 33/120) of the Ministry of Labour and the budget of SEPE for the current year 2018 is of 22,107,500.00€⁶¹. The following table represents the progression of the labour inspection budget compared with the Ministry in the last three years:

⁶¹ 2018's budget has been drafted differently from the previous years. Part of SEPE's expenses were transferred to the central Ministry's budget, so the years are not comparable.

YEAR	SEPE	MINISTRY HQ	%
2018	22,107,500.00	525,722,715.00	4.205164
2017	22,238,334.00	523,480,483.00	4.248169
2016	19,279,300.00	522,860,500.00	3.687274

* Source: Questionnaire elaborated by SEPE HQ⁶²

As to its structure, the Presidential Decree 134/2017 sets up the following structure with new departments:

1. Central Office integrated by:

a) The Special Inspection Service of Labour.

b) Two Directorates, one for the Planning and Coordination of Labour Inspection and one for Planning and Coordination of OSH inspection. Both Directorates have specific units (Audit Coordination and Planning Department, Training and Development Department Supervisor and a Support Directorate). Both also integrate two sub-departments: a Department for ITC, Planning and Coordination of Labour Inspection Controls and a Department for Utilization, Supervision, Training and Support of the work of the inspectors with a variety of support and guidance functions⁶³.

c) There is also a Directorate for Logistics, which is responsible for the administrative, economic, technical and legal support for the rest of services, for the management of information systems and data or management of the multimedia Centre for Communication. Within this Directorate is a Legal Support Division (a re-established department), through which the Directorate provides advice and opinions to the labour inspection services on improvement of laws and regulations, carries out the collection and study of judicial decisions, provides support to inspectors in trials linked to the performance of their tasks, and supports the management of administrative appeals.

The regional structure depends directly on the Executive Secretary and each regional inspectorate is split into two inspection services: Labour Relations Inspectorate and OSH Inspectorate. The regional organization provided by the Act. No. 3996/2011 envisaged that all regional inspectorates (a total of 15) divide into both inspection areas. As described in pages 39 and 40, the Presidential Decree 134/2017 introduced changes in the regional structure and number of regional directorates.

The Regional Offices in islands are based mostly in one centralized office in a big island covering other close islands. For instance, Rhodes covers Symi, Karpathos, Kasos, Halki, Tilos, Megisti and Naxos covers Amorgos, Iraklia, Koufonisia, Donousa, Schinousa, Thira, Ios, Sikinos, Anafi, Thirasia, Folegandos (article 49 PD 134/2017).

⁶² Questionnaire on Labour Inspection (Agriculture) Convention, 1969 (No. 129) ; final answers (translated into English June, 7th)

⁶³ These sub-departments undertake tasks such as issuing guidance and circulars, proposals on improvement of laws, best practices, information to the regional services, drafting replies to parliamentary control questions, support to the International Relations Directorate, collection of data and best practices, drafting annual reports, evaluation of labour inspection activity, processing of data related to transport sector, assessment of training needs, drafting manuals, dissemination of information, records and reports on accidents at work and occupational diseases (the latter only the OSH Directorate).

The new Presidential Decree (article 46 and on) sets out the different functions corresponding to the Regional Directorates⁶⁴:

The document *Labour Inspection Needs Assessment Report*, April 11th 2017 concluded (page 43) that the Special Labour Inspection Secretariat and its Directorates are well structured and represent the foundations for an effective and modern labour inspection. This report endorses the same conclusion. In fact, the structure of SEPE could assume an extension of inspection functions to agriculture sector. There would be no need of extra departments and agriculture would be another sector subject to inspection just as industry, commerce or services. However, it seems clear that, with a view to the ratification of Convention No. 129, the organization of certain regional and local offices should be reinforced in order to take a more proactive approach in the inspection activity in agriculture. For example, the regional or local offices of regions in Western Greece such as Ilia (where the fields of Manolada are), Achaia (strawberry fields) or Aetolia-Akarnania should be reinforced taking account of factors such as extension, production, fragmentation of rural employment, orography and more or less intensive agriculture. The offices of other regions where agriculture is an important economic sector and a source of employment (e.g. Central Macedonia and Thessaloniki, Central Greece, Peloponnese, and Crete) should also be reinforced.

The inspection of the agriculture sector in Greece in principle may be addressed either to health and safety at work matters or to labour matters or undeclared work. All inspections can thus be handled by one of the two inspection regional departments of the SEPE (OSH or labour relations) or by both in case of mixed situations. Therefore, labour inspection in agriculture may be carried out by a single labour inspection department, without prejudice of the development of an internal functional specialization through adequate training programs for inspectors, in particular in those regional inspectorates that are closer to rural areas.

To our judgment, there is no need to create at national or territorial level a technically qualified service or a specialized agricultural inspection service, as mentioned in article 7 paragraph 3 and (d) of Convention No. 129. This type of specific organization or new department would require investing in additional human and material resources with no guarantee of improvement in terms of quality or quantity of inspections.

2.4. Labour inspection staff: composition, status, conditions of service, and standards of conduct.

Convention No. 129

Article 8

⁶⁴ 1. Functions of Regional Directorate for Labour Relations: the operational objectives are carrying out inspections for supervising the implementation of employment legislation concerning, inter alia, the working conditions and working time, remuneration and other benefits, vulnerable workers and undeclared work and illegal employment of workers. It also settles labour disputes and prosecutes offenders and imposes administrative penalties; 2. Functions of Regional Directorates for the Health and Safety at Work Inspectorate: its operational objectives are carrying out inspections for supervising the law applicable to working conditions as regards the safety and health of workers, the investigation of the causes of serious and fatal accidents at work and of work-related diseases, suggesting measures for the prevention of occupational risks and the protection and promotion of health and safety of workers, the provision of information and advice to workers and employers on these issues, the promotion of a culture of prevention at the workplace, the prosecution of offenders and the imposition of sanctions.

1. The labour inspection staff in **agriculture** shall be composed of public officials whose status and conditions of service are such that they are assured of stability of employment and are independent of changes of government and of improper external influences.

2. So far as is compatible with national laws or regulations or with national practice, Members may include in their system of labour inspection in agriculture officials or representatives of occupational organisations, whose activities would supplement those of the public inspection staff; the persons concerned shall be assured of stability of tenure and be independent of improper external influences.

Article 9

1. Subject to any conditions for recruitment to the public service which may be prescribed by national laws or regulations, labour inspectors in agriculture shall be recruited with sole regard to their qualifications for the performance of their duties.

2. The means of ascertaining such qualifications shall be determined by the competent authority.

2.4.1 Composition of labour inspection staff, status and conditions of service

Labour inspectors are civil servants and labour inspection staff is mainly integrated by officials belonging to the MLSSSS, although SEPE may also recruit labour staff. Labour inspectors in Greece are recruited in accordance with the general administrative regulations (Law No. 3528/2007, ratifying the Code of Conduct for Public Administrative Employees⁶⁵). The recruitment of labour inspectors is conducted through the Supreme Council for Civil Personnel Selection (ASEP) and the National School of Public Administration (ESDD)⁶⁶.

According to the information obtained from SEPE during the study visit, as of May 2018 there are 251 active⁶⁷ OSH inspectors, 290 labour relations inspectors, 34 Special Unit inspectors (575 in total), 66 inspectors who do not carry out inspection visits (entrusted with management tasks), 125 administrative and accounting officials/employees, 2 technical officials/employees and 29 drivers. The current distribution of the staff according to the position held is as follows:

		Headquarters	Local/Regional services
Employees on Occupational Safety and Health	Directors	5	5
	Department Heads	42	
	Inspectors	218	
Employees on Labour	Directors	10	11

⁶⁵ Information available at http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=81308

⁶⁶ ILO, according to the document Greece, Labour Administration Assessment Report; version April 11, 2017; page 81.

⁶⁷ Carrying out effective inspections.

Relations			
Department Heads	19	79	
Inspectors	42	331	
Total	Directors	15	16
Department Heads	29	121	
Inspectors	69	549	
Other	14	119	

* Source: table provided by SEPE in the answers to the ILO questionnaire.

Articles 27 to 46 of general Act No. 3528/2007 on Civil Service Code regulates the general duties and rights of public employees, the employee's code of conduct, freedom of expression, confidentiality, employee's competences and civil liability, among other issues. The Greek Labour Inspectorate does not have its own code of conduct but follows the "*Guide to the Appropriate Administrative Behaviour*" developed by the Ministry of Administrative Reform and E-Governance jointly with the Ombudsman⁶⁸. SEPE has also issued a set of *Principles for Labour Inspectors* dealing with the conduct rules of labour inspectors. For his part, the Ombudsman also adopted in 2012 a code of good behaviour for all civil servants⁶⁹. Act No. 4369/2016 has amended Act No. 3528/2007 providing for the Code on the status of civil servants and of employees of legal entities governed by public law⁷⁰).

The labour inspection Act No. 3996/2011 states that the staff of SEPE falls under the Staff Disciplinary Council of the MLSSSS. However, the posting issues and movements of SEPE staff are the responsibility of the Service Council, which was established by the Ministry. The Service Council expresses opinion on issues such as functional mobility of civil servants to SEPE, permission for working in the private sector, more than one month leaves, etc. The proposals concerning movements of staff made by the Minister of Labour are submitted to the Service Council and require its positive stand.

The Ministry has, according to the Presidential Decree 134/2017, a Directorate for Human Resources and Support Services competent in staff regulations, lifelong training, and management of human resources. Within it is a Human Resources Management Department that handles matters related to administrative staff and register census, assessment of staff needs and specialization of officials of the Ministry and the SEPE.

Article 17 (par. 12) of Act No. 3396/2011 lays down that labour inspectors of SEPE may ask in their inspections for the collaboration of qualified experts who are appointed

⁶⁸Available at http://www.ydmed.gov.gr/wp-content/uploads/20120405_oods54_odigos_orthis_dioikitikis_siberiforas.pdf

⁶⁹Document No. 26761/06.12.11 of SEPE's Executive Secretary referred to in the ILO, *Greek Labour Inspection Assessment*; page 29

⁷⁰This law also defines the structure of posts, distinguishing special posts category (grades first and second), categories of university education, of technological education or of secondary and compulsory education (all grouped into five levels A, B, C, D and E). Although there is not a job description for the SEPE staff, the promotion to vacant posts is always published, including for some of the posts a specific job profile (for instance, in SEPE are approximately 140 staff with manager level job profiles; in accordance to the ILO document Greece, *Labour Administration Assessment Report*, the Greek Administration applies an ethical code for all civil servants (see version April 11, 2017; pages 81 and 82).

by the head of the competent Regional Directorate out of a special list drawn by the scientific institutions of the country.

In general, pursuant the current staff legislation and its application in practice, the Greek labour inspection meets the requirements of stability and independence laid down in article 8 paragraph 1 of Convention No 129. On the other hand, the Greek labour inspection would not need supplementing activities from other occupational organizations, without prejudice of seeking the collaboration from other stakeholders in the agriculture sector or ad hoc experts for inspections to workplaces involving specific or complex risks for health and safety of workers (a possibility provided for in article 17 of Act No. 3996/2011, as above-mentioned).

Convention No. 129

Article 20

Subject to such exceptions as may be made by national laws or regulations, labour inspectors in agriculture--

(a) shall be prohibited from having any direct or indirect interest in the undertakings under their supervision;

(b) shall be bound on pain of appropriate penalties or disciplinary measures not to reveal, even after leaving the service, any manufacturing or commercial secrets or working processes which may come to their knowledge in the course of their duties; and

*(c) shall treat as absolutely confidential the source of any complaint bringing to their notice a defect **a danger in working processes** or a breach of legal provisions and shall give no intimation to the employer or his representative that a visit of inspection was made in consequence of the receipt of such a complaint.*

2.4.2 Standards of conduct of labour inspectors.

Greek legislation on labour inspection also respects the provisions contained in Convention No 129 in relation to prohibitions applied to labour inspectors (confidentiality, misconduct, etc.). In particular, article 17 of Act No. 3996/2011, provides that inspectors may not be prosecuted for their opinions expressed during the performance of their duties unless misconduct or breach of the confidentiality of the information received in the course of an inspection, even after they have left the labour inspection. A breach of the duty of confidentiality is taken as a disciplinary offence as defined in the Act No. 3528/2007. Act 3996/2011(article 17 para. 8) also envisages that the staff of SEPE must respect the confidentiality of information and data acknowledged in the performance of their duties and also states the confidentiality of the complaints received.

Convention No. 129

Article 9 (...)

*3. Labour inspectors in agriculture shall be adequately trained for the performance of their duties **and measures shall be taken to give them appropriate further training in the course of their employment.***

Article 10

Both men and women shall be eligible for appointment to the labour inspection staff in agriculture; where necessary, special duties may be assigned to men and women inspectors.

Article 11

*Each Member shall take the necessary measures to ensure that duly qualified technical experts and specialists, **who might help to solve problems demanding technical knowledge**, are associated in the work of labour inspection in agriculture in such manner as may be deemed most appropriate under national conditions.*

2.4.3 Qualifications of labour inspectors

Inspectors may access to the labour inspection Corps in any of the different professional categories that integrate the SEPE. Presidential Decree 134/2017 (article 56) regulates the allocation of posts for permanent staff by category, branch and specialization.

As regards to their expertise, labour inspectors in Greece are technically specialized since they may have three types of educational background: a) University level -university graduate in law, engineers, architects, business administration, finance, physicians biologists, chemists, etc.-; b) Technical level -administration, healthcare, topography, nursing, engineering, and social work; c) Secondary education level - administrative staff, drivers and technicians. Many labour inspectors in Greece have a background on Administration or Economics although there are also plenty of them with university technical education. Article 5 of law 3996/2011 states that labour relations Inspectors shall be civil servants in one of the following branches: administrative – finance, administrative – accounting; IT Informatics graduates or technical-grade IT, if they have the specific qualifications. Occupational Safety and Health Inspectors are also civil servants in one of the following branches: engineers, science, IT informatics graduates, medical doctors, specialised medical doctors, occupational physicians, technical engineers, IT or health, provided they have the special qualifications specified in regulations.

The posts of permanent staff amounts to eight hundred and ninety two (892) and are broken down into administrative-economic category (395); mechanical (135), architects (10), and also electricians, chemicals, mining engineers, shipbuilders, occupational physicians, biologists, biochemicals, among others.

2.4.4 Training

Article 6 of Act No. 3996/2011 contains the principles regarding training in labour inspection, both initial and life-long training. As regards to initial training, candidates to labour inspectors are required, after their recruitment, to undergo special training, on conclusion of which they are assessed and certified for the performance of their duties. Newly recruited candidates follow a training period of three and a half months, including theoretical and practical training⁷¹ and are required to pass an exam after the initial training and then evaluated and certified as being capable of performing their duties. The training program (75 hours) covers the following subjects: organisation and operation of the labour inspection, labour law and inspection, consulting and informative work of the

⁷¹ Source: "Labour Inspection Needs Assessment, page 21.

SEPE (includes reconciliation process, sanctions and enforcement actions, etc.)⁷². Candidates who fail for a second time to be certified can only apply to administrative support or secretarial vacancies in the SEPE or in the Ministry (art. 5 Law 3996/2011).

As regards to the regular training, SEPE adopts a training program that is consulted with the Ministry and is orientated to the implementation of SEPE's operational plan. The "Council for Social Control of Labour Inspection" (SKEEE) is consulted and any change of the program must be approved by the Ministry. Other institutions may be involved in the training program. Such is the case of the "Directorate for Occupational Safety and Health" or the "Training Institute of the National Public Administration Center". The inspectors may also be sent to training schools or private education centers or to other public institutions according to specific needs (art. 5 of Act No. 3996/2011). There are also initiatives for training labour inspectors on specific subjects, including training by external bodies⁷³ (for instance, in 2013 the SEPE organized a specialized training program). Now a specialized training program is conducted for OSH inspectors.

There is also a Department for Quality and Efficiency, Human Resources and Training in the Ministry (Directorate of Human Resources and Support Services). This Department deals with the design and implementation of programs of special education related to labour relations and OSH inspectors in collaboration with the competent Directorates for the Planning and Coordination of Labour Inspection and the Health and Safety at Work Inspectorate, respectively. The training program for the Health and Safety at Work Inspectorate is prepared by the Labour Inspectorate though with the involvement of the Directorate-General for Labour Relations, Health and Safety at Work and Integration

Presidential Decree 134/2017 (article 44 and on) provides that both central Directorates for the Planning and Coordination of Labour Inspection and for OSH are responsible for managing the training of inspectors through their own Departments for Utilization, Supervision, Training and Support of the work of the inspectors. These departments undertake the identification of training needs and the elaboration of training programs for inspectors, as well as the organization of training in cooperation with the Department of Information Systems and Data Management (Directorate for Logistics), which monitors the implementation and measures the effectiveness of the training programs.

In conclusion, SEPE has training resources (necessary background, institutions, training programs, advice from other public institutions and budget availability). However, the extension of the scope of SEPE to the agricultural sector will require specific training related to the agriculture sector, especially on issues such as illegal employment, young workers, seasonal workers, accommodation facilities, work permits and occupational health and safety (e.g. manual handling, heavy machinery, transport of loads, chemicals, pesticides, greenhouses, etc.).

Convention No. 129

Article 14

Arrangements shall be made to ensure that the number of labour inspectors in agriculture is sufficient to secure the effective discharge of the duties of the inspectorate and is determined with due regard for--

⁷² Questionnaire on Labour Inspection (Agriculture) Convention, 1969 (No. 129) ; final answers (translated into English June, 7th)

⁷³ According to the ILO "Evaluation of labour inspection Report"; page 49

(a) the importance of the duties which inspectors have to perform, in particular-- (i) the number, nature, size and situation of the agricultural undertakings liable to inspection; (ii) the number and classes of persons working in such undertakings; and (iii) the number and complexity of the legal provisions to be enforced; (b) the material means placed at the disposal of the inspectors; and (c) the practical conditions under which visits of inspection must be carried out in order to be effective.

