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Policy Brief

***Key project
findings***

Temporary work agency activities are practically not regulated in Greece despite the existing strict legal framework. Agencies routinely charge workers for any placement, thrive of the flow of undocumented migrant labour and essentially offer a cheaper alternative to undeclared directly-employed labour.

Trafficking of agency labour in the Greek tourist economy.

- The illegal fee that mostly migrant workers pay to the agency for a seasonal job in the Greek tourist economy has been 250-300 Euros in 2013-14 for a guarantee of 1 to 3 months work.
- The main users of agency labour are medium and small family businesses in local tourism-dominated economies. Non-payment of agreed wages is common amongst these employers. The workers' main strategy of escaping abuse is to flee from these jobs without being paid.

Trafficking of exclusive nurses in Greek hospitals.

- Private employment agencies have been supplying exclusive nurses to Greek hospitals even though they are legally prohibited to do so. Agency nurses end up being paid 10-20 Euros or less for 12-hour shifts. They cannot live off these 'salaries' and are in constant debt to the agencies.
- Bribing hospital employees and administrations, using the corrupted state system of exclusive nurse licensing, and 'flooding' hospitals with workers in search for clients/patients have been the main practices under which agencies crowd out the hospitals' in-house bank supply of exclusive nurses with trafficked agency nurses. This supply of trafficked nurses is covered up by the Ministry of Health which recently replaced hospital bank nurse lists with a national nurse list and loosened the criteria for registration in this list. In this way the Greek MoH has effectively taken away the control over the supply of ad hoc bank labour from hospitals jeopardising the health and safety of both care workers and patients.

TEMPORARY AGENCY WORK IN GREECE

TAW regulation background in Greece

The European Commission proposed directives on Temporary Agency Work, dating as far back as 1982, made a breakthrough in 2008 under the EU Agency Workers Directive ([2008/104/EC](#)). Greece belongs to the group of MS which introduced specific legislation of TAW only during the last decade (first relevant law in 1999).

Member States with a strong collective bargaining culture above or at the company level have been able to derogate from the equal pay elements of the EU Agency Worker Regulations. Greece is a country with no collective bargaining on temporary agency employment conditions above the company level and hardly any collective bargaining initiatives at the company level. Greek law stipulates that labour brokerage may be carried out by temporary employment firms and temporary employment agencies. The former are in a contractual relationship with the worker and 'lease' him/her to an end-user employer for no more than 36 months. The latter are not contractually bound to their workers and are the subject of this research. Greece also prohibits the use of temporary agency workers in public and private hospitals as well as in public administration. The recently voted L.4254/2014 lowers the threshold for collective labour redundancies and liberalises the substitution of permanent-contract workers by 'leased' employees or agency workers.

The below empirical research findings indicate that temporary employment agency activities are practically not regulated in Greece.

Empirical Research Findings

Temporary work agencies have been active in service sectors that rely heavily on cheap, undeclared migrant labour, namely tourism and the care sector (in particular, the supply of domestic workers in private homes and *exclusive nurses* in Greek hospitals). It is no coincidence that the Greek agency sector grew with the advent of unprecedentedly large and illegal immigration flows in the early 1990s.

TAW in Greek Tourism: hotel maids/cleaners, restaurant/café kitchen porters

- Greek employment agencies routinely charge the prospective workers for a placement. They either charge only the worker or both the end-user employer and the worker. The illegal fee that the workers' pay to the agency has been 250-300 Euros in 2013-14 for a guarantee of 1 to 3 months work.
- The main users of agency labour are medium and small family businesses in local tourism-dominated economies. Large-size businesses (e.g. luxury hotel chains) usually rely on their own banks of ad hoc labour on daily contracts and lately framework contracts where workers can do 0-4 days' work per week. These hotels also do seasonal recruitments of students from domestic and international vocational schools specialised in tourism.
- For medium and small hospitality businesses, TAW is a labour market strategy which cuts the actual labour cost. Migrant agency workers in Greek island resorts are routinely not paid or paid a fraction of what was initially agreed. The level of abuse escalates when these workers are undocumented and their main exit strategy is to leave unpaid and without being noticed.
- Greek agencies turnover has been slashed during the Greek debt crisis. This is related not only to the closure of businesses but, more importantly, to changes in the agencies' labour supply; namely the shrinking of the pool of exploitable migrant labour (the reduction of Greece's settled immigrant population and migrant flows from Eastern European countries) and its substitution by less exploitable local labour.

TAW in Greek healthcare: the case of the 'exclusive nurses'

Private employment agencies have been banned from supplying hospitals with exclusive nurses since 2004. The nursing directorate of every hospital had until recently its own list of bank exclusive nurses and managed the relevant rota. This reserve healthcare staff is paid by the hospitalised client, who is reimbursed 36.6% of what he/she pays for a night shift by submitting the transaction invoice to his/her Social Insurance Fund. This study reveals how employment agencies crowd out the hospitals' bank supply of exclusive nurses and gradually take over the control of hospital wards.

