

## 10. Greece

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As regards labour law, Greek social security law is organised on the basis of territoriality and universality, not nationality. All legally residing third-country nationals have the right to insurance from the relevant occupational insurance bodies to access the relevant benefits. They enjoy the same rights with regard to national insurance benefits as nationals, while single permit holders are also entitled to equal treatment with regard to access to social security. Access to contributory social insurance benefits generally depends on fulfilment of insurance conditions related to the length of previous employment periods, not on nationality or residence (see Martini 2020). Prior residence requirements are applicable for most non-contributory benefits, however (ibid).

### Box 1 Sector-specific variations on social security rules

There are no major sector-specific variations for social security. This reflects the recent trend towards unification and generalisation of the previously multiple insurance funds. It is notable, however, that the Migration Code (Article 13 par. 4) requires submission of proof of payment of the required contributions as a condition for permission to bring in seasonal third-country nationals in agriculture. The employer has to pre-pay at least one month's employment, while the rest either has to pre-paid or alternatively the employer has to authorise the insurance body to take the payment from the agricultural subsidy organisation responsible for agricultural subsidies, the Greek Common Agricultural Policy Payment Authority (ΟΠΕΚΕΠΕ).

Table 1.10 Overview of the relationship between form of migration and entitlement to a particular social security service

Third-country-national categories	Social security categories					
	Health insurance	Pension contributions	Unemployment insurance	Basic security (social assistance)	Insurance against accidents at work	Child benefits
Posted workers	No	No	No	No	No	No
Intra-corporate transfers	Yes	Yes	Yes	Yes	Yes	Yes
Seasonal workers	Yes	Yes	Yes	Yes	Yes	Yes
Temporary agency workers	Yes	Yes	Yes	Yes	Yes	Yes
High-level professionals	Yes	Yes	Yes	Yes	Yes	Yes
Self-employed	es	Yes	Yes	Yes	Yes	Yes

Source: Author's analysis, 2022.

## Description of the Greek system

### 1. Overview of social security rights of short-term third-country-national migrant workers

Greek social security law is organised on the basis of territoriality and universality, not nationality. All legally resident (and, under certain conditions, unlawfully resident) third-country nationals have a right to be insured by the relevant occupational insurance bodies for access to various contributory cash benefits (sickness benefit, unemployment benefit, maternity benefits, health benefits). Legally residing third-country-national workers enjoy the same rights with regard to national insurance benefits as nationals, while single permit holders are also entitled to equal treatment with regard to access to social security provisions (under EU Regulation 883/2004). Access to social insurance benefits generally depends on the fulfilment of insurance conditions related to the length of previous employment periods and not on nationality or residence. For non-contributory benefits, however, prior residence requirements may in practice prevent short-term workers from accessing them. Since 2017, the Unified Social Security Fund (ΕΦΚΑ) has covered the National Health System, the National Welfare System and the National Social Insurance System.

The Migration Code (Article 15 paragraph 2) sets as a condition for renewal of the standard ‘paid dependent employment’ visas (of employment of at least 1 year) the submission by the third-country national of a valid health booklet and proof of completion of the minimum required days for insurance contributions.<sup>1</sup>

### 2. Differences in social security rights of different categories of short-term third-country-national migrant workers

#### (i) Third-country-national seasonal workers

The only specific social security provision in the migration code is that seasonal workers are entitled to equal treatment to nationals with regard to the provisions on social security, as defined by Council Regulation 883/2004.

#### (ii) Third-country-national posted workers

For postings within the EU/EEA, workers must submit as part of their visa application a solemn statement certifying the existence of a contract between the posting company and the recipient of services, along with the assumption of accommodation, healthcare and return expenses by the posting company. Workers shall also submit a copy of an attested health booklet or European insurance card or any other equivalent EU document. For – in practice more limited – postings

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1. With a possibility of purchasing additional days up to 20 per cent of what is required if the actual days are less than the minimum.

from outside the EU, the law requires the submission of a certified copy of the contract containing coverage of costs similar to postings within the EU/EEA.

**(iii) Third-country-national temporary agency workers**

Under Greek law, the contract between the agency and the worker shall contain the latter's insurance provisions, while any provision that impedes their insurance rights is void. The agency worker has a right to equal treatment to workers directly employed by the user company. There is a joint and several liability of user and agency in respect of the required insurance contributions. There are no special provisions on third-country-national temporary agency workers.

### 3 Conditions for obtaining different social security rights

As space precludes a systematic examination of the complex and often labyrinthine conditions for access to the various benefits, only a brief consideration of the conditions for major benefits is possible here. Entitlement to in-kind benefits of the National Organisation for Health Care Service Provision (EOPPY) is granted to insured workers with 50 days of insurance in the previous year of illness or during the preceding 15 months except for the past three months. For various cash benefits, insured workers must have completed 120 days during the previous year or during the previous three months, excluding the past three months. Maternity benefits are given to insured workers if they have completed 200 days of insurance in the previous two years before the actual date of birth. For unemployment benefits, the qualifying period corresponds to either 125 insured workdays during the 14 months preceding job loss or 200 insured work days during the 24 months preceding job loss, while the two last months before job loss are not included in the reference period. The non-contributory means-tested child benefit can be given to legally residing third-country nationals. Recently, the law increased the requirement of residence for third-country nationals from 5 to 12 years for the birth payment.

#### 4. Portability of benefits between host country and country of origin

A number of bilateral social security agreements are in force covering posted workers, mostly regulating the period in which they are subject to the social security regime of the host country. Greece has bilateral social security agreements in force with Egypt, Argentina, Australia, Venezuela, Brazil, the United States, Canada, Quebec, Libya, New Zealand, Ontario, Uruguay, Syria and Serbia. These agreements commonly provide for equal treatment with regard to social security rules and focus on benefit portability between the contracting parties, along with the consideration of periods spent in the other country for the purpose of benefit eligibility.

## 5. Social security rights of short-term third-country-national migrant workers during the Covid-19 pandemic

There were no major changes during the pandemic in terms of social security. It is notable, however, that the law extended the pharmaceutical provision, that is, free access to medicines for uninsured workers, as well as ensuring the payment of social security contributions for those whose employment was temporarily suspended due to Covid-19.

## 6. Overview of enforcement and monitoring

There are two main monitoring and enforcement bodies for social security provisions: (i) Regional Supervisory Insurance Centres (Περιφερειακά Ελεγκτικά Κέντρα) and (ii) the local offices of the Unified Social Security Fund (Ενιαίος Φορέας Κοινωνικής Ασφάλισης). Their mandate is to conduct regular and spot checks for the application of the social security law with regard to employment terms and conditions. All workers can submit a complaint to these regional authorities, which may be anonymous. Third-country nationals have the right to access these courts. Violation of social security obligations by the employer is an explicit ground for visa revocation.