Article 21

Agricultural undertakings shall be inspected as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions.

2.4.5 Number of inspectors

According to the information obtained in the interviews held during the visit carried out in the week May, 8-11th, SEPE currently counts on 575 active labour inspectors, including inspectors serving in the Special Unit. According to the document “*Greece-Labour Administration Needs Assessment Report*”⁷⁴, the number of field inspectors in 2016-2017 was 571.

According to the mentioned report, the number of employed persons in Greece in 2016 was 3,687,465.00 (this includes self-employed and public servants), being the ratio workers per inspector 5,230 (for 705 field labour inspectors). This ratio would be of 6,412 if we take the current figure of 575 inspectors. In any of both cases, the ratio is high if compared with other EU countries⁷⁵.

The survey “*A mapping report on Labour Inspection Services in 15 European countries*”⁷⁶ placed Greece in 2012 with a ratio of 4,700, in a very favourable position as regards the ratio workers per inspector. In the years after, the figures should not have changed so much in Europe since most countries have undergone austerity policies and low employment growth. According to another more recent study carried out by the OECD⁷⁷ (2015), the number of workers per inspectors is in Greece well below the average ratio in OECD countries.

However, according to the answers sent by SEPE to the ILO questionnaire, “*the OSH inspectorate is heavily burdened with multiple competencies and responsibilities, experience great shortages in human and material resources (understaffed), and can barely meet the requirements of their work. Placing additional burdens on the OSH inspectorate departments in the regions (staffed with 2, 3 or 4 employees specialising in*

⁷⁴Version April 11, 2017, page 70, in which the figure is referred to the data provided by SEPE at that time.

⁷⁵See “*A mapping report on Labour Inspection Services in 15 European countries; A SYNDEX report for the European Federation of Public Service Unions (EPSU), 2012*”; available at https://www.epsu.org/sites/default/files/article/files/EPSU_Final_report_on_Labour_Inspection_Servic.es.pdf

⁷⁶A SYNDEX report for the European Federation of Public Service Unions (EPSU), 2012; page 10

⁷⁷OECD Reviews of Labour Market and Social Policies; OECD Reviews of Labour Market and Social Policies: Colombia 2016; Graph 3.3 - Recent hirings have brought the number of workers per labour inspector closer to international standards; see at https://read.oecd-ilibrary.org/social-issues-migration-health/oecd-reviews-of-labour-market-and-social-policies-colombia-2016/recent-hirings-have-brought-the-number-of-workers-per-labour-inspector-closer-to-international-standards_9789264244825-graph30-en#page1; additional information may be found in ILO press release at http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_077633/lang--en/index.htm

areas irrelevant with agriculture), by assigning them the task of the systematic and overall supervision of the agricultural activity, would, on the one hand, overburden the regional departments, and on the other hand, lead to ineffective application of the law on occupational health and safety in agriculture. Moreover, we should stress that there are entire regions and prefectures with intense agricultural activity (e.g. Lakonia, Arkadia, Dodecanese, etc.), that do not have health and safety departments”.

Regardless a desirable increase of the number of inspectors, there is also room for embracing a new sector, under the scope of labour inspection, by increasing the number of inspections per inspector and month, and by, progressively, carrying out more targeted-oriented inspections. Pursuant the *Greece-Labour Administration Needs Assessment Report*, the average required number of inspections carried out by labour inspectors in Greece is a minimum of 24 labour inspections per month in two-inspector team¹, which means 12 inspection per inspector per month and 3 per week. These data shift in part the problem from the number of inspectors to the number of inspections and drives to the conclusion that most of the Greek inspectors’ working time is spent at office, so an effort in terms of operational and legislative measures should be made in order to replace office workload by field inspections. In addition, the SEPE ensure that the regional Directorates and local office with intense agricultural activity are sufficiently staffed with specialised inspectors.

Concerning the support of administrative staff it appears to be sufficient in some regional inspectorates. For instance, in the local office of Pallini work ten administrative employees⁷⁸ for 22 inspectors, a figure that represents a very favourable ratio of nearly 1 x 2 administrative-technical staff⁷⁹. However, this proportion may not be extendable to the entire organization, for according to SEPE sources there are only 125 employees with administrative or accounting category at national level. The ratio inspectors/administrative staff is thus very unfavourable according to the figures provided by SEPE.

Convention No. 129

Article 15

1. The competent authority shall make the necessary arrangements to furnish labour inspectors in agriculture with-- (a) local offices so located as to take account of the geographical situation of the agricultural undertakings and of the means of communication, suitably equipped in accordance with the requirements of the service, and, in so far as possible, accessible to the persons concerned;

(b) the transport facilities necessary for the performance of their duties in cases where suitable public facilities do not exist.

2. The competent authority shall make the necessary arrangements to reimburse to labour inspectors in agriculture any travelling and incidental expenses which may be necessary for the performance of their duties.

2.4.6 Regional services and local offices

⁷⁸ According to information obtained from the SEPE Pallini office, the administrative staff carries out functions consisting of request of information, statistics, management of documents following citizens’ requests, preparation of labour dispute files (e.g. sending of invitations).

⁷⁹ According to information obtained from the SEPE Pallini office in the interviews carried out during the study visit to Greece the week 7th- 11th May.

Article 17.10 of Act No. 3996/2011 provides that inspection services are placed in public buildings or institutions, also at regional level, in accordance to a Joint Decision of the Ministers of Administrative Reform and e-Government and MLSSSS. The law stipulates that SEPE services may also be allocated in private buildings that are leased or hired. Today SEPE has 72 buildings throughout the country: 64 buildings are rented, while 8 have been provided by other public sector services⁸⁰.

The new Presidential Decree 134/2017 envisages the following regional services:

1. Regional Directorates for Labour Relations Inspection:

A. Athens, based in Athens. B. Piraeus and West Attica, based in Piraeus. C. Eastern Attica, based in the municipality of Pallini. D. Aegean based in Syros. E. Central Macedonia, based in Thessaloniki. F. Epirus and Western Macedonia, based in Ioannina. G. Central Greece, based in Larissa. H. Western Greece and the Ionian Islands, based in Patras. I. Peloponnesus, based in Tripoli. J. Crete, based in Heraklion. K. Eastern Macedonia and Thrace, based in Komotini.

2. Regional Directorates of the Health and Safety at Work Inspectorate:

A. Attica and Creta, based in Athens. B. Piraeus, based in Piraeus. C. Macedonia — Thrace, based in Thessaloniki. D. Western Greece, Peloponnesus, Ionian Islands, based in Patras. E. Thessaly and Continental Greece, based in Larissa.

There are 11 Regional Directorates for Labour Relations Inspection and 5 for OSH inspection. SEPE's local offices are well spread all over the geography of Greece, although over the last years a number of local offices has been closed. Although at first glance the labour inspection regional services are sufficient in number and cover a large part of the Greek territory, SEPE should assess the provision of offices and staff in accordance with the inspection needs, and with a view to tackling inspection priorities in the agriculture sector. For instance, sources from SEPE⁸¹ underline that Regional Directorates and local offices of certain geographical areas are poorly fitted with OSH inspectors (e.g. Lakonia, Arkadia in Peloponnesus, the Dodecanese, etc.).

2.4.7 Other material resources

In respect to other material resources (e.g. transport means), inspectors mainly rely on the service cars of the SEPE, but as of May 2018 the SEPE estimates that there would be need of 40 additional cars⁸² in case the coverage of agriculture sector finally takes place.

In cases where inspectors use their own car, the travel costs in which inspectors may incur are regulated in Act No. 4336/2015 (GG 94/A) on “Domestic and international travel expenses” and a Joint Ministerial Decision, but the reimbursement is actually limited to 5 inspections per month and €20 per inspection⁸³. Therefore, neither the Ministry nor SEPE provide full reimbursement of travel expenses for inspectors exercising their duties.

⁸⁰ **Questionnaire on Labour Inspection (Agriculture) Convention, 1969 (No. 129)** ; final answers (translated into English June, 7th) .

⁸¹ Answers to the questionnaire.

⁸² According to SEPE sources (interview to the Executive Secretary on May 8th).i

⁸³ Observation (CEACR) - adopted 2015, published 105th ILC session (2016); Labour Inspection Convention, 1947 (No. 81) - Greece (Ratification: 1955; available at http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3255320

These two shortcomings may impair the capability of the labour inspection and actually limits the number of inspections to be carried out. It is a relevant gap in so far the goal is enlarging the scope of labour inspection in Greece and covering the whole agriculture sector. Moreover, the use of cars in the agriculture sector becomes essential since public transport does not, in general, reach the majority of farms. The capacity of SEPE in the inspection of farms and plantations will depend on special operational inspection plans, which will require enough transport means and assistance from the competent agents of external bodies.

2.4.8 Incentives to labour inspectors and other actions to promote labour inspection

Inspectors enjoy incentives based on the number of inspections carried out. Act No. 3996/2011 (article 15) provides that labour inspectors may be granted an additional remuneration depending on the effectiveness of their work. Under the latest Ministerial Decision 46561/8369-2017, an additional remuneration system was established. According to sources from SEPE, inspectors who carry out inspections receive € 30 per inspection up to the number of 7 inspections per month (max $7 \times 3 = 210$ gross). Administrative personnel or inspectors who assist inspections receive € 30 per inspection up to the number of 5 inspections per month (max $5 \times 3 = 150$ gross). These additional remunerations may motivate inspectors to carry out more inspections, but should be linked to on the spot inspections. Equally, the thresholds should be increased in order to boost field inspections.

20% of fines collected is withdrawn as a revenue for SEPE's budget, and addressed to bolstering its actions, promoting the work, strengthening communication policy (information campaigns, brochures, etc.) and financing the payment of additional fees and coverage of travel expenses of inspectors (article 14 Law 3996/2011).

At any event, law ensures sufficient incentives for field inspections promoting more intense and effective inspections. In parallel, funds collected from fines might help the strengthening of general labour inspection actions (.e.g. financing of training or awareness campaigns), although, as said before, the financing of bonus for inspectors should not be linked to the amount of fines collected. Nevertheless, these incentives might be temporarily applied for fostering inspection visits to agriculture once the Convention is ratified.

2.4.9 Other material resources: IT infrastructure

The Directorate for E-Government within the Ministry deals with network development and interoperability, the installation and maintenance of the necessary IT facilities and communication equipment, as well as the monitoring of IT technology. According to Presidential Decree 134/2017, SEPE integrates the Directorate for Logistics with a Department for Information Systems and Data Management (DISDM from now on), which deals with the management of SEPE's integrated information system, the Road Transport Control System and any other IT system that SEPE develops and operates in the future. The DISDM cooperates with the Directorate for e-Governance of the Ministry in all matters related to technical support to SEPE on information systems and interconnection within the network. It manages the multimedia Centre for Communication, as the central base of communication with citizens, monitors protection

of personal and sensitive data, undertakes studies, analysis and plans to meet the needs of expansion of the IT systems, and their interface, with information systems of other data banks in agencies and legal entities governed by public law. It also deals with the need of equipment supply and SEPE's Portal, as well as the renewal of its content in cooperation with other competent departments of SEPE and the Ministry. The DISDM supervises and provides assistance in relation to provision of printers, computers, tablets, portal or web, access to internet, interoperability with ERGANI, integrated system, etc.

The IT infrastructure of SEPE was poor several years ago and the interoperability is still limited⁸⁴, but the Greek labour inspection is striving to develop and improve the use of SEPE's Integrated Information System and its interoperability with ERGANI⁸⁵. Today, ERGANI is the new electronic platform that covers interoperability between EFKA, SEPE and OAED. As to the impact of the IT system on the daily work of inspectors, during the visit to the regional directorate of Pallini the interviewees reported that inspectors use laptops, being able to access ERGANI at office and at the workplaces during their inspections. They also may retrieve all data stored in the system by introducing the tax number of a company, which facilitates the work of inspectors to a great extent. However, a source of concern for inspectors is that ERGANI includes information of all insured workers who are registered in EFKA, but a great part of employees working in the agriculture sector, in particular the voucher workers, are not included in ERGANI database.

2.5 Resources of the legal inspection; availability of data in the agriculture sector.

Convention No. 129

Article 16

1. Labour inspectors in agriculture provided with proper credentials shall be empowered-- (a) to enter freely and without previous notice at any hour of the day or night any workplace liable to inspection;
(b) to enter by day any premises which they may have reasonable cause to believe to be liable to inspection;
(c) to carry out any examination, test or inquiry which they may consider necessary in order to satisfy themselves that the legal provisions are being strictly observed, and in particular—
(i) to interview, alone or in the presence of witnesses, the employer, the staff of the undertaking or any other person in the undertaking on any matters concerning the application of the legal provisions;
(ii) to require, in such manner as national laws or regulations may prescribe, the production of any books, registers or other documents the keeping of which is prescribed by national laws or regulations relating to conditions of life and work, in order to see that they are in conformity with the legal provisions, and to copy such documents or make extracts from them;
(iii) to take or remove for purposes of analysis samples of products, materials and substances used or handled, subject to the employer or his representative being notified of any products, materials or substances taken or removed for such purposes.

⁸⁴ In accordance with the ILO "Labour Inspection Needs Report"; page 22. The Labour Administration Needs Assessment Report, April 11, 2017 found that the lack of interoperability among the IT systems in the Labour Administration was a major problem; page 8.

⁸⁵ According to Council of Europe, 1961 European Social Charter, European Committee of Social Rights, Conclusions XXI-2 (2017), Greece, March 2018.

2. Labour inspectors shall not enter the private home of the operator of the undertaking in pursuance of subparagraph (a) or (b) of paragraph 1 of this Article except with the consent of the operator or with a special authorisation issued by the competent authority.

3. On the occasion of an inspection visit, inspectors shall notify the employer or his representative, and the workers or their representatives, of their presence, unless they consider that such a notification may be prejudicial to the performance of their duties.

2.5.1 Resources of the legal inspection.

The activity of labour inspectors may come from a complaint, an accident at work or be initiated *ex-officio* in the framework of regular planning. According to article 2 of Act No. 3996/2011, labour inspectors hold appropriate inspection powers (entering all type of workplaces, access to documents, files and records of the company, identifying new and emerging risks related to the new technologies and changes in work organization).

In particular, inspectors may:

- Enter workplaces at any time during the day or night when necessary, without prior notice to the employer, and have free access to any books, records, documents, files and any other data;
- Take samples and analyse samples from the workplace, taking photographs or recordings and make measurements of harmful physical, chemical and biological agents in the working environment, with a view to improving working conditions and protecting workers' health and safety and to identifying new and emerging risks caused by the introduction of new technologies and changes in work organization;
- Process any complaint or request and inspect accordingly the workplace;
- Employers who reject access to the labour inspector, denies data or information or provides inaccurate information, is subject to sanctions.
- Act No. 4488/2017 has significantly reinforced labour inspectors' powers providing for the following issues:
- Closure of the workplace for employers who have committed repeated infringements in inspections carried out in subsequent time periods;
- Criminal liability of the employer who fails in the compliance with the sanction and exclusion of public contracts if serious or reiterated infringements;
- The obligation of workers to present their ID number to the inspector during an inspection;
- Sanctions for employers or third persons who obstruct the access of labour inspectors to the workplaces or provides inaccurate information;
- An obligation of the employer to provide workers with a copy of the official personnel list in case of work outside the permanent workplace;
- Issuing fines based on the facts and infringements reported by officials from the Financial Police and Cyber Crime Agency in their inspections and in relation to undeclared workers;
- All these recent changes seem to be in the right direction towards a more efficient and effective labour inspection and ease the work of labour inspector in a remarkable way.

2.5.2 Private home of the employer

Convention No. 129 places special emphasis on the idea that labour inspectors may not enter the private home of the operator of an undertaking, except with the consent of the operator or with a special authorisation issued by the competent authority. The reason of this provision is that in agriculture the private home of the farmer is not often completely separated of the workplace. In this respect, Act No. 3996/2011 stipulates that labour inspectors may inspect and check any private or public place of work or area where operations are carried out or it is probable that workers are employed (article 2). Depending on whether the premise is a workplace or a private home, inspectors may enter or not. If the premise subject to inspection is located in the farmer's private home, the inspectors will need to request an authorization to the competent court.

2.5.3 Notification of the inspector's presence in the workplace to workers' representatives

In relation to the notification of the inspection to workers' representatives, article 17 (12) of Act No. 3996/2011 stipulates that trade unions representatives have the right to attend the inspection if they so wish, or at the invitation of labour inspectors. The ordinary way of an inspection starts with a visit to the undertaking and an initial introductory meeting with the employer or his/her representative, and where available, with the technical experts, such as the safety technician and the occupational physician. Inspectors may oversee labor law issues, undeclared work or irregular employment, according to their specialization, and OSH inspectors inspect matters related to health and safety of workers, though they may also identify workers in order to check whether they are registered in social insurance⁸⁶. The inspector may require the presence of employees' representatives who may present their opinion to the labour inspector. Labour inspectors in Greece, in general, require the presence of employees' representatives or members of workers committees, where established⁸⁷.

In conclusion, the Greek labour inspection usually complies with the provisions contained in article 16 of Convention No. 129. However, during the study visit to the Regional Inspectorate of Pallini, inspectors reported to have difficulties in the access and location of farms and plantations, as they are in isolated and far areas or with scarce road signs, hard accesses or roads, etc. These inconveniences are not different to those found in other countries, although, with a view to the ratification of Convention No. 129, SEPE should encourage the collaboration with the Police and other rural officials or agents, such as the special Environmental Inspection (Ministry of Agriculture).