TEMPORARY AGENCY WORK IN GREECE

- Agency exclusive nurses work 12-hour shifts for 10-20 Euros or much less if they seek to renew their professional license. They cannot afford rent, social insurance payments for their license, and in many cases, food. Most are indebted to the agency for continuing to work under these conditions.
- Agencies bribe hospital administrations and employees in order to informally channel their migrant agency labour in hospital wards.
- Secondly, agencies use the corrupted IKA (the main Social Insurance Fund for employees in Greece) system of exclusive nurse licensing for infiltrating hospital bank nurse lists. The documents that bank nurses are supposed to submit to the hospitals' nursing directorates for registration to the relevant bank lists are nursing degrees, and IKA-issued professional license and yearly certificate of social insurance contributions payment. IKA does not control the validity of nursing degrees. Exclusive nurses with licenses based on counterfeit nursing degrees have been infiltrating hospital bank nurse lists for years.
- Thirdly, agencies send their workers in big groups in non-cooperating hospitals to 'fish for' clients. In such conditions of labour over-supply, strategies of aggressive vending of labour take place in the hospital wards.
- As a result, trafficked agency 'exclusive nurses' take shifts from the legal bank nurses of hospitals who eventually cannot afford to renew their licenses and are driven out of the hospitals' lists. This crowding out of the hospital legal bank nurses with trafficked 'nurses' is covered up by the Ministry of Health which recently replaced hospital bank nurse lists with a national nurse list and loosened the criteria for registration in this list. According to the Ministerial Decision *1944/B/8-8-2013*, nurses may register in the national list without the need to provide evidence of a nursing degree. As a result, hospital administrations no longer have any control over their supply of ad hoc nurse labour.
- TAW regulation in Greece needs to be supported by an investment in the labour and health inspectorates' workforce and an increase of their enforcement and prosecution legal powers. The development of an enforcement authority with agency licensing and prosecution powers along the lines of the UK Gangmaster Licensing Authority should also be considered. These actions need to be coupled with targeted anti-corruption measures against professional licensing and tax-collection authorities.
- Given the prevalence of small and medium size businesses in the Greek hospitality sector and the absence of collective bargaining on temporary labour, policy efforts should be directed towards the creation of functional industrial relations around temporary and seasonal work on the local economy level. In this respect, mechanisms for funding temporary labour representation structures should be considered. Any coordination initiatives at the national level need to reflect negotiations at the local level.
- As regards more specific measures in healthcare, the recent Ministerial Decision *1944/B/8-8-2013* dismantles the bank exclusive nurse pools at the hospital level and allows registration in the newly created national list to anyone since the submission of nursing degrees is no longer required. As a result, hospital administrations lose control over the supply of their ad hoc nurse labour. To reverse this development, two policy steps need to be taken:
 - Clean up of the existing exclusive nurse lists from nurses with counterfeit degrees and professional licenses by an independent authority. This can be done by the contrasting and control of nursing degrees and professional licenses of the registered exclusive nurses with the respective data stored by the Ministry of Education and IKA.
 - Abolition of the national list of exclusive nurses, and re-institution of stricter criteria for registration in hospital bank nurse lists (see previous law 1023 B/25-4-2013) in order to re-align the provision of care services in Greek hospitals with basic health and safety requirements.

Policy recommendations

PROJECT IDENTITY

- Project aims* This research project aimed to explore how regimes of temporary and casual employment (with a specific focus on temporary agency work) operate over time for people and businesses in a comparative setting across labour markets and sectors with different settings of work and across two EU MS (Greece & UK) characterized by distinct industrial relations, welfare and migrant integration regimes.
- Methodology* The exploration of the features and processes of labour supply and demand mediating the experience of TAW on the ground largely drew on in-depth qualitative interviews with (mainly migrant) temporary agency workers. This research was complemented with qualitative interviews with employment agencies and employers, as well as interviews with civil society stakeholders and labour market control enforcement authorities in the two EU countries studied. The Greek agriculture case study comprised of 24 interviews with workers in farms, 3 gangmasters, 1 farmer, 1 local trade union representative as well as secondary research and statistical data. The local case studies indicated that labour brokers operate informally, they are usually farmer employees themselves and no employment agencies are involved in this form of labour brokerage. This policy brief focuses instead on sectors where employment agencies are active. For the Greek healthcare and hospitality sector case studies the author interviewed 19 agency and bank healthcare workers ('exclusive nurses') in 7 hospitals, 9 agency hotel maids/cleaners, kitchen porters and a chef, 3 employment agency managers and the Association of Private Employment Agencies in Greece, 3 agency recruiters, and 22 labour end-users (employers). In particular, he conducted in-depth qualitative interviews with 2 nursing department hospital directors, 4 hotel HR managers and hotelier associations, 1 café owner and 15 short telephone interviews with hotel managers enquiring about their use (or not) of temporary employment agency labour and the main reasons why.
- Terminology* Temporary agency work was defined for the purposes of this study as the non-contracted work of persons who are paid by an employment agency or third party for work in the premises of a hiring client. Agency workers under SD contracts who have a guarantee of payment between assignments were included in this definition.

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The Project Final Report and Policy Briefs can be found, as of late January 2015, in the project's webpage:

<http://www.bath.ac.uk/casp/projects/migration-and-temporary-agency-work/index.html>.

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