At this respect, article 17 of Act No. 3996/2011 provides that the administrative authorities, authorities of the Armed Forces and Security Forces, judicial services, public services, and the municipal authorities are obliged to provide any assistance requested by SEPE, both in terms of data and information, or facilitation of the exercise of labour inspection powers. These provisions reinforce the inspection power to enter any workplace. Although this collaboration is foreseen in the law, the help from these bodies is essential for the success of an inspection visit to a farm and should require practical arrangements, being this matter a core issue. The lack of help from these bodies would lead labour inspectors to become discouraged and deter them from visiting farms. This matter grows in relevance when inspectors have to visit farms where violence is suspected (mafia, labour exploitation, trafficking in human beings, etc.).

2.5.4 Availability of data in the agriculture sector

⁸⁶ Source: "Labour Inspection Needs Assessment"; page 30.

⁸⁷ Vide "SLIC Evaluation Report", pages 27 and 36

First of all, it should be noted that the SEPE's, SDOE's and EFKA's inspection services have not access to each other inspection records, and have to exchange information by paperwork. The possibility to crosscheck data between SEPE and these bodies is not fully developed.

The interoperability between SEPE and EFKA through ERGANI is crucial since the system provides a broad information basis on, inter alia, new employees, employees' timesheet, working time changes, wages or payments, termination of contracts, overtime work, workers' leaves or trainees. However, as ERGANI does not include the data of voucher workers or self-employees (formerly registered in OGA - Social Insurance Fund for Agriculture Workers and for Self-Employed-)⁸⁸, the labour inspectors have not access to those data, which, at the same time, prevents SEPE from exploiting systematic information that is useful for preparing and planning inspections.

In relation to the information kept in the databases of the tax authorities, article 17 (para. 3) of Act No. 3996/2011 lays down that labour inspectors may request from the Public Finance Offices information on the income tax declaration and supplementary information, including declarations of professional and of employers and their assets. However, in practice, there is no fluent data cross with the IAPR (Independent Authority of Public Revenues), which contains information such as financial data about all natural and legal persons, yearly incomes and expenses, monthly VAT declaration, company ownership, imports and exports, employment, etc. For instance, the data cross between self-employers' incomes or employers VAT base and employee workforce may drive to detect undeclared employment. Moreover, regular payments to a self-employee by the same company might also help the detection of bogus self-employment.

Though interoperability with other external bodies might not be necessary, the Greek labour inspection should, at any rate, seek exchange of data with other institutions such as the Ministry of Shipping, which may provide data on movement of ships, repair activities, and ships employment information. It would be also advisable that SEPE could access to or exchange data with authorities with competencies in foreign workers, municipal authorities, the Hellenic coast guard (for inspecting fishing boats), the Ministry of Rural Development and Food, OPEKEPEs or KEPYELs (Centres of Control and Accreditation for Equipment and Fertilizers).

2.6 Prosecution and penalties for violations of legislation

Convention No. 129

Article 18

1. *Labour inspectors in agriculture shall be empowered to take steps with a view to remedying defects observed in plant, layout or working methods in agricultural undertakings, **including the use of dangerous materials or substances**, which they may have reasonable cause to believe constitute a threat to health or safety.*

2. *In order to enable inspectors to take such steps they shall be empowered, subject to any right of appeal to a legal or administrative authority which may be provided by law, to make or have made orders requiring—*

(a) *such alterations to the installation, plant, **premises, tools, equipment or machines**, to be carried out within a specified time limit, as may be necessary to secure compliance with the legal provisions relating to health or safety; or*

⁸⁸ Manolis Terrovitis; Information Systems and Undeclared Work; page 8

*(b) measures with immediate executory force, **which can go as far as halting the work**, in the event of imminent danger to health or safety.*

3. Where the procedure described in paragraph 2 is not compatible with the administrative or judicial practice of the Member, inspectors shall have the right to apply to the competent authority for the issue of orders or for the initiation of measures with immediate executory force.

4. The defects noted by the inspector when visiting an undertaking and the orders he is making or having made in pursuance of paragraph 2 or for which he intends to apply in pursuance of paragraph 3 shall be immediately made known to the employer and the representatives of the workers.

Article 22

1. Persons who violate or neglect to observe legal provisions enforceable by labour inspectors in agriculture shall be liable to prompt legal or administrative proceedings without previous warning: Provided that exceptions may be made by national laws or regulations in respect of cases in which previous notice to carry out remedial or preventive measures is to be given.

2. It shall be left to the discretion of labour inspectors to give warning and advice instead of instituting or recommending proceedings.

Article 23

If labour inspectors in agriculture are not themselves authorised to institute proceedings, they shall be empowered to refer reports of infringements of the legal provisions directly to an authority competent to institute such proceedings.

Article 24

Adequate penalties for violations of the legal provisions enforceable by labour inspectors in agriculture and for obstructing labour inspectors in the performance of their duties shall be provided for by national laws or regulations and effectively enforced.

2.6.1 Legal context (articles 23 and on of Act No. 3996/2011)

In Greece, labour inspection may react in different ways to the infringements committed by employers. In case of an employer who does not comply with law, article 23 of Act No. 3996/2011 provides that the inspector may allow a deadline for compliance (including alterations and remedying defects), take an immediate measure, impose a financial penalty or report the case to the competent court in case of a criminal offence.

In the event of imminent danger to the safety and health of workers, labour inspectors may temporarily halt the operation of the undertaking or part of it. The same measure may be applied if the labour inspector considers that the employment rights of a significant part of the employees in an undertaking are being seriously damaged. This temporary stoppage of the operation could turn permanent if the employer persists with the breach.

As regards to the enforcement proceedings at disposal of inspectors, article 24 of Act No. 3996/2011 provides for a set of provisions on administrative fines as follows:

Fact	Enforcement measure	Penalty adjustment
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Proposal of labour inspection	Administrative fines (€300 up to €50,000), imposed by the competent authority (Head of inspection Department or of Regional Directorate)	Criteria for fixing the amount of the fine: • economic benefit of the employer as a result of the breach; • seriousness of infringement; • recidivism; • non-compliance/improvement notice; • number of employees affected; • the size of the undertaking, etc.;
Violation of labour law, collective agreement or an arbitration decision (e.g. non-payment of wages, surcharges for working overtime, night work, other allowances, etc.)	Fines from €300 up to €50,000 Before imposing administrative sanctions: - deadline for the employer to comply with, extendible once for up to ten days	- Reduction of 80%, if the employer pays outstanding amounts (e.g. wages) in 60 days following a request of labour inspector - Excluded cases of relapse in the commission of the offence
If the employer pays the fine within 15 days since the notification;	Administrative fine	Discounts of up to 30% of the fine
Imminent danger for the workers' health and safety or where a great proportion of workers are seriously affected in their labour rights as a result of an offence committed by the employer	Order of temporary cessation of the activity of undertaking, specific production process or part of the whole undertaking for up to 3 days in a reasoned act and after a previous invitation of the employer to provide explanations (competent head of the Regional Inspection Directorate) Order cessation for more than 3 days or permanent stoppage after a proposal of the labour inspection (Minister) These measures are enforced by the police authority	
Recidivism in the infringement	Exclusion from public procurement	
Companies and workers who do not use (and are obliged to) the electronic work card system (not yet implemented), following the checks carried	Administrative fines	

out by labour inspectors, the inspection services of EFKA or by joint teams ⁸⁹ ;		
Undertaking is not registered in an insurance institution or the employer is found with undeclared work twice in two years	- Suspension of the undertaking activity or part of it in cases where (measures applicable until the registration of workers is duly fulfilled); - Sanction imposed by the competent authority in EFKA;	
Facts are considered as criminal offence	- File forwarded to Public Prosecution - Criminal sanctions: up to 6 months' imprisonment or a pecuniary fine of at least (900.00€), or both - Constructor/manufacturer violating the labour law provisions on employees' health and safety: imprisonment, or a fine of at least €293.00 or both. - If negligent violation: imprisonment of up to 1 year and fine⁹⁰.	

Act No. 3996/2011 finally describes the different offences and the procedure (deadlines, appeals, etc.) through which the sanction is imposed, although the sanction is immediately enforceable (so the Act accepts the principle "*solve et repete*");

Other laws such as Act No. 4052/2012, Act No. 4144/2013, and Act No. 4225/2014 (see table above) provide for further sanctions to employers in case of infringements (penal liability for employers who repeatedly employ illegally staying third country nationals, cases of labour exploitation or employment of minors). Employers may also be fined with penalties of up to €3,000 or € 5,000 –if the infringement takes place after contract termination- for each worker who is employed while receiving unemployment benefits and be subject to exclusion of the awarding of public contracts in case of recidivism in high significance violations. Act 4144/2013 also provides for the establishment of a register and certification in SEPE for offenses committed by service providers. Act 4225/2014 provided for an increase of fines up to €10,500 to be imposed

⁸⁹Article 25 of the Act No. 3996/2011 provides that labour inspectors shall check compliance with the special registration book for recruited staff and inclusion of workers in that book. In these cases, the inspectors draw up an infringement notice and send it to EFKA for further legal actions to enforce the sanction.

⁹⁰Code of Laws on Occupational Safety and Health (KNYAE) –ratified by Act No. 3850/2010 (GG A 84)-Article 71-.)

by the Special Service Control of Insurance (E.YP.E.A.) for employers who do not register workers in the Analytical Period Declaration (APD). More recent legislative initiative have provided for other enforcement or sanctioning measures such as closure of the workplace in case employers commit infringements in different inspections carried out in subsequent time periods (especially as regards OSH), criminal liability of the employer who does not comply with a sanction, exclusion of public contracts if serious or reiterated infringements or administrative fines for employers who obstruct access of labour inspectors to the workplaces (Act No. 4488/2017 (G.G. 13.09.2017)). Finally, the recent Act No. 4554/2018 (G.G. 18/07/2018) lays down new provisions, such as discount of the fine (10,500 per each undeclared worker found in an inspection) if employer legally hires the workers for at least 3 months and maintains the number of workers. It also prescribes a presumption of three months duration labour contract in case of undeclared work of a worker found.

2.6.2 Sufficiency of enforcement powers

According to all powers and array of enforcement alternatives described above, the Greek labour inspection is invested with all the necessary enforcement powers to carry out the inspection activity in the agriculture sector. The Greek labour inspection is fitted with sufficient legal capacity to enforce law, to carry out effective inspections to workplaces, to prevent risks or dangers to workers as well as to protect workers from violations of their fundamental rights.

2.7 Preventive functions of labour inspection.

Convention No. 129

Article 6

(b) to supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions;

*(c) to bring to the notice of the competent authority defects or abuses not specifically covered by existing legal provisions **and to submit to it proposals on the improvement of laws and regulations.***

2. National laws or regulations may give labour inspectors in agriculture advisory or enforcement functions regarding legal provisions relating to conditions of life of workers and their families.

Article 17

The labour inspection services in agriculture shall be associated, in such cases and in such manner as may be determined by the competent authority, in the preventive control of new plant, new materials or substances and new methods of handling or processing products which appear likely to constitute a threat to health or safety.

2.7.1 Legal context

Article 2 of Act No. 3996/2011 envisages a group of competencies that allow the supply of technical information and advice to workers and employers, as well as the possibility to provide notice to the competent authorities about shortcomings of the

current legislation. Actually, the Act envisages the following competences for the labour inspection:

- Recording and reporting to the Minister of Labour, Social Security and Social Solidarity about shortcomings or aspects that are not covered by the existing labour legislation, and about the problems arising from the implementation of legislation;
- Evaluation of the inspection activity, information about shortages in legislation or its implementation.
- Ratification, approval or rejection of internal business labour regulations and extension of the obligation to ratify work regulations in businesses with more than forty workers;
- Support to employers and employees by providing information, advice and guidance on the most effective measures to comply with the relevant provisions.
- Providing appropriate advice to workers and employers to conduct collective bargaining and resolution of collective and individual labour disputes.

Act No. 3996/2011 (article 2) provides for some other functions assigned to labour inspection, that also entail a specific preventive approach. SEPE, for instance, is entrusted to develop actions in the design and implementation of e-government projects of the MLSSSS, taking into account the needs of persons with disabilities in order to modernize its operation, effectively supporting the project and assisting employers and employees.

SEPE also provides feedback to the Ministry in relation to legislative gaps based on relevant inspection reports, reports from the Regional inspectorates, questions raised by citizens, a discussion-consultation process in the Occupational Safety and Health Board (SYAE) and the Labour Inspection Social Control Board (SKEEE). All these questions are processed by the Planning and Coordination Directorates and the Support Directorate at SEPE Headquarters, before raising recommendations to the competent services of the Ministry (article 44, 45, 46 PD 134/2017)⁹¹.

Article 17 of Convention No. 129 is concerned with the preventive control of new plants, new materials or substances, and new methods of handling or processing products which appear likely to constitute a threat to health or safety. In this regard, the labour inspection in Greece covers all types of public or private workplaces, and neither the agriculture holdings are explicitly excluded nor the new plants, new materials or substances and new methods of handling or processing product, in particular in relation to risks linked to health or safety at work. Furthermore, Act No. 3996/2011 stipulates that inspectors are responsible for the identification of new and emerging risks related to the introduction of new technologies and changes in the organisation of work.

Convention No. 129 (article 6 para. 2), taking into account the specific features of the agriculture sector (family work, subsistence farming, exploitation of plantations by micro family holdings and/or by tenants or sharecroppers), envisages that law may give labour inspectors advisory functions or enforcement actions –alternatively- regarding legal provisions on conditions of life of workers and their families. Labour inspection legal provisions in Greece do not regulate this possibility, but the Convention leaves this provision open to the States. However, it would be advisable (vs.) that the Greek

⁹¹ **Questionnaire on Labour Inspection (Agriculture) Convention, 1969 (No. 129)** ; final answers (translated into English June, 7th)

Government regulates the enforcement approach, advisory or sanctioning depending on the type (familiar or not, self-employed, etc. or not, private employer's home or combined) and size of the holdings. The advisory approach that allows Convention No. 129 could focus on these specific categories of farms (family-based and self-employees) of workers, at least in relation to specific issues, such as health and safety at work and, in so far, they do not engage outside help of workers subject to labour legislation (and despite self-employed workers are covered by OSH legislation). In any event, labour inspection or EFKA inspection services should verify that these workers are properly covered by a social security scheme.

2.7.2 Preventive actions in practice

In practice, SEPE carries out different initiatives that could be regarded as preventive labour inspection approaches. As reported in the ILO *"Labour Inspection Needs Assessment"* (page 31), the main preventive approach of SEPE focuses on health and safety at work, mainly by means of EU SLIC⁹² awareness campaigns on certain sectors, help lines through telephone or e-mail, publications, seminars, guidance material, etc. For instance, there is a multi-media Centre and a 15512 hotline in SEPE used for named or anonymous complaints, where citizens (employers, unions, employees, etc.) can submit question written requests and reports of infringements. Citizens may also present their requests and questions in person in SEPE's local offices⁹³. These communication facilities for citizens may be used by labour inspection for taking a more preventive inspection approach.

The ILO *"Labour Inspection Needs Assessment"* report also remarks other preventive actions in other areas such as undeclared work, equality and non-discrimination. Preventive measures related to undeclared work would be essential in the agriculture sector and should be launched in parallel with the extension of labour inspection to the sector. In the area of undeclared work, section 4 of this report includes several recommendations regarding preventive actions.

2.7.3 Planning of inspections

SEPE draws up an annual inspection plan. This plan envisages qualitative and quantitative targets (e.g. number of inspections per economic activity sector) and is agreed with social partners in the Labour Inspection Social Control Committee (SKEEE). For drafting the inspection plan, the statistical inspection data (e.g. infringements, accidents at work, etc.) of previous years are taken into account. The inspection plan also looks at the new forms of employment. The Plan also includes objectives such as seasonal undertakings, and seeks to make inspections and sanctions more effective and efficient, and to carry out specific campaigns and joint actions with other bodies (SDOE, Hellenic Police, etc.). Inspections in agriculture, livestock breeding, fishing, etc. should be included in the SEPE's annual plan, as any other economic sector, as part of its targets established according to the number of undertakings in operation, the number of employees, the delinquency, number of work-related accidents, etc.⁹⁴.

⁹² Senior Labour Inspectors Committee

⁹³ **Questionnaire on Labour Inspection (Agriculture) Convention, 1969 (No. 129)** ; final answers (translated into English June, 7th)

⁹⁴ **Questionnaire on Labour Inspection (Agriculture) Convention, 1969 (No. 129)** ; final answers (translated into English June, 7th)

Act No. 4225/2014 envisaged countrywide campaigns in specific sectors (especially for combating under-declared work, fake part-time work, etc.⁹⁵). For instance, as far as agriculture sector is concerned, SEPE should plan and carry out yearly inspection campaigns in fishing boats in order to inspect health and safety and undeclared work. These inspections could be carried out setting up joint teams organised between labour inspectors and agents of the Hellenic coast guard.

2.8. Reports on the work of the labour inspectorate.

Convention No. 129

Article 25

1. *Labour inspectors or local inspection offices, as the case may be, shall be required to submit to the central inspection authority periodical reports on the results of their activities in agriculture.*
2. *These reports shall be drawn up in such manner and deal with such subjects as may from time to time be prescribed by the central inspection authority; they shall be submitted at least as frequently as may be prescribed by that authority and in any case not less frequently than once a year.*

Article 26

1. *The central inspection authority shall publish an annual report on the work of the inspection services in agriculture, **either as a separate report or as part of its general annual report.***
2. *Such annual reports shall be published within a reasonable time after the end of the year to which they relate and in any case within twelve months.*
3. *Copies of the annual reports shall be transmitted to the Director-General of the International Labour Office within three months after their publication.*

Article 27

The annual report published by the central inspection authority shall deal in particular with the following subjects, in so far as they are under the control of the said authority:

- (a) laws and regulations relevant to the work of labour inspection in agriculture;*
- (b) staff of the labour inspection service in agriculture;*
- (c) statistics of agricultural undertakings liable to inspection and the number of persons working therein;*
- (d) statistics of inspection visits;*
- (e) statistics of violations and penalties imposed;*
- (f) statistics of occupational accidents, **including their causes;***
- (g) statistics of occupational diseases, **including their causes.***

⁹⁵Aristea Koukiadaki and Chara Kokkinou: *PRECARI: The rise of the dual labour market: Fighting precarious employment in the new member states through industrial relations*, project no. VS/2014/0534; page 10, available at https://www.dcu.ie/sites/default/files/dcubs/greece_national_report_precarir.pdf; also information available at http://www.labourlawnetwork.eu/national_labour_law/national_legislation/legislative_developments/prm/109/v__detail/id__3984/category__14/index.html

2.8.1 Types of reports

Article 2 of Act No. 3996/2011 provides that one of the functions of labour inspection is to prepare the annual report under the ILO Convention No. 81, and submit it to the Ministry of Labour, Social Security and Social Solidarity, in order to submit it to the ILO. The above-mentioned Act also provides (article 22) that, every six months, the regional services of the labour inspection body are obliged to send to the competent Regional Social Labour Inspection Committee (PEKEEE) an evaluation report on the work of the Directorates, as well as the Departments of the SEPE in their region. The PEKEEE is thus required to evaluate the report and draw up conclusions and, within ten days, send the report and conclusions to the SEPE's Head Quarters (Directorate for OSH and Directorate for Labour Relation Inspectorate) and to the Social Labour Inspection Council (SKEEE).

SKEEE, that meets regularly, takes stock of the information received and of the findings provided by the PEKEEE. However, the PEKEEEs are not operational at the moment, according to SEPE's sources. The Committee then approves the annual report on the labour inspection activities, including the action and planning for the following year, and all the above are submitted by the Ministry to the Social Affairs Committee of the Hellenic Parliament, and finally published. The report contains a specific chapter on the application and promotion of the principle of equal treatment irrespective of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation in the field of work and employment.

This annual report is as well presented to the most representative employers' and employees' organisations, to ILO and to the competent body of the European Union (mainly the SLIC). According to the *Greece-Labour Administration Needs Assessment Report* (page 10), SEPE bases its planning of action on the information collected from previous inspections, although this does not necessarily mean that SEPE reaches workplaces that have not been inspected. On the other hand, the report recommends to evaluate the impact that labour inspection action has on the reduction of infringements or undeclared work.

There is other secondary reporting activity such as, for example, that provided for in Act No. 4052/2012 on "*Sanctions and Measures against Employers of Illegally Staying Third Country Nationals in order to Combat Illegal Immigration*", that apart from banning the employment of illegally staying third country nationals, assigns to SEPE the function of keeping records of employers who have been sanctioned for infringing the prohibition of employing illegally staying third country nationals, recording also judicial decisions and issuing certificates. The Act also provides for a report to the Ministry of the inspections conducted during the previous years and the results achieved both in terms of absolute figures and percentage of the employers for each sector (sections 79(1) and 90).

The feedback of the annual labour inspection report is SEPE's IT integrated information system that collects all data related to inspections and inspected companies. Therefore, in principle the inclusion of these data in a joint report for both Convention No. 81 and Convention No. 129 would not represent a major difficulty for the SEPE. It would be advisable, however, to amend article 2 par 2, n) including an explicit reference to Convention No. 129 International Labour Convention.

Convention No. 129

Article 19

1. The labour inspectorate in agriculture shall be notified of occupational accidents and cases of occupational disease occurring in the agricultural sector in such cases and in such manner as may be prescribed by national laws or regulations.

2. As far as possible, inspectors shall be associated with any inquiry on the spot into the causes of the most serious occupational accidents or occupational diseases, particularly of those which affect a number of workers or have fatal consequences.

2.8.2 Reporting and role of labour inspection in relation to accidents at work and occupational diseases.

Article 2 of Act No. 3996/2011 provides that SEPE is responsible for investigating the causes and circumstances of serious and fatal accidents at work and occupational diseases, proposing measures to prevent them, reporting and identifying related infringements of labour legislation in order to avoid repetition and submitting a report where responsibilities arise. The Act also states that SEPE shall carry out the systematic collection and processing of statistics on accidents at work and occupational diseases in cooperation with other competent institutions or departments.

The Code of Laws on Occupational Safety and Health (KNYAE) –ratified by Act No. 3850/2010 (GG A 84)– lays down in article 43, para. 2 that employers are obliged to communicate, within 24 hours, all occupational accidents to the competent Labour Inspectorate, the nearest police authorities and the competent services of the insurance organisation covering the employee, and, in case of serious injury or death, preserve all evidence that could be used in determining the cause of the accident. Article 18 states that the occupational physician shall announce to the Labour Inspectorate, through the employer, any occupation-related illnesses of employees.

At this point, it is necessary to recall that the European Committee of Social Rights (Council of Europe) have recently highlighted -in its conclusions of 2017 on Greece- that the figures on occupational diseases in Greece were not adequately monitored by the Greek authorities, despite the setting up of a list of occupational diseases by Presidential Decree No. 41/2012. The Committee has argued that the number of occupational diseases reported, both to the Labour Inspectorate (SEPE) and to the Social Insurance Institute (IKA, now EFKA,) in the period 2012-2015, remain significantly below the EU average, a possible cause being the lack of effective legal diagnostic criteria.

As regards to the incidence rate of accidents at work, the Greek Government has reported to the mentioned Committee that the number of accidents at work (at least 4 days off work) and the incidence rate have increased from 2012 to 2015, while the fatal accidents incidence rate has remained stable during those years. However, the Committee has underlined the discrepancies between the EUROSTAT figures and those provided by the Greek authorities, and that the incidence rate of fatal and non-fatal accidents is far below the average figures in the EU. Therefore, the Committee has asked the Greek authorities to take measures to combat under-reporting, which may be frequent in situations where undeclared work exists⁹⁶.

There are few accidents communicated in the agriculture and there is no identification of the specific areas where most accidents occur (usually the victims are self-employed or the owner of the undertaking), but under-reporting is real. For instance in 2017, 139 inspections were performed in agriculture and 35 accidents were announced, 14 of which were fatal. Out of the fatal accidents 4 were of a pathological nature⁹⁷.

These reporting and statistics difficulties related to accidents at work and occupational diseases might constitute an additional gap in respect to the agriculture sector, and in

⁹⁶ Council of Europe; European Committee of Social Rights; 1961 European Social Charter; Conclusions XXI-2 (2017); available at https://www.coe.int/en/web/turin-european-social-charter/overview/-/asset_publisher/8HVWSV7ojqbb/content/the-european-committee-of-social-rights-publishes-its-conclusions-xxi-2-2017-in-respect-of-greece-iceland-and-luxembourg?inheritRedirect=false; page 7

⁹⁷ Sec. answers by SEPE to the Questionnaire elaborated by the ILO.

relation to compliance with article 19 of Convention No. 129, in so far undeclared work in the agriculture sector is more frequent than in other sectors. In those sectors where undeclared work is a major problem, the rate of under-reporting of accidents at work and occupational diseases is higher. The mentioned Committee advised the Greek Government to focus labour inspections more on small and medium-sized enterprises⁹⁸, which might be a way forward to offset under-reporting, as not in vain, the presence of labour inspection in farms and plantations will increase the reporting of accidents at work and occupational diseases. At this regard, the collaboration with the special inspection service of the Ministry of Rural Development and Food in this area is important, and joint inspection teams should be agreed where investigation of serious accidents are needed.

2.9 Assistance and administrative support

Presidential Decree 134/2017 (article 46) sets up a new organization for supporting SEPE's structure. This regulation sets up a Directorate for Logistics, responsible for the administrative, economic, financial, technical and legal support to the services of the Labour Inspection Corps and for the management and operation of the multimedia Centre for Communication of the Labour Inspection Corps. This Directorate also provides support to Information Systems and Data Management. Both thematic Directorates for Labour Inspection and OSH also furnish support to regional inspectorates

The Directorate for Logistics, through its Department for Administrative, Financial and Technical Assistance, assumes tasks such as, inter alia, keeping the general register and confidential protocol of the Central Service of the SEPE, management of the staff roster, recommendations for staff needs, and support to SKEEE. It also manages the information and data systems, monitors its functioning and drafts circulars and directives containing rules on the operation and use of the IT systems. It provides support to SEPE's Web Portal and undertakes the renewal of its content, in cooperation with the competent departments of SEPE, and also cooperates with the Directorate for e-Governance of the Ministry.

It, finally, provides support to inspectors in all related legal issues, information about new laws, collection and surveys of judicial decisions relating to administrative penalties imposed by SEPE, follow up of cases brought to justice and that may have serious implications for the functioning of SEPE, recommendations to the Executive Secretary on acceptance or rejection of administrative appeals, in cooperation with the Directorates for Planning and Coordination, etc.

In practice, and according to reports⁹⁹, the lack or insufficiency of administrative and support staff force labour inspectors to undertake administrative functions such as the reception and register of complaints and other documents, attendance of phone calls, etc. This situation impairs the full exercise of functions of labour inspectors and will add pressure in the inspection of the agriculture sector if no remedy is put in place.

2.10 Guidance and orientation

The ILO report *Labour Inspection Needs Assessment* (p. 13) mentions that both the Directorate for Planning and Coordination of OSH inspection and Directorate for

⁹⁸ Council of Europe; European Committee of Social Rights; 1961 European Social Charter; Conclusions XXI-2 (2017); available at https://www.coe.int/en/web/turin-european-social-charter/overview/-/asset_publisher/8HVWSV7ojqbb/content/the-european-committee-of-social-rights-publishes-its-conclusions-xxi-2-2017-in-respect-of-greece-iceland-and-luxembourg?inheritRedirect=false; page 8

⁹⁹ ILO "Greece Labour Inspection Needs Assessment report, pages 14, 17, 42, 43 and 48; *Labour Administration Needs Assessment report*, page 22.

Planning and Coordination of Labour Relations inspection issue circulars and technical guidelines, distribute informative material, draft circulars clarifying issues and update heads of departments on new legislation. Actually, articles 44 and 45 of the Presidential Decree 134/2017 assigns to both Directorates the tasks of issuing circulars and guidelines on the coordination and improvement of the modus operandi of their respective inspection services, informing the regional services on the developments, changes and implementation aspects of legislation, searching the best practices in systems of Labour Inspection at European and at international level, drawing up manuals and information materials for inspectors, etc. For instance, Circular No. 26761/06-12-2011 of the Executive Secretary set out the key Inspection Principles for Labour Inspectors with provisions on how to perform inspections, tackle problems, review of complaints, working of inspection teams and inspection and sanctioning procedure.¹⁰⁰ SEPE is in general committed with the uniform application of law in the inspections carried out and issues circulars and instructions to meet that target¹⁰¹.

For its part, the Special labour Inspection Unit also writes up recommendations to the audited inspection services (article 9 of Act No. 3996/2011).

According to the *SLIC Evaluation Report*¹⁰², SEPE has issued in the past guidelines on rules and procedures for inspectors. However, some gaps in the guidance to inspectors were found by the SLIC evaluators in 2006 in relation to specific matters (OSH management systems, sanctions and enforcement procedures). The *Greece-Labour Administration Needs Assessment Report* also mentions (page 10) that there is a lack of codification of laws and that the level of complication of the laws may require extra time for inspectors (an estimated 1 hour per day x 737 inspectors would mean the work of 92 labour inspectors). It thus appears evident that the assumption of a full inspection coverage in the agriculture sector would require the issuance and production of specific guidance on the core issues, such as undeclared work, specific OSH matters, insurance of workers in EFKA, voucher workers, migrant workers legislation, cooperatives and land tenure and exploitation forms.

In order to tackle all these difficulties, it should be necessary to promote a systematic compilation of legal sources and produce useful and practical guidelines to facilitate inspectors' daily work. ILO Recommendation No. 133 indicates that the "*central labour inspection authority should give labour inspectors in agriculture guidelines so as to ensure that they perform their duties throughout the country in a uniform manner*". The unification of criteria should thus be consistent and oriented towards a harmonised inspection action in agriculture, an objective in which the main competent ministerial Departments (Directorate for OSH or for Employment, or Directorate for Social Security) should be involved. These guidelines and criteria are key in the inspection of working conditions in the agriculture sector, since labour inspection activity has not been, so far routinely addressed to this sector. In this respect, the Department of Legal Support (Directorate for Logistics) of the SEPE should establish a general "bank of knowledge", with an integrated database comprising internal information (circulars, guidelines, etc.), legislation and case law related to labour inspection decisions, and a specific module for agriculture and fishery. The setting up of this database would require an initial and

¹⁰⁰ **Questionnaire on Labour Inspection (Agriculture) Convention, 1969 (No. 129)** ; final answers (translated into English June, 7th)

¹⁰¹ **Questionnaire on Labour Inspection (Agriculture) Convention, 1969 (No. 129)** ; final answers (translated into English June, 7th)

¹⁰² Pages 35 and 40

periodical maintenance investment, but in the medium/long term the investment would undoubtedly yield returns in terms of efficiency.

2.11 Collaboration with other stakeholders

Convention No. 129

Article 12

1. The competent authority shall make appropriate arrangements to promote effective co-operation between the inspection services in agriculture and government services and public or approved institutions which may be engaged in similar activities.

2. Where necessary, the competent authority may either entrust certain inspection functions at the regional or local level on an auxiliary basis to appropriate government services or public institutions or associate these services or institutions with the exercise of the functions in question, on condition that this does not prejudice the application of the principles of this Convention.

Article 13

The competent authority shall make appropriate arrangements to promote collaboration between officials of the labour inspectorate in agriculture and employers and workers, or their organizations where such exist.

2.11.1 Institutional cooperation.

SEPE should, in general, provide room for an inspection strategy of the agriculture sector based on external collaboration from other bodies, on subjects such as illegal employment and undeclared work. Also, the OSH labour inspection branch would require collaboration from other specialised bodies (e.g. agronomists, veterinarians, etc.).

Act No. 3996/2011 (art.31)¹⁰³ provides for collaboration between SEPE and other institutions, envisaging that the coordination, implementation, monitoring and follow-up of the action of joint inspection teams will be carried out under the cooperation established between the Special Secretary of SDOE, SEPE and the Director or authorised official of EFKA, regardless the functions assigned to each body. Act No. 4133/2013 also foresees collaboration between those services -article 14- and stipulates that documents, books and certificates in companies must be at disposal of EYPEA's inspectors, SEPE's inspectors and inspectors from SDOE and IPOADIE, during their inspections. There is an institutionalized cooperation with the Financial Police and the Financial Crime Unit (SDOE), which is a relatively small body (30 agents in Athens and 10 in Thessaloniki). They may inspect anywhere under suspicion of financial fraud, in

¹⁰³Amends Act No. 3655/2008 (art. 151) and Act No. 3296/2004 (art.30)

particular related to payments without VAT, invoices or receipts. In the agriculture sector they do not inspect plantations, but only secondary holdings (in particular packaging plants).

Art.17 of Act No. 3996/2011 also envisages collaboration from other bodies, such as the authorities of the Armed Forces and Security Forces, judicial services, public services, and local government agencies, which are required to provide any assistance requested in particular by SEPE.

In relation to the collaboration between SEPE and financial authorities, article 17 of Act No.3996/2011 provides that inspectors of Labour Relations may receive, from the Government's financial services, information related to the income tax return or payroll tax declaration presented by the professionals, and all supporting information, as well as information related to real estate and other property and assets tax declarations of the employers. Article 30 of the Act envisages that the institutions of the economic crime prosecution body may also participate in joint control units of the undertakings and workplaces, under the coordinated supervision of the Special Secretary of the Prosecution of financial crime, the Special Secretary of the SEPE and the administrator of IKA-ETAM (EFKA).

Finally, if the inspection is related to employees with disabilities, inspectors may occasionally collaborate with experts appointed by the National Confederation of Persons with Disabilities.

2.11.2 Collaboration with social partners (art.17 Law NO. 3996/2011)

SKEEE was established by Act No. 3996/2011 and is formed by representatives from SEPE and representatives from the employers' and workers' organisations. The Council is a consultative body, issuing opinion on the action, planning, training program and annual report of the labour inspection, as well as providing advice and recommendations on the functioning of the SEPE. ~~SKEEE also participates in the Supreme Labour Council, a Ministry level tripartite body for social policy, and in the Council for the Health and Safety of Workers.~~

At the level of field inspections, Trade Unions representatives may attend and be present during the inspections carried out by SEPE. At sectoral level, the collaboration is set up through the so-called Health and Safety Committees of Workers (before called joint monitoring committees for health and safety and working conditions, according to Law 3850/2010). These committees work in the shipbuilding and repair sector of Piraeus regions and in construction industry. There is one of these committees in each Prefecture, and they are composed of representatives from the labour inspection, representatives of the employers and workers, and other representatives from other institutions (e.g. Technical Chamber, Ministry of Merchant Marine, etc.). Both joint committees inspect workplaces and propose measures and remedies addressed to employers through the labour inspection and, in general, raise awareness in the sectors and workplaces subject to oversight. Unions' presence in the agriculture sector is much weaker, but the possibility of setting up a sort of joint monitoring committees in this sector, deserves, at least, an assessment with a view to a better implementation of an integrated inspection programme.

In the area of occupational health and safety, article 19 of Law No. 3996/2011, in order to reach a most effective promotion of safety and health at work, provides for cooperation between the SEPE and the Directorate-General for Labour Relations, Health and Safety

at Work and Integration¹⁰⁴. This cooperation includes regular joint meetings between these services and S.K.E.E.E..

2.11.3 Other institutions

The Ministry of Environment oversees the forestry activity. The inspection services of the Ministry check whether employers are up to date with their social security payments, illegal exploitation of forests, authorization of transport of timber, documentation in order, the specifications for forestry are complied with (type of trees), the compulsory training on OSH that cooperatives must deliver, the regulations on cooperatives and the prohibition of subcontracting. There is also a Corp of Environmental inspectors who work for the Ministry of Environment. In case of an accident at work, it is recorded but not communicated to SEPE. No collaboration with the Ministry of Environment and SEPE at this respect has been arranged so far¹⁰⁵, although there is a common field of activity between both bodies.

On the other hand, the Ministry of Rural Development and Food (MRDF) is responsible for the registration of farms, machinery licences, authorisation of facilities for animal processing, licences for tractors' drivers and other equipment (Presidential Decree No. 333/1977), and licences issued by the Directorate of Economic Agriculture territorial units (Presidential Decree No. 57/2010, as amended by Presidential Decree 81/2011 (GGB 197/A/2011)). The MRDF is able to calculate work units according to the size, cultivation incomes and expenses of the farmer from the application of EU benefits (managed by the Rural Development Program, it includes eligible expenses) or the E3 form (declaration taxes).

MRDF has special inspection and veterinarian services, that are coordinated at central level, but operate at territorial level carrying out onsite inspections checking licences, pesticides, fertilizers, EU aids, machinery, facilities (in particular breeding plants), and, in general, compliance with the legal framework.

The Ministry of Interior also has regional Agricultural Economy Directorates (DAOK), which are involved in the approval and licensing of farming equipment and pesticides¹⁰⁶. Another competent institution is OPEKEPE, which may provide the farmers with a service of application for EU aids through external contractors (for a fix fee of €200 per year).

The Labour Inspection (Agriculture) Recommendation No. 133 sets out that, where national conditions permits it, the functions of labour inspection in agriculture should be enlarged to collaborate with the competent technical services, with a view to helping the agricultural producer to improve his holding, and the conditions of life and work of the persons working on it. It equally recommends that the labour inspectorate might be associated, in the enforcement action, on matters such as training of workers, social services in agriculture, cooperatives and compulsory school attendance.

Although the situation in some Greek camps is extremely precarious regarding the living conditions of migrant workers, entrusting labour inspectors with more functions, such as the collaboration with the competent services for improving farmers' life conditions, or compulsory attendance to school of children, would require plenty of new

¹⁰⁴Directorates for Labour conditions and Occupational Health (G.D.S.Y.E.) and the Directorate-General for Labour (G.D.E.) before Presidential Decree 134/2017.

¹⁰⁵ According to information obtained from the representatives from the Ministry of Environment in the interviews carried out during the study visit to Greece the week 7th- 11th May

¹⁰⁶**Questionnaire on Labour Inspection (Agriculture) Convention, 1969 (No. 129)** ; final answers (translated into English June, 7th)

human resources. However, the Greek labour inspectorate may consider whether the law should be amended in order to introduce regular collaboration channels with other institutions such as NGOs, the Social Economy Institute or Cooperatives Associations.

3. Findings: gaps to effectively extend labour inspection to all agricultural undertakings and groups of workers.

3.1 Assessment of legislation in force: no major obstacles to ratify Convention No. 129

- There is nothing in the Greek law that prevents Greek labour inspection from inspecting the agriculture sector. The law expressly includes the primary sector within the scope of labour inspection.
- Furthermore, according to information obtained during the study visit carried out to Greece (May, 8-11), inspectors, in practice, deal with complaints presented by agriculture workers on any labour matter¹⁰⁷ or undeclared work, carry out inspections in relation to the fishing activity and investigate accidents at work and occupational diseases occurred in the agriculture sector.
- Labour inspectors in Greece are also currently inspecting transformation sector enterprises (e.g. packaging, etc.) being familiar with the agricultural secondary economy, very often affected by the same risks (some occupational diseases, machinery, undeclared work, etc.). At this regard, the ratification of Convention No. 129 would not require major amendments of the Greek legislation.

3.2 Structure of SEPE, staff and number of inspectors.

- The current organization and structure of SEPE is adequately staffed and equipped both at national and regional level. SEPE is supported by the Ministry, has its own budget and is integrated by thematic departments and crosscutting units which support the central and regional services.
- Although some of the interviewees mentioned the need of a special department for agriculture at central level and in each regional inspectorate, the current structure of SEPE has the capacity to inspect agriculture, although the coverage of agriculture might, to a certain extent, require additional human resources and, consequently, additional financial resources.
- The high rate of undeclared workers in the agriculture sector, jointly with a significant number of migrant workers, as well as their poor working conditions, makes it advisable to examine the possibility of a moderate increase of staff.
- As regards labour inspectors, the number of inspectors who are actively carrying out inspections (575 inspectors –including the Special Inspection Unit- are far from those envisaged in the law, and 130 less than the number of inspectors in 2016¹⁰⁸, due to economic restrictions in the Public Administrations). However, the

¹⁰⁷ According to information obtained from the SEPE Pellinni office in the interviews carried out during the study visit to Greece the week 7th- 11th May.

¹⁰⁸ According to the *Greece Labour Administration Needs Report*.

ratio workers-per-inspector in Greece is still favorable compared with other developed EU countries and according to different surveys. Nevertheless, this report encloses (v.i.) some recommendations at this respect.

- The lack or inadequacy of administrative and support staff forces labour inspectors to undertake administrative functions, and may constraint the full exercise of field inspection functions. Although the figures presented in this report reflect a precarious situation regarding administrative support to inspectors, this lack of administrative staff would not have a significant impact on the assumption of inspections in agriculture by SEPE, although an increase of administrative staff would be necessary at any rate, even further after ratifying Convention No. 129.

3.3 Material resources

- The constraints related to the use of cars and/or reimbursement of inspectors' visits to workplaces are another major concern. Labour inspectors in Greece do not have the necessary means of transport or availability of sufficient financial resources to reimburse the expenses incurred in their inspection visits. This is a relevant gap in so far the goal of enlarging the scope of labour inspection to the agriculture sector would become much more challenging without adequate transport facilities. There are many inspectors using their own cars but the expenses are only reimbursed if the distance travelled is more than 50 kilometres. Moreover, the reimbursement is limited to 5 inspections per month and €20 per inspection, all subject to budgetary availability¹⁰⁹. The reimbursement restrictions, and the limited number of service cars, constitutes a real setback for tackling labour inspection in the agriculture sector, which requires on-spot inspections and driving through winding roads and isolated areas.
- The labour inspection IT information system, in some cases, is seen by some labour inspectors as not a user-friendly system and time consuming, according to interviewees familiar with the matter. However, the system retrieves employers' data when the tax number is introduced, which facilitates to a great extent the work of inspectors. On the other hand, inspectors have access to ERGANI system, and may even enter the system with their laptops during their inspection visits if need be¹¹⁰. These two facilities alone are not sufficient, but absolutely necessary to undertake labour inspection in the agriculture sector.
- The interoperability between the SEPE IT integrated system and other bodies is limited to ERGANI. Furthermore, ERGANI does not provide information on self-employed or voucher workers. This circumstance hampers the possibility of labour inspectors to access those data in ERGANI, and prevents SEPE from availing itself of systematic information, very useful for the inspection activity and planning. Nevertheless, a new Ministerial Decree of June 11th 2018 (32143/D1.11288) has further regulated the access and management of ERGANI by SEPE, EFKA and OAED (article 7) and states that interoperability of ERGANI can be linked to other ICT systems in the broader public sector, by applying the Framework of the Provision of E-government Services (article 10), so the legal framework to extend interoperability to other bodies is open.

¹⁰⁹According to information obtained from the SEPE Pellinni office in the interviews carried out during the study visit to Greece the week 7th- 11th May.

¹¹⁰According to information obtained from the SEPE Pallini office in the interviews carried out during the study visit to Greece the week 7th- 11th May.

- There is not access either to AMKA Register, the Greek Social Security number hosted by IDIKA (Electronic Government for Social Insurance), where all persons insured in social security and those receiving benefits or being beneficiaries of the Greek health system are registered. Furthermore, there is no data cross with other relevant bodies such as OAED (Employment Agency) or IAPR, (Independent Authority of Public Revenues) which contain valuable information such as financial data about all natural and legal persons, yearly incomes and expenses, monthly VAT declaration, company ownership, imports and exports, employment, etc.

3.4 Conciliation and other functions

- Mediation and conciliation are important tasks for the Greek labour inspection. According to SEPE sources, an inspector devotes approximately 1 hour per day of his/her working time (equal to 12.5% of full working time¹¹¹) to conciliation tasks. It has not been possible to determine the exact number of labour inspectors entrusted with conciliation functions, as all field inspectors may undertake these functions, but according to SEPE sources, the estimation is 68 full time equivalent inspectors¹¹² (nearly a 12% of active labour inspection force). These functions represent thus a relevant part of the whole workload of labour inspectors and draws human resources from the field inspection¹¹³.
- In conclusion, the conciliation tasks are time consuming and explain in part the low average of inspection visits that an inspector performs (12 per week). SEPE also undertakes other functions such as the approval of internal enterprise regulations or other general information functions that also soak up inspectors' time and expertise.

3.5 Training

- In general, SEPE has training resources in terms of necessary background, institutions, training program, advice from other public institutions and budget availability. Although some of the interviewees mentioned the need of more specialised inspectors in order to tackle agriculture, it should be noted that the educational background of Greek labour inspectors initially meets the necessary professional requirements of the agriculture sector.
- On the one hand, the area of undeclared work does not need additional training in so far as this situation is also present in any sector. In contrast, matters such as trafficking in human beings and legislation on migrant workers from third countries would require more specific training.
- On the other hand, as regards health and safety at work, in the agriculture sector are specific risks for health that would also need to be addressed in special training programmes (use of fertilizers and pesticides, certain types of machinery, working in green houses, etc.).

¹¹¹ According to information obtained from the SEPE Pallini office in the interviews carried out during the study visit to Greece the week 7th- 11th May

¹¹²Source: central services of SEPE.

¹¹³ . In particular, it draws our attention that complaints may also be conciliated, even those relating to undeclared work. This means that companies are not sanctioned if this procedure has been initiated. In case of disagreement, the worker may go to courts.

3.6 Planning of inspection activity

- SEPE adopts an annual inspection plan which is drawn up by the central services and submitted to SKEEE for approval. The regional inspectorates may present suggestions for targeted inspections. The annual plan breaks down into a number of inspections, as well as targeted objectives on different areas, such as undeclared work, OSH or labour relations, and on different industrial and economic sectors.
- SEPE also has carried out specific targeted inspections such as the “*Pilot program of targeted inspections with joint inspection teams, under the three-year plan - roadmap for combating undeclared work 2017-2019*”, a pilot program to take place in the Metropolitan Municipality of Athens in the region of Attica, which includes a selection of the enterprises to be inspected through the use of SEPE risk analysis MIS.
- According to sources from SEPE, agriculture is also included in the annual planning, so the ratification of Convention No. 129 would not represent a challenge for labour inspections in terms of planning the inspection activity in this sector. Moreover, the estimated balance between proactive and reactive inspection is around 60% proactive *versus* 40% reactive¹¹⁴, which provides a broad leeway to plan inspections in the agriculture sector and leaves room for performing targeted inspections in that sector.

3.7 Safety of labour inspectors

- One of the main concerns observed during the study visit to Greece (May, 8-11) is the safety of labour inspectors in the agriculture sector, an issue of utmost unease for them. There are fields exploited by mafia groups and inspectors consulted say that they would hardly approach certain farms without the help of the police. This is a serious setback for extending the coverage of the SEPE to agriculture. The shadow of Manolada still spreads throughout Greece and the labour inspectors inevitably, when facing inspections, weigh risks in certain field camps where mafia groups work exploiting migrant workers, in particular Bangladeshi and Pakistani. A key point at this respect is the advisable collaboration between the SEPE and the Hellenic Police. Safety of inspectors when inspecting agriculture camps should be a priority for SEPE and strong recommendations in this respect are presented below.

3.8 Gaps associated to undeclared work and irregular situation of migrant workers

- Another concern is the high rate of undeclared work in agriculture, a sector with great propensity to informal economy¹¹⁵, a high incidence of irregular work

¹¹⁴ According to information obtained from the SEPE Pallini office in the interviews carried out during the study visit to Greece the week 7th- 11th May. However, these figures are very different to those included in the “Labour Administration Needs Report”: “an interviewed local labour inspection office estimated that 70% of the cases they attend are reactive labour inspections, and they respond to all the cases that have been reported to them; while 30% of the cases are proactive labour inspections of workplaces selected by themselves”; page 69.

¹¹⁵ Diagnostic report on undeclared work in Greece / International Labour Office, Employment Department, Informal Economy Unit. - Geneva: ILO, 2016; page 26; available at http://www.ilo.org/wcmsp5/groups/public/---ed_emp/documents/projectdocumentation/wcms_531548.pdf

(traditionally around 13%), and also of self-employment and family work¹¹⁶. To take but one example, from 15/09/2013 to 31/12/2015 the number of businesses inspected by the SEPE was 68,209, the number of businesses where inspectors found undeclared employees was 9,966 and the number of undeclared employees found in inspections was 17, 058¹¹⁷. These figures represent an incidence of 14.6% of undeclared work per business inspected, and 1.7 undeclared worker per each undertaking found in breach.

- Therefore, the existence in the agriculture sector of high rates of undeclared and family work implies a greater inspection effort and a well-traced inspection strategy, so the assumption of labour inspection in agriculture by SEPE will have an impact on its organization, targets and resources.

3.9 Gaps associated with social insurance in the agriculture sector.

The vast majority of agricultural workers, especially temporal workers, are paid by vouchers, and a part of the amount of the voucher is withdrawn for social security contributions through the “ergosimo” system. Nevertheless, these workers are not included in the ERGANI database. Therefore, this circumstance entails the impossibility for labour inspectors to check whether workers identified during an inspection have been previously registered in the social security in so far the voucher is bought before the work starts but filled in after the work ends. This situation represents a significant restraint and an additional challenge for supervising undeclared work in the agriculture sector by labour inspectors. This gap also applies to the inspection of irregular employment of third countries migrant workers as long as they may also be employed by vouchers.

- The vouchers system in the agriculture sector is broadly used for temporal workers or for any type of short-term labour relation, while seasonal invited workers are registered in ERGANI as dependent workers. In this respect, it should be highlighted that the use of the voucher system is usually limited to specific casual works and its extension to a whole sector is not the general rule in Europe. In the EU countries that apply a voucher system for employment contracts, its use is by and large narrowed down to domestic employees or very specific casual employment. Italy, for instance, has recently (2017) reviewed its voucher system for the agriculture sector and has limited it to few cases¹¹⁸.
- On the other hand, the above described inconvenience for labour inspection would be solved extending the electronic registration system ERGANI to all

¹¹⁶ Undeclared work in the agriculture has been estimated as 12, 9%; Self-employment and family work is estimated in almost 90% in accordance with some studies: Dimitris Karantinos; National Centre of Social Research; European Employment Observatory; Article on Undeclared Work from SYSDem Correspondent (Update of EEO Review: Autumn 2004), Greece, May 2007; page 3 and 4

¹¹⁷ Source: SEPE; presentation of Michos Andreas, Head of Department of Larissa Labour Inspectorate.

¹¹⁸ Italy has taken initiatives to abolish the old system of vouchers –also used in the agriculture sector- and replaced by a new system in which vouchers are limited to employers with less than 5 workers or to a certain amount (salary plus social security contributions) and setting up a Social Security on-line platform in which the employer charges the remuneration to be paid by Italian Social Security Institute (INPS); see more information in Reuters, March 17; available at <https://www.reuters.com/article/us-italy-employment-reform-idUSKBN16Q1TW>; and in L&E Global Knowledge Center; *Italy: a new “Voucher” System*; available at <http://knowledge.leglobal.org/italy-a-new-voucher-system/>;

farmers. However, this possibility may entail some difficulties related to specific features of the agriculture sector. For instance, the educational level in the agricultural sector is low¹¹⁹ and farmers are not always acquainted with new technologies and IT resources, in particular those old aged. Moreover, many farmers do not present the EU benefits applications on line and instead they pay for an application service to private consultancies. This is a handicap for extending to all farmers the obligation to use ERGANI for declaration of workers. However, this unease will progressively run out of steam in the years to come in so far the new generations of farmers will be more comfortable with smart technologies.

3.10 Clarity and transparency of the law

- During the study visit, the overall perception was that legal obligations are not always clear. Some of the interviewees expressed different interpretations regarding the mandate of law. For instance, the explanations about the registration in social security or the prior declaration of workers to SEPE have not been coincident at all and at times contradictory.
- In particular, the issue focuses on the compulsory prior communication of voucher workers to SEPE. According to the information gathered during the study visit, the obligation of prior declaration to SEPE of voucher workers would be contained in the law (article 16 of Act No. 2874/2000). However, this legal rule does not include such obligation¹²⁰, so the key question on whether there is an obligation to declare all workers, including voucher workers, prior to the start of work still remains unsolved. Another point that remains unclear, for instance, is whether the employer who has not an ID and password for ERGANI is obliged to declare workers in a different way, or whether the employer is obliged to request an ID number for ERGANI in case of voucher workers or only in case of dependant workers.
- In general, the law does not appear to be clear for labour inspectors at least in relation to the prior declaration of voucher workers to social security. This lack of clarity turns relevant to the ratification of the Convention No. 129 in so far undeclared work is an aspect of utmost concern.
- On the other hand, there is a lack of codification of laws, case-law and circulars that consume time of inspectors requiring more office work and reducing inspectors' fieldwork.

3.11 Collaboration with other institutions and stakeholders

- As regards external bodies and other Ministries, there are significant potential synergies from which the SEPE could benefit in order to tackle the inspection of agriculture (and that for the moment are not being leveraged adequately).
- For example, the Ministry of Environment keeps a register of accidents at work in the forestry and supervises compliance with law by cooperatives of forestry

¹¹⁹ According to information obtained from the employers representatives in the interviews carried out during the study visit to Greece the week 7th- 11th May.

¹²⁰It lays down that the employer shall submit once a year, during the period from 15 of September to 15 of November, lists of staff to the SEPE. The article also lays down that the employer must file a communication of new employees in business or farms within 15 days following their recruitment and also provides for a report every six months in case of working shifts, including farms, being the mentioned report at disposal of inspectors at the workplace.

workers. The Ministry also has an environmental inspection service. However, there is not any collaboration between SEPE and the Ministry, not even for communicating systematically to SEPE all accidents at work registered in Ministry's central register

- Similarly, the inspection service of the Ministry of Rural Development and Food (MRDF) could cooperate with SEPE in the inspection of farms. Moreover, where labour inspectors investigate accidents caused by agriculture mobile machinery (e.g. tractors), the information regarding the driving licence might be obtained from the MRDF if a fluent collaboration were in place. Apart from the inspection of machinery licences and pesticides, the Ministry of Rural Development and Food oversees, through its special inspection services, facilities and farms, and checks general compliance with the legal framework. However, the cooperation between both bodies is not regular but only established occasionally.
- Likewise, OPEKEPE (Greek Payment Authority of Common Agricultural Policy) is a private legal entity supervised by the MRDF. It manages applications and payments of aids and funds financed by the EU. This entity has detailed information regarding the identity of farmers, incomes, expenses, location, etc. However, SEPE has not access to any of the data in possession of OPEKEPE nor is in place an agreement for exchanging information.
- Another weak point is the absence of a permanent collaboration framework with the Hellenic national Police or the Ministry of Interior, and, in practice, there is not either formalised cooperation with the municipality police. Nevertheless, cooperation between the Hellenic national Police and SEPE already exists, although the establishment of a protocol for cooperation is needed.
- While not so urgent, there is not any institutionalized exchange of information between SEPE and the Ministry of Shipping and Maritime Affairs (with data on movement and employment of ships) or the authorities with competencies in foreign workers. The Greek labour inspection does not work in close collaboration with the Hellenic coast guard for inspecting fishing boats. Both bodies do not usually organise joint visits to the fishing boats, not even in the framework of specific campaigns. These campaigns would be relevant in order to inspect in particular health and safety and to control undeclared work in fishing boats.
- In contrast, as regards other inspection services (SDOE and EFKA inspection services), cooperation is envisaged in the law and works regularly in practice, although there is not any interoperability between databases nor access to each other inspection records. Nevertheless, SDOE has signed a memorandum of understanding with SEPE for joint inspections in a pilot project for undeclared work and fraud to social security and taxes. The law also envisages the possibility for SEPE, following a visit by officials from the Financial Police and Cyber Crime Agency finding undeclared workers, to fine the company without necessity of a second on the spot inspection by SEPE. So, there is a permanent cooperation with SEPE in order to fight some specific forms of fraud, including undeclared or under-declared work. The cooperation between SEPE and the special inspection services of EFKA (EYPEA) has also been foreseen in the law and inspection visits of mixed teams are provided for in the law.

- Finally, as regards to the internal organization of SEPE, there are not regular joint inspections of labour relations and OSH inspectors and they are only carried out occasionally (e.g. a complaint, an initiative of any of both inspections)¹²¹.

3.12 Information on accidents at work and occupational diseases.

- In Greece, the statistics on accidents at work and occupational diseases are below the EU average due to the high rate of under-reporting, a problem that may be aggravated with the high incidence of undeclared work in the agriculture sector.
- In general, accidents at work and occupational diseases may be declared both to SEPE and to EFKA. The fact, however, is that SEPE does not gather full information about accidents at work and occupational diseases where the employer only presents the declaration to EFKA. There is not either a channel between SEPE and EFKA for communicating accidents at work and occupational diseases. This also affects the agriculture sector and may hinder labour inspectors from investigating all accidents or occupational diseases occurred in the agricultural activity.

3.13 Perception of the social partners

- Representatives from workers and employers' organizations have different insights on the issue of Ratification of Convention No. 129 that suggest some limits in the labour inspection in order to properly cover inspections in the agriculture sector. The workers' organization, for instance, is in favour of dealing with such an issue in the tripartite Supreme Labour Council. They support the reinforcement of labour inspection, the clarification of the legal framework and the engagement of local authorities. They also suggest launching a pilot program for the use of ERGANI in the agriculture sector, in particular as regards registration of voucher workers, a better definition of workers, and draw attention to the perverse effect of the voucher system making the worker "invisible". Finally, they recall the serious problems that due to migration movements are having certain islands such as Lesbos, where workers work for very low salaries and without any form of declaration.
- Representatives from the employers' organizations refer to the costly administrative resources devoted to manage a huge number of workers movements in companies (new hired workers and termination of contracts). They suggest other forms of declaration of hired workers to social insurance funds such as SMS messages and remarked the low cultural level in the agriculture sector – particularly old people- that hampers the use of electronic means of communication. They indicate that the use of a manual book would be a solution and underline the need to extend digital skills to the agriculture sector. They express that the reinforcement of SEPE would help the inspection of the agriculture sector, although it would be up to labour inspection to decide. Finally, they highlight the need to draw a map of the current situation and to take stock of all factors, as well as the difficulties of ERGANI (many companies needing to hire accountants). They finally express the need to hold meetings with farmers'

¹²¹ According to information obtained from the SEPE Pallini office in the interviews carried out during the study visit to Greece the week 7th- 11th May.

organisations, to elaborate a report on vouchers and to help the improvement of the educational level of farmers¹²².

4. Recommendations¹²³

4.1 Assessment of legislation in force: scope and approach of labour inspection action in agriculture

- The law expressly includes the primary sector within the scope of labour inspection, but the Greek Government could take advantage of future amendments of Act No. 3996/2011 in order to define in detail the agricultural undertakings that fall under the scope of labour inspection (farmers with waged workers and self-employees –tenants and sharecroppers- with family workers) and the approach, advisory or enforcement, that inspectors may take depending on the type of holdings, with waged workers or family undertaking.
- As regards reporting obligations under international standards, it would be advisable to amend article 2 par 2, n) including an explicit reference to Convention No. 129 International Labour Convention.
- Labour inspection should undertake an advisory approach (e.g. on health and safety at work) in respect to self-employees with family workers regardless their compliance with social insurance obligations.
- Even if, as stated several times in this report, the ratification of Convention No. 129 would not require major amendments of the Greek legislation, some of the following recommendations suggest some changes or amendments to the current legal framework, in order to improve the role of labour inspectors in the agriculture sector

4.2 Structure of SEPE, staff, number of inspectors and number of inspections

- Before discussing an approach of reinforcement of the SEPE, it should be noted that in order to tackle labour inspection in the agriculture sector, the local labour

¹²² According to the information obtained from the employers and workers representatives in the interviews carried out during the study visit to Greece the week 7th- 11th May.

¹²³ Most of these measures are based in good practices. They can be consulted in the ILO “*Good Practices in Labour Inspection. The rural sector with special attention to agriculture*” (https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---lab_admin/documents/instructionalmaterial/wcms_183022.pdf); and in the ILO “*Labour Inspection and Undeclared Work in the EU*” (https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---lab_admin/documents/publication/wcms_220021.pdf), used as reference material in the workshop held in Athens 26-27 May 2016 , and available also in Greek.

inspection services needs to be effective. This is something that requires minimizing red tape and bureaucratic work.

- First of all, both branches of SEPE, labour relations inspection and OSH inspection, should work more closely and more frequently inspect workplaces jointly. A space of common issues should be subject to the action of any of the inspectorates or both jointly, regardless more specific issues be left to specialised inspectors. In fact, OSH inspectors are currently carrying out control of undeclared work while investigating accidents at work, although this task should not divert them from their main tasks nor consume much of their time¹²⁴. The trend in most developed countries is to merge inspection structures within a “single inspectorate” and a “single management”, avoiding duplication, though keeping specialized inspection areas¹²⁵. The SEPE meets the requirements consisting of a single inspectorate and a single management, but nevertheless the action of both branches should be much more coordinated in practice.
- Therefore, the SEPE should carry out an assessment as to whether the current distribution of inspectors in the local offices is consistent with the rural areas that concentrate more agricultural activity. Taking account of the statistics on number of seasonal workers, livestock holdings and number of farmers, the SEPE should reinforce with more inspectors the offices located in areas with more intense agricultural activity and in particular:
 - Central Macedonia and Thessaloniki and Central Greece
 - Peloponnese
 - Western Greece (in particular Ilia, Achaia, Aetolia-Akarnania)
 - Crete
 - In particular, Lakonia, Arkadia, Dodecanese.
- As to the islands, those with more migrants such as Lesbos should also be reinforced both by means of increasing the number of inspections and the number of inspectors. SEPE should as well assess whether to assign more permanent inspection staff in certain islands instead of organising inspections through the Special Unit in the Head Quarters. New recruitments or staff coming from other administration departments might be assigned preferentially to these local offices. Moreover, ad-hoc twice-yearly three weeks seasonal campaigns organised with inspectors from other Regional inspectorates could be carried out every year in support for the regions in need of more inspections and islands.
- The specific characteristics of the agriculture sector, in particular those related to health and safety at work, suggests the convenience of taking into account different expertise, as agronomists or veterinarians, in upcoming recruitment processes. Actually, the OSH labour inspection should be reinforced in so far the

¹²⁴ International Labor Organization. (2013). *Labour inspection and undeclared work in the EU* (LAB/ADMIN, Working Document No. 29). Geneva; page 13; available at: <https://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?referer=http://www.google.com/url?sa=t&ct=j&q=&esrc=s&source=web&cd=14&ved=0ahUKEwjNwfXH49TaAhWLGewKHx2MDMcQFgh5MA0&url=http%3A%2F%2Fdigitalcommons.ilr.cornell.edu%2Fcgi%2Fviewcontent.cgi%3Farticle%3D1280%26context%3Dintl&usg=AOvVaw3V--JaTQ2r9mWj49180eUn&httpsredir=1&article=1280&context=intl>

¹²⁵ OECD, Better Policies for Better Lives, Public Consultation on Best Practice Principles for improving Regulatory Enforcement and Inspections, Draft submitted to the public, deadline: 31 August 2013, inspections.comment@oecd.org, Page 17

budgetary possibilities allow it, with more specialised inspectors in order to cope with specific hygiene or occupational diseases risks exist.

- Together with these actions, the number of inspections should be increased. The current ratio of workers per inspectors is of 6,412 (vs.) if we take the figure of 575 active inspectors¹²⁶. This is a favourable ratio compared with other countries¹²⁷, so the question is whether Greek inspectors are performing an adequate number of inspections (up to now 24 inspections per month in a two-inspector team or 12 inspections per inspector per month and 3 per week). The number of inspections is low and should be increased up to at least 4 inspections per team per week (4 inspections per inspector). This increase of more than 26,000 additional inspections per year (48 weeks x 541 active inspectors –excluding the Special Inspection Unit-) would result in an adequate number of inspections in order to start covering the agriculture sector.
- As regards the number of inspectors, SEPE has sufficient inspectors to undertake the inspection of agriculture undertakings and for embracing this new sector under its scope. As said above, the ratio of workers per inspectors in Greece is not higher than in other EU countries with economies with a strong agriculture sector. However, tackling undeclared work in agriculture may require an increase of inspection staff in those areas where more migrants and waged workers work. The number of additional inspectors that would be needed over the next five years is around 120 new inspectors, (although this figure should be revised in line with the increase of inspectors by EFKA). This figure has not been taken at random, but bearing in mind the existence of 678,702 agricultural holdings with utilized agricultural area (data 2016 from Hellenic Statistics Authority). With around 27,600 additional inspections (4 per week per inspector instead of 3 x 575 active inspectors) plus 23,040 inspections carried out by 120 new inspectors, the SEPE would reach 50,640 additional inspections. That figure represents around 7.5% of holdings inspected every year. In five years 37.5% of all agricultural holdings could be inspected, which would be a very satisfactory margin in the objective of achieving the coverage of agriculture sector by labour inspection. The figure of these new recruited 120 inspectors could be reduced if the number

¹²⁶This ratio has been high in last years if compared with other EU countries. According to the document “Greece-Labour Administration Needs Assessment Report”, the number of employed persons in Greece in 2016 was 3,687,465, and the ratio workers per inspector was 5,230 (for 705 field labour inspectors) According to other survey, the number of workers per inspector in Greece (4,700) was in 2012 the most favourable among the 15 countries surveyed (“A mapping report on Labour Inspection Services in 15 European countries; A SYNDEX report for the European Federation of Public Service Unions (EPSU), 2012; available at

https://www.epsu.org/sites/default/files/article/files/EPSU_Final_report_on_Labour_Inspection_Services.pdf

¹²⁷ According to a study carried out by the OECD (2015) the number of workers per inspectors is in Greece well below the average ratio in OECD countries and the ILO benchmark. Even in the event this proportion had worsened today, it would still be more favourable than the average developed countries. Moreover, the ILO is concerned only if the relation exceeds one inspector per 10,000 workers in industrial market economies; information available at:

https://www.oecd-ilibrary.org/social-issues-migration-health/oecd-reviews-of-labour-market-and-social-policies-colombia-2016/recent-hirings-have-brought-the-number-of-workers-per-labour-inspector-closer-to-international-standards_9789264244825-graph30-en; see also ILO Press release available at:

http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_077633/lang--en/index.htm

of inspections per week assigned to each inspector were increased to more than 4 per week.

4.3 Material resources and transport facilities

- The full coverage by labour inspection of the agriculture sector requires operational support in terms of transport facilities. The fact that farms are often isolated or difficult to be located suggests that the use of service cars should have priority for the agriculture sector over other sectors. In the medium term, the SEPE may also examine the possibility to purchase new IT tools, such as drones to locate camps and plantations where workers are, in order to facilitate location and transport to camps.
- At any rate, the inspection of the agriculture sector requires that SEPE's budget for reimbursement of inspectors' visits be increased in order to cover all expenses incurred. Equally, SEPE should dispose of more available service cars. Furthermore, the increase of the number of inspections should be followed by a higher budget allocation for transport expenses. The costs in which inspectors may incur are currently regulated in Act. No. 4336/2015 (GG 94/A) on "Domestic and international travel expenses" and a Joint Ministerial Decision, but the reimbursement is actually limited to 5 inspections per month and €20 per inspection. This is a relevant gap as far as inspectors could not even undertake the standard of 24 inspection visits per month and far less exceed that benchmark¹²⁸. This situation should be tackled urgently by the adoption of a new Joint Ministerial Decision increasing the amount devoted to reimbursement of inspectors' visits expenses.

4.4 IT integrated information system

- As regards the labour inspection IT integrated information system and the interoperability with and/or access to databases placed in other institutions, SEPE needs to work towards interoperability and to build up connections with existing database other than ERGANI and EFKA. SEPE should build capacity for exchanging information with the Ministry of Rural Development and Food and for drawing data from OPEKEPE and the Public Revenues Service (IAPR). Equally, SEPE should have access to AMKA (Greek Social Security number database), a database with full information on the identity of any insured in social insurance funds, beneficiary of pensions or benefits or registered in the Greek health system or is employed in Greece.
- SEPE must thus draw an action plan and reach agreements with the above-mentioned institutions in order to enable inspectors to access AMKA register and to establish connections with MRDF, IAPR and OPEKEPEs.
- The recruitment of more technical staff for working in the IT system is unavoidable in order to enhance the interoperability with other bodies IT system and to develop the analytical platform.

¹²⁸According to the *Observation (CEACR)* - adopted 2015, published 105th ILC session (2016); Labour Inspection Convention, 1947 (No. 81) - Greece (Ratification: 1955); available at: http://www.ilo.ch/dyn/normlex/en/f?p=1000:13100:0::NO::P13100_COMMENT_ID,P13100_LANG_COD E:3255320,es:NO

4.5 Conciliation and other functions; downsizing of non-traditional functions

- The ILO CEACR already requested the Greek Government to set up a separate unit with officials specialized on dispute resolution¹²⁹. The reduction of time spent in or devoted to conciliation proceedings that are not sheer inspection functions of the labour inspectors is essential and most of the SEPE's workforce should be assigned to field inspection activities. Furthermore, the Labour Inspection Recommendation in Agriculture No. 133 (as well as Recommendation No. 81) states (3) that *"normally, the functions of labour inspectors in agriculture should not include that of acting as conciliator or arbitrator in proceedings concerning labour disputes. Where no special bodies for this purpose exist in agriculture, labour inspectors in agriculture may be called upon as a temporary measure to act as conciliators. In the case provided for by subparagraph (2) of this Paragraph, the competent authority should take measures in harmony with national law and compatible with the resources of the labour department of the country concerned with a view to relieving labour inspectors progressively of such functions, so that they are able to devote themselves to a greater extent to the actual inspection of undertakings."*
- However, the conciliation and mediation procedures supervised by the Administration are still part of the strategic objectives of the Ministry. Actually, the *"Strategic Development Goals for 2017"*¹³⁰, states as one of the priorities the improving of "the reconciliation and mediation procedures to address abuses committed by employers in the workplace", which places the issue on the frontline of priorities indirectly affecting labour inspection.
- Conciliation procedures may well be part of the Ministry strategic goals, however labour inspection should be partially discharged of this tasks, in particular those related to mediation procedures in respect of individual applications. SEPE should take the necessary measures to downsize non-traditional inspection tasks (conciliation, supervision of internal regulations of companies) with a view to providing broad and better coverage to all sectors subject to inspection, including the agriculture sector. As regards to the conciliation procedures, legislative steps could be taken with a view to assigning such conciliation tasks to other officials, or to lists of conciliators appointed by bipartite boards. The labour inspectors could still deal with a great part of these mediation functions (in particular individual ones) in the course of their inspections.
- The functions that inspectors carry out in relation to advice and/or information to citizens, especially workers, could be progressively migrated to specific labour information offices (e.g. Decentralized Administrative Offices), to internet help desk services such as IRIS¹³¹ or redirected to Trade Unions offices. Likewise, labour inspection should scale down other time consuming tasks such the ratification, approval or rejection of internal working regulations in companies

¹²⁹According to *Direct Request (CEACR)* - Adopted 2015, Published: 105th ILC session (2016); Labour Inspection Convention, 1947 (No. 81) - Greece (Ratification: 1955); available at: http://www.ilo.org/dyn/normlex/es/f?p=1000:13100:0::NO::P13100_COMMENT_ID,P13100_LANG_CODE:3255324,en:NO

¹³⁰*Greece Labour Administration Assessment*; page 66

¹³¹Sec. "Greece-Labour Administration Needs Assessment Report" Version April 11, 2017; page 25

(Legislative Decree 3789/1957). Labour inspection should not intervene in the internal working regulations (ratification, approval or rejection of the internal working regulations –article 2, 2, K Act 3996/2011-), leaving their follow-up to employers or to agreements between employers and workers representatives, or to judicial bodies, if need be. For this purpose, a legislative amendment of article 2 of Act No. 3996/2011 should be considered.

4.6 Training, guidance and technical assistance to labour inspector

- The extension of the scope of SEPE to the agricultural sector requires specific training on issues such as illegal employment, young workers, cooperatives, land tenure and exploitation forms, seasonal workers, accommodation facilities, work permits and occupational health and safety (e.g. manual handling, heavy machinery, transport of loads, chemicals, pesticides, greenhouses, etc.).
- In order to cover the agriculture sector, this report endorses the general opinion of the interviewees that SEPE would need a specific training programme in the aftermath of the ratification of Convention No. 129. A kick-off training program, complemented with regular annual training for all inspectors, particularly those in offices located in rural areas, should be launched on the following matters:
 - Updating of employment and social security legislation (no less than 10 hours of kick-off training, especially for labour relations inspectors)
 - Trafficking in human beings, forced labour and labour exploitation (no less than 5 hours of kick-off training, especially for labour relations inspectors)
 - Health and safety risks in agriculture: pesticides, fertilizers, biological risks, machinery and mobile equipment, greenhouses, confined spaces (no less than 15 hours of kick-off training, especially for OSH inspectors).
- Jointly with the training program, the adoption of specific guidelines, related to the agriculture sector to help inspectors in their daily work, would be a good complementary measure, providing more efficiency and consistency to the inspection actions and proceedings. The assumption of labour inspection in the agriculture sector requires the issuance and production of specific guidance on the above-mentioned core issues.
- A labour inspectorate that holds a well-organised technical and legal assistance is twice as effective as if it lacks those resources. SEPE should strive to streamline the legal database allowing inspectors to quickly identify law or jurisprudence through a powerful search machine and an efficient codification. SEPE should establish a “bank of knowledge”, with an integrated database comprising internal information (circulars, guidelines, etc.), legislation and case law related to labour inspection decisions.

4.7 Planning of inspection activity and awareness campaigns.

- SEPE should continue implementing risk analysis, setting out clear objectives, identifying priorities, and discarding irrelevant inspection activities in sectors or activities with low accidents rate or poor results in the detection of undeclared work. Labour inspection must concentrate on sectors where there is a general lack of information and training, a high incidence of accidents at work and/or a high incidence of illegal or undeclared or under-declared work. Albeit the

agriculture sector clearly meets all these characteristics, there is no need to cover all rural areas with many inspectors, but to organise annual targeted inspections based on a risk assessment following an analysis of job-related accidents, and rates of undeclared work and migrant workers in irregular situation. To this end, the exchange of data with other relevant information sources (Ministry of Rural Development and Food, National Rapporteur on Trafficking in Human Beings, SDOE or EFKA) is extremely useful, in order to implement an effective inspection plan with targeted actions and high deterrent impact.

- In the area of fishing activity, yearly inspection campaigns to fishing boats would be necessary in order to check health and safety conditions and undeclared work. These inspections could be carried out by joint teams organised between labour inspectors and agents of the Hellenic coast guard.
- It is thus necessary, in order to broaden the inspection scope without increasing many resources, to:
 - Improve effectiveness adopting a risk assessment-oriented operational inspection plan;
 - Carry out a permanent evaluation and follow up of performance indicators;
 - Upgrade the management of services such as the call centre 15512 making them more efficient.

4.8 Planning of inspection and IT system.

- SEPE's planning of the inspection activity may as well exploit, and make combined use of, its own inspection records (e.g. sanctions records) and data retrieved from other sources (e.g. ERGANI). It is possible to screen data comprised in the labour inspection IT information system, such as applications for labour and working time dispute settlement, applications for working in public holidays, records of inspections and sanctions, declaration of accidents at work and reports on compliance with labour law. The combined management of both data sources affords the creation of employers' profiles and may serve in the upcoming years as the basis for better targeting inspections in the agriculture sector. The recent Ministerial Decree June 11th 2018 (32143/D1.11288) paves the way towards a better use of inspection records by enabling the recording of the start time of control carried out by SEPE, EFKA or OAED (article 6) and the use of statistics from records and penalties imposed to employers (articles 11 and following).

Furthermore, the full access of SEPE to data of farmers and workers (–former OGA–), and the possibility of downloading data from external databases (e.g. Public Revenues and OPEKEPE) would place the labour inspection IT integrated system in a position to roll-out an analytical platform, with a view to gaining efficiency in the selection of targets, in matters such as health and safety and undeclared work. This platform, based on the data compiled from different sources, would be provided with analytical capabilities (processing of large volume of data, segmentation, description of cases, patterns and profiles previously defined, sectors of activity, geographic areas, types of fraud, etc.).

4.9 Gaps associated to undeclared work and irregular situation of migrant workers: inspection, enforcement and prevention

- After the ratification of Convention No.129, an efficient labour inspection of the agriculture sector will require a comprehensive targeted strategy against undeclared work in the agriculture sector involving a policy mix based on both incentive and inspection/enforcement approaches.
- Together with the inspection and enforcement actions, raising awareness and information campaigns for the agriculture sector can provide an added value. An effort should be made in order to reach agriculture stakeholders and to disseminate information and policies to farmers and agriculture workers. To this end, awareness campaigns for combating undeclared work and promoting health and safety at work in agriculture could be launched. These campaigns may include the use of slogans, be conducted through social networks (TV, radio, press, etc.) and be subject to a close follow-up. The campaigns should include information to farmers on the steps they must follow for insuring workers, (depending on the type of worker), and help them to declare their dependant workers. The following actions could be carried out:
 - Broadcasting a TV or radio spot (short commercial with the purpose of dissemination of information on the economic and social impacts of undeclared work); the use of social networks should also be considered to disseminate the commercial.
 - Publishing and distribution of media publications such as flyers or brochures to target groups of farmers;
 - Organizing and conducting meetings/round tables with representatives of farmers organizations, cooperatives and local administration;
 - Information could also be provided to farmers through the Ministry of Rural Development and Food (MRDF) and the Rural Development Program.
- SEPE could also roll-out a website for anonymous reporting of undeclared work (Fraud/undeclared work Mailbox) and explore the possibilities and cost of linking a Snap@service free mobile application (downloaded from App Store or Google Play) to the Mailbox allowing any citizen or stakeholder to snap-and-send information in case of suspicion of undeclared work or labour exploitation.
- Finally, complementary systems for monitoring compliance such as self-assessment programmes could be tackled as well. Policies orientated to self-assessment and voluntary compliance programmes for selected companies or sectors –including agriculture- (for instance, activities with low impact of undeclared work or illegal employment, sectors with a high degree of compliance or a low rate of accidents at work) would discharge workload for inspectors and release human resources. Simultaneously, this would be a way to combine traditional inspection and enforcement methods with broad compliance-promotion initiatives. SEPE should elaborate an analysis survey in order to examine the adequacy, opportunity and convenience of implementing voluntary compliance and self-assessment programs. In particular, the survey would analyse the labour inspection workload released and would focus on the sectors, type and size of companies that might be subject or participating in those programs. A first step in this direction is the *“Pilot program of targeted inspections, with joint inspection teams, under the three-year plan - roadmap for*

combating undeclared work 2017-2019", which envisages the strengthening of business voluntary compliance.

4.10 Safety of labour inspectors

- Labour inspections often need the support of the Police in certain visits where threats or violence, difficulty of location, number of workers or presence of migrant workers without permit are expected. The ratification of Convention No. 129 will entail the increase of inspections in agriculture, a sector with peculiarities directly linked to cultural characteristics of farmers. It is not sheer coincidence that in many countries the most serious cases of obstruction to labour inspection have taken place in the agriculture sector. This is in fact a reversal for labour inspectors, who may find difficulties in the course of their inspections in agriculture camps, in particular those exploited by the so-called "mafia".
- The collaboration with the Hellenic Police is foreseen in the law and is most helpful in the visits to plantations and farms, especially in those where strain may disturb the inspection. This matter grows in relevance if inspectors have to visit farms where violence is feared (mafia, labour exploitation, trafficking in human beings, etc.). The lack of help from these bodies would lead labour inspectors to become discouraged in their inspections. At this point, the support of the police is essential and SEPE should seek to sign a collaboration Protocol with the Ministry of Interior (Police). This Protocol must guarantee the help and presence of the police on the spot (without beforehand formal steps), whenever the inspection activities are carried out in camps presenting any type of risk of violence against inspectors. The Protocol must envisage the following issues:
 - Protection of inspectors in their inspections;
 - Exchange of information between SEPE and the Hellenic Police;
 - Inspection of undeclared work in any sector or activity;
 - Trafficking in human beings;
 - Joint inspection campaigns in agriculture camps at harvest time.

This collaboration implies the appointment of two national coordinators, one by each party and a procedure for organizing joint actions.

- In this regard, two other aspects need to be addressed: on the one hand, an evaluation of the risk of violence against labour inspectors in agriculture should be drafted by the competent unit of SEPE; on the other hand, legal assistance to labour inspectors where they are called to attend trials, (which may be important given the peculiarities of the agriculture sector), should be guaranteed. Article 12 of Act No. 3996/2011 states that those costs incurred by labour Inspectors in courts for their actions in the performance of their duties and following an offence committed against them, are borne by the regular budget of the Ministry of Labour and Social Security. However, the system does not seem to work adequately¹³² and, at this regard, SEPE could consider the coverage of inspectors by a broad insurance, in order to counteract false accusations, as well as cases of threat or violence. This insurance for labour inspectors is essential in order to guarantee

¹³² Sec. *Labour Inspection Needs Assessment*; page 21

a sense of security to inspectors and to avoid their fears of using own money at the risk of Ministry's shortcomings.

4.11 Gaps associated with social insurance in the agriculture sector

- Another major concern lies in the voucher Greek legal framework. The voucher system is, mainly, addressed to casual workers (e.g. domestic workers as a practical and simple way to declare them. The voucher system is exposed to different forms of easy fraud (working more hours than those fixed in the voucher, providing the voucher only in case of or after an inspection, changing dates or arranging voucher unduly or only for obtaining a residence permit, etc.). The extension of the voucher system to a large sector as the agriculture certainly requires a review, both in terms of assessing the system itself and in terms of adopting additional control measures in order to avoid undeclared work and fraud.
- Furthermore, as already described, land workers, in particular the voucher workers, are not included in the ERGANI database. This is a handicap for processing and cross-checking information about land workers, in particular migrant workers. It has already been mentioned that the employers should be able to register workers through the electronic system ERGANI. Although this measure might be applied in the medium term, the insurance of voucher workers must be prior to the start of the work. Otherwise, the inspection action turns ineffective and undeclared work is easy and remains unpunished for employers. At this point several alternatives are herein brought, although all of them draw from the premise that ERGANI system should be implemented for all agriculture workers without exception:
 - A) The initiative, reported by SEPE, on the use of a handwriting book where the employer may register voucher workers, could only be assumed temporarily or on a transitional basis. During this transitional period -5 years maximum- farmers not having easy access to electronic means could use a handwriting book. A new regulation should thus be adopted comprising these new obligations for farmers and deadlines for the application of ERGANI. A pilot phase for the handwriting book could be launched in 2019, after the ratification of the Convention No. 129. ERGANI system would be established a transitional period.
 - B) SEPE could also explore alternative means of declaration of workers such as, for instance, SMS messages or an easy-to-use app that farmers may upload in their mobile phones. For their part, the Decentralised Administrative Offices (or local offices of SEPE and EFKA) could provide support to farmers (direct assistance, information, etc.) and help them in the use of this app. This system would allow the continued use of vouchers, although, as mentioned before, the insurance of workers would be prior to the start of work.
 - C) Farmers are obliged to use ERGANI for all dependant workers. However, as agriculture is characterized by specific particularities (e.g. sudden weather changes that thwart the crop), complementary regulations on how and when to declare workers would be another option. For instance,

12.00 p.m. could be the time limit for the farmer to register workers, despite the real start of the work. This way the employer may:

- a. Suspend the work before 12.00 p.m. if the weather turns rainy;
- b. Replace workers who have not shown up;
- c. Employ more workers than expected due to climatological conditions

If the worker is dismissed before 12.00, the employer must provide the worker with a voucher for the hours worked until that time limit. If the workers continue to work after 12.00 pm, the employer must register them through ERGANI. This alternative enables the continuity of the voucher system on one side and the implementation of ERGANI on the other, albeit after a transitional period.

- D) A fourth alternative would be a new regulation establishing employers are obliged to fill in the following boxes in the voucher before the worker starts to work: date of employment, exact time of commencement of work and name/ID of the worker. In such a way inspectors would always be able to check whether the workers data have been inserted in the vouchers. With this system there is no need of a handwriting book.

Whatever the alternative is, vouchers should be paid before the end of every month. Currently the practice is to present the vouchers to the bank only at the end of the year, accumulating all the period of work in only one voucher. This practice difficult very much the control of the real work force used in the agriculture.

4.12 Clarity and transparency of the law

- SEPE, with a view to covering inspections in agriculture, should draft guidelines that clearly provide inspectors with guidance and criteria in relation to the following issues:
 - Vouchers and registration in social insurance: obligations of employers and sanctions.
 - Seasonal employment via “metaklisi” (“invited workers”) following contingent agreements contracts: obligations of employers and sanctions
 - Cooperatives
 - Enforcement measures

4.13 Cooperation with other institutions and stakeholders

- Apart from the Police SEPE may request the collaboration of other institutions and bodies such as EFKA and SDOE, the inspection services of the Ministry of Environment or the special inspection services of the Ministry of Rural Development and Food.
- Cooperation with EFKA and SDOE.
 - In Greece two main inspection services inspect and combat undeclared work: SEPE and the Special Insurance Control Service of the Social Insurance Fund (former IKA-EYPEA). At this respect, Act No. 4144/2013

- (article 14) refers to “mixed inspection groups”, which may include inspectors from both bodies. These two inspection services have similar tasks such as inspections on undeclared (e.g. part time workers who work at full time). Therefore, both services could gain efficiency by reinforcing their coordination, joint planning and joint inspections.
- It should be highlighted that, according to a representative from EFKA (interviewed in the week May, 8-11), EYPEA plans to recruit 500 new inspectors in the next years. Therefore, this coordination would be even more necessary and an overall assessment of resources should be carried out as the control of undeclared work might be duplicated or overlapped.
 - SEPE also collaborates with the Financial and Economic Crime Unit (SDOE), although only in certain cases. In order to fight against undeclared work more efficiently, this collaboration (by which officials of SDOE accompany labour inspectors) should be also reinforced and extended to more cases¹³³.
- Cooperation with the Ministry of Rural development and Food (MRDF)
 - During the visit to Greece (May, 8-11), representatives of the MRDF showed an excellent disposition to improve collaboration with the SEPE. This cooperation is key since the MRDF has valuable information on the identity of the farmers, through the central Register of farmers. The MRDF could provide data and information on the necessary places to inspect, and could exploit the information contained in the tax books where the farmers include incomes and expenses (also workers’ wages) to reduce their taxes. This information allows to estimate volumes of production and, consequently, necessary working time per year to cover that production volume (number of work units equivalent to a single full time worker) of a given plantation. The above-mentioned source of information would enable SEPE to:
 - ✓ Design targeted inspection plans;
 - ✓ Cross-check data with bank payment contributions of vouchers;
 - ✓ Cross-check data with Decentralised Administrative Offices when requesting foreign workers via “metaklisi”
 - ✓ Plan inspections to employers declaring a shorter number of foreign workers than those estimated in accordance to the above-mentioned sources.
 - Therefore, SEPE and MRDF should reach a collaboration agreement in order to:

¹³³See FRANET contractor: Centre for European Constitutional Law (CECL); Author: Social Expert on qualitative fieldwork research: XeniaChryssochoou, Legal Expert: Apostolis Kapsalis, Social Experts/ Researchers: Artemis Griva, Christos Iliadis, Konstantinos Markidis, Spyridoula Ntani, Eleni Takou, Filyra Vlastou; *Social Fieldwork Research (FRANET); Severe forms of Labour Exploitation; Supporting victims of severe forms of labour exploitation in having access to justice in EU Member States; Greece, 2014; page 16*

- ✓ On the one hand, associate the inspection services in the MRDF with the labour inspection (sec. article 11 of the Convention) in cases of inspections to farms, plantations and forestry where a technical expertise is needed¹³⁴; on the other hand, associate labour inspectors with the inspection services of the MRDF in the inspection of new plants (in pursuance with article 17 of ILO Convention No. 129);
 - ✓ Exchange data related to farmers (from the register in the MRDF) and estimations on working hours calculated on the basis of the size, type of cultivation, incomes and expenses declared by farmers;
 - ✓ Exchange data and information contained in the databases of OPEKEPE related to EU aids programs;
 - ✓ Organise joint actions and guarantee permanent intercommunication between both inspection territorial services;
 - ✓ General exchange of know-how between both bodies and transfer of knowledge from MRDF to labour inspection in relation to pesticides and fertilizers, use of machinery, and other workers' health and safety related risks.
- This framework of collaboration could be envisaged in an amendment of Act No. 3996/2011 (in particular article 2.2.o) in so far its inclusion in the law would guarantee a permanent and solid cooperation.
 - Cooperation with other institutions.
 - SEPE should also reach a cooperation agreement with the National Rapporteur on Trafficking in Human Beings, foreseeing a close collaboration with professionals of this body. Collaboration between the National Rapporteur for Trafficking in Human Beings should lead to more joint actions with the Hellenic Police.
 - Finally, collaboration channels should be set up between SEPE and other institutions such as INE-GSEE (research institution of the General Union of Workers), non-governmental organizations, such as ARSIS¹³⁵ or PRAXIS,¹³⁶ or the Social Economy Institute.

4.14 Information of accidents at work and occupational diseases.

- The number of accidents at work and occupational diseases investigated by SEPE in the agriculture sector is very low, due to a problem of under-reporting. The presence of labour inspection in farms and plantations would lead to an increase in the reporting of accidents at work and occupational diseases in the agriculture sector. In this respect, SEPE should focus the inspection activity on small and medium-sized enterprises, where under-reporting may be more significant.

¹³⁴For instance, it would be helpful that the OSH inspectorate request the collaboration of qualified inspectors (e.g. agronomists, veterinarians, etc.) from the inspection services of the Ministry of Rural Development and Food.

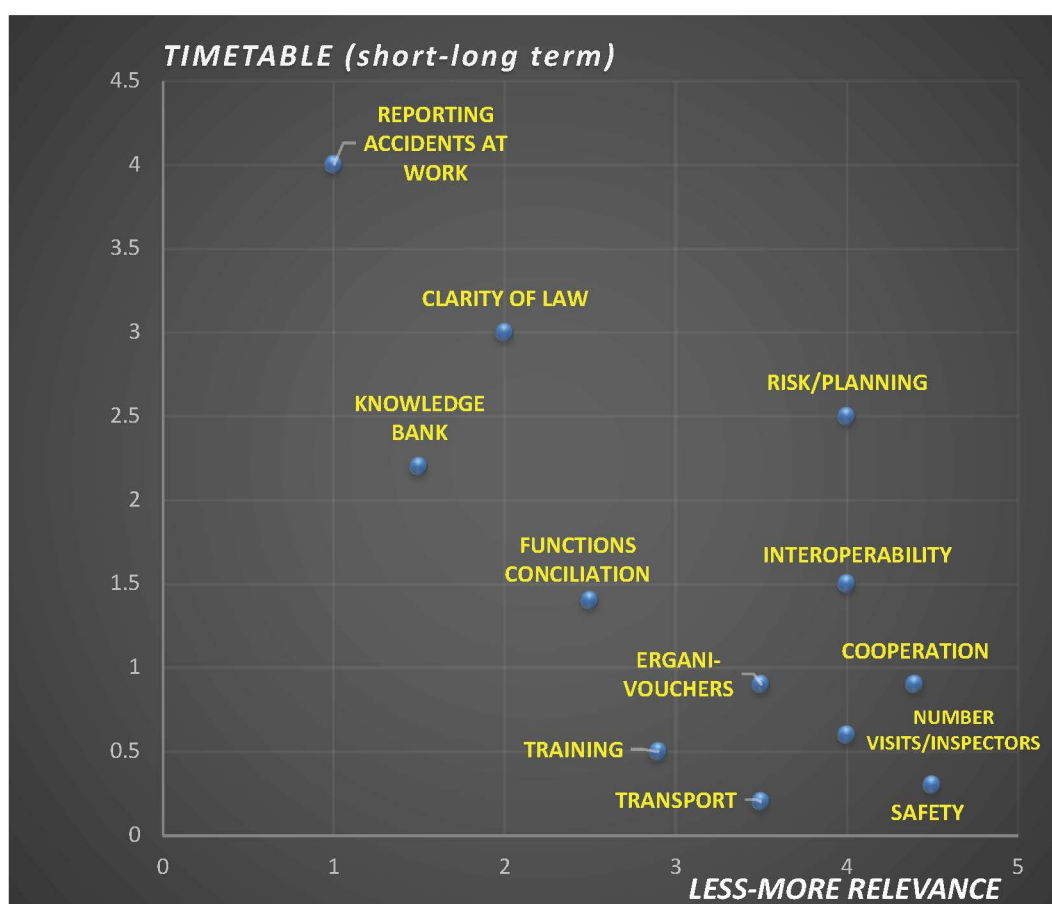
¹³⁵ <http://arsis.gr/en/arsis-is/>

¹³⁶ <https://www.praxis.gr/el/>

- Currently, the accidents at work and occupational disease may be reported to both EFKA and SEPE. The legislation should be amended with a view to declaring accidents to only one single body (SEPE or EFKA) and to avoid the loss of information if employers only declare the accident to one and not to both bodies. This legislative amendment should envisage the obligation of employers to report all accidents at work and occupational diseases to EFKA and, a clear legal mandate for EFKA to forward, by electronic means, a copy of all accidents and occupational diseases reports to the SEPE.

5. Conclusion

The ratification of Convention No. 129 by Greece will contribute to broaden the scope of the Greek labour inspection and will, undoubtedly bring along the building of new capacities for SEPE. In order to succeed in the goal of assuming the coverage of the agriculture sector, the Greek labour inspectorate will need to follow an order of priorities as proposed in the diagram below:



The matrix represents a group of aspects that the Greek labour inspectorate should take into consideration in terms of relevance and urgency. The right and lower area of the matrix includes the most urgent and necessary issues to tackle the coverage of the agriculture sector by the labour inspectorate in a sustainable way. For instance, safety of inspectors, number of inspection visits per inspector, transport facilities or cooperation appear to be more crucial and urgent while risk/planning,

knowledge bank or reporting accidents at work are necessary but may not require so short term implementation.

Since inspectors cannot be everywhere and address everything, other ways should help to achieve these objectives. Criteria must be adopted to decide where and when to inspect. The key criteria to be considered, according to the OECD, are:

1. Behavior of companies and reward to compliance efforts;
2. Coordination to avoid duplication and overlaps and optimal use of public resources;
3. Minimizing burden and maximizing effectiveness;
4. Transparency, professionalism and independence from political influence;
5. Risk-focus by means of information and communication technologies and information-sharing;
6. Clear rules, rights and obligations of stakeholders and coherent legislation;
7. Guidance, toolkits and checklists.

The OECD *Best Practice Principles for Improving Regulatory Enforcement and Inspections*¹³⁷ provide a good example of risk-based and measurement-based strategic direction

The ratification of the ILO Convention No. 129 would not lead the Greek Labour Inspectorate to a disproportionate effort. Instead, the Greek Labour Inspectorate will need to adapt the frequency of inspections and inspection targets to its own resources and to the risk assessment, without prejudice of all the recommendations set forth in this report.

6. ANNEXES

ANNEX I

KEY STAKEHOLDERS CONSULTED

In the framework of the project "*Supporting the implementation of the roadmap on tackling undeclared work in Greece*" output 3 is devoted to ensure compatibility with ILO Convention 129.

A study visit was carried out in May, 8-11, 2018 and the following meetings were held:

Tuesday 8th of May:

- Executive Secretary of SEPE
- Committee on the Ratification C129.
- Representatives of EFKA

Wednesday 9th of May:

- Representatives of the Ministry of Environment
- Representatives of the Ministry of Rural Development and Food
- Representatives of the Financial Police (SDOE)

Thursday 10th of May:

¹³⁷ OECD, Public Consultation; *Best Practice Principles for Improving Regulatory Enforcement and Inspections*; Draft Report Submitted to the Public for Comments; deadline August, 31, 2013; page 5

- Social partners (GSEE, SEV, GSVEE, SETE,, ESEE)

Employers:

- Hellenic Federation of Enterprises (SEV)
- Hellenic Confederation of Professionals, Craftsmen & Merchants (GSEVEE)
- Hellenic Confederation of Commerce and Entrepreneurship (ESEE)
- Association of Greek Tourism Enterprises (SETE)

Workers:

- Greek General Confederation of Labour (GSEE)
- National Rapporteur on Trafficking

Friday 11th of May:

- Visit to Pallini Regional Directorate and meeting with Heads of Directorate and labour relations inspectors.

ANNEX II

PLAN OF ACTION

AREAS/GAPS	RECOMMENDATIONS/ACTIVITIES SHORT TERM (1 YEAR)	RECOMMENDATIONS/ACTIVITIES MEDIUM TERM (3 YEARS)	RECOMMENDATIONS/ACTIVITIES LONG TERM (5 YEARS)
1. <i>Assessment of legislation in force: scope and approach of labour inspection action in agriculture</i>		Amendment of article 2 par 2, n) Act 3996/2011 including an explicit reference to Convention No. 129 International Labour Convention.	The SEPE to take advantage of future amendments of Act No. 3996/2011 in order to: - Define types of agricultural undertakings falling under the scope of labour inspection (farmers with waged workers and self-employees with family workers); - Envisage advisory functions of labour inspection regarding self-employees and family workers in respect of their obligations (OSH) - Enforcement functions regarding self-employees and family workers in respect of

			their social security obligations;
2. Structure of SEPE, staff, number of inspectors and inspections.	Assessment as to whether the current distribution of inspectors in the local offices is consistent with the rural areas that concentrate more agricultural activity. The SEPE increases the number of inspections by at least 8 inspections per team per week (4 inspections per inspector). The target is to achieve around 26,000 additional inspections per year (48 weeks x 541 active inspectors –excluding the Special Inspection Unit-) in order to cover the agriculture sector. Assessment of staff needs in islands (permanent inspection staff or reinforced inspections through the Special Unit in the Head Quarters).	Reinforcement of offices located in areas of more agricultural activity with <u>120 additional</u> (new recruited) inspectors and in particular Central Macedonia and Thessaloniki, Central Greece, Peloponnese, Western Greece (Ilia, Achaia, Aetolia-Akarnania) and Crete. Also Lakonia, Arkadia and Dodecanese. [This figure should be revised in line with the increase of inspectors by EFKA] New recruitments or staff coming from other administration departments might be assigned preferentially to these local reinforced offices. Organising twice-yearly three-weeks seasonal campaigns with inspectors coming from other regional directorates	In upcoming recruitment processes the SEPE must recruit more specialised inspectors such as agronomists or veterinarians.
3. Material resources	Adoption of a new Joint Ministerial Decision increasing the amount devoted to reimbursement of inspectors' visits (adapted at least to		

	8 inspections per team per week) or the number of service cars.		
4. IT integrated information system and interoperability		Access to AMKA (Greek Social Security number database) and to Social Insurance Fund for the Self-Employed (EFKA-OAEE); Agreement or cooperation Protocols for exchanging data with: - EFKA, Manpower Employment Organisation (new agreements) - IAPR, (Independent Authority of Public Revenues) - Ministry of Rural Development and Food (MRDF) - OPEKEPEs - Ministry of Environment (inspection services)	Design of analytical Platform capable of drawing data from AMKA, MRDF, OAED, IAPR, OPEKEPEs and EFKA
5. Conciliation and other functions; reduction of non-traditional functions		Legislative amendment for removing the approval by labour inspection of the internal working regulations of companies, leaving them to employers or to agreements between employers and workers representatives.	With a view to discharging labour inspectors of part of their workload, legislative amendment is necessary to assign conciliation tasks or to share this function with/by: - Mediators elected out of national and/or local lists of

			conciliators appointed by bipartite boards - Setting up in the Ministry of a separate unit with officials specialized on dispute resolution The legislative amendment may provide that part of the conciliation applications (particularly individual disputes) be handled by inspectors in the course of their ordinary inspections.
6. Training and technical assistance to labour inspector	Report analyzing the training needs (TNA) Specific kick-off training program related to agriculture: - Updating of employment and social security legislation (no less than 10 hours, especially for labour relations inspectors) - Trafficking in human beings, forced labour and labour exploitation (no less than 5 hours, especially for labour relations inspectors) - Health and safety risks in agriculture: pesticides, fertilizers, biological risks, machinery and mobile	Establishment of a “Bank of knowledge”, with an integrated database comprising internal information (circulars, guidelines, etc.), legislation and case law related to labour inspection decisions.	

	equipment, greenhouses, confined spaces (no less than 15 hours, especially for OSH inspectors). Adoption of a regular additional train-the-trainer program		
7. Planning of inspection activity and awareness campaigns.	Adoption of a risk assessment-oriented operational inspection plan for agriculture as a part of the annual general planning Yearly inspection campaigns in fishing boats on health and safety and undeclared work. Setting up joint teams organised between labour inspectors and agents of the Hellenic coast guard.		Roll-out of profiles of employers from the analytical platform in IT integrated information system, drawing data from AMKA, OAED, IAPR, MRDF, Ministry of Environment, OPEKEPEs and EFKA Analysis of alternative policies orientated to self-assessment and voluntary compliance programmes for selected companies or sectors; pilot experience in a given sector or industrial branch.
Safety of labour inspectors		Adoption of a collaboration Protocol with the Ministry of Interior (Hellenic Police). This Protocol must envisage:	Providing labour inspectors with a broad coverage or insurance in order to counteract false accusations, as well as cases of threat or violence.

		- Appointment of two national coordinators - Procedure of collaboration and organization of joint actions - Support from the police in the inspection of camps with risk of violence against inspectors (joint visits) - Exchange of information between SEPE and the Police; - Inspection of undeclared work in any sector or activity; - Trafficking in human beings; - Joint inspection teams for agriculture camps at harvest time.	Elaboration of a risk of violence assessment against labour inspectors in agriculture should be drafted; elaboration of prevention measures plan
<i>Gaps associated with undeclared work in the agriculture sector</i>		Launching of awareness campaigns for combating undeclared work and promoting health and safety at work in the agriculture sector.	Development of a website for anonymous reporting of undeclared work (Undeclared Work and Fraud Mailbox) Explore the possibilities and cost of linking a Snap@service free mobile application to the Undeclared Work and Fraud Mailbox that allows any

			citizen to snap-send information of non-compliance cases related to undeclared work
<i>Gaps associated with social insurance in the agriculture sector</i>	<u>Alternative A):</u> adoption of a regulation establishing the handwriting book for all farmers. [Regulation of a transitional period for this new obligation] [Launching of a Pilot Phase in 2019 for the use of the handwriting book]		<u>Alternative A):</u> Adoption of a regulation extending ERGANI to all workers (including voucher workers): fixing a <u>deadline</u> for farmers.
	<u>Alternative B):</u> Vouchers system continues to be used	<u>Alternative B):</u> start-up of a SMS or an app system with mobile phones for prior communications of workers to EFKA; support from Administrative Decentralized Offices or EFKA and SEPE offices [Regulation of a transitional period for this new obligation] [Launching of a Pilot Phase in 2020 for the use of the SMS system]	
		<u>Alternative C):</u> adoption of a new regulation laying down 12.00 pm as the time limit to register workers in EFKA through ERGANI; before that time workers are paid by vouchers.	

		[Regulation of a transitional period for this new obligation] [Launching of a Pilot Phase in 2020 for the new obligation]	
		Alternative D): Adoption of a new regulation setting out: - Obligation for employer to fill in the following boxes in voucher before the worker starts to work: date of employment, exact time of commencement of work and name/ID of the worker. [Regulation of a transitional period for this new obligation] [Launching of a Pilot Phase in 2020 for the new obligation]	
Clarity and transparency of the law	SEPE drafts guidelines that clearly provide inspectors with guidance and criteria in relation to the following issues: - Vouchers and registration in social insurance: obligations of employers and sanctions.		

	- Seasonal employment via “metaklisi invited workers”: obligations of employers and sanctions - Cooperatives - Enforcement measures		
Cooperation with EFKA (EYPEA) and SDOE	Agreement for reinforcing the coordination, planning and organising joint inspections between SEPE, EYPEA and SDOE. Joint assessment/planning (SEPE/EFKA) to avoid duplicated or overlapped control of undeclared work. Extension of the collaboration by which officials of the SDOE accompany labour inspectors		
Cooperation with the Ministry of Rural Development and Food	Cooperation agreement with the MRDF for: - Associate the inspection services of the MRDF with the labour inspection in cases of inspections to farms, plantations and forestry	Cooperation agreement with the MRDF for: - Exchanging data and information contained in the databases of OPEKEPEs related to EU aids programs. Options: regular exchange of	These channels of cooperation to be envisaged in an amendment of Act No. 3996/2011 in so far as its inclusion in the law would guarantee a permanent and solid cooperation

	where a technical expertise is needed. - Associate labour inspectors with the inspection services of the MRDF in the inspection of new plants - Organise joint actions and permanent communication between both inspection territorial services. - Exchange know-how between both bodies and transfer of knowledge from MRDF to SEPE on pesticides and fertilizers, and specific machinery.	data, SEPE drawing data electronically from OPEKEPEs - Exchanging data related to farmers (from the register in the MRDF) and to estimations on working hours calculated on the basis of size, type of cultivation, incomes and expenses declared by farmers.	
<i>Cooperation with other institutions.</i>	Cooperation agreement with the National Rapporteur on Trafficking in Human Beings foreseeing a close collaboration with professionals who work for this body and training of labour inspectors. Cooperation agreements with: - INE-GSEE (research institution of the General Union of Worker) - NGOs (ARSIS or PRAXIS) - Social Economy Institute.		

<i>Information of accidents at work and occupational diseases.</i>	The annual inspection plan must include priorities regarding the inspection of small and medium-sized farms.		Legislative amendment including the obligation of employers to report all accidents at work and occupational diseases to EFKA and a clear legal mandate for EFKA to forward by electronic means a copy of all accidents and occupational diseases reports to SEPE.

ANNEX III

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ISBN 978-92-2-133236-7